

PENNSYLVANIA'S CHILDREN: IN DIRE STRAITS?

RECAP OF 1998

This is just one story that has surfaced. But, how many more lay dormant beneath a stack of files, bureaucratic red tape, or just pure incompetence? In May of 1998, when Jerry Sandusky was still coaching at Penn State, a mother of a young boy (now known as Victim #6) reported Sandusky to the University Park Police for alleged sexual abuse against her son in the PSU football facility on campus. The local authorities, including the UP police, the State College police, Child & Youth Services (CYS), Department of Public Welfare (DPW) and the District Attorney (DA), all investigated the matter and the end result was that the alleged abuse was 'Unfounded' and no charges were filed against Sandusky. Despite a report by psychologist Dr. Alycia Chambers, that claimed Sandusky's behavior followed a 'likely pedophile's pattern', law enforcement found no wrong doing.

Fast forward to the present. Jerry Sandusky is now behind bars for the rest of his life after being convicted on 45 of 48 counts of child sexual abuse in June 2012. And let's not forget, less than three weeks after his conviction, Louis Freeh's bogus investigation used the 1998 incident as 'proof' that Penn State officials somehow were to blame for 'covering up' Sandusky's crimes since 1998. First of all, there was NO CRIME in 1998 per law enforcement. And secondly, how were a football coach, athletic director, VP of Finance, and president covering up (non-existent criminal) activity that was being investigated by FIVE different state and local agencies (police, child welfare, & district attorney)?

CYS & DPW

I have consistently held the belief that CYS and DPW have flown under the radar since 2009 when the Sandusky investigation began and have not been thoroughly investigated nor held accountable for their actions (or inactions) in the 1998 probe. But, are the problems at CYS & DPW limited to Centre County or do problems for these child welfare agencies exist across the entire state of Pennsylvania?

During my recent research, I came across some remarkable statistical information from 'The Protect our Children Committee' (www.protectpachildren.org). The article I refer to below can be accessed here: <http://www.protectpachildren.org/files/childabuseFAQ1252012.pdf>.

What you will read is absolutely amazing and heartbreaking. The statistics show that the children of Pennsylvania are at a much greater risk of not being protected by those entrusted to their care and well-being than other children across the nation. In fact, the statistics appear to show why CYS & DPW dropped the ball in 1998 and continued to do so at least up until 2010. They simply aren't investigating enough reports of abuse and aren't investigating adequately.

BRIEF OVERVIEW

ChildLine is a unit of DPW and is responsible for overseeing PA's toll-free child abuse hotline (1-800-932-0313). ChildLine reviews the reports that come in and determines if an *Investigation* occurs. The reports that are deemed 'probe-worthy' are referred to the respective county Children and Youth (C&Y) agency. According to the document, ChildLine also maintains the "Statewide Central Registry that serves as the clearing house for information on all substantiated reports of child abuse."

In essence, a suspected child abuse report is called into ChildLine. ChildLine determines if an investigation occurs and refers the report to the local county C&Y agency. Not every report or call into ChildLine will lead to an investigation. At the end of the investigation, the C&Y agency will determine if the report is: 1) Unfounded – the county agency lacked evidence to determine child abuse; 2) Indicated – the county agency or DPW determined abuse occurred based on medical evidence, the investigation evidence, or admission by the perpetrator; or 3) Founded – there is judicial adjudication that the child was abused. If the result is Indicated or Founded, then the report of alleged child abuse is determined to be *Substantiated*.

ACT 127

It is interesting to note that ACT 127 of 1998 amended Child Protective Services Law's "Findings and Purpose" to "encourage more complete reporting of suspected child abuse...and to involve law enforcement." In other words, ACT 127 required the county C&Y agencies to team up with the district attorneys to develop "standards and protocols for joint investigations." This was designed so that the information learned as a result of interviews could be shared, thus avoiding "duplication of fact-finding and to minimize the trauma to the child." It would be interesting to know if the 1998 investigation of Sandusky fell under ACT 127 and if this new strategy between CYS and the DA was not yet perfected and somehow allowed Sandusky to slip through the cracks.

GENERAL PROTECTIVE SERVICES

The state's dual response approach allows a child/family to be accepted for General Protective Services (GPS). According to the article, GPS cases "represent the majority of those coming to the attention of a county children and youth agency" (like CYS of Centre County.) It was noted that across the Commonwealth, GPS cases can "frequently involve significant risk to the safety and well-being of the children involved." With GPS cases, the county agency "**does not conduct a child abuse investigation.**" Instead, an assessment is taken where the county C&Y agency seeks "to determine if the child or children are safe and whether or not the family is in need of services. If the safety of the child has not been assured at the time of referral, the county agency is expected to see the child immediately; otherwise the agency **prioritizes the response time based on the risk of the children.**" A key fact from the article acknowledges that response times vary from county to county and this variation is a safety concern for the children.

Is this what happened in the 2001 incident involving Sandusky with a boy in the football shower? Penn State official Gary Schultz, who is awaiting trial for his alleged endangerment to the child in 2001, recalled that a county agency was notified of the incident. In addition, then PSU general counsel, Wendell Courtney, also testified that he believed a county agency was made of aware of the 2001 incident. There is no file on record referencing the 2001 incident with the county; however, it is county policy to destroy all identifying information in 'unfounded' cases within 1 year and 120 days from the date of determination. Therefore, it is very possible that PSU officials actually alerted the county agency of the 2001 incident and the county never even investigated Sandusky or determined the case to be unfounded in which all records would have been destroyed.

STATISTICS DON'T LIE

According to the article, ChildLine answered approximately 121,860 calls in 2010. However, ChildLine missed answering **11,792** calls that year; almost 9% of all calls went unanswered.

Table 1 shows the 'Rate of Child Abuse Reports Triggering Investigation.' The National Average of child abuse reports triggering an investigation in 2010 was 40 per 1,000 children. However, Pennsylvania only had a rate of 8 reports per 1,000 children triggering an investigation. That means PA had **80% less** investigations compared to the average per

state. In fact, the table shows that PA consistently had the lowest investigation rate from 2005-2010 with an average of **72% less** investigations overall.

Table 2 shows the 'Substantiated Child Abuse Rate per 1,000 Children.' The National Average of substantiated reports in 2010 was 9.2 per 1,000 children. However, Pennsylvania only had a rate of 1.3 substantiated reports per 1,000 children. That was **85% less** than the National Average. The table shows that over the decade, the National Average was 10.8 substantiated reports per 1,000 children per year while PA was consistently averaging **86% lower** at only 1.48 substantiated reports per 1,000 children per year.

To some this may look like a glowing report for Pennsylvania. Some may believe these charts show that PA has by far the fewest child abuse cases in the nation. In reality, these charts may actually be telling a horror story in that 9% of all child abuse calls go unanswered, a significant number of child abuse reports are not being investigated, and the results of the investigations that do occur rule in favor of the suspected abuser a majority of the time. The numbers for triggered investigations and substantiated investigations in PA are not just a few percentage points off the National Average. They are OFF THE CHARTS. The National Average for child abuse reports triggering an investigation is **5 times higher** than PA's rate and the National Average of substantiated child abuse reports is **7 times higher** than PA's rate. These statistics should be a red flag to lawmakers and to the public welfare agencies; those men and women hired to protect the children are not doing a thorough job.

Even more astounding is Table 3. This table shows the percentage of each type of abuse that occurred from all the substantiated reports over the respective year. The abuse is divided into three types: neglect, physical, and sexual.

The National Average of substantiated reports falling into the 'sexual abuse' category in 2010 was 9.2% of all substantiated reports. However, PA showed an alarming 65.5% of substantiated reports falling into the 'sexual abuse' category. **This was 7 times the National Average!** If you review Table 3 which shows statistics for 7 years over the decade, you will see PA consistently had 7 times the National Average of sexual abuse of all substantiated reports.

So, not only do Tables 1 and 2 show that ChildLine of PA triggers significantly less abuse investigations compared to other states and determines significantly less substantiated reports, but of those far fewer substantiated reports, PA finds that 65% are sexual abuse.

SANDUSKY REPORT NOT SUBSTANTIATED

When you review the 1998 investigation regarding Jerry Sandusky and you take these statistics into consideration, there is little doubt how the 1998 probe of Sandusky resulted as 'Unfounded.' It would appear that the men and women working in the PA child welfare agencies are not properly trained to determine when a report should be investigated nor adequately equipped to substantiate the report if an investigation is triggered. And, it is very clear that Sandusky's escape from arrest in 1998 lay at the hands of CYS and DPW and NOT at the hands of Penn State officials.

Again I ask: How many other child abusers are falling through the cracks, or should I say 'gaping holes', in Pennsylvania?

PA CHILD WELFARE FUNDING

Is this due to lack of funding for proper training? The article states on page 5 that state and county funding in 2010 for child welfare services exceeded \$1.5 billion and that child welfare funding is among PA's top ten state expenditures. Apparently, there is sufficient funding to provide adequate training for those serving in the child welfare agencies. So why did an investigation of a man who exhibited 'a likely pedophile's pattern' go unfounded 13 years earlier only to culminate in a conviction of 45 out of 48 counts of child abuse in 2012?

The billions of dollars that are poured into the PA child welfare services each year need to be accounted for to ensure that the money is being properly funneled to the state and county agencies and used for extensive training to ensure PA's children are getting a fighting chance.

FOR THE KIDS

Finally, the article states, "Decisions made within the child welfare system profoundly impact the safety, liberty and custody of the state's children and families." This couldn't be more true. According to the article, at least 377 children in Pennsylvania died from child abuse between 2002-2010. That is 377 children too many.

Wake up Pennsylvania. Your children need you.

Eileen Morgan

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