

Fatal Neglect

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of progression. Furthermore, most children with a given illness or injury demonstrate particular symptoms and signs. Therefore, the physician should be asked: What is the usual tempo of this injury? Would the child have had visible or audible signs of illness? What would they have been? When would they have occurred?

Neglect and Poverty

Poverty may be causal or coincidental in a neglectful family. The distinction must be made between neglect unavoidably caused by financial poverty, and the neglect which coexists with poverty but which is not caused by it. Certain forms of fatal neglect commonly exist with poverty but are not caused by it:

- (1) Failure to feed or hydrate the child adequately, though food and fluids are provided or available.
- (2) Chronic and/or egregious failure to supervise the child.
- (3) Failure to ensure that the child is receiving appropriate medical care, though that care is affordable or free, and accessible.

Intervention

When a child has died in circumstances of fatal neglect, the most important consideration is the future protection of surviving children in the family. Almost always, whether or not there is a

formal record of it, the other children in the family are seriously neglected, sometimes abused. When parents chronically and severely neglect their children, the outlook for their becoming even minimally adequate parents in a timely enough way to benefit the children is dim. Mere compliance with a "treatment program" does not reliably measure parental improvement. The fact that we have inflicted a good treatment program upon a family does not mean they have benefited. Child safety should be realistically, not idealistically, evaluated and must not be sacrificed to wholesale efforts to preserve families.

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SEXUAL HOMICIDE OF CHILDREN

—by
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To discuss and analyze a topic as emotional and complex as sexual homicide of children is not an easy task. Good, reliable research and data are hard to find. Americans tend to have stereotypical concepts about the innocence of children and the malevolence of those who victimize them. Americans also seem to find it difficult to openly and explicitly discuss even normal sexual behavior, much less deviant sexual behavior or homicide. This discussion will focus on defining terminology and evaluating the limited available data. Adding what I have learned in 14 years of professional study and investigation of the sexual victimization of children, analysis and recommendations will be set forth in what I hope will be an objective, clear, and useful manner.

Definitions

One impediment to any productive and intelligent discussion of sexual homicide of children is the lack of a uniform and consistent definition of the term. The definition problem is most acute when professionals from different disciplines come together to work or communicate. To avoid confusion, certain basic but key terms will be discussed and defined for the purposes of this discussion.

Homicide. For purposes of this discussion, homicide will be defined simply as the unlawful

killing of another person. Unlawful homicide or murder can include causing the death of a person while committing another crime, and manslaughter.

Sexual. Defining "sexual" is not easy. Is "sexual" a function of motivation or of specific acts performed? Some would argue that a sexual homicide is one motivated by sexual gratification. But how does an investigator determine motivation? Can a crime or homicide have more than one motivation? If there are multiple offenders, whose motivation defines the crime? Can we even determine motivation from the offender?

Looking solely at the nature of the acts performed does not make matters much easier, however. A sexual act for one person (e.g., certain paraphilias) might not be a sexual act for others, and might not even be illegal. For some individuals, the act of killing itself brings sexual arousal and/or gratification. Seemingly nonsexual behavior (e.g., stabbing, shooting, killing, etc.) can be in the service of sexual needs. Seemingly sexual behavior can be in the service of nonsexual needs (e.g., power, anger, etc.). Unfortunately, in homicide cases, the primary criteria most often used by investigators and prosecutors in determining sexual assault are body orifice penetration and presence of

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seminal fluid on or in the body or at the crime scene.

Children killed (even "accidentally") before, during, or after sexual assaults or killed to prevent the disclosure of their sexual assaults should and will be considered victims of sexual homicide. Sex offenders who are children and are killed by their child victims to prevent or stop sexual assault will, however, not be considered victims of sexual homicide of children.

Children. The legal question of who is a child has more significance to the sexual rather than homicide issue of this crime. Other than emotional jury appeal and community outrage, there is no legal difference between child and adult homicide. Age matters in determining sexual assault, however. If the sexual acts are without the victim's consent, a sexual assault has occurred whether the victim is a child or not. With a child victim, however, sexual assault can occur even with "consent."

The answer to the seemingly basic and simple question, "What is a child?" can be confusing and complex. It is not clear by either legal or societal standards when childhood begins and when it ends. Legal definitions of who is a child vary from state to state and even statute to statute, especially when dealing with adolescent victims. Generally, but with many exceptions, children are defined

as individuals who have not yet reached their eighteenth birthday. One of the problems in using this broad, but sentimentally appealing, definition of a child is that it lumps together individuals who may be more unlike than alike. In fact, 16-year-olds may be socially and physically more like 28-year-old young adults than four-year-old children. To determine who is a child, law enforcement officers must turn to the law. But they must still deal with their own perceptions as well as those of the jury and society as a whole. The main difficulty is with children in the 13- to 17-year-old age group. Those are the victims who most likely look like adults, act like adults, and have sex drives like adults, but who may or may not be considered children under all laws or by society. Sympathy for child victims is often inversely proportional to their age and sexual development.

Another related definitional issue concerns the age difference between the child sexual homicide victim and the perpetrator. The general perception is that the offender is a significantly older adult. This is often not true, especially with adolescent victims. Recently, there has even been considerable media attention about cases involving child murderers under ten years old. Children murdered in a sexual context by an offender who is a child and peer should and will be considered victims of sexual homicide. Children murdered by a jealous or angry boyfriend or girlfriend peer will not be so considered.

Summary. For purposes of this discussion, sexual homicide of children is generally defined as the unlawful killing of a person who has not yet reached his or her eighteenth birthday, by one or more others of any age, primarily or in part for either sexual arousal or gratification, or in connection with unlawful sexual activity. Although important for communication and understanding, no definition of complex human behavior is perfect and this one will be applied with room for using common sense and good judgment.

Nature and scope of problem

A second impediment to this discussion is the lack of reliable studies that, using this or a similar definition, estimate the number and nature of sexual homicides of children that occur each year. There are very limited crime statistics on the victimization of children under 12 years old. Some studies and crime reports estimate the occurrence of the sexual victimization of children, and others estimate the occurrence of the murder of children, but we have not much else to go on. Conclusions will be drawn concerning the nature and scope of the sexual homicide of children in part from these separate studies and in part from my personal experience and contact with criminal justice professionals dealing with these types of cases. Future research and incidence studies may show some of these conclusions to be misleading or incorrect.

Homicide data

The FBI Uniform Crime Reports (UCR) estimates that there were 23,760 murders in the United States in 1992. Of these, there were supplemental data on 22,540 murders. Of that total, 2,428, or 10.8%, involved victims under 18 years old. It is estimated, however, that this figure does not include two thirds of the 1,200 child abuse and neglect fatalities (Ewigman, Kivlahan, and Land, 1993). UCR estimates that of murders of victims under 18 years old, 29 murders were committed during the course of a rape and 8 during other sex offenses. The most common method of death in these clearly sex-related homicides was strangulation (7) for victims less than 12 and cutting or stabbing (7) for victims 12 to 17.

The homicide rate for children is highest between birth and age 4 and between age 13 and 17. From 0 to 4, the most likely perpetrator is a family member and the least likely is a stranger. From 13 to 17, the most likely perpetrator is an acquaintance and the least likely is a family member (Finkelhor & Dziuba-Leatherman, 1994).

A survey of murders disposed of in 1988 in large urban counties representing the nation's 75 largest counties with 8,063 victims (Bureau of Justice Statistics, 1994b) disclosed similar findings. Children under 12 represented 19% of family murder victims versus 2% of nonfamily murder victims. When a person under 12 is murdered, a

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family member is the best suspect. Family members killed 63% of the child murder victims. A family member is an unlikely suspect in murders of persons in their teens.

More related to the discussion of sexual homicide, the survey found that for all murder victims under age 12, death was often (57%) preceded by child abuse. Among offspring murder victims under age 12, before their death 79% had suffered abuse by the assailant. Even more pertinent to this discussion is the finding that rape or sexual assault preceded the death of 6% of all murder victims under age 12. When the assailant was a parent, however, sexual assault preceded the death of victims under 12 only 1% of the time.

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When thinking about sexual homicides of children, missing children and stranger abductions immediately come to the mind of most people. The facts, however, are significantly different from most people's perceptions of this issue. The 1990 National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children in America (NISMART) (Finkelhor, Hotaling, and Sedlak, 1990) is the best available research on this topic. An estimated 3,200 to 4,600 short-term nonfamily abductions occurred in 1988. Of these "only" an estimated 200 to 300 were stereotypical kidnappings with the child victim gone overnight, killed, transported 50 or more miles, ransomed, or with the perpetrator intending to keep the child permanently. Teenagers (50%) and girls (75%) were the most common victims of nonfamily abduction. Blacks and Hispanics were heavily overrepresented among victims compared to the U.S. population. Two-thirds or more of the short-term abductions involved sexual assault. Over 85% involved force and over 75% involved a weapon. Surprisingly, a more recent analysis of the NISMART data found that the stereotypical abductions (by definition those involving murder) tended to involve more young (preteen), white, male children taken by white perpetrators for reasons other than sexual assault (76%) (Asdigian, Finkelhor, and Hotaling, submitted).

NISMART also estimated, based on analysis of FBI data, that there were 43 to 147 stranger abduction homicides annually between 1976 and 1987 with no discernible change in the rate. The characteristics of children murdered in the course of stranger abductions tended to parallel the findings on other nonfamily abduction. Older teens were by far the most common victims of stranger abduction homicide, with young children at only one-fourth the risk or less. Data conflict on whether girls or boys were at greater risk of abduction murder.

In early 1994, the FBI did an unpublished

analysis of 55 kidnapping investigations initiated from October 1, 1992 through December 31, 1993 involving only female victims under the age of 13. It found that sex was the main motivation more often when the victim was white (39%) than when the victim was black (33%) or Hispanic (24%). Four of the 62 victims have not been located. Of the 44 girls found alive, 10 were sexually molested. The dead bodies of 14 of the victims were located, with "physical evidence of sexual molestation" present in five of these cases.

Why do some child molesters abduct their victims and others do not? To try to answer this question, the FBI, in conjunction with the University of Pennsylvania and the National Center for Missing and Exploited Children, conducted research involving 97 abducting and 60 nonabducting child molesters in a state treatment facility (Prentky et al, 1991). Child abductors, when compared to nonabducting child molesters, were found to be (1) lower in social competence, (2) lower in amount of nonoffense contact with children, and (3) higher in presence and use of weapons during offenses, but not higher in amount of aggression or victim injury. The study suggests that the use of abduction may stem from their poor interpersonal and social skills and their inability to otherwise control their victims.

Data on sexual victimization of children

For a variety of obvious reasons (i.e., inconsistent definitions, unreported cases, lack of national central data collection, etc) we do not know with certainty how many children are sexually abused each year. But better data collection and more retrospective surveys of adults are improving our ability to estimate more accurately the incidence and nature of the problem. The biggest void in the data is probably still in the area of extrafamilial sexual abuse by noncaretakers.

In a recently published article, David Finkelhor summarized the current information on the scope and nature of child sexual abuse (Finkelhor, 1994). His review found scientific data to support the following. Approximately 150,000 confirmed cases of sexual abuse were reported to child welfare authorities during 1993. Considerable evidence exists to show that at least 20% of women and 5% to 15% of men experienced some form of sexual abuse as children. Most sexual abuse is committed by men (90%) and by persons known to the child (70% to 90%), with family members constituting one-third to one-half of the perpetrators against girls and 10% to 20% of the perpetrators against boys. Around 20% to 25% of the sex abuse cases involve penetration or oral-genital contact. The peak age of vulnerability is between 7 and 13.

In discussing sexual homicides, data on forcible sexual assaults against children might provide more insight. The FBI UCR defines forcible rape

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as the carnal knowledge of a female forcibly and against her will, but currently maintains no data on the age of victims. A recent survey on child rape victims identified 15 states with data on victims' ages in forcible rape cases reported in 1992 (Bureau of Justice Statistics, 1994a). In 12 of these states, 51% of the female rape victims were under age 18. An estimated 16% of rape victims, or 1 in 6, were under age 12. The survey estimates that nationwide about 17,000 girls under age 12 were raped in 1992.

Interviews with victims in three states and with incarcerated rapists in 1991 provided additional information on child rape for this survey. Regardless of the source, when the victim was under 12, the likelihood of a family relationship was relatively high: 46% of victims and 70% of imprisoned rapists reported victimization involving familial relationships. The three-state survey also revealed that 20% of victims under 12, 11% of victims ages 12 to 17, and 1% of those 18 or older were raped by their fathers. In summary, the older the victim, the less likely that victim and offender were family members and the more likely they were strangers to one another.

Opinions and analysis

A third impediment to this discussion is the use of the broad umbrella term, "sexual homicide of children." A psychopath who "inadvertently" kills his girlfriend's 2-month-old daughter by vaginally penetrating her, a pedophile who abducts and tortures to death a 7-year-old boy to satisfy his sadistic urges, a father who suffocates his 12-year-old daughter to prevent her from disclosing his years of sexual abuse, and a sexually motivated serial killer who strangles to death a prostitute who turns out to be 17 years old, have all committed a sexual homicide of a child. The dynamics and investigation of these cases may, however, bear little resemblance to each other.

Perpetrators of sexual homicide of children appear to be a widely diverse population of offenders. This may be due in part to the broad definition of the term. The use of physical violence and deadly force is usually not necessary to sexually victimize a child. In many cases, the use of such force and violence may be due to the poor social and interpersonal skills of the offender. Children may be targeted not because of a true sexual preference, but because they are weak, vulnerable, or available. In other cases, the violence may be a carefully planned component of the assault such as with a sadistic pedophile who is sexually aroused and gratified by the suffering of his child victims. The deadly force can occur before, during, or after the "sexual" acts or can itself be a sexual act.

For purposes of criminal investigative analysis, the deadly force can be divided into three

categories: inadvertent, indiscriminate, and intentional.

Although the word seems inappropriate and inadequate considering the result, the "inadvertent" category is used to describe a death caused by the offender's selfish need to be sexually gratified with little concern for the child victim. Inadvertent child sexual homicide is seen most often when there is a significant size difference between the offender and the child and when the offender views the victim as an available, non-threatening orifice or partner rather than as a child. It frequently involves a very young child or child who resists and a socially and sexually inadequate offender who may not intend to kill, but just does not care.

The "indiscriminate" category is used to describe a more organized offender who selects a sexual assault victim who might happen to be a child and whom he might kill if need be. The term "indiscriminate" refers more to the selection of the child victim than to the violence or death. Most of these offenders are not pedophiles, but are manifesting morally indiscriminate or psychopathic tendencies (Antisocial Personality Disorder).

The "intentional" category is the most varied. It includes sex offenders who kill their victims to avoid detection (probably the largest category of sexual homicides of children), sadists and serial killers who kill for sexual pleasure, pedophiles who kill because of misguided "love" or ambivalent hate, and extreme inadequates who are intimidated by interpersonal contact.

Organized sexual child killers tend to be psychopaths, pedophiles, and/or serial killers who indiscriminately or intentionally (thrill, sadism, fear of discovery, hate) kill their child victims. They are more cunning and tend to better plan their crimes. They dispose of their victims' bodies more carefully in a way or place to limit evidence or discovery or by displaying them where they will be found to shock and outrage society.

Disorganized sexual child killers tend to be individuals who are younger, more socially inadequate, and/or alcohol and drug abusers, or those who have more mental problems and who inadvertently or intentionally (love, inadequacy) kill their child victims. They have difficulty with interpersonal relationships and tend to kill closer to their home or "safe" area. If they dispose of their victims' bodies, they do so by quickly "dumping" them or burying them in shallow graves where they are more likely to be found.

In fact, maybe one of the best indications of whether a sexual child killer is organized or disorganized is how quickly and where you find the victim's body. Parents who murder their children and attempt to cover it up by reporting them missing or abducted often wrap the children in plastic and bury them in a place with which they are familiar.

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They may even try to discreetly lead the investigators to the place of burial so the body will be "discovered" and properly buried.

Recommendations and conclusions

This article is not intended to be a detailed manual on the investigation of sexual homicides of children. Basic investigative techniques, case management, and the proper collection and preservation of evidence obviously apply to these cases. Based on the above analysis, I would, however, also recommend the following general strategies:

- (1) Deciding whether a particular homicide is or is not a sexual homicide may be a matter of semantics and may not be necessary in every case. Recognizing the sexual components or aspects of a homicide may, however, be crucial to solving it.
- (2) Whether the homicide involves a murderer who happened to sexually assault his victim or a molester/rapist who happened to murder his victim can be important. The end result for the victim may be the same, but the focus of the investigation might be significantly different.
- (3) Both the "sexual" acts and the motivations must be considered in sexual homicide investigations. As part of the evaluation process, the definition of what constitutes a sexual act or assault should not be limited to a narrow legal definition. Multiple motivations and perpetrators must also be considered.
- (4) Although anyone under 18 years of age may be considered a "child," it is clear there are major differences between the victimization of older and younger children. The younger the child victim, the more likely it is that the murderer is a family member. However, parents who kill their young offspring seem to be less likely than other murderers of children under 12 to sexually assault them prior to the murder. Although the task is difficult and unpleasant, parents must be carefully evaluated, even in cases where they report their child missing or abducted. With adolescent victims, acquaintances and peers must be considered as likely offenders and both heterosexual and homosexual relationships need to be evaluated.
- (5) The investigation of sexually motivated homicides of abducted children, especially pubescent children, should not be limited to or even automatically focused on individuals with a history of sex offenses against children. Individuals with a history of social inadequacies (e.g., multiple jobs, failed relationships) and sexual behavior problems (e.g., nuisance sex offenses, failed assaults of adults) would be better suspects in most cases.
- (6) Evidence of a preferential interest in children (Lanning, 1992) or sexual sadism (e.g., victim tortured while kept conscious and alive, sexual

bondage) would change the suspect focus. Preferential child molesters with a demonstrated ability to nonviolently seduce and control children rarely abduct them, but they may kill them to avoid detection. Sexual sadists are likely to abduct and usually have good interpersonal skills.

- (7) In sexual homicides, physical evidence is crucial. Investigators and evidence technicians must be aware of and trained in the latest procedures in the collection and preservation of evidence; especially biological trace evidence for DNA analysis.
- (8) Participation in child fatality review teams increases the likelihood that evidence will be properly evaluated and that all viable explanations will be explored, especially in intrafamily cases.
- (9) Unsolved abductions and murders should be entered in state and FBI ViCAP systems by completing the necessary forms. This will aid in evaluating the possibility of serial offenses. Assistance can be requested from the FBI National Center for Analysis of Violent Crime (NCAVC) Investigative Support Unit for investigative analysis, and from the new Child Abduction/Serial Killer Unit for investigative support. The nearest FBI office can assist in these efforts.
- (10) Assistance should be sought from the National Center for Missing and Exploited Children (800-843-5678) in cases involving missing children.

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