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November 6, 1990

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Honorable Thomas R. Caltagirone
Chairman, House Judiciary Committee
South Office Building, Room 204
Harrisburg, Pennsylvania 17120

Sir:

On behalf of Robert E. Colville, District Attorney of Allegheny County, and myself, I want to offer our support to Senate Bill 634.

The restrictions and ambiguities within subsection 3 of 18 Pa. C.S. 5554 have made it largely unworkable. Frankly, since it became effective, we have only been able to use subsection 3 twice. It is our opinion that the proposed legislation would eliminate these ambiguities.

We believe that the number of cases made viable by the legislation would not be great. However, to each victim, the mere hope of a prosecution would be significant.

We have considered the suggested amendment to the bill which would require corroboration in cases after five years from occurrence. Unless you specifically define "corroboration" liberally, the effect of this addition is to negate the well-intentioned purpose of the proposed bill.

Sadly, we are unable to attend the committee's hearing, but please know from this communication that this office wholeheartedly endorses the proposed expansion of the statute of limitations in child abuse cases.

Very truly yours,

Anthony J. Krastek
Deputy District Attorney
Crimes Persons Unit

AJK/jm



DA seeking law change in sex abuse of children

By Jan Ackerman
Post-Gazette Staff Writer

The Allegheny County district attorney's office is backing legislative reform that could help overcome a serious problem in many child sex abuse cases — the fact that it often takes years for abuse victims to come forward with allegations.

Because of that, the standard, five-year statute of limitations on criminal charges often expires before the accusations surface, making it difficult or impossible to prosecute the child abuser.

District Attorney Bob Colville and Deputy District Attorney Anthony Krastek, who heads the crimes against persons section, said they were proposing a revision to state law that would delay the start of the statute of limitations period on child sex crimes until the victim reaches age 18.

Colville and Krastek will recommend the revision to the Pennsylvania District Attorney's Association for submission to the Legislature.

Delaying the start of the statute of limitations should lessen a chronic problem in child sex abuse cases — children often will not remember or talk about the abuse until they become adults.

That was an issue in the recent trial of Wilkensburg salesman Eugene Allen.

For 17 years, Allen filmed, photographed and catalogued his sexual experiments — everything from

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catheterizing young children to teaching them how to use sexual aids to having sex with an 11-year-old girl.

Yet, because most of the incidents took place in the 1970s and early 1980s, the statute of limitations had expired and prosecutors could not charge him with the actual sex crimes, such as involuntary deviate sexual intercourse with minors.

An alternative was to accuse Allen of possession with the intent to distribute child pornography and with filming child pornography. Even then, prosecutors faced a two-year statute of limitations on the pornography charges.

"It was very frustrating," Colville said.

Colville said his two assistants, Krastek and Assistant District Attorney John A. Zotola, then devised a strategy in which they charged Allen with continuously possessing the child pornographic materials with the intent to distribute them over a 17-year period. They also charged him with the actual filming of child sexual pornography with a 7-year-old boy and his 8-year-old sister in recent years.

By showing a continuous pattern of possession of the materials, Colville said, they were able to get around the statute of limitations problem.

The strategy worked. Last month, a jury convicted Al-

len, 57, of Lamar Avenue, Wilkensburg, on all charges — 12 counts of sexual abuse of children, two counts of indecent assault and two counts of corrupting the morals of minors. Even though the charges relate to sexual abuse, the description of them in court papers makes it clear they are based on the film and tape evidence. Allen faces a maximum sentence of 5½ to 111 years.

Common Pleas Judge Jeffrey A. Manning criticized the existing statutes of limitations during comments he made after Allen's conviction.

Under present laws, the only time the five-year limitation on child sex crimes does not start running at the time of the incident is when the child has been molested by a parent, a parent's lover or a person responsible for the child's welfare. In those specific instances, the law says the child has five years after his 18th birthday to bring criminal charges.

But Colville said his office had never used this exception because it has a caveat — the victim must be able to show that any injury was

caused by the sexual abuse. "The law is well-meaning, but almost useless," Colville said.

Krastek said one revision was made in the state law this month that could have made it easier to prosecute Allen had it been in place when he was arrested. That provision makes mere possession of child pornographic materials a crime.

When police confiscated 18 boxes of evidence — 8mm films, photographs and detailed notes about Allen's activities with the children — that law did not exist.

Moreover, the statute of limitations delayed Allen's arrest by at least five years.

Pittsburgh police officer Victor "Kojak" Balsamico first brought Allen's case to the attention of the district attorney's office in 1983, when a young woman he knew said she had been molested by Allen years before. But Balsamico was told that the case could not be prosecuted because the statute of limitations had expired.

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