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Outline

- I. What is “Notice” in a sex abuse case?
 - A. CACI 426 slide
 1. “Employer knew or should have known perpetrator created risk to others”
 - B. How do we prove employer “knew or should have known”? (Notice)
 1. First, we must understand sex abuse process
 2. Most sex abuse/assault cases not sudden, violent attacks by strangers
 3. Opposite is true—most perps are known, trusted individuals (teachers, coaches, priests)
 - C. How does a known trusted individual gain access to a child and ultimately abuse/assault them?
 1. They work or volunteer in positions that give them access to children
 2. Then they begin the “Grooming process”
 3. “Grooming” = process used by pedophiles to prepare child for sex abuse
 4. Carefully planned process that takes place over weeks/months
 5. Goal = use their power in order to manipulate the child into sex
 - D. There are ALWAYS “Red Flags” associated with the grooming process
 1. If entity employees are properly trained (and doing their job) they can recognize these grooming behaviors
 2. Grooming is the visible part of the sex abuse process. If you stop the visible part you can stop the actual sex abuse
 - E. These “Red Flags” are notice to the employer
 - F. Examples of “Red Flags”
 1. Alone one-on-one

(park depo excerpts from other teacher)
 2. Texting

(AP texts from Fosgett)

3. Social media
(park post re 3somes)
4. Gifts
(park = purse depo excerpt)
(vial blood depo excerpt)
5. “Cool” teacher
(AY depo excerpt)
6. Car rides
(AY depo excerpt)
7. Special attention
(USYS depo excerpt)
8. Other students know
(AY friend depo excerpts)
(fielding depo excerpts)

G. If entity/employer is paying attention they can protect children

What Constitutes “Notice” in a sex abuse case?

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CACI 426: Negligent Hiring, Supervision, or Retention of Employee

1. “Employer knew or should have known perpetrator created risk to others”

How do we prove employer “knew or should have known”?

1. First, we must understand the sex abuse process
2. Most sex abuse/assault cases not sudden, violent attacks by strangers
3. Opposite is true – most perps are known, trusted individuals (i.e. teachers, coaches, priests)

How does a known trusted individual gain access to a child and ultimately sexually abuse/assault them?

1. They work or volunteer in positions that give them access to children
2. Begin the “grooming process”
3. “Grooming” = process used by pedophiles to prepare the child for sex abuse
4. Carefully planned process that takes place over weeks or months
5. Goal = use their power in order to manipulate the child into sex

There are ALWAYS “Red Flags” associated with the grooming process

1. If entity employees are properly trained (and doing their job) they can recognize these grooming behaviors
2. Grooming is the visible part of the sex abuse process. If you stop the visible part then you can stop the actual sex abuse