



Intra-Familial and Extra-Familial Child Sexual Abuse: Differences in Swedish Court Cases

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Child sexual abuse (CSA) has been shown to differ depending on the relationship between child complainant and defendant, yet no found studies have compared intra-familial and extra-familial CSA in Sweden. The present thesis aimed to study quantitative differences between alleged intra-familial and extra-familial cases of CSA. Cases from Swedish District Courts ($n = 174$) of sexual abuse against children up to 7 years old were analyzed. In line with previous research, several differences in characteristics between alleged intra- and extra-familial cases were found. A significant difference in juridical decision to convict or acquit was also shown, with more intra-familial cases resulting in acquittal and more extra-familial cases resulting in conviction. Extra-familial relationship was also a significant predictor to conviction. Future studies may want to further examine whether an explanation for the difference in juridical decision could be found in differences in evidence provided.

Fall rörande sexuella övergrepp på barn har visats vara olika beroende vilket förhållande det målsägande barnet och den anklagade har. Trots det har inga svenska studier hittats som jämför rättsfall som berör sexuella övergrepp på barn med avseende på skillnader mellan fall som skett inom och utom familjen. Syftet med denna examensuppsats var att undersöka kvantitativa skillnader mellan påstådda rättsfall av sexuella övergrepp som skett inom och utom familjen. Rättsfall som berörde sexuella övergrepp på barn upp till 7 år från svenska tingsrätter ($n = 174$) analyserades. I linje med tidigare forskning påvisades flertalet skillnader mellan fall som skett inom och utanför familjen. Det påvisades även en signifikant skillnad i domstolens beslut att fria eller fälla, med fler friade fall som skett inom familj och fler fällda fall där det påstådda brottet skett utanför familj. En utom-familjär relation mellan målsägande och anklagade var dessutom en signifikant prediktor för en fällande dom. Förslag på framtida forskning kan vara att vidare undersöka huruvida skillnaden i beslutet att fria eller fälla kan förklaras av skillnader i tillgången på bevis.

In most cultures, child sexual abuse (CSA) is a criminal act. In Sweden, CSA is considered an offense to be prosecuted in the judicial system (SFS.1962:700). However, up until 1937, the crime was seen as primarily one against the church and the child was regarded as an accomplice to the offender (Ohlander, 1986). It

was not until the 1980s that knowledge of sexually abused children became more acknowledged and debated, with increased number of police reports of suspected cases as a result (BRÅ, 2003).

Child Sexual Abuse

One commonly used definition of CSA was given by Schechter and Roberge (1976):

“The sexual exploitation of children refers to the involvement of dependent, developmentally immature children and adolescents in sexual activities that they do not fully comprehend, are unable to give informed consent to, and that violate the social taboos of family roles” (pp. 127-142).

CSA includes a wide spectrum of scenarios that range from penetrative rape to less physically intrusive activities, such as Internet predation (Mitchell, Finkelhor, & Wolak, 2001). Meta-analyses based on self-reported data of CSA have shown a worldwide prevalence in the range of 5-17% for boys and 15-25% for girls (Barth, Bermetz, Heim, Trelle, & Tonia, 2013; Pereda, Guilera, Forns, & Gómez-Benito, 2009; Stoltenborgh, van IJzendoorn, Euser, & Bakermans-Kranenburg, 2011). The incidence of CSA in Sweden is estimated to be 3% for boys and 7% for girls (Edgardh, Nilsson, & Lewin, 1999). If the definition is expanded to include harassment, molestation and indecent exposure, the numbers increase to 10% for boys and 29% for girls (Landberg et al., 2015). In Sweden, 10,516 notifications of sexual abuse of children aged 0-15 years were received in 2015 (BRÅ, 2016).

The acts of sexual abuse have been linked to a variety of trauma responses. Meta-analyses concluded that approximately two thirds of all children exhibit symptoms after being abused (Kendall-Tackett, Williams, & Finkelhor, 1993) and that victims of CSA are at risk of a wide range of psychological, behavioral, medical, and sexual disorders (Maniglio, 2009). Depression, anxiety disorders, eating disorders, psychotic symptomatology, somatization, personality disorders (especially borderline personality disorder), substance abuse, engagement in high-risk sexual behaviors, and interpersonal problems were some reactions to CSA in Maniglio’s meta-study. Apart from a better understanding of the short- and long-term effects, research on CSA can also provide knowledge about the court proceedings regarding these cases.

Children in Court

Handling CSA is a complicated process within the legal system. The reason why is often the special dynamics surrounding the crime; the abuse is often committed in private and there are rarely any eyewitnesses. Instead, the child’s testimony usually provides most of the information about the alleged crime (Walsh, Jones, Cross & Lippert, 2010). Due to the severe nature of these cases, the standard in Sweden is that the prosecutor, who leads the investigation and decides whether to prosecute or not, must be especially trained on CSA cases (Åklagarmyndigheten, 2012).

The fact that children's testimony usually provides most of the information about the crime is an obstacle in these cases, since the demand for a high level of reliability in the legal process is shaped after the adult way of communicating. Thus, even though children have the right to be heard in all matters that affect them (Åklagarmyndigheten, 2012), investigations can be discontinued if the child's testimony is viewed as not sufficiently detailed (e.g., the complainant cannot place the event in time and space), inadequate, or unreliable (Back, 2012). Hence, the complexity of CSA cases lies both in the private nature of the offence, which restricts the availability for evidence, and in the fact that adults often have difficulties in understanding children's way of communicating their experiences (Back, 2012).

Psycho-legal research has however proven children as young as 3 or 4 years old to be trustworthy witnesses (for a review, see Goodman & Melinder, 2007). Children can remember and retell detailed memories, and thus act as witnesses, although their memory differs somewhat from that of adults'. However, even though children have the ability to talk about the abuse, there is no guarantee they will do so. In fact, it has been shown that children usually do not speak about the abuse spontaneously (Christianson, Azad, Leander, & Selenius, 2013; Leander, Granhag & Christianson, 2005; Leander, Christianson, & Granhag, 2007). Moreover, the interview with the child complainant, which usually is held on only one occasion, is videotaped. This videotaped interrogation is later used in trial if the child is 15 years old or younger (Back, 2012). This means that the court has no opportunity to ask the child questions themselves, which may obstruct the possibility to prove the abuse to have happened beyond a reasonable doubt.

The Decisions of Legal Practitioners in Court

Another obstacle to the court process of CSA cases is the risk of cognitive biases affecting the decision-making of the legal practitioners (e.g., judges, prosecutors, police officers) involved. The juridical system is based on the assumption that judges are able to make rational decisions based on information presented in court (Goodman & Melinder, 2007). However, psychological research has shown that juridical professionals are just as likely as anyone to be affected by cognitive biases, such as personal belief systems and memory errors (Goodman & Melinder, 2007), confirmation bias (Nickerson, 1998), and practitioners' background knowledge (Ask, Rebelius, & Granhag, 2008). This can result in incorrect interpretation, which can have negative effect on the legal professionals' decision-making and pose a serious threat to children's legal rights and protection (Goodman & Melinder, 2007). Because of this, Goodman and Melinder argues that the psycho-legal research community has an important role to play in gathering sound scientific evidence to aid the legal process in cases of CSA.

Evidence in Cases of CSA

One way to examine judicial decisions in cases of CSA is to clarify the type of evidence commonly provided, and thus affecting the decision. As mentioned,

the child's testimony usually provides most of the information about the crime (Walsh, Jones, Cross, & Lippert, 2010). Disclosure as evidence has accordingly been found to significantly occur more often in prosecuted cases than in dropped ones (Stroud, Martens, & Baker, 2000; Walsh et al., 2010). Still, a disclosure may not be provided and even if it is, the disclosure may not be convincing enough to prove the alleged abuse to have happened beyond a reasonable doubt. Åklagarmyndigheten (2012) argued that alleged cases of CSA rarely lead to prosecution and the key reason is that supporting evidence to the child's testimony is often lacking. In conclusion, lack of disclosure in combination with lack of other evidence makes it difficult both to prosecute and to convict in cases of CSA.

There are still cases in which other pieces of evidence than the child's testimony are available however, and these pieces of evidence have a profound influence on the decision to convict or acquit. Other, corroborating evidence (i.e., "evidence that can confirm or add to a child's statement"; Walsh et al., 2010, p. 438) can include unusual sexual behavior by the complainant and other behavioral changes (e.g., severe nightmares, signs of anxiety), defendant confession, an additional complaint against the defendant that supports the complainant's testimony, eyewitnesses to the crime, witnesses who can confirm some aspect of the complainant's testimony, medical evidence, and physical or material evidence (Myers, 2005; Walsh et al., 2010).

These pieces of evidence can vary in level of strength. Not surprisingly, a relationship between the strength of evidence and the likelihood that a case will be prosecuted and convicted has been shown. Ernberg and Landström (2016) conducted one such study, in which Swedish law students' judgment on whether a prosecution should be corroborated or not in a fictional case of CSA were examined. The result showed that cases with high probative value of evidence (i.e., "to what extent the evidence is useful as proof for the claim being made" p. 31, such as a forensic medical investigation confirming injuries after abuse) were more likely to result in judgments of possible corroboration. Moreover, Devine et al. (2016) studied evidence strength rated by judges, jurors, and attorneys in a sample of 114 American criminal jury trials. Cases with older victims, an extra-familial offender, and a forensic medical exam were rated as strong evidence. The authors also showed that cases with younger victims were more likely to include behavioral evidence in comparison to cases with older victims. Specific evidence shown to especially increase the likelihood of both prosecution and conviction, apart from victim disclosure, are: if complainants are consistent in their reports (Gray, 1993), if complainants are over 6 years old (Cross, De Vos, & Whitecomb, 1994; Stroud et al., 2000), corroborating witnesses, defendant confession, additional reports against the defendant (i.e., additional victims) (Devine et al., 2016), evidence suggesting more number of incidents, forceful perpetration, longer duration, and more severity of the abuse (Cross et al., 1994; Stolzenberg & Lyon, 2014; Walsh et al., 2010).

Differences Between Intra-Familial and Extra-Familial Cases of CSA

Another obstacle that makes CSA particularly complex and difficult is the fact that there is often a prior relationship between complainant and defendant. Of all cases of CSA, up to one third is perpetrated by family members (Stoltenborgh

et al., 2011). Of these intra-familial cases, the most common types of relative are fathers and stepfathers (Rice & Harris, 2002; Seto, Lalumière, & Kuban, 1999). In a review of prevalence studies of CSA in the Nordic countries, Kloppen, Haugland, Svedin, Mæhle, and Breivik (2016) found inconsistent numbers regarding the prevalence of intra-familial CSA; parents or other family members constituted between 32 and 38% of the perpetrators in three studies but only between 1.5 and 19% in eight studies. Kloppen and colleagues point out that the inconsistent results may be due to inconsistency in the categorization of perpetrators, as some studies included siblings, grandparents, and other relatives in the intra-familial category while other studies only focused on abuse by fathers and stepfathers.

A few international studies have examined differences in characteristics between intra-familial (e.g., parents, siblings, other relatives, and step-parents) and extra-familial (e.g., strangers, teachers, and friends) CSA. To start with, Magalhaes et al. (2009) studied differences between intra-familial and extra-familial cases of CSA in 1,054 Portuguese medico-legal reports and found that intra-familial abuse were characterized by younger complainants and lower visibility (i.e., committed at home). Similarly, Fischer and McDonald (1998) found that intra-familial victims suffered from higher level of intrusion in their sample of 1,037 Canadian intra- and extra-familial cases of CSA. The higher intrusion was thought to be due to the propinquity between complainant and defendant. Because of this greater intrusion, these complainants also suffered from greater emotional and physical injury. Similarly, research on college students with previous experiences of CSA has shown greater negative effects of the abuse when committed by relatives rather than by acquaintances or strangers (Stroebel, et al., 2012; Ullman, 2005). Intra-familial cases have also been shown to be longer in duration and occur more frequently than extra-familial CSA (Fisher & McDonald, 1998; Gomez-Schwartz, Horowitz, & Cardarelli, 1990; Ullman, 2005). This has been attributed to a greater access to the same victim in intra-familial instances (Gomez-Schwartz et al., 1990), and to the lower likelihood of disclosure and police reports if the abuse was intra-familial (Russell, 1983; Stroud et al., 2000). Extra-familial CSA on the other hand, has been found to involve a greater average number of victims per perpetrator (Seto, Babchishin, Pullman, & McPhail, 2015). This could be explained by a greater accessibility of victims in extra-familial cases.

Differences in Views of Intra-Familial and Extra-Familial Cases of CSA

One reason to study differences in intra- and extra-familial cases of CSA is because the relationship between victim and perpetrator has been shown to significantly impact on observers' judgments of both the victims and the perpetrators (Davies & Rogers, 2009). More negative views on are posed on intra-familial perpetrators, in comparison to perpetrators that were unrelated to the victim (Davies, Patel, & Rogers, 2013). Similarly, Reynolds and Birkimer (2002) found that abuse by a stepfather was deemed more serious than abuse by a neighbor, and Bornstein, Kaplan, and Perry (2007) showed that legal professionals deemed the abuse more severe and traumatic for the child if the perpetrator was a parent rather than a babysitter. The negative evaluations regarding cases of intra- vs. extra-familial CSA are thought to be triggered by

society's prohibition toward close relatives showing sexual interest in each other (Giles-Sims & Finkelhor, 1984). More support for this idea was provided by Fischer and McDonald (1998). They found that the Canadian justice system imposed harsher treatment on intra-familial perpetrators, in terms of longer jail sentences for these perpetrators in comparison to extra-familial perpetrators. There are however some contradictive findings to the idea that intra-familial perpetrators are viewed more negatively than extra-familial ones. One such study was conducted by Kelley (1990), who showed that sexually abusive fathers were not deemed to be more responsible than abusive male neighbors, as rated by American nurses, child protection workers, and police officers.

Still, if the relationship between victim and perpetrator has been shown to impact on the judgment of legal professionals', this suggests that the decision to convict or acquit in these cases could be also be affected. When it comes to conviction rates, a Danish study showed that alleged intra-familial cases resulted in conviction in half of all cases whereas the conviction rate in alleged extra-familial cases was 40% (Helweg-Larsen & Larsen, 2005). On the other hand, Stolzenberg and Lyon (2014) found that cases in which the child continued contact with the defendant after the abuse had occur, which is more likely to happen in an intra-familial relationship, were more likely to result in acquittal. Two studies showed no difference between intra- and extra-familial cases in percentages of conviction (Fischer & McDonald, 1998; Levesque, 2000).

Differences in Evidence Provided in Intra-Familial and Extra-Familial Cases of CSA

One possible explanation for the difference in conviction rates, apart from intra-familial CSA being more denounced by both the society and by legal professionals, could be that intra- and extra-familial cases of CSA differ in terms of evidence provided. One such difference is timing of disclosure, which has been found to be later when abused by relatives rather than by acquaintances or strangers (Ullman, 2005). Fischer and McDonald (1998) also pointed out that early disclosure is impeded by the fact that there is less likelihood that witnesses will be present in intra-familial abuse. Witnesses were present for only 17% of intra-familial cases, but in 30% of extra-familial cases in the authors' study. Hence, there are usually more witnesses present who can confirm the complainant's testimony in extra-familial cases. Differences in evidence provided in intra- vs. extra-familial cases of CSA is still an unexplored subject. It has however been shown in two American studies that when the alleged abuse was perpetrated by an intra-familial defendant, the case was less likely to be involved in a criminal court process (Runyan, Everson, Edelsohn, Hunter, & Coulter, 1988; Stroud et al., 2000). In conclusion, differences in views of intra- vs. extra-familial relationship between complainant and defendant and differences in evidence provided in these cases make them particularly complex and difficult and therefore also of interest to study.

The Present Study

No existing Swedish studies comparing intra-familial and extra-familial CSA have been found. Therefore, the purpose of this thesis was to study quantitative differences in alleged intra-familial and extra-familial cases of CSA, and to contribute to the understanding of the nature of these categories of CSA and the legal outcome of them. More specifically, the aim was to: a) examine the differences in characteristics of alleged intra-familial and extra-familial CSA to provide an overview of the material, and b) examine whether there was a difference in the juridical decision to convict or acquit in alleged intra- vs. extra-familial cases of CSA. No predictions of the outcomes were made a priori. This was due to the explorative approach regarding the differences in characteristics of these alleged cases, and to the contradictive findings regarding differences in conviction rates in alleged intra- vs. extra-familial cases of CSA (Fischer & McDonald, 1998; Helweg-Larsen & Larsen, 2005; Levesque, 2000; Stolzenberg & Lyon, 2014).

Method

Data Collection

The study object of this thesis was written verdicts from Swedish courts. Verdicts typically involve information about the police investigation, descriptions and assessments of testimonies, information about the evidence presented in court (e.g., DNA traces, child pornography, expert statements), and the courts' decision of verdict. Thus, the verdicts include information on which the court base their decision and are produced by judges after the court procedure as a public record. The major part of the data, originating from these verdicts, were collected by two researchers at the Research unit for Criminal, Legal and Investigative Psychology (CLIP) at the University of Gothenburg (Ernberg, Magnusson, Landström & Tidefors, 2017; Magnusson, 2017). The data collection was part of a larger research project regarding prosecutors' knowledge and willingness to prosecute cases of CSA. A supplementary data collection was conducted by the author of this thesis, as described in the next section.

Collection of the data. The set of data consisted of verdicts concerning CSA cases of young children (i.e., 7 years old or younger) in the Swedish District Courts from January 2010 to December 2015, and from the Courts of Appeal between January 2011 and June 2016. The data collection conducted at the University of Gothenburg was made between May 2014 and September 2015 and resulted in 189 verdicts concerning a total of 177 complainants issued between 2010 and 2014. For more information on the data collection conducted by the two researchers at CLIP, see Ernberg et al., (2017) and Magnusson (2017).

A supplementary data collection was made by the author of this thesis. The aim was to supplement the data already collected with CSA verdicts from 2015, in order to gain more data to analyze. The collection of the data was conducted according to the procedure as follows: First, a search was made on the legal database Karnov, which contains verdicts from Swedish District Courts, to

identify verdicts of CSA issued by the Swedish District Courts during 2015. Cases that met the criteria of containing at least one complainant under the age of seven during the first incident of abuse when using the crime labels “*Rape of a child*” and “*Sexual abuse of a child*” were identified ($N = 12$). Second, a search on the legal database Zeteo, which contains verdicts from Swedish Courts of Appeal with the previous District Court verdict attached, was made. The same crime labels as previously mentioned was used. The search resulted in a collection of verdicts from the Swedish Courts of Appeal that matched the inclusion criteria ($N = 3$). Altogether, the data collection conducted by the author resulted in 15 verdicts. The entire data set ended up consisting of CSA charges concerning a total of 213 complainants from 136 District Court cases from 2010 to 2015 and 68 Court of Appeal cases from 2010 to June 2016. Some verdicts contained more than one complainant abused by the same defendant. As such, verdicts with more than one complainant were treated as separate cases for each complainant (labeled *cases* in this thesis).

Current inclusion criteria. To meet the aims of the current study, an additional inclusion criterion was set of a stated relationship between the complainant and the defendant in the verdicts. Furthermore, only verdicts from Swedish District Courts were analyzed. A total of 110 written District Court verdicts fulfilled the criteria. Said verdicts were geographically spread across Sweden, representing 36 of all the 48 District Courts in Sweden. The verdicts contained a total of 174 complainants, hence 174 cases.

Coding and Measurement

Coding. Since the aim of the thesis was to study quantitative differences between alleged intra- and extra-familial cases of CSA, the collected verdicts were coded into numerical data. A coding manual for the original set of data was created by Ernberg and Magnusson at the University of Gothenburg (Ernberg et al., 2017; Magnusson, 2017). The coding manual contained a total of 204 variables (e.g., characteristics of the crime, information about the defendant and the complainant, and evidence provided), with 142 variables for each District Court case. The present author used the coding manual to code the supplementary collected data. For further information regarding coding of the data, see Ernberg et al. (2017) and Magnusson (2017). Variables relevant for the present study are described under measurements.

Inter-rater reliability. To calculate inter-rater reliability, a level of agreement measure was used. Same method was used by Stolzenberg and Lyon (2014), who argued that it is “hard to imagine coders agreeing purely by chance” (p. 125) with this type of archival data, since there were no set variables that should or should not be coded; these were instead decided by the coders. Three verdicts, which in total contained six complainants (2.8% of all cases), of the supplementary data collection were randomly selected and separately coded by the present author and a research assistant at the University of Gothenburg. The level of agreement measure was calculated by dividing the number of variables where coders agreed with the total number of variables where coders could agree and the result, i.e., the inter-rater agreement level, was calculated to .92. The present author thereafter coded the remaining court cases issued during 2015. A similar inter-rater reliability analysis of the data collection of verdicts

issued between 2010 and 2014 had previously been conducted by Ernberg and Magnusson, with an agreement level of .92 (Ernberg et al., 2017).

Measurements. Several variables were created and used in both the descriptive and the inferential analyses conducted. First, to categorize the relationship between complainant and defendant into intra-familial and extra-familial, the same distinction as in previous research (e.g., Magalhaes et al., 2009; McDonald & Fischer, 1998; Stroebel et al., 2012; Ullman, 2005) was used. Intra-familial CSA was defined as alleged abuse perpetrated by someone in the complainant's family (i.e., biological parent, step-parent, sibling, uncle, grandparent, mother's boyfriend), and extra-familial abuse was defined as when the defendant was an unrelated individual (i.e., stranger, preschool staff, acquaintance to the family, neighbor). A dichotomized variable (*intra-/extra-familial relationship*) based on this distinction of relationship was created. The data ended up containing of 85 cases of intra-familial alleged abuse and 89 cases of extra-familial alleged abuse. Second, a dichotomized variable measuring the juridical decision to convict (i.e., on all or some of the prosecuted charges) or to acquit was created. Third, to conduct inferential analyses that included pieces of evidence provided, dichotomized variables were created for six categories of evidence. These categories of evidence were in part based on previous research regarding evidence affecting the legal outcome (e.g., Cross et al., 1994; Walsh et al., 2010). The six categories of evidence were: Defendant *confession*, pornographic *photo documentation* of the alleged abuse or of other children, *changed behavior* (sexual, or other behavioral changes such as sadness or nightmares) in the complainant described by other witnesses (e.g., parents, preschool staff), *forensic evidence* (DNA and medical examination confirming injuries consistent with CSA), *complainant testimony* confirming the alleged abuse, and *other's* (e.g., parents, other relatives, preschool staff) *testimony* confirming the abuse.

Ethical Considerations

Due to the sensitive nature of the cases studied in this thesis, ethical considerations were taken into account. Verdicts from the Swedish courts are public records, and can be accessed by anyone. However, the identity of the complainants and their families were classified and not included in the verdicts, and thus not in the data either. The identity of the defendant was however stated in the verdicts, including in cases in which the defendant and the victim were related. Due to this, no personal information of the defendant or of other witnesses (e.g., siblings and parents) were included in the data. Finally, specific details regarding the verdicts were left out in the writing of this thesis to make certain verdicts untraceable.

Results

Characteristics of All Cases

Before exploring the differences between the characteristics of alleged intra- and extra-familial cases of CSA, descriptive analyzes of the whole data set were

conducted in order to gain understanding of the cases of CSA in the Swedish District Courts.

The mean age of the children at the onset of the alleged abuse were 4.2 years ($SD = 1.63$), with ages ranging from 0 to 6 years. In cases in which the child testified ($N = 139$) the ages ranged from 3 to 27 years ($M = 8.2$, $SD = 5.45$), although more than half (66.9%) of the children were 7 years old or younger at the time of the testimony. In 96 (55.1%) cases, the allegations concerned repeated abuse. The duration of the repeated alleged abuse was between 1 and 132 months, although 74.7% of the cases of repeated abuse occurred during 24 months or less. A total of 109 different men were accused of sexual abuse of at least one of the children in the data set. No women were accused. Thus, some verdicts contained more than one complainant abused by the same defendant and therefore did the same defendant occur more than once in the analyses. The number of complainants allegedly abused by each defendant ranged from 1 to 20, although the majority (88%) of the defendants allegedly abused between one to three complainants. Regarding the relationship between complainant and defendant, 61 (35.1%) of the defendants were preschool staff, 33 (19%) were biological fathers, 24 (13.8%) were other relatives, 23 (13.2%) stepfathers, and 20 (11.5%) friends or acquaintances to the family. The rest of the defendants were strangers, siblings or stepsiblings, and others outside the family. Taken together, a total of 143 (82.2%) cases resulted in conviction and 31 (17.8%) cases were acquitted. Descriptive information of complainant gender, type of abuse, and evidence presented in court, are presented in Table 1. Since not all information was provided in each verdict, the frequencies of the case characteristics are reported as a proportion of the valid observations (number of valid cases).

Characteristics of Alleged Intra-Familial and Extra-Familial Cases

To explore and gain understanding about the differences between the characteristics of alleged intra-familial and extra-familial cases of CSA, descriptive analyses were conducted.

Complainants, defendants, and evidence. The mean age of the children at the onset of alleged abuse in intra-familial and extra-familial cases were 4.5 years ($SD = 1.46$) and 3.9 years ($SD = 1.75$) respectively. A t-test of independence was conducted that showed the mean difference in age, with younger extra-familial complainants, to be significant, $t(168) = 3$, $p < .05$, $d = 0.46$. In 66 (77.6%) of the intra-familial cases, the allegations concerned repeated abuse whereas 30 (33.7%) of the extra-familial cases concerned repeated abuse. A chi-square test of independence showed the difference to be significant, $\chi^2(1, N = 173) = 33.21$, $p = .000$.

Of the 109 defendants, 70 (64%) were intra-familial and 39 (36%) were extra-familial. Hence, since there were 85 intra-familial cases and 89 extra-familial cases in total, there was a difference between intra- and extra-familial defendants in number of complainants allegedly abused the same defendant. This difference was statistically significant, $\chi^2(1, N = 109) = 7.54$, $p < .05$. Accordingly, of the defendants who abused more than one child, the numbers were 34.3% for the intra-familial ones and 61.5% for the extra-familial ones. The number of complainants allegedly abused by each defendant ranged from 1 to 5

children ($M = 1.6$, $SD = 1.05$) in intra-familial cases and from 1 to 20 children ($M = 3.0$, $SD = 3.76$) in extra-familial cases.

Most of the intra-familial cases (90.6%) were revealed when the child told someone about the alleged abuse. A large part of the extra-familial cases (64%) was revealed in the same way, although another big part (33.7%) of the extra-familial cases was revealed through pornographic photo documentation of the complainant or of other children. Descriptive information of differences between intra-familial and extra-familial cases regarding complainant gender, type of abuse, and evidence presented in court, are presented in Table 2.

Juridical decision. Sixty-two (72.9%) of the intra-familial cases resulted in conviction and 81 (91%) of the extra-familial cases resulted in conviction. A chi-square test of independence was conducted to examine if the descriptive difference in legal outcome between intra-familial and extra-familial cases was significant. The result showed a significant difference, with more intra-familial cases resulting in acquittal than extra-familial cases, $\chi^2(1, N = 174) = 12.32$, $p = .000$, $\phi = 0.27$.

Table 1.

Differences in case characteristics in alleged intra-familial (IF) vs. extra-familial (EF) cases. Since not all information was provided in each verdict, the frequencies of the case characteristics are reported as a proportion of the valid observations (number of valid cases).

Characteristics	Frequency IF	Number of valid cases	Frequency EF	Number of valid cases	Frequency all cases
Complainant gender		82		87	
Girl	64 (78%)		76 (87.4%)		140 (82.8%)
Boy	18 (22%)		11 (12.6%)		29 (17.2%)
Type of abuse ^a		81		81	
Penetrative	44 (54.3%)		26 (32%)		70 (43.2%)
Oral	11 (13.6%)		10 (12.3%)		41 (25.3%)
Rubbing of penis against complainant	8 (10%)		6 (7.4%)		14 (8.6%)
Fondling inside of clothes	12 (14.8%)		29 (35.8%)		41 (25.3%)
Made to touch defendant	2 (2.5%)		7 (8.6%)		9 (5.6%)
Fondling outside of clothes	4 (4.9%)		3 (3.7%)		7 (4.3%)

(continued)

Table 1. (continued)

Characteristics	Frequency IF	Number of valid cases	Frequency EF	Number of valid cases	Frequency all cases
Evidence presented in court		173			
Confession	30 (35.3%)	85	43 (49%)	88	73 (42.2%)
Complainant testimony*	78 (91.8%)	85	58 (66%)	88	136 (78.6%)
Direct eyewitness*	12 (14.1%)	85	3 (3.4%)	88	15 (8.7%)
Photo documentation of abuse*	13 (15.3%)	85	42 (47.8%)	88	55 (32%)
DNA*	8 (9.4%)	85	2 (2.3%)	88	10 (5.8%)
Parent's testimony confirming abuse*	75 (88.2%)	85	63 (71.6%)	88	138 (80%)
Child changed behavior ^b	48 (57.8%)	83	40 (46%)	87	88 (51.8%)
Expert witness testimony ^c	10 (11.8%)	85	2 (2.3%)	87	12 (7%)
Other relative's testimony confirming abuse*	47 (55.3%)	85	23 (26.1%)	88	70 (40.5%)
Photo documentation of other children*	16 (18.8%)	85	49 (55.1%)	89	65 (37.4%)
Preschool staff's testimony*	13 (15.3%)	85	41 (47.1%)	87	54 (31.2%)
Another child's testimony*	12 (14.1%)	85	34 (38.6%)	88	46 (26.6%)
Police testimony*	13 (15.3%)	85	22 (25%)	88	35 (20.2%)
Child behaving sexual	12 (14.3%)	84	5 (5.7%)	87	17 (10%)
Medical examination confirming abuse	6 (33.3%)	18	0 (0%)	4	6 (27.2%)

^a In cases where more than one type of abuse was stated, the most severe allegation is stated.

^b E.g., sad, stomach ache, nightmares; stated by other witnesses.

^c E.g., doctor, psychologist, forensic technician.

*Note: Differences between alleged intra- and extra-familial cases for noted types of evidence were significant, $p < .05$ in a chi-square test of independence.

Juridical Decision to Convict or Acquit in Intra- vs. Extra-Familial Cases

To further explore the impact of an intra- vs. extra-familial relationship between complainant and defendant on the juridical decision, a backward stepwise binary logistic regression analysis was conducted. The aim with the analysis was to interpret the predicting value of an intra- vs. extra-familial relationship between complainant and defendant on the juridical decision to convict or acquit. *Juridical decision* (convicted =1 vs. acquitted =0) was set as dependent variable, and *intra-/extra-familial* relationship and six other categories of evidence (for further information regarding these variables, see *Measurements*) were entered into the model coded as dummy variables. The model was statistically significant, $\chi^2(4) = 46.97, p < .001$, and correctly predicted 85.5% of the overall cases. *Intra- vs. extra-familial* relationship had a significant predicting value on the juridical decision in the best model of fit, which was at step four. More specifically, the analysis showed that extra-familial relationship significantly predicted a juridical decision to convict, and vice versa. The predicting value of *intra- vs. extra-familial* relationship was, however, weaker than that of pornographic *photo documentation* of the abuse or of other children and defendant *confession*, which was also significant in the model along with *changed behavior* (sexual or other behavioral changes) in the complainant. *Forensic evidence* (DNA and medical examination confirming abuse), *complainant testimony*, and *other's testimony* (e.g., parents, other relatives, preschool staff) was however not significant in the model. The results are presented in Table 2. Nevertheless, whether it was the intra- vs. extra-familial relationship itself, or if its predicting value could be explained by differences in characteristic in the two groups, remained unanswered at this point and was therefore further explored.

Table 2.

Backward stepwise binary logistic regression analysis, conducted with the purpose to interpret the impact of pieces of evidence on the juridical decision to convict or acquit in alleged cases of CSA.

	B (S.E.)	p	95% CI for Odds Ratio		
			Lower	Odds	Upper
Included in Step 4 ^a					
Constant	-0.54 (0.42)				
Photo documentation	2.21 (1.08)	.04	1.18	9.19	76.53
Confession	2.14 (0.83)	.01	1.68	8.51	43.01
Changed behavior	1.24 (0.48)	.01	1.35	3.45	8.84
Intra-/extra-familial	1.37 (0.53)	.009	1.40	3.93	11.06

^a Variables entered in Step 1: Confession, Photo documentation, Forensic evidence, Complainant testimony, Changed behavior, Other's testimony, Intra-/extra-familial.

Note: $N = 172$, $df = 1$. $R^2 = .99$ (Hosmer & Lemeshow) .24 (Cox & Snell) .39 (Nagelkerke).

Juridical Decision and Evidence Provided in Intra- vs. Extra-Familial cases

Further analyses were conducted to explore whether the significant predicting value of intra- vs. extra-familial relationship on the juridical decision to convict or acquit could be explained by differences in evidence provided. First, a binary logistic regression analysis was conducted in order to examine the relationship between different types of evidence and intra- vs. extra-familial relationship. *Intra-/extra-familial* relationship was set as dependent variable and the same six categories of evidence as previously used were entered in the model coded as dummy variables. The model was statistically significant, $\chi^2 (3) = 26.83$, $p = .000$, and correctly predicted 67,4%. Pornographic *photo documentation* of the abuse or of other children, and *other's testimony* (e.g., parents, other relatives, preschool staff) confirming the abuse were positively correlated with extra-familial relationship, whereas defendant *confession*, *forensic evidence* (DNA and medical examination confirming abuse), and *complainant testimony* were positively correlated with an intra-familial relationship. *Changed behavior* (sexual or other behavioral changes) in the complainant was not significant. The results are presented in Table 3.

Table 3.

Binary logistic regression analysis, conducted with the purpose to interpret the relationship between type of evidence and intra-familial vs. extra-familial relationship. Intra-familial was coded as 0 and extra-familial was coded as 1.

	B (S.E.)	p	95% CI for Odds Ratio		
			Lower	Odds	Upper
Included					
Constant	-0.23 (0.83)				
Photo documentation	1.73 (0.51)	.001	2.08	5.63	15.24
Confession	-1.18 (0.53)	.026	0.11	0.31	0.87
Changed behavior	-0.03 (0.39)	.934	0.45	0.97	2.09
Forensic evidence	-1.75 (0.81)	.031	0.04	0.17	0.85
Complainant testimony	-2.22 (0.73)	.002	0.03	0.11	0.46
Other's testimony	2.19 (0.83)	.012	1.63	8.92	48.78

Note: $N = 173$, $df = 1$. $R^2 = .26$ (Hosmer & Lemeshow) $.25$ (Cox & Snell) $.33$ (Nagelkerke).

However, only the variables defendant *confession*, *photo documentation*, and complainant *changed behavior* were significant predictors to the juridical decision to convict/acquit (see Table 3). Differences between these three variables in intra-/extra-familial cases were therefore of extra interest. First, for each group (intra-/extra-familial relationship) three 2 x 2 contingency tables were created, containing the juridical decision and any of these three pieces of evidence (confession, photo documentation, and complainant changed behavior); thus, three tables for the intra-familial cases and three tables for the

extra-familial cases. Second, odds ratio tests were conducted to examine whether the difference within the contingency table, i.e., between evidence provided (yes/no) and juridical decision (convicted/acquitted), was significant. Third, the results of the odds ratio tests were compared in order to examine whether the result differed between the two groups (intra-/extra-familial relationship) for the same type of evidence.

The result showed that the difference in behavioral changes in complainant and juridical decision was significant for alleged intra-familial cases (odds ratio =2.73, 95% CI= [1.02, 7.28]), but not for extra-familial cases (odds ratio =0.84, 95% CI= [0.20, 3.60]). More precisely, alleged intra-familial cases did more often result in conviction when complainant changed behavior was provided as evidence. No such relationship was shown in the alleged extra-familial cases. Moreover, there were no differences between alleged intra- and extra-familial cases for neither defendant confession nor photo documentation.

Discussion

The aim of this thesis was to study differences between alleged intra-familial and extra-familial cases of CSA. More specifically, the aim was to: a) examine the differences in characteristics of alleged intra-familial and extra-familial CSA to provide an overview of the material, and b) examine whether there was a difference in the juridical decision to convict or acquit in alleged intra-familial cases vs. extra-familial cases.

To start with the explorative examination of the characteristics of alleged intra- and extra-familial abuse, the results showed that there were indeed differences between the two groups. Alleged intra-familial cases did more often concern penetrative abuse, oral abuse, and defendant rubbing his penis against the complainant - thus, more severe types of abuse. Alleged intra-familial cases did also significantly more often concern repeated abuse. These results are consistent with previous, international research (Fischer & McDonald, 1998; Gomez-Schwartz, et al., 1990; Magalhaes et al., 2009). Possible explanations for the results could be a greater accessibility of victims in intra-familial instances (Gomez-Schwartz et al., 1990), intra-familial child victims' greater reluctance to disclose (Russell, 1983), and intra-familial victims' tendency to wait longer before disclosing (Ullman, 2005). Furthermore, it was shown that intra-familial cases were most commonly revealed when the children disclosed the alleged abuse themselves whereas a big part of the alleged extra-familial abuse was revealed through pornographic photo documentation of the child/of other children. This demonstrates the difficulties in revealing intra-familial CSA when the children do not disclose themselves. When adding the fact that the victims of intra-familial CSA tend to be more reluctant to disclose (Russell, 1983), this suggests that intra-familial cases is at risk of being underreported.

Extra-familial cases, on the other hand, did significantly more often involve more children allegedly abused by the same defendant, which is a result consistent with Seto et al. (2005). This might be due to more accessible victims to abuse in extra-familial settings (e.g., preschools). Surprisingly, the result regarding complainant age was inconsistent with previous research (Fischer & McDonald, 1998; Magalhaes et al., 2009), showing intra-familial complainants to be older than the extra-familial ones. One possible explanation for this could

be a smaller range of age in this sample, in comparison to an age sample of 0-17 years in previous studies. Another explanation could be that children in Sweden enter preschool at an earlier age than in other countries.

Moving on to the results of the differences in juridical decision to convict or acquit. This thesis demonstrated a significant difference, with alleged intra-familial cases more often resulting in acquittal and alleged extra-familial cases resulting in conviction. Extra-familial relationship was also shown to be a significant predictor to conviction. This suggests that the relationship between complainant and defendant had an impact on the juridical decision, which is in line with previous research by Devine et al. (2016) who showed that an extra-familial offender was rated as strong evidence, and research by Stoltzenberg and Lyon (2014) who found higher acquittal rates in American cases where the child remained contact with the defendant (i.e., more likely to be an intra-familial relationship). Previous research on this matter is however inconsistent, and critique of studies comparing conviction rates in intra- and extra-familial cases of CSA was raised by McCoy and Gray (2007). The authors argued that "although the examination of true cases has greater ecological validity, it is impossible to find cases that differ only in terms of the relationship between the perpetrator and the victim" (p. 1583). Hence, the difference in juridical decision could not exclusively be explained by the relationship between complainant and defendant. Due to this, differences in evidence provided were studied to see whether an explanation to the difference in judicial decision could be found.

To summarize the differences in evidence, pornographic photo documentation of the complainant and/or of other children were more frequent in alleged extra-familial cases. Extra-familial cases did also more often contain testimony from preschool staff, other children, and from police confirming the alleged abuse. Intra-familial cases, on the other hand, did more often contain the complainant's own testimony, testimony from eyewitnesses, and testimony from parents and other relatives confirming the alleged abuse. Altogether, testimony from others than the complainant was a predictor for alleged extra-familial cases, whereas the complainant's own testimony was not, which is in line with Fischer and McDonald's (1998) findings of more present witnesses in extra-familial cases. The peculiar result of confession predicting intra-familial and not extra-familial cases in the second binary regression analysis (see Table 3), when the frequency of confession was higher in alleged extra-familial cases (see Table 1), could be explained by the fact that the difference in frequency was nonsignificant. Notably, alleged intra-familial cases contained more DNA evidence, although the frequency of DNA evidence was remarkably low in both groups and may therefore have only a small impact in the analyses.

In conclusion, both alleged intra- and extra-familial cases contained corroborating pieces of evidence. Hence, even though previous research (e.g., Devine et al., 2016) demonstrated that extra-familial cases usually contain more corroborating evidence, one cannot draw the conclusion that this was the explanation for the difference in juridical decision to convict or acquit in this sample. Worth mentioning though is that not all evidence described in the verdicts were captured in the data. This was due to the uniqueness of every verdict, which made it impossible to code for every single detail described in them. It is therefore likely that pieces of evidence affecting the juridical decision to convict or acquit were not captured in the analyses conducted. Furthermore,

of all corroborating pieces of evidence mentioned, only pornographic photo documentation of the child/other children, confession, and behavioral changes in complainant were shown to be significant predictors to the judicial decision to convict.

One interesting finding in this study was regarding differences in complainant changed behavior as evidence. The presence of behavioral changes as evidence was shown to differ in the alleged intra- vs. extra-familial cases in relation to the decision to convict or acquit. When the evidence of behavioral changes in complainant was present in alleged intra-familial cases, the juridical decision was more often to convict. No such relationship was found in extra-familial cases; and no such differences between intra- and extra-familial cases were found for either confession or pornographic photo documentation. Explanations for this difference remain unanswered. Behavioral changes have previously been shown to be a collaborating type of evidence (Myers, 2005; Walsh, et al., 2010) and to be present in cases with young complainants (Devine, et al., 2016), such as the children in this thesis. However, behavioral changes can be ambiguous to interpret, and a meta-analysis concluded that one third of all victims of CSA showed no behavioral symptoms at all (Kendall-Tackett et al., 1993). Hence, this type of evidence may be more equivocal and were therefore not raised in extra-familial cases, where stronger pieces of evidence in comparison were provided. To examine possible explanations for the result in this thesis regarding behavioral changes as evidence, future research might want to examine the relationship between the evidence of complainant changed behavior, juridical decision to convict or acquit, and intra- vs. extra-familial relationship. One suggestion is to examine the impact of possible confounders causing more convictions in intra-familial cases where complainant changed behavior also were present. Another suggestion is to examine whether biases affect the judges' and the jurymen's decision-making to put more emphasis on behavioral changes in alleged intra-familial cases of CSA. Common notions of intra-familial CSA as being more severe and traumatic for the victim (Bornstein et al., 2007; Davies et al., 2013; Fischer & McDonald, 1998; Magalhaes et al., 2009) could possibly have such impact, causing the legal professionals to expect more behavioral changes in intra-familial complainants.

In summary, the results of this thesis showed that alleged intra- and extra-familial cases of CSA do differ on several characteristics. It also showed a difference in decision to acquit or convict, with more intra-familial cases resulting in acquittal. Furthermore, differences in evidence provided were shown, although one cannot conclude that the difference in juridical decision was due to alleged extra-familial cases containing more strong and convincing pieces of evidence. The findings of this thesis provide pieces of knowledge to the complex puzzle of CSA and calls for practical implications and further research.

Methodological discussion

Before moving on to a discussion on the implications of the study, this thesis comes with some methodological limitations that need to be addressed. First, all court cases included in the data is likely to consist of true as well as false allegations of CSA. It is therefore of importance, when evaluating the characteristics in intra- vs. intra-familial cases, to recognize that these are

characteristics of alleged abuse and not abuse proven to have happened. Thus, another study based on merely proved cases could distinguish from the results in this study. Furthermore, the data consisted of court cases that had already gone through the process of first being revealed, then investigated and lastly prosecuted before reaching court. Accordingly, this study does not claim to be applicable on all CSA that occur in Sweden, and especially not the cases that are not prosecuted. Nevertheless, one of the strengths of this study is the fact that it does examine real life court cases, but future research could benefit from studying differences in Swedish cases of alleged intra- and extra-familial CSA that were not prosecuted.

Second, one could argue that the categorization of the relationship between complainant and defendant into intra-familial and extra-familial is, even though used in previous research (e.g., Magalhaes et al., 2009; McDonald & Fischer, 1998; Stroebel et al., 2012; Ullman, 2005), too rough. With this categorization, possible differences within the intra-familial or extra-familial group (e.g., differences between abuse allegedly committed by preschool staff and acquaintances to the family) were not captured. This categorization was however necessary to keep the sample size at an adequate number. To capture possible differences within the intra- and extra-familial groups, future studies may benefit from narrowing down the categorization of the relationship between complainant and defendant.

Finally, the data analyzed in this thesis was based on written verdicts produced post hoc by judges, which sets limitations to the study. First, the opportunities to design the study were limited. Archive data based on real life cases restricts the possibilities to control for other factors to the same extent as in an experimental design. On the other hand, archive data provides good external validity and is thus of high relevance to CSA that does happen. However, it is important to keep in mind that each case of CSA is unique. The findings of this thesis can therefore not be directly applied on individual cases of CSA, but it can help gain new insights on the nature of these cases. Second, as previously mentioned, it is likely that unique or original pieces of evidence provided in the verdicts were not captured in the coding of the data. Future studies may therefore want to examine all pieces of evidence provided, to fully analyze what is affecting the juridical decision in cases of CSA. Third, the study was dependent on what was reported by the judges in the verdicts. Because judges are just as likely as anyone to be affected by cognitive biases and memory errors, details that influenced the juridical decision and evidence taking into account, though not consciously, might have been left out or applied post hoc in order to back up the juridical decision made. In conclusion, the verdicts might not fully reflect the whole process behind the juridical decision. Even with these limitations, this thesis can still be of guiding value for practical implications and further research.

Practical Implications and Future Research

Because cases involving CSA are particularly complex and difficult crimes to handle, it is of great importance to study these cases and the judicial outcome of them. This unique study has made it possible to obtain, analyze and interpret a rich source of data from Swedish verdicts regarding alleged intra- and extra-

familial cases of CSA in Sweden. Under normal circumstances, this information would have remained unanalyzed within these verdicts. Now, findings of this thesis can be of guiding value for practical implications and further research. Increased public awareness about the risk of CSA increased the number of police-reported cases involving extra-familial CSA during the 1990s in Denmark (Helweg-Larsen & Larsen, 2005). Likewise, the differences between alleged intra- and extra-familial cases found in this thesis is one piece to the puzzle of CSA that can increase awareness among legal practitioners, social workers, psychologists, and others who meet possible victims of CSA. Moreover, the results suggest that intra-familial cases are both more severe and especially complex to reveal. Therefore, these cases are particularly important to examine further, not least for the child victim's sake, since studies have shown intra-familial CSA to be both more common (e.g., Stoltenborgh et al., 2011) and to cause greater negative effects on the victims (Stroebe et al., 2012; Ullman, 2005).

The legal decision to convict or acquit in these cases of CSA can also have consequences that goes beyond the complainant and defendant involved; the decisions can also send a message to other victims and their families, as well as act as deterrent for other offenders of CSA. With that in mind, it seems even more important that the decision-makers rely on accurate science-based knowledge rather than personal biases. Psychological research can provide such scientific evidence and aid legal professionals to make just evaluations. Suggestions for future research, apart from those already mentioned, is to triangulate and expand the findings in this thesis with experiments exploring differences in juridical decision in these cases and interviews with juridical professionals of their views regarding intra- vs. extra-familial CSA. This could enable further examinations of the role and impact of the relationship between complainant and defendant in these cases. In the long run, this is of value for both complainants and defendants in cases of CSA.

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