

LESSONS FROM THE DITCH – PART 1

What to DO and NOT DO in response to a sexual abuse allegation

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As sexual abuse lawyers, we are frequently contacted by organizations with challenges related to child sexual abuse. Some organizations are on the edge of a 'ditch' ... some are deep in the ditch and digging deeper. There is much to be learned from the mistakes of others; hence: 'Lessons from the Ditch'. The goal of this writing is to allow organizational leaders to better understand how to navigate issues related to sexual abuse from the ditch experiences of others.

Most organizational leaders do not adequately understand sexual abuse or sexual abusers. Consequently, many organizations are unprepared to prevent sexual abuse or correctly respond to an allegation of sexual abuse.

As sexual abuse lawyers, we work with entities to prevent sexual abuse through the design, implementation and management of an effective safety system (see [MinistrySafe](#) and [Abuse Prevention Systems](#)). Another aspect of our work, by contrast, involves crisis management: working with organizations that are on the cusp or deep within an abuse crisis.

From the crisis management side of our work, we have compiled an internal file of 'Lessons from the Ditch'. What follows is a selection of lessons related to 'wrong responses' to an allegation of sexual abuse.

RESPONSE SHOULD BE VICTIM-CENTRIC

To understand some of the ditches, it is important to understand the concept of a 'victim-centric' response. This relates to the perspective the organization takes in responding to an allegation. The perspective, in turn, shapes the organization's priority.

In any response to an allegation, adopting a 'victim-centric' response is fundamental. The perspective an organization adopts in handling an allegation will shape the organization's actions and priorities, and *may* determine whether subsequent civil litigation ensues. In our experience, the majority of litigants bring suit based upon *how they were treated POST-allegation; AFTER the allegation became known to leadership*. Abuse survivors who are treated with dignity and care are *far* less likely to consider subsequent litigation against the organization. While safety of children in the program should be leadership's primary concern, the risk of subsequent litigation is real and compelling.

False Allegations are Rare

False allegations are rare; studies from academic and law enforcement contexts indicate that 92 to 98% of outcries are real and factual. Because false allegations are rare, you must assume the allegation you have received is likely factual, and multiple victims *may* exist. This is particularly likely if the alleged victim is *male*.

Victim-Centric Response

At the time of an allegation or outcry, the organization's priority (and therefore what it says and does) should be 'victim-centric'. The priority should be protecting and caring for the alleged victim, and determining if other victims exist in your program. Make no mistake: at the time of an allegation, there are very few 'neutral' statements or positions. The organizational response will be either victim-centric or *other-centric*: actions and statements that clearly demonstrate a priority for something or someone other than the victim.

Organization-Centric Response

Too often, an organization adopts an *organization-centric* response: communicating and acting in a defensive manner meant to serve the best interests of the organization. This defensive posture appears self-serving, self-protective, self-justifying, blame shifting and self-righteous. The 'message' of the defensive posture is that the alleged abuse is unfortunate and inconvenient to the otherwise good work or service provided by the organization. The expressed (or unexpressed) concern is that ongoing business continues without disruption, including building campaigns and donation drives. The welfare of the alleged victim is secondary; the *service* has become more important than the *served*.

Abuser-Centric Response

A truly harmful organizational response is abuser-centric: communicating and acting in a manner meant to protect the alleged abuser. Typically, this includes public statements focusing on the risk to the alleged abuser – his or her marriage, career, reputation or future. This defensive response is common when the alleged abuser is part of upper leadership, or related to an influential member of leadership.

FACTS THAT FRAME ANY RESPONSE

To understand the importance of a victim-centric response, one must first understand the lenses through which an organization's response will be received.

With 60 million sexual abuse survivors living in the United States, nearly 1 in 5 Americans have experienced child sexual abuse *personally*. (US Dept. of Justice)

As a result, a significant majority of Americans

- (1) have been victimized as a child;
- (2) are married to someone who was victimized as a child;
- (3) have a child who was victimized; or
- (4) have a close friend or loved one who was victimized as a child.

For most Americans, issues involving child sexual abuse will have a strongly emotional context. Because two out of three sexually abused children will not disclose abuse until adulthood (if ever), it is unrealistic to assume organizational leaders know who has (or has not) suffered abuse in the past. Instead, leaders must assume that constituents (and the public at large) are processing information from the standpoint of an abused child, or an abused child's parent, spouse or close friend.

STATEMENTS/ACTIONS THAT LEAD TO A DITCH

Having provided an overview of response priorities, here are responses that are virtually guaranteed to get an organization into a ditch, or deeper into an existing ditch.

Innocent Until Proven Guilty. Never remind your constituents that the accused is 'innocent until proven guilty'. Though you may be correctly quoting a maxim of our country's judicial system, this statement can have a negative impact in an abuse situation. To an abuse victim, "innocent until proven guilty" is often interpreted as 'you are not telling the truth unless a jury agrees with you' OR 'you were not abused unless you can prove it to a jury'.

Pray for the Accused. Recently, in Oklahoma, a pastor was arrested for a sexual abuse charge related to his employment at two separate churches. The 'statement' released by the church urged the congregation to pray for 'John' (the alleged abuser) and his family. This is an example of an 'abuser-centric' response; don't do it. This is a time to be very sensitive to the *victim* and the *victim's family* ... and all sexual abuse survivors, generally. You are certainly free to pray for the alleged perpetrator, but DO NOT urge the victim's family to do so. Instead, it is appropriate to express victim-centric encouragements: pray for the young victims and their families, pray for others that have been abused or marginalized – especially by someone in leadership. These are statements that focus the attention on the child victim, not the accused adult.

Character Reference. A staff member of a church was recently arrested for sexual abuse of a child within the congregation. The parents of the accused abuser were long-time members. The abuser plead guilty and was scheduled for sentencing. The parents of the accused abuser asked church leadership to provide character reference letters for the accused abuser in order to receive a lighter sentence. The senior pastor, music minister and administrative pastor agreed; each sent a reference letter supporting the accused, requesting leniency and encouraging forgiveness. The child victim and her family (still members of the church) were in the courtroom at the time of sentencing when the letters were read. The family was outraged, felt betrayed, and felt as though their spiritual leaders chose the abuser over the abused. The family subsequently vented to media representatives present in the courtroom. The headline the next day read: Church Leaders Help Abuser Avoid Punishment. The family left the church, sought legal counsel, and filed a

lawsuit. A victimized child is problem enough; a child re-victimized by an abuser-centric response is inexcusable.

SUMMARY

Ditches are avoidable. To avoid the ditch, organizational leaders must better understand sexual abuse issues and how the correct response can be healing or harmful.

About Gregory Love and Kimberlee Norris:

Love & Norris, Attorneys at Law

Gregory Love and Kimberlee Norris have a nationwide sexual abuse litigation practice representing victims of sexual abuse. In addition, they represent ministry and secular organizations such as churches, non-profits, private schools, camps and para-church ministries in crisis management and the design and implementation of child safety systems.

MinistrySafe/Abuse Prevention Systems

In addition to an active law practice, Love and Norris are co-founders and Directors of MinistrySafe and Abuse Prevention Systems, entities dedicated to sexual abuse awareness and prevention. MinistrySafe and Abuse Prevention Systems (APS) provide Sexual Abuse Awareness Training (live and online) and assist ministries and child-serving organizations in the design and implementation of safety systems that reduce the risk of child abuse. In an average month, eight to nine thousand ministry personnel are trained online through the MinistrySafe/APS system.

Love and Norris are frequent speakers, addressing national and regional audiences for organizations such as the National Association of Church Business Administration (NACBA), National Council for Adoption (NCFA), Christian Camp and Conference Association (CCCA), American Camp Association (ACA), Presbyterian General Assembly (PCA), Youth Ministry Institute (YMI), the Church of the Nazarene (International), Philadelphia Insurance and Young Life.

Representative consultation clients include the United States Olympic Committee, Awana International, Church of the Nazarene- Global Ministries, Sovereign Grace Ministries and Philadelphia Insurance Companies. Both serve as guest lecturers at Dallas Baptist University, Southwestern Baptist Theological Seminary and Dallas Theological Seminary, and are actively involved in High School Ministry at Christ Chapel Bible Church in Fort Worth, Texas.