

Chairman Chuck Grassley
U.S. Senate Committee on the Judiciary
Questions for the Record
Mr. Eric Olsen
Hearing: “Protecting Young Athletes from Sexual Abuse”

1. What do we know about the link, if any, between the use of child pornography and child sexual abuse?

While some researches have studied the “link” between the use (viewing) of child pornography and the sexual abuse of children by those “users,” such research misses the central truth. That central truth is known to anyone in a position to actually view these images, whether it is the pedophile who gets gratification from them or the law enforcement officer, prosecutor, judge or jury that is required to do so in the battle against it. The central truth is that every single image of child pornography is a permanent record of the sexual abuse of a child. One needs to look no further than the image or the video itself to know about the capacity of adults to abuse and exploit children.

It is so disturbing a truth that we cannot even talk about it in descriptive terms. The phrase “child pornography” is one that law abiding adults can actually use when discussing the unspeakable. How else can we have a conversation about child rape, child sodomy, and about the way that adults not only abuse these boys and girls, but the way they record the event through digital photography, and the way that some of them even force the children to smile for the camera? If I, as a child abuse prosecutor, were to actually describe what I have seen in the tens of thousands of images that I have been forced to look at over my career it would be intolerable for most law abiding adults. It’s so bad that I cannot even describe it without most people being aghast in horror.

That is why the question about the link between the viewing of child pornography and the actual abuse of children misses the central truth. *Each* image is the sexual abuse of a child. *Each* video captures an adult committing a heinous act upon the helpless. *Each* photo is a permanent record of an innocent child whose life has been altered in ways that we as adults cannot even fathom.

And because this is a permanent record of the worst thing that could ever happen to a child, *every single time* that image is viewed by some adult for gratification, *the victim of that act depicted therein is exploited all over again*. This is the central

truth about child pornography. There is no distinction whatsoever between child pornography and child sexual abuse. They are one in the same.

2. Tell us more about any special challenges you face in prosecuting child sexual abuse cases today, as compared to when you began prosecuting cases over two decades ago.

The advent of digital photography and the internet has created a market for child pornography. That market is fed by individuals who seek images of child sexual abuse for their own gratification and that market has led to the ubiquitous distribution and “sharing” of images. In many cases when pedophiles share their cache of images and videos they do so on the condition of a *quid pro quo* – you show me yours, and I will show you mine. This voracious market requires the continued production of more and more images and videos to feed it. In other words, more and more sexual abuse of children.

3. In your experience prosecuting cases of child sexual abuse, what are some of the key warning signs that parents and those who operate youth-serving organizations might miss?

Any discussion about the discovery of sexual abuse by adults involved in a national sporting body must include an understanding of the fact that children do not think like adults, do not act like adults and do not *react* like adults. In most cases when someone assaults an adult that adult immediately knows that the person that assaulted them did something “wrong.” This is not the case with children – particularly when the person doing the assaulting is trusted, loved, or depended on. In fact, in my experience when a “bad” thing happens to a child, the child’s first reaction is that *they* did something bad. Considering the fact that most kids are taught that they are to do exactly what adults tell them to do, one can begin to see why child sexual abuse often occurs many times before it is revealed or reported – if ever.

The key to disclosure begins long before a child is dropped off to the camp, club or sports facility to pursue their sports dreams. It begins with the parents, and must be reinforced by the sports agencies. If we are to encourage children to make a report of something after it occurs, they must be prepared to do so *before* it occurs so that any incident that causes a child to be uncomfortable or uneasy is easily reported or revealed. In today’s environment parents must take the lead to consider and discuss with their young athletes the possibility that the child could be exposed to this dark side of human behavior.

4. In what respects, if any, might S. 534, the “Protecting Young Victims from Sexual Abuse Act of 2017,” be amended to better accomplish its sponsors’ objectives?

With respect to mandatory reporting, it is important that whenever a report is made by a federally mandated reporter that local law enforcement and local child protective services be notified at the same time as any federal law enforcement agency. It is a technical point, but the language under 42 U.S. 13031(a) could be interpreted to require reporting ONLY to the one agency designated by the Attorney General under subsection (d). The better language would be as follows:

(1) Covered Professionals. - A person who, while engaged in a professional capacity or activity described in subsection (b) on Federal land or in a federally operated (or contracted) facility, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, shall as soon as possible make a report of the suspected abuse ~~to the agency designated under subsection (d) and to the agency or agencies provided for in subsection (e), if applicable.~~ **as provided by subsections (d) and (e)**

(2) Individuals at covered facilities.—A covered individual who, while engaged in any activity sanctioned by a covered facility, learns of facts that give reason to suspect that a child has suffered an incident of child abuse, including sexual abuse, shall as soon as possible make a report of the suspected abuse to a local law enforcement agency and a Federal law enforcement agency.”; the agency designated under subsection (d). **as provided by subsections (d) and (e).**

5. Is there anything you wish to add to, or correct for, the record? If so, please take this opportunity to provide any additional remarks or commentary.

On behalf of The National District Attorney’s Association, and particularly on behalf of the child welfare workers, law enforcement officers and prosecutors on the front lines in the fight against child sexual abuse and exploitation, I thank Chairman Grassley, Ranking Member Feinstein and the Committee for shining a light on one of the darkest corners of human behavior. That attention, along with more hard work, will help us achieve our common goal – the protection of children.

Questions for the Record from Senator Dianne Feinstein for Mr. Eric Olsen, Stafford County Commonwealth's Attorney

Senate Committee on the Judiciary

1. It was recently reported that USA Gymnastics delayed, for five weeks, reporting to law enforcement child sexual abuse allegations against Larry Nassar, a longtime doctor and trainer for USA Gymnastics, who is now facing local and federal charges for sexually abusing and exploiting children.

- *Can you please provide examples where early detection of sexual abuse allowed law enforcement to intervene in cases that could have led to the abuse of more children?*

One needs to look no further than the facts of the Nasser investigation to see that any delay in the reporting of child sexual abuse results in the further abuse and exploitation of children. Regardless of whether that delay was five weeks or much longer, *any* delay in this case likely resulted in the exploitation and abuse of children.

It is noteworthy that when the sexual abuse of athletes came to light, the investigation into Dr. Nasser revealed *thousands* of images child pornography in his possession. This means that for those five weeks (or longer) Dr. Nasser had access to his home, his computer, his tablet and his phone where he was able to download and/or view an astonishing amount of child pornography. Each image that he viewed shows an act of sexual abuse of a child. Each video captures an adult committing a heinous act upon the helpless. Each photo is a permanent record of an innocent child whose life has been altered in ways that we as adults cannot even fathom. And every single time he downloaded and viewed one of these images or videos, that innocent child was exploited and abused all over again. That exploitation alone demonstrates the consequences of a delayed report and because of Dr. Nasser's access to his vast cache of child pornography, anytime he logged onto his computer during that 5 week (or longer) delay it is likely that he engaged in this type of exploitation – over and over again. This, of course, does not even account for the fact that men like this feed the market for the sexual abuse of children. As they demand more, more children are abused and photographed, the images of which are then shared and downloaded over the internet.

2. According to USA Gymnastics' policy that was in place while gymnasts such as Ms. Moceanu, Ms. Dantzcher, and Ms. Howard were competing, the only

way for a gymnast to “effectively” make a complaint about a coach was through a signed, written complaint.

Our bill requires National Governing Bodies to come up with alternative reporting mechanisms, approved by a trained child abuse expert. This is meant to also supplement a provision in the bill that mandates reporting instances of child sex abuse as soon as possible to law enforcement.

- *Can you tell us, from your experience as a prosecutor who has worked with child victims, what are the best ways to create a safe environment for children or their caretakers to help them come forward without fear and describe abuse committed against them?*
- *When there are ill-advised policies that make it more difficult for victims to come forward – such as requiring a signed complaint – how does this make your job as a prosecutor harder?*

1) I do not have any specific knowledge about the allegations surrounding Dr. Nasser other than what I have read in the press out of Indiana. What I have read is disturbing, and based on the testimony of the athletes who testified at the Committee hearing it is inconceivable that adults involved in USA Gymnastics did not have a “suspicion” that would have required a report to authorities had they been mandatory reporters. A suspicion is not a written complaint and it is not a formal notification. It is merely that - a suspicion - and this broad language is the way that legislative bodies, entities and adults place the value of protecting children above any other consideration. A written policy which requires a “formal complaint” “in writing” made by “specified individuals” is contrary to that value. It is designed to absolve adults and entities from even considering whether they suspect abuse. That is the very opposite of protecting children.

2) Any discussion about creating a safe environment for children in a national sporting body must include an understanding of the fact that children do not think like adults, do not act like adults and do not *react* like adults. In most cases when someone assaults an adult that adult immediately knows that the person that assaulted them did something “wrong.” This is simply not the case with children – particularly when the person doing the assaulting is trusted, loved, or depended on. When, and if, a child realizes that something “bad” has happened to them, that child’s first reaction is to believe that *they* did something bad. Considering the fact that most kids are taught that they are to do exactly what adults tell them to do, one can begin to see why child sexual abuse often occurs many times before it is revealed or reported – if ever.

The key to protecting young athletes begins long before a child is dropped off to the camp, club or sports facility to pursue their sports dreams. It begins with the parents, and must be reinforced by the sports agencies. If we are to encourage children to make a report of something after it occurs, they must be prepared to do so *before* it occurs so that any incident that causes a child to be uncomfortable or uneasy is more easily reported or revealed. In today's environment parents must take the lead to consider and discuss with their children the possibility that the child could be exposed to this dark side of human behavior.