THE "CIVIL" PROSECUTION OF CHILD ABUSE AND NEGLECT

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INTRODUCTION

Last year more than 1.2 million children were reported as suspected victims of child abuse or neglect.[1] This is more than eight times the approximately 150,000 children reported in 1963,[2] and reflects the major expansion of child protective efforts that has occurred over the past twenty years.[3] One result of this expansion has been an increase in the number of civil child protective court proceedings filed each year. Although complete statistics are unavailable, it appears that between 60,000 and 100,000 court proceedings are initiated annually.[4]

The increase in the number and formality[5] of court proceedings has led a growing number of states to provide attorneys to assist petitioners in the preparation and presentation of cases. In a few states, legislation requires the presence of an attorney to assist the petitioner.[6] Such statutes generally require that an attorney be provided by a local public law officer, either the local criminal court prosecutor[7] or the local county attorney or corporation counsel.[8] In other states, the law merely provides that the judge may request the local public law official to assist the petitioner.[9] In

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1. NATIONAL CENTER ON CHILD ABUSE AND NEGLECT, U.S. DEP'T OF HEALTH AND HUMAN SERVICES, NATIONAL STUDY OF THE INCIDENCE AND SEVERITY OF CHILD ABUSE AND NEGLECT 11 (1981).

2. U.S. CHILDREN'S BUREAU, JUVENILE COURT STATISTICS 13 (1966).

3. *See generally Oversight Hearings on Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 Subcomm. on Select Education and Labor,* 96th Cong., 2d Sess. (1980).

4. Author's estimate based on: NATIONAL CENTER ON CHILD ABUSE AND NEGLECT, U.S. DEP'T OF HEALTH AND HUMAN SERVICES, NATIONAL ANALYSIS OF OFFICIAL CHILD NEGLECT AND ABUSE REPORTING—1978 36 (1980).

5. *See infra* notes 16-18 and accompanying text.

6. *E.g.,* N.Y. FAM. CT. ACT § 254(b) (McKinney 1975); R.I. GEN. LAWS ANN. § 40-11-14 (1977).

7. *E.g.,* CAL. WELF. & INST. CODE § 681 (Supp. 1981) (prosecuting attorney); ILL. ANN. STAT. ch. 37, § 701-21 (Smith-Hurd 1972 & Supp. 1980) (state's attorney); WIS. STAT. ANN. § 48.09(5) (West 1979) (district attorney).

8. *E.g.,* D.C. CODE ANN. § 16-2305(a) (1973) (corporation counsel); MINN. STAT. ANN. § 260.155 (1971) (county attorney).

9. *E.g.,* COLO. REV. STAT. § 19-1-106(3) (1974); NEV. REV. STAT. § 128.100 (1975).

states where the law is silent on the subject, counsel is often made available through administrative arrangements with a local public law office, either criminal or civil. Occasionally, the local child protective agency uses its own internal legal staff or hires outside counsel to represent its workers.

Unfortunately, there is little written about the role and responsibility of the attorneys who perform what this article calls the civil prosecution[10] of child abuse and neglect.[11] To help fill this gap,[12] this article discusses the need for such "civil" prosecutors and the fundamental responsibility of such prosecutors to protect the child, within the constraints of fairness and due process.[13]

I. The Petitioner's Need for Legal Assistance

Until recently, few petitioners in child protective proceedings had legal assistance.[14] For example, in their 1964 study, Daniel Skoler and Charles Tenney reported that only 15 percent of the responding judges indicated that petitioners were regularly represented by counsel.[15] If evidence had to be collected or witnesses called to testify, these functions were performed either by the petitioner, whether a police officer, social worker, teacher or private citizen, or by the probation officer assigned to the case, or in some places, by the judge.

In the past, juvenile courts operated under relaxed rules of procedure, and petitioners did not need legal assistance. But the

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10. For an explanation of the use of the phrase "civil prosecution" see *infra* text accompanying notes 36-46.

11. There appears to be only one article on the subject: Fraser, *The Role of the Petitioner's Attorney in a Case of Child Abuse*, in Advocating for Children in the Courts 9 (1979).

12. The only articles on the general subject of juvenile court prosecutors found by the author are: D. Besharov, Juvenile Justice Advocacy 39 (1974); Fox, *Prosecutors in the Juvenile Court: A Statutory Proposal*, 8 Harv. J. on Legis. 33 (1970); Purdom, *Juvenile Court Proceedings from the Standpoint of the Attorney for the State*, 1 Tex. Tech. L. Rev. 269 (1970); Skoler, *Counsel in Juvenile Court Proceedings—A Total Criminal Justice Perspective*, 8 J. Fam. L. 243 (1968).

13. Hence, this article does not discuss all aspects of the civil prosecution of child abuse and neglect. For example, it does not discuss the prosecutor's case preparation and the problems of courtroom proof, even though they are important topics.

14. *Cf.* Juvenile Justice Standards Relating to Prosecution 25 (Tent. Draft 1977) [hereinafter referred to as ABA Standards] which states: "[T]he interests of the state have generally not been represented and there has frequently been no legally trained person to present evidence on juvenile court petitions other than the judge."

15. Skoler & Tenney, *Attorney Representation in Juvenile Court*, 4 J. Fam. L. 77, 83 (1964).

expanded participation of counsel for parents[16] increased the formality of juvenile court proceedings[17] and put uncounseled petitioners at a severe disadvantage. Without counsel to guide these petitioners through pretrial investigation, case preparation, petition drafting, courtroom presentation, and legal argument, otherwise provable cases are often dismissed when the parent has the advantage of vigourous defense counsel.[18] In a frequently cited passage, New York Family Court Judge Justine Wise Polier describes how, in delinquency proceedings, this "imbalance in legal service [creates] a grave danger that cases will be dismissed for lack of proper presentation."[19]

> The provision for [defense counsel] has inevitably introduced adversary proceedings into the Juvenile Term of Court. There is no question that the presence of [defense counsel] is desirable to protect the rights of children brought before the court on petitions alleging that they have committed acts which would constitute crimes if committed by adults. As a consequence, there are invoked the legal procedures to which defendants in the Criminal Courts are entitled, the preparation of witnesses, cross-examination of the petitioners and complaining witnesses, and the preparation of briefs on questions of law.[20]

As the ABA Juvenile Justice Standards conclude, "because juvenile court proceedings are no longer nonadversarial in nature, the interests of the state must be effectively represented . . . ."[21]

The expansion of child protective agencies, and the statutory requirement that all reports be made to them,[22] have improved the situation, somewhat. Most petitions are now filed by child protec-

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16. At this writing, over 25 states statutorily provide for the appointment of counsel for parents. *See* Besharov, *The Legal Aspects of Reporting Known and Suspected Child Abuse and Neglect*, 23 VILL. L. REV. 458, 514 (1978) [hereinafter cited as *The Legal Aspects of Reporting*]. *Compare* Lassiter v. Department of Social Services, 101 S. Ct. 2153 (1981) *with In re* Ella B., 30 N.Y.2d 352, 334 N.Y.S.2d 133, 285 N.E.2d 288 (1972). *See generally* Besharov, *Terminating Parental Rights: The Indigent Parent's Right to Counsel after Lassiter v. North Carolina*, 15 FAM. L.Q. 205 (1981).

17. *See* D. BESHAROV, *supra* note 12, at 189-215.

18. Cf. ABA STANDARDS, *supra* note 14, at 25, which provides in relation to delinquency proceedings: "Often, probation officers have been placed in the untenable position of presenting evidence against the youth . . . . Almost invariably, probation officers were not trained in the law, and they simply could not match the advocacy of the youth's attorney."

19. *In re* Lang, 44 Misc. 2d 900, 905-06, 255 N.Y.S.2d 987, 992-93 (Fam. Ct. 1965).

20. *Id.*

21. ABA STANDARDS, *supra* note 14, at 3.

22. *See The Legal Aspects of Reporting*, *supra* note 16, at 491-508.

tive workers[23] whose special training and experience give them greater familiarity with court procedures. Nevertheless, the absence of legal counsel hinders even the most skilled protective workers.

> In some counties the individual caseworker receives the report of suspected child abuse, completes the investigation, analyzes the investigatory data, resolves the issues of diagnosis, prognosis, and treatment, decides if court intervention is necessary, prepares the petition, collects the evidence, decides what evidence is relevant, subpoenas the witnesses, prepares the witnesses, testifies, and makes recommendations for the disposition. The effort is akin to practicing law, medicine, and psychiatry without a license.[24]

It might seem to the parents' advantage if the protective worker's case suffers from a lack of legal assistance. But this is not always so. Fearing that an abused child will be returned unsafely to his parents, judges often feel the "uncomfortable pull toward a prosecutive stance occasioned when zealous defense counsel have elicited a one-sided development of case facts with no one to intervene but the judge."[25] As a result, the judge may perform the functions of the absent prosecutor.[26]

Unfortunately, the judge is hardly in a position to fill the gap caused by the absent prosecutor. Cases cannot be prepared from the bench. Documents cannot be collected and analyzed, and witnesses cannot be interviewed and their testimony cannot be focused. Most importantly, the judge cannot correct weaknesses in the protective worker's investigation. Child protective proceedings are plagued by "incomplete, missing, erroneous, or incorrect data; significant flaws in the diagnosis, prognosis, and treatment plan; poorly drafted petitions; missing witnesses, wrong witnesses, hostile witnesses, and witnesses who have not been properly prepared; and decisions and recommendations which reflect the needs and biases of the local Department of Social Services, but not necessa-

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23. *See, e.g.*, N.Y. Office of Court Administration, 1978 Report to the Chief Administrator of the Courts 62-63 (1980).

24. Fraser, *supra* note 11, at 14.

25. Skoler, *supra* note 12, at 270.

26. *Cf.* ABA Standards, *supra* note 14, which states that because probation officers (the petitioners in delinquency proceedings) "were unable to make or answer motions or objections . . . the judge was forced to intervene, destroying the court's impartiality in the matter, or at least the appearance of impartiality as far as the youth or his or her parents were concerned."

rily the interest of the child."[27]

Furthermore, assuming prosecutorial functions can have a subtle but deep effect on the judge. He identifies himself with the cause for which he has labored; he grows to believe the evidence he has discovered more than the parents' evidence. Having sought to strengthen the petitioner's case, it become difficult for him to weigh it dispassionately against the defense case.

Even if the judge somehow maintains an unbiased view of the case, the appearance of impartiality is as important as its reality.[28] It is almost impossible to determine when a judge is merely playing a role forced upon him by circumstances and when he is actually biased. For example, if the judge actively cross-examines the parents or the parents' witnesses, it is likely that his position will unfairly intimidate them. Thus, appellate courts have firmly insisted that the judge not be an advocate of either side. In a case in which the judge conducted a considerable part of the direct examination of the prosecution witness, one court said: "We still adhere to the belief that a trial judge should neither be prosecutor nor defender."[29] For a judge to be both judge and prosecutor in delinquency proceedings has been held to be reversible error.[30] In *In re Coyle,* for example, the appellate court reversed the adjudication of delinquency where the judge offered and introduced evidence over the objection of the accused juvenile and examined witnesses for the petitioner, despite the presence of a silent prosecuting attorney.[31]

For all these reasons, organizations such as the American Bar Association,[32] the National Center on Child Abuse and Neglect,[33] and the National Council on Crime and Delinquency[34] recommend that petitioners be provided with legal counsel.[35]

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27. Fraser, *supra* note 11, at 15.

28. *Id. See* MODEL CODE OF PROFESSIONAL RESPONSIBILITY Canon 9 (1979).

29. People v. Shiffman, 350 Ill. 243, 247, 182 N.E. 760, 762 (1932); *cf.* American Motorists Ins. Co. v. Napoli, 166 F.2d 24, 26-27 (5th Cir. 1948).

30. *In re* Coyle, 122 Ind. App. 217, 101 N.E.2d 192 (1951).

31. *Id.* at 218, 101 N.E.2d at 193.

32. ABA STANDARDS, *supra* note 14, Standard 1.1A.

33. MODEL CHILD PROTECTION ACT § 25(c) (Nat'l Center on Child Abuse and Neglect, U.S. Dep't of Health and Human Services Draft 1977).

34. MODEL RULES FOR JUVENILE COURTS Rule 24 (Nat'l Council on Crime and Delinquency 1969).

35. For other legislative proposals along the same lines see STANDARDS FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION Standards 15.1-.19 (Nat'l Comm'n on Criminal Jus-

II. A "CIVIL" PROSECUTOR

In an effort to emphasize the nonpunitive and rehabilitative purposes of civil, child protective proceedings, there has been a tendency to avoid calling the attorney who presents the petitioner's case a "prosecutor." For the same reason, many thoughtful observers have argued against the widespread use of district attorneys and other criminal court prosecutors[36] in this role.[37] As a result, statutes frequently specify the appointment of civil law officers to assist the petitioner: for example, the county attorney or corporation counsel.[38]

In a further effort to moderate the prosecutorial stance of attorneys assigned to the juvenile court, statutes generally eschew the term "prosecution." Instead, they say the attorney should "assist in the ascertaining and presentation of evidence,"[39] or "exercise such discretionary powers as the judge may direct,"[40] or "present the case in support of the petition and assist in all stages of the proceedings, including appeals . . . ."[41]

While the rehabilitative orientation of child protective proceedings should be preserved, it is a mistake to ignore, or deny, the essentially prosecutorial function of the attorneys who assist petitioners. First, the preparation and presentation of child abuse and child neglect cases often require hard nosed prosecutorial methods. Field investigations, in cooperation with the police as well as the child protective agency, may be needed. Recalcitrant witnesses may have to be identified and pressured into telling what they know. Opposing witnesses may have to be cross-examined effectively. These are the functions, and the skills, of a prosecutor.[42]

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tice Standards and Goals, U.S. Dep't of Justice 1976); Fox, *supra* note 12, at 42-53; Lemert, LEGISLATING CHANGE IN THE JUVENILE COURT, 1967 WIS. L. REV. 421, 432-35.

36. For examples of the widespread use of prosecutors see *supra* note 7 and accompanying text.

37. *See, e.g.*, TASK FORCE ON JUVENILE DELINQUENCY, THE PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, JUVENILE DELINQUENCY AND YOUTH CRIME 34 (1967); Nat'l Council on Crime and Delinquency, *supra* note 34, Rule 24 commentary; Fox, *supra* note 12, at 41.

38. *E.g.*, D.C. CODE ANN. § 16-2305(a) (1973) (corporation counsel); MINN. STAT. ANN. § 260.155(3) (1971) (county attorney).

39. CAL. WELF. & INST. CODE § 681 (West Supp. 1980). *See, e.g.*, MINN. STAT. ANN. § 260.155(3) (1971).

40. WIS. STAT. ANN. § 48.08(1) (West 1979).

41. N.Y. FAM. CT. ACT § 254(a) (McKinney 1975).

42. *Cf.* ABA STANDARDS, *supra* note 14, Prosecution Standard 6.2, which provides: "At the adjudicatory hearing the juvenile prosecutor should assume the traditional adversary

Second, the benign purposes of child protective proceedings should not obscure the fact that they may result in a major intrusion into family life. A petition which alleges that a child is "abused" or "neglected" is an explicit accusation of parental wrongdoing or inadequacy. Thus, as described by Justice Black: "such a case by its very nature resembles a criminal prosecution. The defendant is charged with conduct—failure to care properly for her children—which may be criminal and which in any event is viewed as reprehensible and morally wrong by a majority of society."[43] Beside the stigma involved, a finding of abuse or neglect may: encourage a criminal prosecution, result in the removal of a child from parental custody, and ultimately result in the termination of parental rights. Even if the child is not removed from the home, the parents may be placed under long term court supervision and may be forced to submit to court or agency sponsored treatment programs.

The attorneys who assist petitioners in the presentation of evidence against the parent, though not officially called "prosecutors," bring to bear the full force of the state's coercive powers. As Justice Blackmun has pointed out: "This lawyer has access to public records concerning the family and to professional social workers who are empowered to investigate the family situation and to testify against the parent. The State's legal representative may also call upon experts in family relations, psychology, and medicine to bolster the State's case."[44]

Being the functional equivalent of prosecutors does not mean, however, that these attorneys must be outsiders to the court's rehabilitative orientation.[45] "The attorney who represents the state's interests . . . while acting as a vigorous advocate, should not lose sight of the philosophy and purpose of the juvenile court . . . in insuring the best interest of the youth."[46] Even criminal court

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position of a prosecutor."

43. Meltzer v. C. Buck LeCraw & Co., 402 U.S. 954, 959 (1971) (Black, J., dissenting from denial of certiorari in eight cases, including Kaufman v. Carter, 402 U.S. 964 (1971) which the citation addresses).

44. Lassiter v. Department of Social Services, 101 S. Ct. 2153, 2168 (1981) (Blackmun, J., dissenting). *See generally* Walker, *Beyond the Juror's Ken* 7 VT. L. REV. 1 (1982).

45. *Cf.* ABA STANDARDS, *supra* note 14, Prosecution Standard 1.1(B) which provides: "The primary duty of the juvenile prosecutor is to seek justice: to fully and faithfully represent the interests of the state, without losing sight of the philosophy and purpose of the family court."

46. ABA STANDARDS, *supra* note 14, at 3.

prosecutors can be helped to understand and appreciate the juvenile justice system's emphasis on nonjudicial handling of cases through diversion to social agencies. With proper training they will be ready to accept an innovative disposition if it seems to be in the child's best interests.

Hence, whatever their official title and institutional affiliation, attorneys who assist petitioners in the presentation of evidence against parents are, and should be considered, prosecutors —"civil" prosecutors, yes, but prosecutors nonetheless.

III. The Responsibilities of the "Civil" Prosecutor

The primary role of the "civil" prosecutor is to assist the petitioner in protecting the child from further maltreatment.[47] Yet the "civil" prosecutor has parallel ethical responsibilities to the other parties in the proceeding and to the court. As a prosecutor, he has an explicit professional obligation to see that justice is done.[48] In the words of the ABA Code of Professional Responsibility: "The responsibility of a public prosecutor differs from that of the usual advocate; his duty is to seek justice, not merely to convict."[49] As the Supreme Court explained: "Society wins not only when the guilty are convicted but when criminal trials are fair; our system of administration of justice suffers when any accused is treated unfairly . . . . 'The [prosecution] wins its point wherever justice is done its citizens in the courts.' "[50]

These obligations apply with equal force to the attorneys who act as "civil" prosecutors in child protective cases.[51] They have, for example, a constitutional duty to disclose evidence favorable to the accused.[52] Even attorneys who are in-house counsel to the petitioning agency, as well as attorneys who are appointed under a statute that states they "represent" the petitoner, must be free to fulfill

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47. "It is the belief of this author that the proper role of the county attorney is a vigorous protection of the child's interest." Fraser, *supra* note 11, at 11.

48. *See generally* Standards for Criminal Justice Standard 3 (1980) [hereinafter Criminal Justice Standards].

49. Model Code of Professional Responsibility EC 7-13 (1975).

50. Brady v. Maryland, 373 U.S. 83, 87 (1963) (quoting Address by Solicitor General Sobeloff, Judicial Conference of the Fourth Circuit (June 29, 1954)).

51. *Cf.* ABA Standards, *supra* note 14, at Prosecution Standard 4.7, which provides: "The juvenile prosecutor is under the same duty to disclose evidence favorable to the juvenile in family court proceedings as is the prosecuting attorney in adult criminal proceedings."

52. Brady v. Maryland, 373 U.S. at 87.

these professional and constitutional obligations. Hence, although the relationship between "civil" prosecutors and child protective agencies should be close, it is something short of that between an attorney and client. This is a crucial and often overlooked aspect of child protective practice.

Because they share similar attitudes and interests, prosecutors and child protective agencies will usually agree about the need for court action.[53] However, if prosecutors determine that there is insufficient evidence to proceed, they have an independent obligation —as officers of the court—to prevent the commencement of a proceeding,[54] or, if one has already been commenced, to move for its dismissal.[55] In making this determination, the prosecutor should apply the two-pronged test established in the ABA's Juvenile Justice Standards:

> The term legal sufficiency involves a two-pronged test: A. whether the facts as alleged are sufficient to establish the court's jurisdiction over the youth, and B. whether the competent and credible evidence available is sufficient to support the petition. The first part of the test is concerned with such matters as the age of the juvenile and the nature of the conduct which he or she is alleged to have committed. The second part of the test is essentially equivalent to a determination of probable cause. Both parts of the test should be met before a petition is filed.[56]

Similarly, if prosecutors determine that court action would not be in the child's interest, they have a parallel obligation to seek the cessation of court action.[57] Many child protective cases which reach court do not belong there. Usually, this happens because the system's diversionary procedures did not operate properly. The le-

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53. *See* D. BESHAROV, JUVENILE JUSTICE ADVOCACY 197 (1974); *cf.* ABA STANDARDS, *supra* note 14, at 58 (juvenile prosecutors follow recommendations of intake officers).

54. *Cf.* ABA STANDARDS, *supra* note 14, at Prosecution Standard 4.1(B) (juvenile delinquency prosecutors may refuse to file petition).

55. *Cf.* ABA STANDARDS, *supra* note 14, at Prosecution Standard 4.2 (juvenile delinquency prosecutors may move for dismissal).

56. *Id.* at 50-51.

57. "The juvenile prosecutor should determine, by investigating the juvenile's past record . . . whether he or she is a proper subject for family court jurisdiction." *Id.* at Prosecution Standard 4.3 (A). See also CRIMINAL JUSTICE STANDARDS, *supra* note 48, at Standard 3-3.9(b), which provides: "The prosecutor is not obliged to present all charges which the evidence might support. The prosecutor may in some circumstances and for good cause consistent with the public interest decline to prosecute, notwithstanding that sufficient evidence may exist which would support a conviction."

gal sufficiency of the case may not have been carefully assessed; the relative safety of the child's present situation may not have been recognized; the parents' willingness to accept voluntarily treatment may not have been adequately pursued; the likely benefits of intervention may not have been weighed against its possible harmfulness; or the child's own wishes, if he is of sufficient maturity, may not have been taken into account.[58] For any of these reasons, formal court action may be contrary to the child's interests, and perhaps actually harmful. Hence, "[c]hief among the decisions the juvenile prosecutor must make is what is the state's interest at stake in choosing the formal adjudication process rather than a nonjudicial disposition."[59]

On occasion, the prosecutor will disagree with the petitioning agency's decision to dismiss the proceedings and instead will conclude that the child's best interests require that the proceeding be continued. Fraser explains:

> It is sometimes wise to be critical of the Department's stated recommendations concerning the interests of *one* child. Departments of social services are large bureaucracies. Departments of social services are obligated by law to deal with large numbers of children each year. Resources are scarce. Decisions are sometimes made on the need to make limited resources stretch as far as possible. Decisions are sometimes made on institutional interests. Decisions made by the local department of social services are not always made on the basis of the child's interests.[60]

Ordinarily, the agency's decision to end court action should be given great weight. Furthermore, if the parents' counsel discovers the agency's position, and makes a motion to dismiss based on it, the prosecutor may find it impossible to convince the court to continue the proceeding. Under compelling circumstances, however, the prosecutor may decide that the child's welfare requires that an effort be made to continue the proceeding.

Inevitably, a "civil" prosecutor's exercise of independent judgment will lead to deep and recurring disagreements with the child protective agency. Child protective agencies are not accustomed to an outside review of their decision to initiate court action. But if

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58. *See* Besharov, *Representing Abused and Neglected Children: When Protecting Children Mean Seeking the Dismissal of Court Proceedings*, 20 J. FAM. L. 217 (1982).

59. ABA STANDARDS, *supra* note 14, at 55.

60. Fraser, *supra* note 11, at 19.

such conflicts are handled with tact and mutual respect, then a resolution, or a least a *modus vivendi,* will be reached—in much the same way that the police and district attorneys have accommodated themselves to their frequently conflicting perspectives.[61]

Conclusion

This article has argued that petitioners in child protective proceedings need legal counsel. While agreeing that the nonpunitive character of child protective proceedings should be safeguarded, this article has also argued that lawyers who assist petitioners to present evidence against parents must be considered "civil" prosecutors, and that their fundamental responsibility is to protect the child within the constraints of fairness and due process. To meet this responsibility, prosecutors sometimes will have to act at variance to the desires, and perhaps the interests, of the child protective agency. Many attorneys will feel unprepared and uncomfortable doing so. Often inexperienced in child protective proceedings, they feel unqualified to disagree with the "experts" in the agency. Institutional and collegial pressures to go along with the system also add to their feeling of discomfort. Nevertheless, the interests of children, and the rights of parents, require that they adopt the independent role that this article has recommended.

61. *See generally* F. Miller, Prosecution: The Decision to Charge a Suspect with a Crime (1969).