

Criminal Sexual Abuse Prosecutions

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Area Prosecutions

Professional Considerations

- **Board of Medicine:**
 - 653 IAC 13.7(4). Sexual Conduct
 - 653 IAC 13.7(6). Sexual harassment
- **Dental Board:**
 - 650 IAC 30.4(7). Sexual Contact
- **Chiropractic Board:**
 - 645 IAC 45.2(28). Unethical conduct.
- **Social Work Board:**
 - 645 IAC 282.2(9). Sexual relationships.

Legal Considerations

- **Sexual Abuse 709.1**
- **Indecent Exposure 709.9**
- **Assault with Intent to Commit Sexual Abuse 709.11**
- **Sexual Exploitation by a Counselor, Therapist, or School Employee 709.15**

Why is your target different?

- The helping professional starts from a position of great power over the client/patient and is expected to respect and maintain professional boundaries.
- The professional has a responsibility to protect the interests of the client/patient and not to serve his/her own needs.
- The client/patient has put his/her trust in that professional and the betrayal of that trust can have devastating consequences.

***But he doesn't
look or act like a
sex offender?***

75% of sexual
assault are by
someone the
victim knows

80% of sexual
assaults occur in
the home

49% occur in
broad daylight



Pro-social/High levels of Psychopathy

- PCL-R
- Glibness/superficial charm
- Pathological Lying
- Highly intelligent
- These are the people who can and do make it in the health professions
- Lots of support from “community” – very Prosocial



Pick the Sex Offender



MD Now the doctors



He wouldn't do it with a witness or someone right outside the door?

- Very arrogant = psychopathy
- Sense of Entitlement
- For the thrill of getting caught
- Empowerment of it
 - MYTH: Men always get sexual gratification from raping.
 - FACT: Men committing sexual assaults may not get erections or ejaculate.
- Many sex offenders are “hypersexual” and lack volitional control

*But she didn't say no/run out screaming/
hit him/or fight?*

- Questioning themselves
- Trust
- Shocked
- Unsure of validity of their own feelings
- Did that really happen?
- Studies of what takes place in a medical office is to be trusted.
- Very embarrassing for victims of sexual abuse of any kind



Legal Burden - Sexual Abuse

- What is force or against the will?
- *State v. Meyers*
- Includes circumstances in which pervasive psychological coercion vitiates the consent of the victim
- Law recognizes that age and authority and circumstances alters a victim ability to consent

But she didn't report it right away

- Very few report immediately even if its not in a medical setting – An estimated 70 percent of sexual assaults are not reported.
- Very reluctant to report due to anticipated and real pain associated with pursuing a case and not being believed because he is a respected member of the community.
- Only 4-8% of victims of sexual exploitation by a doctor report it. (Gartrell Study, 1987 per TAASA)
- Intense feelings of guilt

But this woman has a lot of baggage.

- In addition to the vulnerability the setting creates, sex offenders have an uncanny ability to pick their victims.
- Many victims have been previously victimized
- Otherwise vulnerable
- Low self-esteem
- Passive
- Will defer to authority



She has mental health problems/has been a victim before

- Cashen
- Very common reactions to sexual abuse:
- Hyper sexuality
- Anxiety disorders
- Depression
- Suicide
- Women sexually abused as children are three times as likely to be raped as adults.
- Women who were raped before are seven times more likely to be raped again.

She's changed her story.

- Very few sexual assault victims report the incident immediately, and details usually do get changed in the repeated telling
- Nothing unusual from any other type of case.

*...but she has had sex with the
whole town*

- Rape Shield law – Iowa Rule of Evidence 4.12
- Law recognizes this does not matter and should not matter

She's lying to get money/attention

- Myth: Women cry rape because they had sex and changed their minds, want to get back at a man or want attention.
- **Fact:** Rape is not a regret, according to the FBI, less than 2% of rapes are falsely reported.

She's lying to get money/attention

KNOW THIS:
Litigation is not fun!

She's lying to get money/attention

- Victim will be subjected to: deposition, exam, meetings, intrusion into personal life, time off work, time away from family, expenses
- Attention from rape is not the kind of attention most people are looking for
- Victims are often met with disbelief and blame
- Defense can and does raise scenarios not based in fact.

Jason Ebelsheiser

- Chiropractor

This has it all

- Women of all ages –
- None screamed as it happened / none said anything to receptionist as they left
- All delayed reporting at least a few days
- Feelings of what happened?
 - One called another Chiropractor to see if this was really “treatment”
 - One 17 year old told her family- they called Ebelsheiser first, not police
 - One thought I don’t want to say anything and embarrass *him*

It's not like I was raped.....

- In a doctor office
- Lights on
- During a treatment
- All in pain
- Had the victim's unbutton their pants
- Had them reschedule their next appointments
- Over half went back at least once

- Many that reported but would not be part of the legal case
 - Felt they could not go through that
- Women attacked as “money hungry”, “conspiracy to get him”, “looking for attention”
- Many with baggage
 - Prior abuse
 - Infertility
 - Mental Health problems

He's Pro-Social

- Did this with other patients in the waiting room
- Tampered with records to hide crime
- Used medical file to get phone number of one girl and try to “hook up”
- At trial these are “bold faced liars”
- At plea- I did it and regret it

- Lots of Community support
 - Sat through the entire trial
 - He could NEVER do anything like this
 - Even after plea of guilty
 - Penalty too harsh
- Soup supper to raise money for defense

In Prison but still has his license

Dr. X (pending case)

- Previously had license suspended for sexual relationship with client
- In 2008 starts treating client for depression and other ailments
- Puts her on and takes her off over 50 medications within 12 months
- Becomes sexually active with patient
- Dr. X married at the time
- Writes e-mails this could get in trouble
- Offers her money not to turn him in

Legal Considerations

- What if criminal charges are lost or not filed?
 - Do not stop!
 - Important to build a case
 - SVP Issues
 - Plea negotiation issues

Moral of the Story

- These are not the people we want in these professional roles
- Believe victims until otherwise proven
- Not the other way around