

HOPKINS | Boys' sex charges stun county

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But Marian Call, child safety branch manager with the Department of Community Based Services, said the police could have referred the children to social workers, who could then have gotten a court order to ensure treatment.

"Very young children (under 12) should not even go to court," Call said.

She said research and state policy consider them "sexually reactive," meaning they are usually replicating something they have seen or experienced.

Kevin Minor, chairman of the Department of Corrections and Juvenile Justice Studies at Eastern Kentucky University, said prosecution might secure treatment, but it also has disadvantages.

"The potential negatives are the labeling effects," Minor said. "You're asking a person to think of themselves at a very young age as a person who has done something wrong. There's always a danger of a self-fulfilling prophecy."

According to records from the Administrative Office of the Courts, only one juvenile younger than 10 has been charged with first-degree sodomy in the past three years. Since 2001, an average of only 13 juveniles a year younger than 10 have been charged with any sex crime — rape, molestation, indecent exposure and others — and the trend has been declining, state police records show.

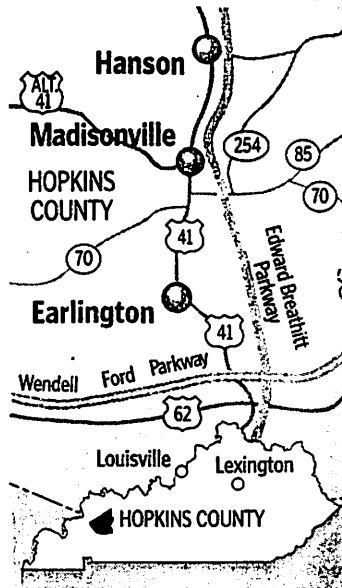
The cases

Two Earlington students were charged for allegedly engaging in "sexual touching" in a school bathroom on Jan. 21, Hopkins County School Superintendent James Lee Stevens said.

But authorities suspect more than touching occurred because of the evidence, Patterson said. He declined to elaborate.

Stevens also said police and the courts have not provided the school system with the results of their investigation.

The school and police



learned of the incident after an employee observed it, stopped it and took the boys to the office, said Richard Stanley, the Earlington principal.

Separately, a boy's parent notified Earlington police.

"I was appalled. I was flabbergasted. I was stunned. I had to ask the principal to repeat it to me three times," Stevens said.

Stevens said he met with about 20 parents at Earlington, which has about 400 students, after the boys were charged. Most were concerned about safety and one family removed their child, he said.

At Hanson Elementary, which has about 490 students, a guidance counselor told school officials about incidents involving three boys after one of the boys told him, and state police were alerted in early February, Trooper Stu Recke said.

The three Hanson students were charged with engaging in sex in a bathroom. One student also was charged with threatening the others not to talk about what happened, police said.

Stevens said that both schools are safe, and that additional bathroom supervision by teachers and administrators was put in place at the schools.

He said teachers at both schools have tried to answer students' questions about the incidents and are trying to in-

clude all students in yearly educational programs on appropriate touching.

Criminal intent?

Gail Robinson, a Frankfort lawyer who has represented juvenile defendants for 20 years, said the arrests are unusual because children that young cannot form criminal intent.

"I would hope that most people in the juvenile justice system would recognize that charging children this young with criminal offenses for this kind of conduct is just not appropriate," Robinson said.

Hopkins County Juvenile Court Judge Rob Soder declined to talk specifically about the case. He said that in such cases it would be up to him as presiding judge to determine whether any of the boys had been capable of forming criminal intent. If not, he said, the charges would have been dropped.

Soder declined to comment on the outcome, but he said there was a range of sentencing options if any of the boys had been found guilty. They included treatment and placing them in state custody.

A parent's view

The mother of one boy told The Courier-Journal that her son should not have been charged because he was victimized repeatedly in a Hanson Elementary bathroom.

The woman, whose name is being withheld to protect the identity of her son, said he told her he was forced to have oral sex several times during school hours over a period of three to four weeks.

He told her about what had happened only after another boy tried to force him to have anal sex, she said. "I blame the school," said the mother, a single parent. "They were supposed to provide a safe place for my son, and they did not."

She said that ultimately the judge ordered her son to complete a treatment program. She said her son will appear before the judge when the treatment ends.

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Sex cases involving five boys stun Hopkins

Charges dropped; questions linger

By James Malone
jmalone@courier-journal.com
The Courier-Journal

MADISONVILLE, Ky. — The allegations were grim.

The ages of those charged were shocking.

Five Hopkins County school-boys, 6 to 8, had been charged

with felony sodomy stemming from incidents they say happened in bathrooms at Earlington Elementary School and Hanson Elementary School.

The cases stunned residents and touched off a debate over whether the youngsters should have been charged criminally.

In the end, the judge dismissed the charges with the condition that the children undergo treatment. Police and prosecutors have said that was one of their goals.

They also said they felt they needed to charge the boys to determine whether adults had abused one or more of them, triggering their behavior at school.

No adults have been charged, but authorities said they would not have done anything differently.

"I do not regret anything," said Robert Moore, who is the Hopkins County attorney, whose office prosecuted the cases.

All of the students are back in school, but at least three of the five have gone to different elementary schools in the district, officials said.

"Our goal is not to punish," Earlington police Chief J. Craig Patterson said about two boys shortly after they were charged in one incident. "They are both victims of someone. I want to know: 'Where did these children learn this?'"

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