

Second Edition

Preventing Child Sexual Abuse In Youth-Serving Organizations

GUIDELINES FOR MANAGERS & PARENTS

A joint publication of

LIABILITY
CONSULTANTS



Since 1986

THE NATIONAL CENTER FOR
Victims of Crime

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Liability Consultants, Inc. (LCI)

Established in 1986, provides consulting services in security management and security liability to commercial and multi-unit residential companies, educational organizations, hospitals, hotels, insurance companies, law firms, manufacturing facilities, shopping centers, and a variety of other businesses.

Consulting services include crime and risk analysis, assessment of security programs, review of hiring, training, and supervision of employees, policy and procedure development, workplace violence prevention and response, and site surveys of physical security measures.

Liability Consultants, Inc. also provides case analysis and testimony in inadequate security and security misconduct litigation nationally. Company principals are frequent speakers at seminars and training programs throughout the United States on a variety of security liability issues.

www.liabilityconsultants.com

The National Center for Victims of Crime (NCVC) is a nonprofit organization that advocates for victims' rights, trains professionals who work with victims, and serves as a trusted source of information on victims' issues. Founded in 1985, it remains the most comprehensive national resource committed to advancing victims' rights and helping victims of crime rebuild their lives. The National Center is, at its core, an advocacy organization committed to—and working on behalf of—crime victims and their families. Rather than focus the entire organization's work on one type of crime or victim, the National Center addresses all types of crime.

www.VictimsOfCrime.org

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Joshua Bailes
Staff Attorney
National Center for Victims of CrimeAuthors

Mitru Ciarlante
Director, Child and Club Safety
Boys & Girls Clubs of America

Charles P. Conroy, Ed.D.
Executive Director
Perkins Special Education Facility
Lancaster, MA

Jeffrey R. Dion
Deputy Executive Director
National Center for Victims of Crime

Carmen Durso, Esq.
Attorney at Law, Boston, MA

Professor Marci A. Hamilton
Paul R. Verkuil Chair in Public Law
at the Benjamin N. Cardozo School of Law
Yeshiva University

Victor Vieth
Executive Director Emeritus
Gundersen National Child Protection Training
Center

Contents

Introduction	1
I. The Scope of Child Sexual Abuse.....	2
A. Characteristics of Offenders and Victims.....	3
B. Victim Impact	6
II. Guidelines for the Prevention	
of Child Sexual Abuse	10
A. Pre-Employment Screening	10
B. Employee Conduct	19
C. Responding to Child Sexual Abuse	23
D. Physical Design of Facilities	27
Concluding Remarks:	
Where do we go from here?	30
Parent’s CSA Checklist	31
YSO Sample Policies.....	32
Additional Resources	38
Notes.....	39

Introduction

Child sexual abuse (CSA) is an insidious crime that can destroy the lives of innocent children and leave their families devastated.



Why This Publication

The work of Liability Consultants, Inc. includes consulting with all types of organizations on their security problems and potential civil liability in the event that someone is a victim of a violent crime. That work has included retention in civil litigation involving rape and sexual abuse where a child was the victim. The objective of this publication is to provide information on the scope of child sexual abuse to include: offender and victim characteristics, victim impact, and a sample prevention program to include: pre-employment screening, staff conduct, responding to CSA, and physical design controls. We also hope to provide parents with resources and tools that will help them recognize and report CSA and be proactive when selecting a youth organization for their child.

Clarifying the Terminology

This publication will use the term “child sexual abuse,” however, some terminology should be clarified. In many instances, the terms “child sexual abuse” and “child sexual assault” are used interchangeably. Yet the two terms have different legal meanings.

Child Sexual Abuse has been defined as:

“Child sexual abuse involves any sexual activity with a child where consent is not or cannot be given. This includes sexual contact that is accomplished by force or threat of force, regardless of the age of the participants, and all sexual contact between an adult and a child, regardless of whether there is deception, or the child understands the sexual nature of the activity. Sexual contact between an older and a younger child also can be abusive if there is significant disparity in age, development, or size, rendering the younger child incapable of giving informed consent. The sexually abusive acts include sexual penetration, sexual touching, or non-contact sexual acts such as exposure, showing pornography or voyeurism.”²

Child Sexual Assault has been defined as:

“Sexual assault takes many forms including attacks such as rape or attempted rape, as well as any unwanted sexual contact or threats. Usually a sexual assault occurs when someone touches any part of another person’s body in a sexual way, even through clothes, without that person’s consent.”³

I. The Scope of Child Sexual Abuse

About **1 in 10**
children will be sexually abused
before their 18th birthday ¹

8.5%
The annual rate of child sexual
abuse in 2016 was 8.5%⁵

Estimating how many children are being or have ever been sexually abused is problematic. Some of the challenges that are faced include:

1. Inconsistent State Definitions of Child Sexual Abuse: There is no single definition of child sexual abuse used currently. States vary in what age is considered a “child” as well as who can legally be held responsible for child sexual abuse.

2. Under and Non-reporting: Many cases of child sexual abuse are not reported right away, and some are never reported. Therefore, the actual number of children who are or have ever been sexually abused is unknown.

3. Report Receiving Agencies: Depending on how a state defines child sexual abuse, usually reports will be reported to either local law enforcement or Child Protective Services (CPS). However, many instances of sexual abuse never reach these agencies and are dealt with internally by the organizations and/or individuals involved.

4. Data Collecting Agencies: There are a few agencies that collect data on child sexual abuse. The National Child Abuse and Neglect Data System (NCANDS), the data collecting system of The National Data Archive on Child Abuse and Neglect (NDACAN), gathers information from participating Child Protective Services (CPS) agencies. However, they do not collect data from local law enforcement. This means that current data collecting systems only capture a portion of the total incidence of CSA.

5. How the Data is Reported: Understanding the scope of child sexual abuse means considering both prevalence and incidence rates.

The number of child sexual abuse cases will be reported in one of two ways: incidence or prevalence. “Incidence rates are based on how many children were abused in a single year. Prevalence rates are based on a lifetime or a full childhood, such as what percentage of all children were ever abused.”⁶

A. Characteristics of Offenders & Victims

Discussion Points:

- I) Offenders: characteristics, grooming, maintaining the relationship, environments
- II) Victims: characteristics, vulnerable populations

Offenders: Characteristics

90%

About 90% of juvenile CSA victims know their perpetrator in some way⁷



Offenders are often trusted by the victims and their families: relatives, coaches, YSO personnel, friends, neighbors, even other juveniles

40%

As many as 40% of children are abused by older, more powerful children⁸

Offenders: Grooming

Grooming is the process of how offenders make initial contact with the intended victims and the methods they use to develop a relationship with children in an attempt to normalize their behavior. It is a pre-meditated behavior intended to manipulate potential victims into complying with the sexual abuse.⁹

Grooming techniques can include:

- Emotional coercion or physical force
- Taking the child away from supervisory environments
- Seeing the child outside program hours
- Giving the child rides
- Taking the child away overnight
- Testing reactions to sexual language/materials
- Giving gifts, presents, or bribes
- Trying to become friends with the child
- Methodically and increasingly touching the child
- Bathing or dressing the child
- Being overly affectionate
- Gaining the trust of the child's family to gain access to the child
- Using digital media or online communication

CAVEAT: These behaviors are not necessarily indicative of a person being an abuser. It is when these behaviors are done with malicious intent that they become grooming patterns.

I. The Scope of Child Sexual Abuse

Offenders: Maintaining the Abusive Relationship

Many offenders will continue to sexually abuse the same victim, sometimes for years after the initial contact. In order to maintain the abusive relationships, offenders use tactics such as:

- Coercion
- Threatening force or harm to the victim and/or the victim's family
- Using guilt, shame, and blame
- Normalizing the behavior
- Using authority or power
- Using their employment and position working in close proximity to the victim

Offenders: Environments for Abuse

Environments can play a significant role in whether offenders are able to commit abuse. Historically, childcare and youth-serving organizations created conditions where individuals, in positions of authority, were able to misuse and abuse their positions.¹⁰ Offenders will use situations, both physical and non-physical, to abuse:

- Preying upon parents who may entrust their child to someone
- Initiating and taking advantage of situations that place the offender and child alone
- Taking advantage of physical features such as un-monitored hallways, rooms with locked doors, unsupervised restrooms and changing areas
- Using an absence of program policy to their advantage: transporting youth, overnight stays, lack of supervision, digital and online communication

Victims: Characteristics



About 1 in 7 girls and 1 in 25 boys will be sexually abused before they turn 18¹¹

81%

of CSA incidents occur in 1 perpetrator/1 child circumstances¹²

7-13

Children are most vulnerable to CSA between ages 7-13¹³



Children with disabilities are at an increased risk of CSA.

Children with communication impairments are 3 times more likely to become victims of sexual assault than children without¹⁴

While there is no profile of a “typical victim” of child sexual abuse, certain characteristics may make some children more vulnerable to abuse or to an offender. Possible risk factors include:

- **Family Structure:** Children with family problems/absent parental supervision¹⁵
- **Gender:** Females are 5 times more likely to be abused than males¹⁶
- **Age:** Children ages 7-13 are most vulnerable¹⁷
- **Previous Victimization:** Victims of other crimes are at a higher risk of revictimization¹⁸
- **Disabilities:** Children with disabilities are at a higher risk of CSA¹⁹
- **Characteristics:** Offenders report that they look for children who are overly trusting, have low self-esteem, are passive, lonely, or troubled.²⁰



KEY
information

Accessibility to the victim is a key victim characterization

Victims: Vulnerable Populations

Youth-serving organizations serve all children including those with specific needs or vulnerabilities. Offenders often target these children because they perceive them to be easy targets. Children with intellectual disabilities are often at risk of sexual assault because they frequently have a dependence on adults for care...they are trained to be compliant, they are often isolated socially, and they have a lack of education about healthy sexuality and sexual assault.²¹

Poly-Victimization:

The term poly-victimization refers to individuals who have experienced multiple types of victimizations, such as emotional and physical abuse. A child who is a victim of poly-victimization is often at a greater risk of being victimized again.

Youth-serving organizations should be mindful of this risk and place no less importance or credibility on accusations made by children of vulnerable populations.

B. Victim Impact

Discussion Points:

I) Victim Impact: effects, disclosure, ignoring the problem, limited prosecution, reporting child sexual abuse

Victim Impact: Effects

The impact of child sexual abuse on its victims is a constant reminder of the importance of reducing the risk of child sexual abuse.

Effects of child sexual abuse may be obvious if reported immediately following the incident; however, estimates suggest that between 30% and 80% of victims purposefully do not disclose sexual abuse before adulthood.²² Thus, the effects occurring over the span of years prior to disclosure may not initially be linked to the abuse.

A victim of CSA could experience any combination of these potential effects:

- Post-traumatic stress disorder (PTSD)
- Depression
- Suicide
- Sexual promiscuity
- Poor academic performance
- Substance abuse
- Isolation

- Obesity or eating disorders
- Sleep difficulties
- Re-victimization
- Compromised immune system functioning
- Pregnancy
- STDs
- Other physiological disorders

Victim impact is not just about the effects themselves but also about the costs of those effects. A report published in 1996 by the Department of Justice, “estimated that rape and sexual abuse of children costs about \$1.5 billion in medical expenses and \$23 billion total annually to U.S. victims.” Another expense includes teen pregnancy. Teen pregnancies associated with child sexual abuse cost about \$2 billion annually. Sexually transmitted diseases that can be passed during the abuse cost about another \$1.5 billion annually.²³

Parent's Corner

Recognizing Possible Signs of Abuse

Parents should learn how to recognize the possible signs of child sexual abuse. This list does not contain all potential signs, and a more complete list with age-specific signs can be found at Stop it Now's website **www.stopitnow.org/warning_signs_child_behavior**. It can be a single sign or any combination of the following:

- Destructive Behavior
 - Refusal to eat/change in eating habits
 - Sudden mood swings
 - Withdrawal
 - Leaves hints or clues that they want to talk
 - Has money, toys, or other gifts without reason
 - Thinks negatively about their body
 - Fear of closeness
 - Suddenly develops a refusal to undress or discomfort
 - Sexual promiscuity
 - Bed wetting
 - Abuse of drugs or alcohol
 - Depression or anxiety
 - Suicide attempts
 - Fear of people
- Physical warning signs can include the following:
- Pain, discoloration, bleeding, or discharges in genitals, anus, or mouth
 - Persistent or recurring pain during urination and bowel movements
 - Wetting and soiling accidents unrelated to toilet training

I. The Scope of Child Sexual Abuse

Victim Impact: Disclosure

Disclosure refers to the victim telling someone about the sexual abuse. The process of disclosing abuse can be difficult and complex. Consequently, it is often delayed or never disclosed. The average age of disclosure of child sexual abuse is around 25 years and only one-third of those sexually abused disclosed it before the age of 18.

A few examples cited by victims for not disclosing include:

- Shame
- Guilt
- Fear of backlash
- Fear of not being heard, understood, or believed
- Poor communication with the adults in their lives
- Fear of repeat victimization
- Being threatened by the offender
- Getting in trouble or the fear of getting in trouble
- Being in a position where contact with the offender is continuing
- Not knowing how to report and/or who to report to

Parent's Corner

What if my child discloses?

Don't panic or overreact to the information your child tells you

Don't criticize your child or tell your child he/she misunderstood what happened

Do respect your child's privacy and take your child to a place where the two of you can talk without interruptions or distractions

Do reassure your child that he/she is not to blame for what happened. Tell your child that you appreciate being told about the incident and will help to make sure that it won't happen again

Do go with your child to law enforcement and report the abuse immediately

Do consult your family doctor or other child abuse authority about the need for medical care or counseling for your child.

www.scouting.org/filestore/ypt/pdf/46-015.pdf

Victim Impact: Limited Prosecution

There are various reasons why cases of child sexual abuse go unprosecuted. Some of these reasons include:

- **Retraction of the Accusation-** Occasionally, under the pressure and encouragement of some adults, a child will take back their accusation. Parents or guardians may encourage retractions because they are concerned that their child would suffer additional trauma if made to go through an investigation and trial.
- **Lack of Sufficient Evidence-** It is for this reason that reporting, interviewing, and investigative protocols are crucially important. They may be the difference between prosecuting the crime or not.
- **Non-Disclosure-** As already discussed, victims sometimes never disclose (no prosecution), and others will wait until much later to disclose. During the time of non-disclosure, evidence can be lost and lead to insufficient evidence.
- **Age of Victim-** The age of the victim can impact the level of evidence and details given about the incident and can therefore affect the ability of prosecutors to build a case.
- **Political Agenda-** Losing a child sexual abuse case could have a negative effect on a prosecutor's political career.

II. Guidelines for the Prevention of Child Sexual Abuse

Establishing clear policies provides a framework for the creation of an anti-abuse culture. However, merely establishing policies and educating staff is just the first step. An anti-abuse culture should prioritize the well-being of the children being served and establish a safe environment by implementing the following measures.

A. Pre-Employment Screening

Discussion Points:

- I) Screening Methods: application, interview, criminal history, references, licenses, training, military service, driving record, drug testing
- II) Legal Issues: negligent hiring liability

The first step in developing a program to reduce the risk that a youth-serving organization will hire a sex offender is to establish a comprehensive pre-employment screening program for all employees, volunteers, and contract employees who may have contact with the children being served by the organization.

There is no guarantee that careful and considerate pre-employment screening will weed out all those unsuitable for a particular position. Unfortunately, there are a number of sex offenders who have no previous sexual offense history. However, a reason-

able effort to check the background and verify the information provided by the applicant will help reduce the likelihood that a child sex offender is hired to work with children.

An employer should use a variety of sources when screening potential employees:

- Employment application
- Interview
- Criminal record check

II. Guidelines for the Prevention of Child Sexual Abuse

- References
- Verification of educational and professional licenses
- Training history
- Military service
- Driving record
- Drug testing

Screening Methods: Employment Application

An employment application can be used to check statements the applicant has made on his or her resume. An application should contain the following:

- ✓ Applicant's name, address, social security number, driver's license number
- ✓ Educational history with names and addresses of schools attended
- ✓ Employment dates, names and addresses of employers, salary, reason for leaving
- ✓ Military service
- ✓ Professional licenses, publications, organizations

- ✓ Professional references
- ✓ Criminal convictions (where allowed by state law), signed consent to a background check
- ✓ Certification that all information provided is correct and accurate (signed by applicant)
- ✓ A release statement authorizing the employer to verify information on the application
- ✓ A statement that any misrepresentation or omission will be grounds for dismissal

A resume should not be substituted for an application or referred to instead of completing portions of the application. This policy makes the applicant accountable for information on signed applications.



Frequently, employers will buy employment application forms from a local stationary store or printer without regard to whether the form is legal. Many states require these forms to contain specific language indicating the rights of the applicant and that the questions asked comply with the law. Before purchasing these forms, employers should check with their attorney to be sure that the form complies with local law.

RED FLAGS: What should I be suspicious of on an application?

- **Unexplained gaps in employment:** Most individuals can account for their work/educational dates. If an applicant leaves out several months or years of time, the employer should inquire further.
- **Decline in salary history:** There could be a number of reasons why a person's employment history shows a decline in salary such as a change in career; however, it could also indicate incompetency, dishonesty, drug or alcohol abuse, etc.
- **Sections left blank:** Applicants may wish to avoid answering questions about their background due to a possible negative effect on their employment potential with the company.
- **Reasons for leaving previous jobs:** Applicants often leave this space blank, either because the reason is too long to write or because the reason is not favorable to the applicant. Finding out why an applicant left their last position may be helpful to determine their suitability for the position they are seeking.

A red flag item may simply be an oversight or could be an indication of an issue that may preclude the applicant from consideration for employment. Further inquiry can be made of the applicant during the interview.

Screening Methods: The Interview

Personal interviews are useful in obtaining information not normally found on a resume or application, such as the applicant's general personality. The interview is also an opportunity to question the applicant about any inconsistencies found on the resume and application. A skilled interviewer may be able to screen out unqualified applicants. In order to maximize the amount of information obtained from an interview, the applicant should do most of the talking. The interviewer should use open-ended questions and hypotheticals to help achieve this result. Employers should have the applicant's resume and application on hand during the interview.

Questions to consider asking during the interview:

- ✓ Why do you want this job?
- ✓ What type of supervisory situation do you prefer?
- ✓ How would you describe yourself?
- ✓ Was there a situation in which you were responsible for disciplining a child other than your own? How did you handle it?
- ✓ What age/gender of youth do you want to work with? How would you feel about working with a different age/gender?
- ✓ What about children makes you enjoy working with them?

II. Guidelines for the Prevention of Child Sexual Abuse

- ✓ What other hobbies or activities do you enjoy?
Inquire as to whether the applicant has hobbies that include hanging out with children younger than themselves.
- ✓ What makes you a good candidate for working with youth?
- ✓ What would your friends or colleagues say about how you interact with youth?
- ✓ What is your favorite thing about children?
- ✓ Fill in the blank...I get angry when a child...?

RED FLAGS: What to watch for during the interview²⁴

- Convictions, even if not directly related to child abuse
- Rejections from other youth-serving organizations
- Overly cooperative/overly impatient of the process
- Secretive about hobbies
- Too much interest in a specific age or gender of child
- Difficulty describing appropriate vs. inappropriate behaviors or boundaries with children
- Little involvement with other adults or adult relationships
- Over-involvement in community child activities
- Expresses over-interest in camping, hiking, overnights, or situations that present “alone time” with children
- Refers to children as “pure” or “innocent”
- Indicates a preference to work with a child that has a history of abuse

These behaviors do not necessarily indicate that someone is an abuser.

II. Guidelines for the Prevention of Child Sexual Abuse

Screening Methods: Criminal History Check

The investigation of an applicant's criminal *conviction* history is essential to avoid hiring an individual whose criminal record indicates that they may pose a risk to children in the YSO, co-workers, or other individuals who they may encounter in the workplace. The employer's objective is to minimize the risk that a *convicted* criminal be employed in a position that represents a level of risk within the organization.

While management for the YSO may not have direct control over the background checks of contract employees (e.g., security personnel, cleaning staff, kitchen staff, etc.), specific requirements for those checks can be addressed in the contracts between the organization and contracting agency. It is important that management of a YSO establish minimum background check requirements for all staff, regardless of their employment relationship to the organization.

What to consider when creating your organization's criminal history check policy:

- ✓ **Corporate Policy Statement-** Managers need to establish an organizational position statement on the subject of criminal history checks that will indicate that the organization does check this information, the importance of such checks, and that this policy is to be adhered to by managers as applied within the organization.
- ✓ **Risk Associated Positions-** Management needs to determine which job positions represent a potential risk to others. Unsupervised access is the key in determining whether a position is a high or low risk.
- ✓ **Risk Factors-** Consider the following risk factors for youth organizations
 - Unsupervised contact with children
 - Transportation of children

- Long term contact with children in live-in situations
- Visiting a child's home
- Helping children change clothes, bathe, or with other personal activities
- Coaching sports in which physical contact between an adult and child is routine



Employers often assume that the only state that they should obtain criminal history data from is the one in which the business is located. This is not true. If the applicant has moved from or lived in another state, that state's records should also be checked. In general, the more recent the change, the more important it is to obtain that other state's information. One way an employer can approach this is to determine the length of time in years that will be considered for the criminal history screening and look at all the states where the applicant has lived and worked during that period.

Federal Legal Requirements/Guidelines

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION GUIDELINES (EEOC):

Once a program is implemented, the EEOC Guideline criteria needs to be met to avoid inconsistencies in the handling of conviction data/information. The criteria for consideration of criminal convictions as a basis to preclude an applicant from employment include:

- Consideration of criminal convictions only; not just arrests where no conviction results
- Questions about an applicant's criminal history should be asked during the hiring process
- Criminal conviction information considered only when the company is ready to make a job offer (i.e., the candidate otherwise appears to be eligible or qualified for employment). This process will reduce the number of applicants who are screened for convictions.
- Advise applicants that the conviction of a crime or crimes does not automatically preclude a person from employment.
- If a criminal conviction is discovered, the company is to confirm the accuracy of the information with the candidate (i.e., to allow the candidate to explain the conviction).
- The company considers on a case-by-case basis:
 - a. the nature and gravity of the offense(s)
 - b. length of time since the conviction(s)
 - c. circumstances of the job/position
 - d. what the applicant has done with his/her life since the conviction (**42 U.S.C. § 2000, et seq.**)

FAIR CREDIT REPORTING ACT REQUIREMENTS (FCRA):

Whenever an employer uses the services of a "consumer reporting agency" to obtain an applicant's criminal conviction history and generates a written report of such history, the FCRA sets forth a number of requirements:

- The Act applies whenever a consumer reporting agency is used to obtain reports of criminal convictions
- The applicant must give written permission to get the report (i.e., release form)
- If an adverse decision (e.g., not to hire) is going to be made based on the report's contents, a copy of the report must be provided to the applicant
- A reasonable amount of time must be allowed for the applicant to dispute the contents of the report before any adverse action is to be taken (**15 U.S.C. § 1681, et seq.**)

II. Guidelines for the Prevention of Child Sexual Abuse



Compliance with local laws: Employers should check with their local attorney to verify that the policies/procedures comply with state and local laws affecting the use of criminal history data. Not all states have the same rules and most have some laws requiring the employer to conduct criminal history screening of applicants for certain positions.

Screening Methods: References

There are two types of references: personal and professional.

Personal references are usually those individuals familiar with the applicant who can provide basic information about the applicant's character (e.g., nice person, family man, reliable woman, etc.). Professional references are meant to include supervisors, managers, and/or co-workers who are familiar with the applicant in their current or previous employment.

- **Personal References:** Personal references provided by the applicant may be of limited value as they are not likely to make negative statements due to some relationship between them and the applicant. Again, as with most components of any screening process, it is usually not wise to rely upon a single source of information in making the hiring decision.
- **Professional References:** Professional references will generally be previous employers (the human resources department), immediate supervisors, or even co-workers who are more likely to be aware of the applicant's work history.

Applicants will sometimes misrepresent their titles, reasons for leaving, and work abilities. Depending upon the nature of the position to be filled, the following are types of information you may want to acquire:

- ✓ Dates of employment
- ✓ Positions held/titles
- ✓ Tasks performed
- ✓ Disciplinary history/behavior problems
- ✓ Reasons for leaving
- ✓ Whether they would rehire the applicant
- ✓ The ability of the applicant to get along with co-workers
- ✓ General personality
- ✓ Work ethic
- ✓ Attendance
- ✓ Level of professionalism
- ✓ Response to supervisors

A problem that is frequently encountered by those seeking information from previous employers is that many companies are so concerned that one of their employees may give out inaccurate information about the previous worker, that they have strict policies limiting information to verifying dates of employment and position held. Often, prior employers will give no information at all about an applicant's work history, for fear of being sued for slander, if the information is negative.

When contacting previous employers, written release statements signed by the applicant allowing for full disclosure can help obtain the relevant information. Furthermore, some states provide protection to employers who release such information in good faith and when it is truthful, even if the information is negative.

Screening Methods: Educational and Professional Licenses

Verifying the educational achievements and professional licenses held by an applicant is very important to ensure that the individual has the proper background needed for a particular position. Unfortunately, it is not unusual for people to inflate their credentials or simply lie about their qualifications.

Screening Methods: Training History

There are numerous state and local laws that require individuals to be trained by an approved organization before they can be put to work. When an applicant's position requires specialized training, they should produce some evidence of satisfactory completion of the program. Usually, the organization providing the training will issue a certificate of completion to the student. Employers should require the applicant to provide a photo copy of the certificate for each training program completed and required by the new position.

Screening Methods: Military Service

Employers may ask applicants to provide a copy of their honorable discharge certificate and/or other documentation of their military service.

Applicants may refer to some specialized training they received in the military service that is relevant to the position being sought. For example, someone applying for a security officer's job may have attended military police school. In this instance, the employer should require the applicant to provide a copy of the certificate of training as proof that they attended and completed the program.

Screening Methods: Driving Record

Any company that employs individuals who will drive company vehicles, personal vehicles, or equipment on the company's behalf should obtain a copy

of each person's driving record. A suspended license or poor driving record can expose a company to liability if the employee is irresponsible or negligent.

These records are readily available through the state's Department of Motor Vehicles. Information will include current convictions for traffic offenses along with record suspensions, revocations, and expirations. The records should be obtained prior to hiring the individual to be reasonably sure that they do not have a negative driving history. Employers should watch out for serious repeat offenders and more than simple traffic violations, such as driving while intoxicated and at-fault accidents. It is also becoming more common for businesses to obtain an updated copy of the driving records each year.

Screening Methods: Drug Testing

Drug screening, if done properly, can be an important component of an overall drug abuse prevention program. If it is fair and accurate it can have a strong deterrent effect on drug abuse in the workplace. When the applicants are aware of a company's drug screening policy, many employers discover an increase in quality applicants and that drug users will look for employment elsewhere.

Drug screening is generally conducted through urinalysis. Employers should always employ a professional and experienced drug testing company to help establish and implement the policy. Employers must be sure to screen all employees by position, not by race, gender, etc. to avoid discrimination claims. Backup testing for validation is also necessary to minimize the risk of false positives.

II. Guidelines for the Prevention of Child Sexual Abuse



During the time from when the applicant satisfies all other hiring criteria until when the criminal history information is received (sometimes there may be a delay), the applicant should only be offered the new position, contingent upon a satisfactory result from the criminal history check. The employer should consider providing additional supervision of the employee until the data is received to avoid “unsupervised access” to people or things that represent a risk as previously discussed.

Legal Issues

There are several legal issues that employers need to consider. Every state has different laws and frequently, certain federal laws will also affect the way organizations can conduct employee screening. Remember, laws change often. This text is not meant to serve as a substitute for legal advice. The readers are advised to outline a pre-employment screening program for their company using this book as a guideline. Prior to implementing a program, have the proposed program reviewed by an attorney experienced in employment law. Common legal issues encountered in pre-employment screening programs include employee privacy rights, employment discrimination and violations of federal and local state statutes, and negligent hiring liability.

Negligent Hiring Liability

Negligence in hiring must be understood before employers and their human resource managers can establish a loss prevention program to avoid it. Negligent hiring is defined as the failure of an employer to exercise reasonable care in selecting an applicant in light of the risk created by the position to be filled.

Negligent Hiring vs. Traditional Employer Liability

- **Negligent Hiring Liability:** is liability imposed for the employer’s own negligence in the selection process
- **Traditional Employer Liability:** vicarious or direct liability for the actions of employees while they are working on behalf of the employer

Employers are not always exposed to liability just because they failed to check an applicant’s background. Liability results when an adequate and legal investigation would have revealed a background logically connected to the wrongful conduct. For example, the failure to discover that an applicant was convicted of child abuse, when he/she is allowed to work in a day care center for children could result in liability should he subsequently molest a child at the center.



The policy and procedural steps should now be put into writing for all managers who are or will be in a position to hire new employees. Consistency is important, specifically in the way that criminal background data is used in the employment decision-making process. This helps avoid arbitrary results and the potential for legal problems, including discrimination claims. All applicants who are being considered for a position should be treated the same regarding the extensiveness of the pre-employment screening process.

B. Employee Conduct

Discussion Points:

- I) Training
- II) Interacting with Youth: ratios, changing areas, travel, peer-on-peer
- III) Digital Devices and Outside Contact

The next step in creating an anti-abuse culture is to ensure safe and healthy behavior boundaries between organization employees and the children being served. This is achieved through establishing employee handbooks that cover all aspects of adult and youth interactions including training, one-on-one meetings, transportation and youth outings, peer-to-peer interactions, and restrictions on contact between employees and youth outside of the physical facility and through media and digital devices.

Training

Training can provide an environment that encourages prevention, recognition, and reporting of suspicious behavior with confidence that the incident will be taken seriously, confidentially, and be reported to the appropriate authorities.

Once employees have been hired, the next step of child sexual abuse prevention is training. Training should be provided to all employees and volunteers. It should also be offered to parents and other interested members of the community.

Employees and volunteers will need:

- ✓ A clear understanding of what child sexual abuse is
- ✓ What the signs of CSA are
- ✓ What red flags to look for
- ✓ How to behave appropriately with children

- ✓ How to report and to whom to report alleged abuse to

- ✓ How to follow the policies and procedures set forth in the employee manuals

Training for parents and members of the community should focus on:

- ✓ Providing educational awareness of the frequency of CSA
- ✓ Grooming patterns used by abusers
- ✓ Warning signs of potential abuse in children
- ✓ Reporting suspected abuse
- ✓ Steps to take if a child discloses abuse

Training is provided in several ways including seminars and online tutorials. Most organizations require completion of training for all members and staff as well as re-certification annually, or at a time frequency designated by the organization.

Interacting with Youth

Policies that address how to appropriately interact with youth help:

- Reduce suspicious or inappropriate behaviors
- Set guidelines on the ratio of adult to child

II. Guidelines for the Prevention of Child Sexual Abuse

- Limits the frequency of situations where a potential abuser is left with a child
- Prevents peer-on-peer abuse

Interacting with Youth: Ratios

Youth organizations should establish adult to child ratios based on their mission and nature of service. While some organizations, such as the Boy Scouts of America have a “two-deep” leadership requirement, other organizations like Big Brother Big Sister provide one-on-one mentoring. In this instance, necessary steps and precautions should be taken to ensure that abuse is being prevented and risk of abuse reduced. Each organization should also ensure that the adult to child ratios are applied whenever possible. This is for the safety of the youth being served as well as to prevent false allegations against staff and volunteers. Other considerations should include:

- ✓ Requiring at least one female adult registered leader be present whenever female youth are being served
- ✓ Volunteers/staff who are minors should not be included in adult-to-youth ratios
- ✓ Determining special circumstances where ratios would change- travel and off-site activities might require more adults per child because of inherent risk and difficulty of the geography

Interacting with Youth: Changing Areas, Restrooms and Locker Rooms

Changing areas, restrooms, and locker rooms present potential situations for unsupervised access to children. Monitoring these locations can help limit the likelihood that an adult will be alone with a child or that youth-on-youth abuse would occur. Policies utilized by the YMCA and BSA include:

- ✓ Employees will enter a changing area/locker room when a child is present only when absolutely

necessary for youth protection or for the health and safety of the child

- ✓ Consider requiring “the rule of three,” which requires staff to take groups of 2 or more youths to the bathroom
- ✓ If bathrooms only have one stall, only allow one youth to enter at a time while the others wait outside with the staff member
- ✓ Youths using restrooms and locker rooms should be no more than 2 years apart in age
- ✓ Staff should wait outside locker rooms and restrooms but be within earshot
- ✓ Staff and adults should not use locker rooms, changing areas, or restrooms at the same time as youth. If separate restrooms and locker rooms are not available for adults and youth, scheduled times should dictate when adults can utilize these areas and when youth can
- ✓ Intermittent monitoring by staff of these locations
- ✓ Buddy Systems: children will be paired with a “Buddy” so that they are never alone in these locations^{25,26}

Interacting with Youth: Travel with Youth

On occasion there will be special circumstances where policies may not be easily followed, or the environment may make it necessary to adopt different policies. These circumstances can include transportation, overnight stays, and off-site group outings. Organizations should maintain a focus on prevention in these situations and develop special protocols in a continued effort to prevent and minimize the risk of abuse. The BSA and YMCA include some of these in their policies:

When transporting youth consider:

- ✓ Staff should never transport a youth in a personal/non-organization vehicle
- ✓ Require written parental permission
- ✓ Consider taking roll call at various times throughout the trip including boarding and leaving the bus as well as during the trip to account for all youth
- ✓ Pre-determine staff-to-youth ratios for transportation and enforce at all times
- ✓ Ratios should not include the driver of the vehicle who would be unable to supervise
- ✓ When a coach or staff member is transporting youth: require parental permission, at least one other adult leader and at least two youths should also be present

For overnight stays consider:

- ✓ All overnight activities should have approval by management
- ✓ Require written parental permission
- ✓ Pre-determine staff-to-youth ratios and enforce at all times
- ✓ Pre-determine what your organizations' off-site bathroom and sleeping policies are
- ✓ Have an understanding of the geography and implement policies accordingly- for overnight camping additional adults-per-children may be required; establish physical boundaries; schedule (if necessary) restroom times for youth of different ages and gender; and how staff will monitor the area and activities
- ✓ Consider using the Buddy System so youth are not alone^{27,28}

Interacting with Youth: Peer-on-Peer Abuse

Peer-on-peer abuse does happen:

- Approximately 40% of children who are sexually abused are abused by older, or more powerful children.²⁹
- The younger the child victim, the more likely it is that the perpetrator is a juvenile. Juveniles are the offenders in 43% of assaults on children under age 6.³⁰
- Juveniles who commit sex offenses against other children are more likely than adult sex offenders to offend in groups, to offend at schools, and to have more male victims and younger victims.³¹

Peer-on-peer abuse can occur during restroom breaks, meal times, showering, locker rooms, changing for activities or for the pool, or during other unstructured program time. It is important that staff be mindful of this and continue supervision during these times. Consider some of these policies:

- ✓ Continue monitoring of restrooms, locker rooms, tenting, and any location where youth may be alone with other youth
- ✓ Be clear about your organizations' policies on bathroom breaks, Buddy Systems, off-site travel, and how you will group children by age and gender
- ✓ Do not allow older youth who are of driving age to transport other youth alone
- ✓ Enforce a no bullying, hazing, secret organizations, and sexual harassment environment. Define what is considered acceptable behavior/interactions and what is inappropriate
- ✓ Supervision should be as much about protecting youth against adult offenders as it is about preventing youth-on-youth abuse

II. Guidelines for the Prevention of Child Sexual Abuse

Digital Devices and Outside Contact

The use of digital devices and outside contact between employees and children requires clear protocol. This can be one of the more challenging prevention strategies because it places more responsibility on the child and parents to regulate contact and be vigilant against inappropriate behaviors.

Digital Devices & Online Communication:

Although most individuals use digital devices responsibly, it is easy to unintentionally invade the privacy of others. For this reason, your organization should be clear about the use of digital devices.

- ✓ Consider preventing the use of digital devices in any location where recording could invade the privacy of others (restrooms, locker rooms, changing areas, etc.)
- ✓ Staff and volunteers should not have any digital text, email, or online communication with youth members unless copying/including the youth's parents and/or another staff member on the communication
- ✓ All communications between staff/volunteers and youth should be strictly related to the program and should be readily available to be viewed by the parents/guardians and supervisors of the program

- ✓ Staff should not engage youth in any online media platform including Facebook, Snapchat, MySpace, Blogs, gaming, etc.^{32,33}

Outside Contact:

Outside contact refers to contact between staff/volunteers and youth outside of standard program operation hours.

- ✓ Staff should not be allowed to have sleepovers, babysit or transport children outside of the program hours
- ✓ Because some staff members have a pre-existing relationship with some youth/youth's parents, it is important for parents to seek training on how to recognize grooming behaviors and potential signs of child sexual abuse.
- ✓ Children should receive training on child sexual abuse and be encouraged to say no to any unwanted touch or attention and how to discuss their feelings with their parents

C. Responding to Child Sexual Abuse

Discussion Points:

- I) Professionals required to report
- II) Making a report
- III) Receiving a report
- IV) Failure to report

Organizations should create an environment and culture that encourages reporting suspected abuse. To establish a proactive approach to the prevention of child sexual abuse, policies should clearly outline:

- ✓ Steps to be taken by any individual, employee, volunteer, or youth member who suspects or witnesses abuse
- ✓ Professionals who are required to report abuse
- ✓ How to properly report an abuse incident
- ✓ Who to report suspected abuse to
- ✓ What the process is once a report is made
- ✓ Reassurance that reporting will be confidential and taken seriously

An important element to creating a culture of prevention is forming a network of support. Organizations should build partnerships with local child protection groups, law enforcement, and child advocacy centers. This ensures that when a report is made, the organization will be provided with assistance and the alleged victim will be provided with the necessary resources and support.

Creating this culture of prevention begins with an organization's leadership and should be reinforced by staff and volunteers who strive to protect the children they serve.

Professionals Required to Report

Approximately 48 states designate individuals who are mandated by law to report child maltreatment of any kind. These individuals are typically found in positions that have direct contact with children and include:

- Social workers
- Teachers, principals, and other school personnel
- Physicians, nurses, and other healthcare workers
- Counselors, therapists, and other mental health professionals
- Child care providers
- Medical examiners or coroners
- Law enforcement officers

Some states also include commercial film or photograph processors, substance abuse counselors, probation or parole officers, domestic violence workers, humane officers, and clergy. Directors, employees, and volunteers at entities that provide organized activities for children, such as camps, day camps, youth centers, and recreation centers, are required to report in 13 States. In approximately 18 States and Puerto Rico, any person who suspects child abuse or neglect is required to report. New Jersey and Wyoming require all persons to report suspected abuse or neglect, regardless of profession.³⁴

II. Guidelines for the Prevention of Child Sexual Abuse

Making a Report

All 50 states, as well as the District of Columbia and U.S. territories have laws and policies that specify procedures for making and responding to reports of suspected child abuse or neglect. State laws also specify the required content of reports, criteria for screening reports, investigation procedures, timeframes for completing investigations, and classifications of investigative findings.

Oral reports can be made to Child Protective Services, a local law enforcement agency, or a statewide child abuse hotline. In 18 states, American Samoa, Guam, and Puerto Rico, a mandated reporter is required to submit a written report after he or she has made an oral report. Laws in 33 states, the District of Columbia, Guam, and Puerto Rico require state agencies to maintain centralized telephone lines 24 hours a day, 7 days a week, for the acceptance of child maltreatment reports. In practice, most states have statewide, toll-free numbers for accepting reports of maltreatment. In some states, reports may be made via the Internet.³⁵

Unfortunately, under-reporting can sometimes be attributed to the professionals who are responsible for reporting the suspected abuse.

Why would a mandatory reporter be hesitant to report CSA?

- Fear of backlash
- Not being believed by those taking the report
- Having a friendship with the suspected offender
- Not being sure that what they witnessed was abuse
- Not knowing the signs of CSA
- Fear of retribution by the offender, employer, or fellow employees
- Putting the child through additional trauma

- Not wanting to “get involved”
- Not knowing the policies/procedures for reporting

Clear policies help identify the appropriate channels of communication through which reports must be made. If an employee, volunteer or child makes an initial report to a member of your organization, policies should articulate how to receive that report and what steps to follow thereafter.

Receiving an Initial Report

Policies should encourage reporting suspected abuse to the state’s CPS agency, law enforcement, or to a child abuse hotline. However, because initial reports are often made to YSO management, organizations should themselves be prepared to receive a report.

Verbal and non-verbal techniques can be used to gather information and reassure the reporter that they are doing the right thing. These techniques can include:

- Policies that specify who in the organization an individual should report to
- Treating the reporting person with respect and a high degree of professionalism
- Conducting the meeting in a private setting to ensure the protection of confidential information on behalf of both the accuser and the accused
- Creating a rapport. Reassuring the reporter that they are doing the right thing by telling someone what happened and that the allegation will be taken seriously
- Letting the reporting person tell their story fully and without interruption before asking questions. Once they are finished, repeat the information to ensure you understood them correctly
- When asking questions, remember it is not just what questions need to be asked, but also how

the questions should be asked. The goal is to be thorough but not clinical, specifically when asking questions related to the sexual act

- Maintaining normal eye contact, keeping a relaxed body posture, limiting physical barriers between you and the reporting person, and using a normal tone, volume and speed when asking questions so as not to make the reporter feel rushed or like they are being interrogated
- Open-ended questions are suggested to limit the likelihood of asking suggestive or misleading questions
- Remember-be a good listener!

Sample Open-Ended Questions

1. Tell me everything that happened...
2. Can you tell me about who did this?...
3. And then what happened... (this question can be used multiple times throughout the interview)
4. Tell me more about... (If the complainant discloses all activities during the day, you can use this question to focus on the actual event being alleged.)
5. You said that ____, can you tell me more about that... (This question can be used to get additional information)
6. When you said ____, did you mean that _____. (Use this to clarify details. This question can be a method of making sure you understood clearly what was being said)
7. Has this happened before or was this the first time?
8. Where were you when this happened?
9. What time did this happen?

Failure to Report

Nearly every state and U.S. territory imposes penalties on mandatory reporters who knowingly and willfully fail to report suspected child abuse as required by law in that jurisdiction. These penalties vary by state and can be anywhere from 90 days to 5 years in jail, fines from \$500 to \$10,000, or a combination of both.

Approximately 10 states impose penalties against any employer who discharges, suspends, disciplines, or engages in any action to prevent or prohibit an employee or volunteer from making a report of suspected child maltreatment as required by the reporting laws.

To prevent malicious or intentional reporting of unfounded cases, many states also impose penalties against any person who files a report known to be false.³⁶

Parent's Corner

Reporting Sexual Abuse

A helpful link for what to know about reporting can be found on Stop It Now's website, **www.stopitnow.org/faq_response_to_abuse**. Other tips include:

- Encourage and empower your children to discuss and have open communication with you
- Stay calm if your child discloses abuse to you. Reassure him/her that they are not to blame for what has happened, that they did the right thing by telling you, and that you will help to make sure it never happens again
- Be sure to know whom to forward the report. Some states notify Child Protective Services while others report to law enforcement. In some instances, both agencies are involved
- Be sure to bring your child immediately to a physician if he/she discloses abuse
- As a member of the community, you should know who is a "mandated reporter" in the event that you have to report alleged, witnessed, or a suspicion of abuse

D. Physical Design of Facilities

Discussion Topics:

I) Access Control

II) Design Elements

This section addresses the prevention of child sexual abuse through the design of facilities and a variety of physical security measures that a YSO can use to help supervise the interactions between adults and children.

In the 1980s the architectural profession developed a concept known as Crime Prevention Through Environmental Design (CPTED). The basic premise of CPTED is to design a facility, both the interior and exterior, in such a way that the ability to observe areas and define physical boundaries is maximized. Designing spaces that are open and visible through the facility ensures that individuals with a propensity to commit child sexual abuse do not feel comfortable pursuing their abhorrent behavior.

Organizations should be aware that many design features rely on the already established facility. This is especially true in older buildings or YSOs that operate inside larger organizations (YMCAs). In these facilities, additional policies and procedures should be implemented to compensate for the shortcomings. This would include extra staff to supervise children in areas that may be isolated, perhaps installing CCTV cameras in isolated spots, making sure that children do not go to restrooms unescorted, and considering two-deep ratios, which requires two adults per one child at all times.

Access Control

Access control refers to the entry and exit security of a facility. Considerations should include:

- ✓ Designing a specific “entry point” so anyone who enters the facility must pass by the front desk personnel.
- ✓ Restricting areas within the facility to only those staff members who have been sufficiently screened and who are allowed access.
- ✓ Establishing policies for contract companies and personnel and what areas of the facility they are permitted access to
- ✓ Procedures for the release of youth at the end of the day. Youth should only be released to an authorized parent or guardian. If the parent or guardian is late picking up the child; an organization should consider implementing a policy that requires two staff members stay with the child until the guardian arrives. If the guardian does not show up, there should also be a policy to dictate what authorities should be notified
- ✓ Outdoor area elements: preventing anyone passing by access to these outdoor areas. Landscaping using the natural environment (trees, shrubs, walkways, etc.), works effectively to keep both those inside the area safe and within the boundaries, and deters those outside the area from coming in. Sufficient lighting should be used in outdoor areas that are accessed during evening hours. Features such as fences could also be substituted for natural boundaries

II. Guidelines for the Prevention of Child Sexual Abuse

Design Elements

The objective of CPTED is to create an environment where visibility is increased by employing the following methods where applicable and practical:

- ✓ Landscape designed to provide open spaces with no areas of concealment. Low growing shrubbery should be kept trimmed to a maximum of 3 feet high and trees with low growing branches (e.g., pine trees) should have their limbs removed for up to 6 or 7 feet from the ground.
- ✓ Clear lines of sight, unobstructed as much as practically possible (e.g., buildings will have some solid sections or walls due to their construction) so that staff can observe most areas throughout the facility.
- ✓ Storerooms, closets and other isolated areas should be kept locked.
- ✓ Hallways with alcoves should be kept brightly illuminated, with convex mirrors and/or closed-circuit television cameras (CCTV) utilized.
- ✓ The use of windows in all doors (except in bathrooms, which is discussed below) to reduce hiding areas.
- ✓ Install and maintain bright lighting throughout the facility on the interior and exterior. For national guidelines on recommended lighting levels, see data published by the Illuminating Engineering Society of North America (IESNA), listed in the appendix of this publication.
- ✓ Bathroom facilities for children and staff/volunteers should be separate with strict policies prohibiting children from using staff restrooms (except under exceptional circumstances).
- ✓ Bathrooms used by children should be designed (where feasible) to have the exterior doors removed or reduced in size, so that only the lower portion is in place to prevent total concealment of the child.
- ✓ Rooms used for children's activities should be designed to use glass panels, half walls, and convex mirrors.
- ✓ All exit doors not leading to playground areas should have exit alarms.
- ✓ Other measures for consideration include removal of curtains, drapes and blinds, removal of inside locks on closets and workrooms, and outdoor storage areas should be visible from the main building.³⁷

Parent's Corner

Choosing a Youth Organization

It is important to provide parents with the tools they will need in selecting a suitable youth organization for their child. Before enrolling your child in a YSO, it is recommended to ask questions about CSA policies. Here are some suggested questions to ask:

- What are your policies on child sexual abuse prevention? Are they in writing and can the parent have a copy?
- Does your organization require criminal background checks on all employees and volunteers?
- Does your organization require child abuse prevention training for all employees and volunteers?
- How often is this prevention training required? Is it offered annually?
- Are your employees and volunteers aware of state mandated reporting laws?
- How are allegations of abuse handled? Who is notified? Is it required that law enforcement be notified?
- Are there any other preventative methods used during the hiring process to eliminate the potential of hiring a threatening individual?
- What are your policies on staff supervision? How are they supervised?
- What are your policies for staff interaction with children? Does the organization use a rule like that of the Boy Scouts of America's 2-deep?
- Could I take a tour of the facility? (To see if there are any isolation spots, open/locked doors, unwanted access spots, etc.)
- Does your facility have CCTVs and other physical security measures in place?
- What is your protocol for allowing access into the facility? Are individuals denied access if they are not screened (contract personnel)? Is there a locked front door, key entry, and/or a front desk supervisor?
- What is the policy on who is allowed to pick up the child at the end of the day?
- Who should I tell if I suspect my child is being abused or if I see signs of abuse?

Concluding Remarks: Where do we go from here?

Proactive Approach: The long-term prevention of child sexual abuse requires a proactive approach. As stressed by this publication, all YSOs should actively participate in the development and implementation of policies and procedures to combat the threat of child sexual abuse. Suggestions have been made on how to set up and improve preventative tools such as employee screening, supervision, interaction with youth, staff training, and reporting.

Youth organizations should consider the following in moving forward to prevent CSA:

- ✓ Follow examples. There are several YSOs who have already implemented prevention strategies. Use these as guidelines in setting up your own
- ✓ Do not get overwhelmed. There are many prevention approaches. Do not feel you have to implement them all. Recognize the limitations and needs of your organization and go from there
- ✓ Be clear and concise. Policies and procedures must be clearly outlined for all employees. Lack of communication and understanding can lead to failure to protect a child
- ✓ Continue to grow as an organization. Do not expect one prevention measure to solve all the problems. Review how the current policies are working and expand them where needed
- ✓ Remember that the top priority is the protection and well-being of every child

Parent's CSA Checklist

Child Sexual Abuse Awareness

- ☐ Understand the definition of child sexual abuse
- ☐ Know what the prevalence/occurrence of CSA is
- ☐ Grooming behaviors to be on the lookout for
- ☐ Recognizing the possible signs of child sexual abuse

Precautions to Keep Your Child Safe

- ☐ Take advantage of any CSA training or education provided to parents or the community
- ☐ Be involved in what your child is doing in their after-school program
- ☐ Take an active role in preventing inappropriate digital and online communication between your child and program staff

Responding to Child Sexual Abuse

- ☐ Know what to do if your child discloses abuse to you
- ☐ How to make a report of suspected abuse and to whom to report to

Choosing a Youth Organization

- ☐ Ask questions to make sure the YSO has the necessary CSA prevention policies
- ☐ Find out how the organization handles reports of CSA
- ☐ Ask to take a tour of the facility
- ☐ Be sure to get a copy of any written policies

YSO Sample Policies

A. Pre-Employment Screening

- ☐ Decide what level of risk each position poses and decide what screening requirements for each position

SAMPLE: 'Staff: Employment application & required HR information, in-person interview, 3 verbal reference checks, State criminal background check, child abuse clearance, fingerprint clearance, YMCA safe training, duty to report training, recognizing and reporting training. Volunteer (Level 1-episodic, Y staff member always present, no direct supervision of children): volunteer application, State criminal background check, RAPTOR clearance, signed prevention of child abuse policy. Volunteer (Level 2-regular and direct contact with children, Y staff may or may not be present, potential supervision of children): volunteer application, in-person interview, 2 reference checks, State criminal background check, child abuse clearance, screening, signed prevention of child abuse policy. (YMCA)

- ☐ Decide how your organization will handle the discovery of a criminal history during the screening process. What convictions will disqualify an applicant from working with youth

SAMPLE: 'The YMCA requires background checks on all volunteers. Persons with a conviction relating to the safety or welfare of children or an offense on the child abuse and neglect registry, will not be allowed to volunteer. Those with any kind of felony conviction in the last five years will also be disqualified from volunteering but will have the opportunity to appeal to the Executive Director.' (YMCA)

- ☐ Decide how information will be obtained to ensure a fair process for every applicant

- ☐ Decide what agencies will be contracted to obtain criminal history and drug screening

SAMPLE: 'The Big Brother Big Sister confirm identity by government issued photo ID, SSN verification or school ID; BBBS of San Diego background check is carried out through LexisNexis, Sex offender search through US Department of Justice National Sex Offender Public website, San Diego County Outstanding Warrant and Temporary Restraining Order Search, Public Domain Search, BBBS Safety Look-Up Tool which contains records of any past volunteers who were terminated for negative reasons.' (Big Brother Big Sister)

- ☐ Consider legal issues your organization may face during the screening process to protect against liability
- ☐ Understand the difference between negligent and traditional employer liability
- ☐ Be sure that all screening policies and procedures are in writing

B. Employee Conduct

- ☐ Implement an Employee Training program that includes training on child sexual abuse

SAMPLE: 'The Boy Scouts of America's updated youth protection training doesn't just talk about the dangers of child predators- it shows how they work to gain access to their victims...The new training is required for all volunteers even if they took the previous training prior to the rollout...New to this version of the training program are video interviews with psychologists and law enforcement professionals who discuss the known causes of abuse, and how to prevent, recognize, and respond to it.

As of Jan 2018-no new leader can be registered without first completing youth protection training.

As of Jan 2018-no council, regional, or national leader will be allowed to renew their registration if they are not current on their Youth Protection Training.

As of June 2018-adults accompanying a Scouting unit who are present at the activity for 72 hours or more must be registered as a leader, including completion of a criminal background check and Youth Protection Training.' (BSA)

- ☐ Decide the location, manner and method of the training (online training, in-person seminar, etc.)
- ☐ Decide how often and at what intervals training will be required of your employees
- ☐ Decide if all employees, full-time and volunteers, will be required to take the same training/training hours
- ☐ Set forth a code of conduct that clearly articulates what behaviors are acceptable and not

SAMPLE: ‘Sometimes it is unclear if behavior is appropriate, inappropriate, or harmful. For example, intimate contact, such as kissing, may be developmentally appropriate for older youth, but may be inappropriate within the confines of the organization.

VERBAL COMMUNICATION

Appropriate:

- *Praise
- *Positive reinforcement for good work/behavior

Inappropriate/harmful:

- *Sexually provocative or degrading comments
- *Risqué jokes

PHYSICAL BEHAVIOR

Appropriate:

- *Pats on the back or shoulder

Inappropriate/harmful:

- *Patting the buttocks
- *Intimate/romantic/sexual contact
- *Corporal punishment
- *Showing pornography or involving youth in pornographic activities’ (CDC)

- ☐ Determine staff ratios. If your organization decides to implement a 2-deep policy, be sure it is applied at all times

SAMPLE: ‘One-on-one contact between adults and youth members is not permitted. In compliance with the BSA’s “two deep” leadership policy, two registered adult leaders or one registered leader and a parent of a participant, or other adult, one of whom must be 21 years of age or older, are required on all trips and outings.’ (BSA)

- ☐ Address interactions in specific locations within your facility including restrooms, changing areas, and locker room policies

SAMPLE: ‘Separate shower and latrine facilities should be provided for male and female adults as well as for male and female youth. If separate facilities are not available, separate times should be scheduled and posted.

*Adults and youth must respect each other’s privacy, especially in situations such as changing clothes and taking showers at camp.

*Adult leaders should closely monitor these areas but only enter as needed for youth protection or health and safety reasons.’ (BSA)

- ☐ Establish policies for traveling outside of the facility (tenting, youth traveling in staff vehicles, etc.)

SAMPLE: 'Given the nature of many AAU activities, clear policies regarding travel and supervision must be adopted, and there should be open dialogue about the inherent risk if a youth is traveling with a coach. In addition to travel for AAU competitions, AAU policies should address the role and limitations of employees and volunteers in providing local transportation to youth participants. If AAU staff or volunteers will be providing this transportation, the youth's parent or guardian must have signed a consent form. No consent form is necessary if the child travels with his or her own parent. However, should that parent be providing transportation for his or her child's teammates, those teammates would need to have signed consent forms. Even with permission to transport from a parent or guardian, there should be no one-on-one contact between AAU adults and youth athletes, whether during coaching, counseling, transportation, out-of-town travel, overnight sleeping, showering, changing, or using a restroom.' (AAU)

- ☐ Decide whether your organization will implement policies to help limit situations where youth-on-youth abuse could occur; such as a Buddy System

SAMPLE: '...Assigning youth members more than two years apart in age to sleep in the same tent should be avoided unless the youths are relatives.

...The Buddy System is a safety measure for all scouting activities. Buddies should know and be comfortable with each other. Self-selection with no more than two years of age or significant differences in maturity should be strongly encouraged. When necessary, a buddy team may consist of three Scouts. No youth should be forced into or made to feel uncomfortable by a buddy assignment.' (BSA)

- ☐ Decide on policies for the use of digital devices and online interactions between youth and employees

SAMPLE: 'Two-deep leadership and no one-on-one contact between adults and youth members include digital communication. Leaders may not have one-on-one private online communications or engage one-on-one in other digital activities (games, social media, etc.) with youth members. Leaders should copy a parent and another leader in digital and online communication ensuring no one-on-one contact exists in text, social media, or other forms of online or digital communication.

Inappropriate use of smart phones, cameras, imaging, or digital devices is prohibited. Although most Scouts and leaders use cameras and other imaging devices responsibly, it is easy to unintentionally or inadvertently invade the privacy of other individuals with those devices. The use of any device capable of recording or transmitting visual images in or near shower houses, restrooms, or other areas where privacy is expected is inappropriate.' (BSA)

C. Responding to Child Sexual Abuse

- ☐ Be sure to educate staff on who is considered a “mandated reporter”
- ☐ Build support networks with agencies to provide resources and help to potential victims
- ☐ Include in Employee Manual how to properly make a report (what information to provide) and to whom to report to (CPS, law enforcement, etc.)

SAMPLE: ‘If an employee believes that any employee of the Club may be acting in violation of any such law or regulation the employee has a duty to report the perceived violation, preferably in writing, to Human Resources within 24 hours of the observation of such conduct. All Club employees are required by law to report all suspected cases of child abuse. The following are the steps taken for a child abuse case: 1) Inform a management staff person immediately, 2) The Unit Director or a Boys & Girls Club official appointed by him/her will interview the child to the extent necessary to confirm the suspicion, 3) The Unit Director of a Boys & Girls Club official appointed by him/her will contact Child Protective Services (CPS) immediately to report the incident. All reports to CPS are documented as to date, time, person(s) interviewed and outcome, and 4) A complete written report is submitted to CPS within 36 hours of the allegation.’ (Boys & Girls Club)

- ☐ Create policies on how your organization will handle a report if one is made including how to receive a report, what actions will be taken with the potential offender while the incident is investigated, how the organization will notify parents

SAMPLE:

* First, determine if the youth is still in danger and if so, take immediate steps to prevent any further harm.

* Gather as much information about the allegation as you can. For example, who made the report, who was allegedly abused, who was the alleged abuser, what was the nature of the alleged abuse, where and when did the alleged abuse occur, etc.

* Accurately record everything you learn in as much detail as you can. Remember your notes may be read by others. Stick to the facts.

* Contact the appropriate local authorities as indicated by your mandatory reporting procedures. Make sure you get a case number and the name and contact information of the person with whom you speak at the reporting agency.

* If the alleged abuse involves a staff member or volunteer, notify your crisis management team and follow your crisis management plan.

* Suspend the accused staff or volunteer until the investigation is completed.’ (YMCA)

D. Physical Designs of Facilities

- ☐ Be sure to tailor your policies according to any and all obstacles that are present in your physical facility design
- ☐ Establish policies on how youth will be released from the facility at the end of the program day

SAMPLE: 'Under no circumstances should staff release children to anyone other than the authorized parent, guardian, or other adult authorized by the parent or guardian (authorization should be on file at the Y)

Parents should be identified before the child is released. Signatures should be required. Parents should be notified if someone other than the child's parents attempt to pick up the child.' (YMCA)

- ☐ Make clear procedures on access control to include monitoring individuals within the facility, who will be allowed access (contracted companies), what the check-in procedures will be, and how the organization will prevent unwanted or unsupervised persons into the facility

SAMPLE: 'Because most incidents of sexual behavior occur in private, the extent to which privacy is managed, risk is managed. In order to ensure that all of the locations are properly and consistently monitored:

1. When anyone (members, guests, residents, construction workers, maintenance, cleaning crews, etc.) enters the facility during operational hours, they must check in with the front desk.
 - a. Members must be checked into facility using the membership software
 - b. Upon entering our facilities, any visitor 18 and older, will be required to present a valid government issued ID, which will be scanned into the system. This information is compared to the national database of registered sexual offenders. Once cleared, the individual may enter the facility.
 - c. All contractors must show a work-ID which will be copied and kept on file. If no work-ID is available, facility access will be denied.
2. When possible, create a single point of entry and exit in the facility
3. If there is more than one entrance or exit, ensure these other points of access are consistently monitored.
4. All guests are required to be screened by the RAPTOR System. Photo-IDs will be photocopied and kept on file. All guests must sign the liability waiver. Guests will also be registered in the membership software and have their picture taken and saved to their guest account. Next-day phone calls to thank new guests for visiting will be made as a way to check against false identification. If the phone number is not valid, the guest will be denied future facility access.' (YMCA)

- ☐ Be sure to have all policies and procedures in writing so that all staff understand and comply with protocols

Additional Resources

YMCA.....	www.ymca.net
Boy Scouts of America.....	www.scouting.org
Boys & Girls Club of America.....	www.bgca.org
Big Brothers Big Sisters of America.....	www.bbbs.org
Amateur Athletic Union.....	www.aausports.org
Centers for Disease Control and Prevention.....	www.cdc.gov
Stop it Now.....	www.stopitnow.org
Darkness to Light.....	www.darkness2light.org
Child Welfare Information Gateway.....	www.childwelfare.gov
Department of Health and Human Services.....	www.hhs.gov
Children's Bureau.....	www.acf.hhs.gov/programs/cb
Crimes Against Children Research Center (UNH).....	www.unh.edu/ccrc
Safe 4 Athletes.....	www.safe4athletes.org
The National Center for Victims of Crime.....	www.victimsofcrime.org
The National Crime Prevention Council.....	www.ncpc.org
U.S. Department of the Army.....	www.army.org
RAPTOR Technologies.....	www.raptortech.com

Notes

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