

## RPS Bollinger's Guide to Prevention of Sexual & Physical Abuse for ASA Softball Teams & Leagues

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This site has been established as a risk management tool for ASA Teams and Leagues. Through education and awareness of the potential for abuse to ASA participants, the ASA and RPS Bollinger hope to minimize minimize the risk of such incidents throughout the softball community.

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### Important Notice

The information and suggestions presented by RPS Bollinger in this "Guide to Prevention of Sexual and Physical Abuse" are for your consideration in establishing a program of loss prevention for your sports organization. These guidelines are not legal advice nor are they intended to be complete or definitive in identifying all hazards associated with the issue of abuse, in preventing abuse in your particular sports program, or in complying with any safety-related regulations or other laws. You are encouraged to use the resources listed in this site to obtain additional information on this topic, and to contact your local social services organizations and law enforcement authorities for further guidance. RPS Bollinger recommends that you have legal counsel review all of your organization's policies and risk management plans.

## How is the topic of Sexual and Physical Abuse relevant to Amateur Sports Organizations?

Each year, millions of children and adults participate in amateur sports activities around the United States. The goals differ from player to player. For most, the objectives range from the desire to learn to play a sport, to enjoy the competition or to get a good workout. However, for a small segment of these participants, their enjoyment of the sport will be marred by some form of abuse – sexual, physical or mental – from a coach, a volunteer or another player.

Providing sports activities for children and adults brings with it numerous responsibilities. The number one responsibility is to protect the safety and welfare of the athletes and participants in your sports program. One area of safety that is often overlooked is the prevention and awareness of abuse of players and participants.

### 1. Legal Responsibility

The *Volunteers for Children Act*, signed into law in 1998, underscores the importance of preventative measures that must be taken by sports organizations with regard to abuse. Under this law, if a volunteer or employee of the organization sexually molests a child in his care – and it can be shown that the molester had been previously convicted of a relevant crime elsewhere in the U.S. -- then the organization may be held liable for negligent hiring practices.

Further, there are statutes in many states which mandate that a person who is made aware of alleged child abuse has an obligation to report those incidents to the local authorities. In California, for example, the statute is called the *Child Abuse and Neglect Reporting Act*. It requires that any childcare custodian who reasonably suspects that a child has been abused must report the suspected abuse to a child protective agency immediately. The person must also follow up that report with a written statement within 36 hours of receiving the information which lead him/her to suspect the abuse.

Under the California statute, childcare custodians are defined to include “administrators of public and private youth centers, youth recreation programs and youth organizations”. These legally mandated reporters can be criminally liable and civilly liable for failing to report suspected abuse. Many other states have similar legislation.

### 2. Social Responsibility

It is the nature of sports that can, unfortunately, provide the potential for abusive situations. Many aspects of sports can make certain participants vulnerable to abuse or molestation:

- » Close, often personal, interaction between coaches and athletes, particularly at elite levels
- » Imbalance of power and age between coaches and athletes
- » The athlete who feels his or her future success depends on getting the coach’s approval
- » Frequent travel or transportation of athletes (car trips, hotels, etc.)
- » Coaches who have high status, high degree of success
- » No witnesses to the acts of abuse – player’s word against the coach or other abuser
- » No established procedures for making complaints
- » Players are conditioned to follow the coach’s direction

Therefore, it is the responsibility of the sports organization to establish procedures to minimize the risk of abuse among its participants. Those procedures should include, but are not limited to:

- » Educating staff and volunteers about the different forms of abuse
- » Educating staff and volunteers about the warning signs of abuse
- » Awareness of the profiles of likely offenders
- » Implementing a thorough staff and volunteer selection process that includes:
  - Personal interviews and screening of each candidate
  - Background and criminal checks for each candidate
  - Communication of a “Zero Tolerance policy” for abuse and abusers
- » Developing a written, Zero-Tolerance policy regarding abuse
- » Communicating uniform consequences for abusers or alleged abusers
- » Establishing clear reporting procedures and channels of communication for suspected abuse

Each of these important points is further explained in this site.

## What is Abuse?

Any athlete can suffer abuse from a coach, volunteer, other player or even from parents on the sidelines. Children and youth participants are especially vulnerable to abuse, which is harmful to their physical and emotional development. Abuse in any form requires action and investigation by the organization.

The American Humane Association defines the different categories of abuse as: physical abuse, sexual abuse, emotional abuse, neglect, and other. In 1993, a study was done on the prevalence of different forms of abuse among youth sports participants in Minnesota. The results are considered to be fairly representative for young athletes around the country.

- » 43% of athletes have been called names, yelled at or insulted
- » Nearly 18% have been hit, kicked or slapped
- » Over 20% have been pressured to play while injured
- » Over 8% have been coached to intentionally injure others
- » 8% have been called names with sexual connotations
- » More than 3% have been pressured into sexual situations

Awareness of the problem is the first step toward prevention of abuse. Your staff and program volunteers should understand what constitutes abuse in order to prevent and avoid abusive situations in the future. The following are brief definitions of the most common types of abuse. For further information, please go to the [Resources](#) section of this site.

**Physical Abuse** is the most visible form of maltreatment. It is defined as intentional physical injury resulting from hitting, punching, kicking, biting or other forms of bodily harm. Corporal punishment disguised or rationalized as discipline is another form of physical abuse and should never be tolerated within a sports organization.

**Sexual Abuse or Sexual Molestation** is difficult for most people to talk about, which makes communication and education a challenge. In most states, the legal definition of sexual molestation is an act of a person who forces, coerces or threatens another person to have any form of sexual contact or to engage in any type of sexual activity. Sexual abuse includes both touching and non-touching offenses, as well as exposing a child to sexual or pornographic material, and child exploitation (using a child or child's image for the purpose of prostitution or pornography).

**Emotional Abuse** is commonly defined as harm to a person or child resulting from a pattern of behavior – such as extreme criticism, sarcasm or the use of insults – that attacks the person's emotional well-being and sense of self-worth. Children who are constantly shamed, terrorized, humiliated or rejected can suffer as much from these forms of emotional abuse than they can from physical abuse.

**Neglect** is the most common form of child maltreatment reported to child protective services agencies, according to the National Child Abuse and Neglect Data System. Neglect is defined as the failure to provide needed, age-appropriate care. Sports-related examples of neglect could be: child abandonment, inadequate supervision or failure to provide for the child's safety, physical or emotional needs.

“**Other**” forms of abuse refer to such behaviors as medical neglect, educational neglect and other situations of endangering a child.

## What are the Warning Signs of Abuse?

Sports administrators, coaches, volunteers and parents should be aware of the behavioral changes that potentially indicate that a participant is involved in an abusive situation. These physical and behavioral indicators may signify possible abuse.

- » Any physical signs of abuse, such as a repeated pattern of injury or where the explanations of the accidents do not fit the injury
- » Changes in behavior, extreme mood swings, withdrawal, fearfulness and excessive crying
- » High levels of anxiety
- » Distorted body image, including or resulting in eating disorders, self-mutilation or other related behaviors
- » Low self-esteem
- » Overly aggressive behavior
- » Unwillingness to participate in sports or school difficulties
- » Repression
- » Poor peer relationships, isolation
- » Fear of certain places, people or activities, or reluctance to be left alone with a particular person
- » Nightmares or night terrors
- » Graphic or age-inappropriate knowledge of sex or sexual behavior
- » Suicidal attempts or gestures
- » Obsessive behaviors
- » Drug or alcohol abuse
- » Problems with authority or rules

If you suspect abuse in a given situation, it is recommended that you contact the local authorities in charge of child abuse cases to inform them of your suspicion and the possible indicators you have observed.

Most child-protective agencies or child welfare services only address inter-familial abuse cases. Other forms of abuse are usually handled by the police.

## Who are the likely Perpetrators of Abuse?

Most of the information in this section is adapted from Kenneth V. Lanning, "*Child Molesters: A Behavioral Analysis*", published by the National Center for Missing and Exploited Children in 1987.

This document was originally prepared for law enforcement officers. However, it does supply useful information for sports administrators in helping them assess candidates for coaching and volunteer positions. As with the signs of abuse, one indicator on its own may have little significance. However, if an individual has more than one indicator, it can form a pattern of behavior and suggest further investigation on the part of your organization. The primary purpose of this information will be to help increase awareness among your staff about the warning signs of potential abusers.

- » The majority of sexual offenders are males. The great majority of victims are females.
- » Only a minority of convicted child molesters (fewer than 1/3) can be classified as pedophiles (people with permanent sexual interest in children).
- » Sexual abuse and exploitation have different motivational roots for different people. The behavior may range from an expression of closeness to an expression of aggression.

### Common characteristics shared by convicted child molesters are:

- » Sexually abused as a child
- » Limited social contact as teenagers
- » Premature separation/discharge from the military
- » Prior arrests or convictions for abuse or related offenses
- » History of frequent or unexpected moves
- » Over 25, single, never married
- » Lives alone or with parents
- » If married, may be a marriage of convenience
- » Excessive interest in children; idealizes children
- » Seeks legitimate access to children
- » Has limited peer relationships
- » Has specific age and gender preferences; associates and friends are young
- » Skilled at identifying vulnerable victims and giving them the attention they seek
- » Seduces with attention, affection and gifts
- » Skilled at manipulating children, lowering their inhibitions and increasing the likelihood that they will cooperate

### Myths about Child Molesters

The flip side to the potential behavioral indicators listed in the previous section is that child molesters defy many of the stereotypes that exist about them. As stated above, it is difficult to identify a child molester by any one physical or behavioral trait.

A study of 148 convicted child molesters was made by experts A. Nicholas Groth, Ann W. Burgess, H. Jean Birnbaum and Thomas Gary, which identifies several of the common myths and misconceptions about child molesters. The results of this study were published in the "The Camp Director's Guide: Preventing Sexual Exploitation of Children" 1988, John C. Patterson, National Center for Missing & Exploited Children.

#### **Myth 1: The child molester is a "dirty old man".**

The study documented that nearly three quarters of the subjects were under 35 years of age, with 82% younger than age 30 at the time of their first conviction.

#### **Myth 2: The child molester is a stranger to the victim.**

This study and several others have demonstrated overwhelmingly that the molester is often known to the child and the child's family. Often, the person is in a position of authority, such as a teacher, coach or religious leader.

#### **Myth 3: The child molester is mentally retarded or mentally disturbed.**

The convicted offenders in this study showed no significant deviation from the general population when tested on standard intelligence tests. Subjects were found to be generally competent, otherwise law-abiding, well-educated individuals.

#### **Myth 4: The child molester is an alcoholic or addicted to drugs.**

Despite claims of alcoholism by child molesters, this study found that the overwhelming majority of subjects (98%) were not drug abusers, and fewer than one third were alcohol dependent.

#### **Myth 5: The child molester is sexually frustrated.**

In this study, approximately half of the subjects were married and therefore had other sexual outlets available. The study determined that sexual contact with children was occurring even while other adult sexual relationships existed.

#### **Myth 6: Children are at greater risk of sexual victimization from homosexual adults than from heterosexual adults.**

This study found that more than half of the men selected only female children as their victims. 21% selected both girls and boys to victimize; and 28% selected only boys.

## Minimizing the Risk of Abuse within your Sports Organization

To minimize the potential for abuse in your organization, start by taking a look at two areas that can have a significant impact on your program: staff selection and hiring practices; and developing and communicating a Zero-Tolerance philosophy on abuse.

### 1. Staffing

A sports organization is only as good as its staff. Selecting and hiring that staff, whether for full-time paid positions or for volunteer positions, is one of the greatest responsibilities placed on the directors of a sports or recreation program.

Staff selection is the best way to begin to minimize the risk of potential abuse within your program. Good hiring practices include the following:

- » Preparing a job description for each position
- » Requiring that each applicant or candidate complete an application, including their consent to a background check. [Click here for a sample Employee/Volunteer Application.](#)
- » An in-person interview
- » Check references and obtain a background check for all coaches and volunteers. The background checks should be performed by a reputable service provider and should provide information on the following:
  - Sex Offender Registry Search
  - National criminal history database check
  - Social Security Number & Address Verification
  - Federal Terrorist Database search
  - Fair Credit Reporting Act (FCRA)\* assistance in accordance with federal law
- » Guidelines issued by the National Parks & Recreation Association for volunteer credentialing also state that the background check service provider you choose should offer the following:
  - Timely results, typically within 10 business days or fewer
  - Complimentary Consultation to clarify screening results and provide other assistance and guidance throughout the process

In conjunction with a Zero-Tolerance policy toward abuse, your organization may want to adopt the following, and add it to your hiring/screening procedures:

- » Requiring that each candidate complete an Employee/Volunteer Affidavit. [Click here for a sample Employee/Volunteer Affidavit](#) that your can customize for your organization.

While these steps may require considerable time and effort on the part of your current staff, there is no higher priority than the protection of your program's participants. The employee/volunteer selection process is designed to bring to the surface certain patterns that may indicate a history of or an inclination toward abusive behavior.

### 2. Zero Tolerance Policy

In addition to employee and volunteer screening, another excellent tool for minimizing the risk of abuse within your organization is to establish a Zero Tolerance Policy against abuse of any kind. There are a few steps involved in creating and communicating such a policy effectively.

- » Create a written document outlining your Zero Tolerance Policy and incorporate it into your organization's by-laws or other governing documents. Adopt the Zero-Tolerance Policy below, or check the [Resources](#) section in this site for additional suggestions.
- » Communicate this policy in your promotional literature, in your staff guidelines or employee manual, and on your web site. Make sure all employees and volunteers are trained on and understand this policy.
- » Incorporate training sessions on Abuse Prevention and Awareness into your coaches' and umpires' certification or training programs. Your local police departments may be able to assist you. Or, check the [Resources](#) section in this site for other options.

At the end of this report is a sample of a suggested [Zero Tolerance Policy](#) your organization can adopt.

## Procedures for Reporting Abuse or Suspected Abuse

One of the most important aspects of creating an awareness program with regard to abuse is to establish set procedures and specific contact person(s) for reporting incidents of abuse or alleged abuse. Communicate these procedures to all participants in your organization so that they know who to turn to and how to report cases of abuse or alleged abuse. In particular, learning about these procedures should be part of each staff or volunteer's initial training or continuing education-type training.

The following steps for reporting abuse or suspected abuse are taken from the book, "For Their Sake: Recognizing, Reporting and Responding to Child Abuse" by Dr. Becca Cowan Johnson. Most of these guidelines reference children as victims. However, persons of any age can be victims of abuse. These guidelines are equally applicable to adults as well as children.

### 1. Taking the initial report

- » Assure privacy but not confidentiality. A child may say to you that they have something to tell you but only if you promise not to tell anyone else. If you are legally mandated reporter, you cannot make such a promise. You may tell the child, "Everything we talk about will be private. But if I think you are going to hurt yourself or someone else, or if someone is hurting you, then I may have to share our conversation with someone else who can help you."
- » Be calm. If your response to hearing about an abusive situation reflects shock, it will adversely affect the abused child. It is appropriate to share your feelings of concern with the individual. But getting upset about the situation may result in the child's feeling worse about it or worse about his/her role in it.
- » Believe the child. Do not ask "why" questions, as they may be accusatory. Many children think that adults will not believe them, especially if their abuser has reinforced such thinking by saying, "No one will believe you because you're just a kid." Therefore, it is important not to discount anything a child tells you that involves an abusive situation.
- » Get the facts, but don't interrogate. In making a report, it is necessary to have certain factual information. However, as mentioned, you do not have to interview the child to determine whether the abuse occurred or didn't occur. Leave that to the experts. Your responsibility is to present the child's story to the authorities.
- » Reassure the child. It may have taken quite a bit of courage for the child to finally tell his or her story. Assure the child that what happened was not his or her fault. Use such statements as "I believe you," or "This happens to other kids, too," or "It's not your fault this happened." Tell the child that he or she was very brave and mature to tell you about the situation.

### 2. Reporting the information to the authorities

After you have made a verbal report to the local authorities, you will need to follow up with a written statement. Although the amount and type of information included on an abuse report may vary from state to state, the basic information required for either report usually includes the following (if available):

- » Name, address and phone number of the victim
- » The nature and extent of injury or abuse
- » Name, address and phone number of the alleged abuser
- » Your name, address, telephone number and relationship to the victim (if you are not a mandated reporter, you may request anonymity)

It is also beneficial to know or have access to the following information, if possible (as outlined by the Massachusetts Department of Social Services):

- » In addition to the above information on the victim, the gender, and date of birth or estimated age of the victim
- » If the abuse is inter-familial, the names and ages of other children in the household
- » The names, addresses, phone numbers of the child's parents or guardians
- » Any indication of prior injuries, abuse or neglect
- » The circumstances under which you first became aware or were notified of the person's abuse, injuries or neglect
- » If the information was given to you by a third party, the identity of that person (unless anonymity was requested)
- » A description of the incident(s) as reported by the victim
- » Physical indicators noted
- » Behavioral indicators noted

### 3. General reporting procedures within your organization

- » State that staff members, volunteers, parents and program participants have a duty to report any incidents of abuse or suspected abuse.
- » Communicate the names of appointed persons within the organization to whom any incidents of abuse or suspected abuse should be reported. However, let every participant, particularly the youth participants, know that any abusive or suspected abusive situation may be reported to any person with whom they feel comfortable. That person will then have the duty to notify the appropriate person within the organization and report the situation to the local authorities.
- » Express the organization's commitment to taking immediate steps to investigate and follow up on every complaint or report of abuse.
- » Strongly communicate to all members of your organization the consequences of abuse. Every person should know that in the event of a complaint of abuse against them, they may be temporarily suspended from their duties while an investigation takes place. Once they are cleared of any charges, they may apply for reinstatement within the organization. However, there is no guarantee that they will be reinstated to their former position. Apply these procedures uniformly for all abusers and alleged abusers, regardless of position within the organization.
- » Give clear authority to a specific individual (or committee) for monitoring the conduct and coaching style of coaches and other volunteers, to ensure that your organization's goals are being met.
- » Make a clear commitment to educating staff, volunteers, parents and children about abuse.

## Additional Resources

This document was prepared using information from many sources. In particular, we would like to credit the following publications and web sites used for research in this risk management guide.

### Publications

1. *The Camp Director's Guide: Preventing Sexual Exploitation of Children*, 1998, John Patterson for The National Center for Missing and Exploited Children, in cooperation with the American Camping Association and Markel Insurance Company.
2. *Child Molesters: A Behavioral Analysis, 2nd ed.*, 1987, Kenneth V. Lanning, National Center for Missing and Exploited Children, Washington D.C.
3. *For Their Sake: Recognizing, Reporting and Responding to Child Abuse*, 1992, Becca Cowan Johnson, Ph.D.
4. *Sexual Abuse and Exploitation of Athletes by Their Coaches*, 1995, Stephen J. Bavolek, Ph.D., National Institute for Child Centered Coaching, Park City, UT
5. *Fact Sheet: Answers to Common Questions about Child Abuse and Neglect*, 1996, American Humane Association, Children's Division, Englewood, CO

### Web Sites

1. [www.NCYS.org](http://www.NCYS.org): The National Center for Youth Sports, provides a revolutionary approach to safety in sports for youth participants and includes detailed information on background checks, volunteer screening and prevention of abuse.
2. [www.SafetyInitiatives.com](http://www.SafetyInitiatives.com): The National Center for Safety Initiatives is a partner of the National Center for Youth Sports and provides a full service background screening for volunteers in sports and youth activities.
3. [www.NYSSF.org](http://www.NYSSF.org): The National Youth Sports Safety Foundation presents information on safety for youth sports organizations, including information on volunteer screening and abuse prevention.
4. [www.NRPA.org](http://www.NRPA.org): The National Parks & Recreation Association has recently published guidelines for volunteer credentialing and prevention of abuse in all areas of sports and activities dealing with youth participants.
5. <http://www.fbi.gov/hq/cid/cac/states.htm>: This is the FBI's web link to each state's sex offender registry.
6. [www.ChildSafeNetwork.org](http://www.ChildSafeNetwork.org): Provides sex offender registries, including neighborhood map links, as well as child safety id kits and general safety information for any organizations dealing with youth.
7. [www.MissingKids.com](http://www.MissingKids.com): This is the official site of the National Center for Missing and Exploited Children.
8. [www.SafeKids.org](http://www.SafeKids.org): Presented by the national organization dedicated to the prevention of unintentional injuries to children, this site provides information on all types of child safety.

## Zero Tolerance Policy against Abuse

The \_\_\_\_\_ (name of sports organization) is committed to providing a safe environment for its members and participants, and to preventing abusive conduct in any form. Every member of this organization is responsible for protecting our participants and ensuring their safety and well being while involved in sponsored activities. To this end, we have established the following guidelines of behavior and procedures for our staff, volunteers and participants. All members of this organization, as well as parents, spectators and other invitees are expected to observe and adhere to these guidelines.

1. Abuse of any kind is not permitted within our organization. This means we do not tolerate physical, sexual, emotional or verbal abuse or misconduct from our players, coaches, officials, volunteers, parents or spectators.
2. Physical and sexual abuse, including, but not limited to, striking, hitting, kicking, biting, indecent or wanton gesturing, lewd remarks, indecent exposure, unwanted physical contact, any form of sexual contact or inappropriate touching, are strictly prohibited within our organization.
3. Emotional abuse or verbal abuse is also prohibited. These include, but are not limited to such forms of abuse as: yelling, insulting, threatening, mocking, demeaning behavior, or making abusive statements in regard to a person's race, gender, religion, nationality/ethnicity, sex or age.
4. We are committed to providing a safe environment for our players, participants and staff. We do so by appointing all coaches, officials and volunteers – and anyone else affiliated with our organization – as protection advocates. Every member of this organization is responsible for reporting any cases of questionable conduct or alleged mistreatment toward our members by any coach, official, volunteer, player, parent, sibling or spectator.
5. Buddy System: We recommend that every activity sponsored by our program put a Buddy System in place. Each youth participant should be assigned a buddy during sponsored activities. No child should go anywhere – to the bathrooms, locker rooms, or other location – without his or her buddy.
6. To further protect our youth participants, as well as our coaches, officials and volunteers, we strongly advise that no adult person allow him/herself to be alone with a child or with any group of children during sponsored activities. In particular, we recommend that coaches or other adult members of this organization:
  - » Do not drive alone with a child participant in the car
  - » Do not take a child alone to the locker room, bathrooms or any other private room
  - » Provide one-on-one training or individual coaching with the assistance of another adult or the child's Buddy
  - » If you must have a private conversation with a youth participant, do it within view of others, in the gym or on the field, instead of in a private office
  - » Coaches and other adult members of this organization should not socialize individually with the participants outside of sponsored activities
6. Supervision/Chaperon ratio: We recommend that for any sponsored activity, the ratio of adults to youth participants be 1:8 – one (or more) adults for every eight children, with a minimum of two adults for every activity.
7. When traveling overnight with youth participants, children should be paired up with other children of same gender and similar age group, with chaperons in separate but nearby rooms.
8. We want to empower our children to trust their feelings and let them know that their concerns, fears and hopes are important by listening to them. Open communication between children and parents, or between children and other adults in the organization may help early warning signs of abuse to surface.
9. We encourage parents to become as active as possible in sponsored activities, games, practices and other events. The more the parents are involved, the less likely it is for abusive situations to develop.
10. We will respond quickly to any and all allegations of abuse within this organization. This information will be communicated to the authorities for investigation and will be reviewed by the organization's directors. The alleged offender will be notified of such allegations promptly.
11. Any person accused of sexual or physical abuse may be asked to resign voluntarily or may be suspended by the board until the matter is resolved. Regardless of criminal or civil guilt in the alleged abuse, the continued presence of the person could be detrimental to the reputation of the organization and could be harmful to the participants. A person who is accused but later cleared of charges, may apply to be reinstated within the organization. Reinstatement is not a right, and no guarantee is made that he or she will be reinstated to his/her former position.
12. We promote good sportsmanship throughout the organization and encourage qualities of mutual respect, courtesy and tolerance in all participants, coaches, officials and volunteers. We advocate building strong self-images among the youth participants. Children with a strong self-image may be less likely targets for abuse; similarly, they may be less likely to abuse or bully others around them.