Recent Research Affecting Child Abuse Investigations and Prosecutions

The NCAC models, promotes, and delivers excellence in child abuse response and prevention through service, education, and leadership.
Learning Objectives

- Attendees will review recently published research affecting child abuse investigations and prosecutions.

- Attendees will relate this information to their current practices in the field.

- Attendees will identify multiple issues to raise with their local MDT to inform them of this emerging research and identify potential modifications to current practice.

School, police, and medical authority involvement with children who have experienced victimization. Archives of Pediatric Adolescent Medicine, 9-15.
Are we getting all cases?

- The purpose of this study was to examine the degree to which authorities know about victimization in a contemporary cohort of children and adolescents.

- The National Survey of Children’s Exposure to Violence (NATSCEV) was designed to obtain one-year and lifetime prevalence estimates of a wide range of childhood/adolescent victimizations.
  
  ➢ Conducted during 2008 with a nationally representative sample of 4,549 children between the ages of 0-17
  ➢ 0-9 year of age - short interview with an adult caregiver
  ➢ 10-17 years of age - the child was interviewed
The survey used an enhanced version of the Juvenile Victimization Questionnaire (JVQ) – an inventory of childhood victimization covering five primary areas:

- Conventional crime
- Maltreatment
- Victimization by peers and siblings
- Sexual Victimization
- Witnessing and indirect exposure to violence

Follow-up questions for each victimization item gathered additional information about each event. This study only considers the victimizations which occurred during the past year.
Are we getting all cases?

- **58.3%** of the sample reported at least one victimization in the past year (included bullying but not exposure to domestic violence)

- Of these victims, **45.7%** had at least one victimization known to authorities (we know about less than half of cases!!)

- The victimizations most likely known to any authorities were typically of a serious nature:
  - Sexual abuse by a known adult (69.0%)
  - Sexual abuse by a non-specified adult (76.1%)
  - Kidnapping (73.5%)
  - Gang or group assault (70.1%)
Are we getting all cases?

- The victimizations least likely known to authorities were:
  - Peer and sibling assault (16.9%)
  - Dating violence (15.2%)
  - Sexual exposure/being flashed (16.6%)
  - Completed and attempted rape (14.0%)
  - Statutory rape (3.4%)

- Who is informed of these victimization events?
  - School authorities - 42.3%
  - Police - 12.7%
  - Medical authorities - 1.8%
Are we getting all cases?

• Police were more likely to know about several types of victimization:
  ➢ *Kidnapping* (71.0% vs. 46.0%)
  ➢ *Neglect* (36.9% vs. 29.2%)
  ➢ *Sexual abuse by a know adult* (64.9% vs. 30.2%)
  ➢ *Sexual abuse by a non-specific adult* (76.1% vs. 28.5%)
  ➢ *Witnessing of domestic violence* (42.3% vs. 22.9%)

• Sexual offenses were more likely to be known to the police when the child expressed feeling afraid
Are we getting all cases?

• Sexual offenses were more likely to be known to school authorities when they:
  
  - Occurred in school
  - Involved a non-identified perpetrator
  - Occurred to a child between 2-9 years of age
  - Involved a child living with a step-parent or unmarried partner of a parent

• When these findings are compared to similar data collected in 1992, reporting has:
  
  - almost doubled for reporting on all victimizations
  - tripled for kidnapping
  - almost doubled for sexual abuse incidents!

Child porn only? Seriously?

- There is limited information available regarding the actions of individuals who possess child pornography, especially their likelihood for engaging in the sexual abuse of children.

- The purpose of this study was to shed additional light on this emerging issue. This project involved two analyses:
  - Compare criminal sexual histories known at the time of sentencing with the self-report of offenders following participation in treatment for the purpose of determining how many of the so-called “just pictures” offenders self-reported contact sexual offenses.
  - Assess the incidence of these offenders to “crossover” – engage in the victimization of children across genders and age categories.
Child porn only? Seriously?

- 155 sexual offenders in an intensive, residential, sex offender-specific treatment program at a medium security federal prison.
  - All had been convicted of the possession, distribution, or receipt of child pornography; and voluntarily participated in this treatment program.

- Treatment program consisted of group and individual therapy, and a 60-week psycho-educational series focusing on:
  - criminal thinking errors, management of deviant sexuality, emotional self-regulation, victim impact and empathy, social and intimacy skills, communication skills, relapse prevention, and community re-entry skills.
Child porn only? Seriously?

- Information was obtained from the following:
  - **Presentence Investigation Report** - history of a “hands-on” offense was defined as:
    - Previous conviction for a contact sexual offense
    - Acknowledgement of a prior contact sexual offense from the offender
    - Prior investigation and substantiation of a child sexual offense committed by the offender
  - **Psychosexual History Questionnaire** – includes a complete listing of their hands-on victims
  - **Polygraph Examination Report** – administered after 14 months of treatment
Child porn only? Seriously?

• At the time of sentencing:
  - 74% of the offenders had no documented “hands-on” offenses
  - Of the forty men who had a prior history of a “hands-on” offense, these individuals had an average of **1.88 victims**

• By the end of treatment:
  - Only 24 subjects denied having committed a “hands-on” offense
  - 85% admitted having committed at least one “hands-on” offense – vast majority indicated they committed these offenses **prior** to seeking child pornography on the internet
  - Of those who admitted a prior history of a “hands-on” offense, they had an average of **13.56 victims**
Child porn only? Seriously?

• A significant percentage of subjects crossed age bands and genders with their offending behavior.

• Offenders who reported having male victims were significantly more likely to engage in crossover behavior when compared with those who reported abusing female victims.

• Among the offenders who were not known to have any “hands-on” victims at the time of sentencing:
  - 24% admitted during treatment they had abused both male and female children.
  - 48% admitted having abused both pre-pubescent and post-pubescent children.

Do parents blame or doubt their child more when sexually abused by adolescents versus adults? *Journal of Interpersonal Violence, 27*(3) 453-470.
Does age of offender change things?

• The purpose of this study was to examine whether:
  - Sexual abuse case characteristics with adolescent versus adult suspects differ
  - Parents have higher levels of blame or doubt toward their child when minors are sexually abused by adolescents versus adults.

• Part of the Multi-Site Evaluation of Children’s Advocacy Centers involving the CACs in four communities and comparison communities without CAC services (Dallas, TX; Charleston, SC; Huntsville, AL; and Pittsburgh, PA).
Does age of offender change things?

• Subjects:
  - 161 child victims
    • Victim was age 5 or older
    • Suspect was 12 or older
  - Vast majority of respondents were the child’s biological parent (89%)

• Parental blame or doubt was assessed using the Maternal Self-Report Support Questionnaire which seeks to measure two primary domains:
  - Emotional Support
  - Blame and Doubt
Does age of offender change things?

• Most offenders (adult and adolescent) were family members.

• Parents were significantly more likely to blame and doubt their child when their child was sexually abused by an adolescent versus an adult.

• As the alleged victim age increased, there were higher levels of blame and doubt:
  - Parents of 13-15 year olds had significantly higher levels of blame and doubt compared to parents of 5-9 year old children.

Do actions speak louder than words?

• The purpose of this study was to examine:
  ➢ differences between the non-verbal behaviors of disclosers and non-disclosers
  ➢ associations between non-verbal behavior early in the interview and later disclosure/non-disclosure
  ➢ changing patterns of nonverbal behavior across successive phases of the forensic interviews.

• Videotaped interviews of 40 alleged child abuse victims:
  ➢ Gender - 15 girls, 25 boys
  ➢ Age - 3.1 - 13.5 years
  ➢ Abuse Type
    • Ssexual abuse = 14
    • Physical abuse = 26
Do actions speak louder than words?

- Suspected perpetrators:
  - Parent figures (n = 26)
  - Non-parent figures (n = 14)

- Half of these Israeli children had disclosed (half did not)

- In all cases, independent evidence suggested abuse was likely to have occurred:
  - Detailed suspect confession (n = 20)
  - Corroborative eyewitness statements to police (n = 14)
  - Medical evidence indicative of abuse (n = 8)
  - Recording of actual abuse (n = 1)
Do actions speak louder than words?

- Length of forensic interviews ranged from 5 - 45 minutes (Mean was 12 minutes)

- A coding scheme to measure nonverbal behaviors was developed specifically for the present study. Coders were:
  - unable to hear any sound during the recorded interview
  - were never made aware of whether individual children had disclosed abuse.
Do actions speak louder than words?

- The coders recorded the presence of any of the following non-verbal behaviors every 15 seconds:
  - Stress
  - Physical disengagement
  - Emotions: facial displays of negative emotions
  - Emotions: facial displays of positive emotions

- Most of the non-verbal behaviors were seldom observed.

- Negative emotions were very rarely seen so they were excluded from further analysis.
  - May be an indicator of interviewer skill which sought to limit children’s negative emotions.
Do actions speak louder than words?

• Preliminary analyses revealed no significant differences between disclosers and non-disclosers with respect to:
  ➢ *Children’s age*
  ➢ *Gender*
  ➢ *Abuse type*
  ➢ *Suspect identity*
  ➢ *Interview length*
  ➢ *Length of individual interview phases*

• Showed more signs of stress:
  ➢ *Older children*
  ➢ *Sexual abuse victims*
Do actions speak louder than words?

- Children who did not disclose showed more physical disengagement.

- Physical disengagement was more prominent in the rapport-building and substantive phases than in the introductory phase.

- More physical disengagement in the non-disclosure group than the disclosure group during the substantive phase of the interview.
The development of communicative and narrative skills among preschoolers: Lessons from forensic interviews about child abuse. Child Development, (00) 1-12.
Interviewing the young ones – can the child do this?

• Purpose
  - to explore the ability of young children (between ages 3-6) to respond informatively to various questions or prompts used in forensic interviews
  - to explore age differences in patterns of response to various types of prompts.

• There were 299 alleged victims of child abuse between the ages of 3-6 who disclosed either sexual (n=128) or physical (n=171) abuse.
  - 3-3.11 – 46
  - 4-4.11 - 98
  - 5-5.11 – 96
  - 6-6.11 – 59
Interviewing the young ones – can the child do this?

- Interviewed by a total of 61 child investigators using the NICHD protocol.
  - 110 of the children were abused a single time
  - 189 disclosed being abused multiple times
  - Most suspects were members of the child’s family

- All interviews were audio-recorded, and these interviews were then transcribed and all interviewer prompts were classified into one of four categories of questions:
  - Open-ended invitations
  - Directive prompts
  - Option-posing prompts
Interviewing the young ones – can the child do this?

- Substantive Phase of the interview – interviewers made 84.59 prompts to the children
  - Directive prompts were most frequent, followed by invitations, option-posing questions, and suggestive prompts

- 3 year olds were given fewer invitations than either 5 or 6 year olds

- Overall, invitations yielded the greatest number of forensic details, but this is dramatically more likely with the older children

- On average, children provided 1.99 forensic details per response
Interviewing the young ones – can the child do this?

- Children of all ages made some response to 92% of interviewer prompts
  - However, only about 63% of these responses were “on-track”
- Children provided proportionally fewer “on-track” responses to invitations than to directive, option-posing, or suggestive prompts
- 3 and 4 year olds provided significantly more “on-track” responses to directive prompts than to invitations
“How do you feel?”

- Two studies as part of this research
  - Hypothesized that children are unlikely to spontaneously describe reactions to abuse when asked about the alleged abuse. However, they are capable of describing these feelings if asked the right questions.

**Study One:**

- The purpose of this study was to analyze transcripts of children testifying in felony child sexual abuse trials to determine the types of questions asked and the frequency of evaluative content being asked and provided.
“How do you feel?”

- Obtained information on all felony child sexual abuse charges filed in Los Angeles County from January 1997-November 2001.

- Case outcomes for all cases:
  - Plea Bargain – 63%
  - Dismissed – 23%
  - Trial – 9% (n=309)
    - Conviction – 82%
    - Acquittal – 17%
    - Mistrial – 1%
  - Unknown – 5%
“How do you feel?”

• Randomly selected 80 child victim witnesses testifying at trial (age range was 5-18)
  ➢ Average delay between indictment and testimony was 284 days.

• Case outcomes for selected cases:
  ➢ Conviction – 66%
  ➢ Acquittal – 26%
  ➢ Mistrial – 8%
“How do you feel?”

- Half of the cases involved allegations of intra-familial sexual abuse
- Half involved genital or anal penetration.

- Questions and answers were classified as containing evaluative content if they contained references to:
  - Emotional ("I hated him")
  - Cognitive ("what did you think?")
  - Physical ("did it hurt?")
“How do you feel?”

- Questions were classified using Lamb question typology:
  - Option Posing – 63%
  - Wh-questions – 25%
  - How-questions – 6%
  - Suggestive – 6%

- Prosecutors asked a majority of Option posing (60%), Wh- (77%), and How (66%) questions
- Defense attorneys asked 79% of the suggestive questions
“How do you feel?”

- 93% of child victim witnesses received at least one question with evaluative content.
- 74% of children gave at least one answer with evaluative content.
- Only 6% of all questions asked contained evaluative content.
  - When children were asked a question asking for evaluative content, they responded with evaluative content 23% of the time.
  - When asked a question that did not ask for evaluative content, children produced evaluative content only 2% of the time.
“How do you feel?”

• “How” questions were most likely to lead to answers with evaluative content
  ➢ *Suggests it is necessary to use more direct questions (rather than open-ended questions) to obtain evaluative content*

• For every year increase in age, the odds of the response containing evaluative content increased by approximately 29!
"How do you feel?"

**Study 2:**

- The purpose of this study was to examine children’s responses to different types of questions in forensic interviews in which “how did you feel” questions were scripted.

- The sample was comprised of forensic interview transcripts of interviews conducted at the Los Angeles County-USC Violence Intervention Program.
  - All children were referred by either Law Enforcement or CPS.
“How do you feel?”

- Subjects (n=61) ages 6-12:
  - Female – 80%
  - Male – 20%

- All children initially received a medical exam and were then interviewed using the Tom Lyon 10-Step Interview Protocol.

- 33% of the children disclosed abuse prior to the “allegation phase” of the interview
  - 15% did so in the “feelings task”
“How do you feel?”

• In the substantive questions about the alleged abuse there were a total of 3,582 questions:
  ➢ *Option Posing* – 59%
  ➢ *Wh-questions* – 32%
  ➢ *How-questions* – 8%
  ➢ *Suggestive* – 0.2%

• All of the children received questions which asked for evaluative content

• 93% of the children provided at least one answer with evaluative content
“How do you feel?”

- 9% of all questions asked for evaluative content
- 55% of the “How” questions asked for evaluative content
  - only 5% of option-posing did
  - only 4% of the “Wh-“ questions did

- When the question **contained evaluative content**, children provided evaluative content **59%** of the time
- When the question **did not contain evaluative content**, children provided evaluative content **only 6%** of the time
The purpose of this study was to:

- Assess medical professionals’ ability to recognize normal and abnormal exam findings
- Determine which factors in education, clinical experience, and expert review are correlated with greater accuracy in recognition and interpretation of clinical findings

Survey used:

- Pilot tested at two major conferences for medical providers
- Additional expert review resulted in a final selection of high quality photographs and clear wording of questions
- 20 cases of suspected child sexual abuse included
  - 10 cases - participants were provided with only the child’s age and the reason for the examination
  - 10 cases - more case information was included with the photographs
Do you know what you are looking at?

• An invitation to participate in the survey was sent to the following individuals:
  ➢ *Members of the Ray E. Helfer Society*
  ➢ *Members of the Section on Child Abuse and Neglect of the American Academy of Pediatrics*
  ➢ *Members of the Special Interest Group on Child Abuse of the Academic Pediatrics Association*
  ➢ *Members of the International Association of Forensic Nurses*

• Complete responses were obtained from 197 participants:
  ➢ 118 physicians - 60%
  ➢ 43 SANE registered nurse - 22%
  ➢ 33 Advanced Practice Nurses (APN) – 17%
  ➢ 2 Nurses (non-SANE)
  ➢ 1 Physician Assistant
Do you know what you are looking at?

• Child Abuse Pediatricians had significantly higher scores compared to SANE nurses regarding correct identification of normal findings

• Factors that were significantly correlated with a higher total score:
  ➢ Training – completing a child abuse fellowship
  ➢ Self-study – reads The Quarterly Update
  ➢ Memberships – Ray E. Helfer Society
  ➢ Specialty – Child Abuse Pediatrician
  ➢ Experience – Higher total number of CSA examinations performed and higher number of examinations done per month
Do you know what you are looking at?

• Except for Child Abuse Pediatricians, total scores were significantly lower for those participants who examined fewer than 5 children monthly.

• Three variables were associated with higher total and subscale scores:
  - Reading The Quarterly Update
  - Self-identification as a Child Abuse Pediatrician
  - Review of cases at least quarterly by an expert in child sexual abuse medical evaluation

  - Survey participants who self-identified as Pediatric Emergency Medicine Physicians had significantly lower total scores than the overall group of first-time takers.
To tell the truth....

• The purpose of this study was to examine suspect confession rates within the context of an investigation of child sexual abuse.
  
  ➢ Four communities – two with CACs and two without CACs
  ➢ This is secondary data analysis from the Multisite Evaluation of CACs – funded by OJJDP.

• There were a total of 282 cases included:
  
  ➢ 170 from the CAC communities
  ➢ 112 from the non-CAC communities

• Children were on average 9.6 years old at the time of abuse onset, and 10.3 years old at the time of the initial forensic interview.
To tell the truth….

- A confession was defined as “a suspect’s communication to an investigator (LE or CPS) of any sexual acts with the alleged victim”
  - Full and partial confessions were combined vs. those denying or neither admitting nor denying sexual abuse

- 30% of the suspects confessed to having sexually abused a child

- No significant difference found between CAC and non-CAC communities as it relates to the confession rate of suspects
To tell the truth....

• Suspect confession was uniquely associated with:
  - suspect’s age (18-30 most likely to confess)
  - children’s full disclosure of abuse during the forensic interview
  - corroborating witness available

• Suspect confession was more likely when:
  - child victims were older
  - multiple victims
  - it was an extra-familial case

• Corroborative witness evidence was available for about one-third of the cases and more than doubled the confession rate!

Contribution of CAC to Prosecution rates

The purpose of this study was to describe trends in felony CSA prosecutions across two neighboring districts in a large urban city when one district experienced significant increase in CAC participation in CSA cases compared to the neighboring district whose use of the CAC did not change substantially.

Data was obtained from the CACs, DA’s offices, and CPS in two adjoining districts of a large urban city (1992-2002)

- One district dramatically increased its use of the CAC for CSA cases while the other minimally increased its use.
Contribution of CAC to Prosecution rates

- Child Protective Services Findings:
  - *Children with substantiated sexual abuse cases between 1994-2002:*
    - District 1 – 2,617
    - District 2 – 2,320
  - *Decrease in the number of CPS substantiated cases of sexual abuse during this time:*
    - District 1 – 59%
    - District 2 – 49%
Contribution of CAC to Prosecution rates

• Child Advocacy Center Findings:
  - Number of children evaluated by CACs for possible sexual abuse (1992 vs. 2002):
    • District 1 – 295% increase
    • District 2 – 125% increase
Contribution of CAC to Prosecution rates

• District Attorney’s Offices Findings:
  ➢ Total number of felony prosecutions of child sexual abuse (1992 vs. 2002):
    • District 1 – 194 to 382 (196% increase)
    • District 2 – 112 to 111 (1% decrease)

  ➢ When controlled for rates per 100,000 children:
    • District 1 – 56.6 to 93.0 (164% increase)
    • District 2 – 58.0 to 54.9 (5% decrease)
Contribution of CAC to Prosecution rates

• District Attorney’s Offices Findings:
  - The prosecution rate was similar in both districts in 1992, but 69% higher in District 1 by 2002.
  - Despite increased prosecutions, the conviction rate did not change significantly between the districts over this time period.

Differences in legal outcomes for male and female children who have been sexually abused. *Sexual Abuse: A Journal of Research and Treatment, 22*(4) 427-442.
Gender impacts in court

- The purpose of this study was to determine:
  - whether cases involving male and female victims of sexual abuse differed with regards to legal outcomes
  - to determine if there were any interactive effects between the sex of the child and whether or not the child was evaluated at a Child Abuse Assessment Center (CAAC)

- 172 children ranging from 1 to 17 years who were referred to the DA’s Office regarding sexual abuse crimes
  - CAAC group – 86 children average age was 9.55 years
  - Non-CAAC group – 86 children (case referred directly to DA office), average age was 9.45 years

- Children in each group were matched based on the age of the child and the relationship of the child to the alleged perpetrator
Gender impacts in court

• There were differences in filing rates depending on the sex of the child
  - Female victims - 67.44%
  - Male victims - 51.25%

• The highest filing rates occurred with females seen at the CAAC (78.57%)

• Criminal counts charged by site:
  - children in the CAAC group - 2.942 charges
  - children in the non-CAAC group - 1.965 charges
Gender impacts in court

- Total Counts Charged
  - **CAAC Group**
    - Female – 3.149
    - Male – 1.667
  - **Non-CAAC Group**
    - Female – 2.113
    - Male – 1.591

- Females had significantly more Rape I and Sexual Abuse I charges filed than males

- There were no significant sex differences for whether or not defendants were found guilty or pled guilty
Gender impacts in court

• Overall, 94% of alleged perpetrators either pled guilty or were found guilty

• For cases involving female victims:
  ➢ 56.5% of the guilty defendants pled guilty
  ➢ 43.5% were found guilty at trial

• For cases involving male victims:
  ➢ only 36% of the guilty defendants pled guilty
  ➢ 64% were found guilty at trial.

• Average length of sentence for those found or pleading guilty:
  ➢ Female victim – 112.50 months
  ➢ Male victim – 87.69 months

Secondary Trauma in Interviewers

- The purpose of this study was to examine factors that may predict the risk or impact of secondary trauma among forensic interviewers working in CACs.

- Three hypotheses for the study:
  - The higher the level of satisfaction with the organization, the lower the secondary trauma
  - The higher the organizational buffers (supervision, mentoring, clinical supervision), the lower the secondary trauma
  - The higher the perception of job support, the lower the secondary trauma
Secondary Trauma in Interviewers

• 257 forensic interviewers working at CACs responded to the email invitation to participate in the survey and completed the survey
  ➢ 229 females and 27 males
  ➢ Ages – 24 to 68
  ➢ Average of 6.3 years conducting forensic interviews
  ➢ Average number of forensic interviews per week – 4.01

• Percentage of time these forensic interviewers spent conducting interviews:
  ➢ 76-100% - 28%
  ➢ 51-75% - 23%
  ➢ 26-50% - 22%
  ➢ Less than 25% - 2%
Secondary Trauma in Interviewers

• Independent Variables:
  - Satisfaction with Organizational Scale – 5 questions with 1-5 likert scoring
  - Organizational buffers – several question with 1-5 likert scoring
  - Job Support scale – 11 questions

• Dependent Variables:
  - Secondary Traumatic Stress Scale (STSS) – 17 items (3 subscales) designed to measure symptoms from the past six months associated with indirect exposure to traumatic events
Secondary Trauma in Interviewers

- The higher the level of satisfaction with the organization, the lower the secondary trauma – NO

- The higher the organizational buffers (supervision, mentoring, clinical supervision), the lower the secondary trauma – NO

- The higher the perception of job support, the lower the secondary trauma – this was well-supported by the analysis
  - Support from colleagues and friends
  - Professional supervision
  - Talking to family
  - Support from administration and incentives help workers cope with trauma and stress
Secondary Trauma in Interviewers

• Two significant predictors of secondary trauma:
  ➢ *Age* - modestly and negatively associated with secondary trauma
    • Suggests possible washout of those who are not resilient to adapt
    • OR, those who remain have learned appropriate coping skills

➢ *Whether the interviewer had experienced a significant loss in the past year*
  • These individuals had scores six points higher