

**INVESTIGATING ALLEGATIONS
OF CHILD AND ADOLESCENT
SEXUAL ABUSE**

ABOUT THE AUTHOR

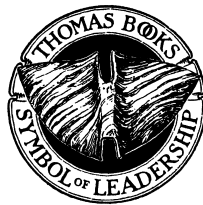
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INVESTIGATING ALLEGATIONS OF CHILD AND ADOLESCENT SEXUAL ABUSE

An Overview for Professionals

By

TOM PLACH, LCSW



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PREFACE

In the past thirty years, America has undergone a transformation in its awareness and understanding of the sexual abuse of children and adolescents. Extensive and exhaustive research has been done on the impact of abuse on the mental health of the victim, on various methods of counseling intervention for victims of sexual abuse, and on the many medical issues related to evaluating children for possible sexual abuse. Along the way, much research has also been done on issues related to the investigation of allegations of sexual abuse, with much of it focused on topics related to questioning children about abuse-related matters. All this research has led to an explosion of literature, including books, manuals, and journals on a variety of topics related to responding to allegations of sexual abuse. Absent from this explosion, however, has been an integrated resource for the new professional who is thrust into the role of investigating and evaluating allegations of sexual abuse of children and adolescents.

Having worked in the field of child abuse since the early 1980s, I have learned that effective investigation and evaluation of allegations of child or adolescent sexual abuse is a complex and challenging task. To be successful requires that the professional possess a combination of specialized knowledge, special personal attributes, and motivation. However, I have also learned that for the newer professional, the process of successfully managing these complex cases can often be a trial and error learn-as-you-go process. And while occasionally successful, this trial and error process can result in crucial mistakes that have detrimental effects on children and teens while creating barriers to holding accountable those that harm them. *Investigating Allegations of Child and Adolescent Sexual Abuse: An Overview for Professionals* is designed to help the newer investigators avoid some of the common errors that occur in child and adolescent sexual abuse investigation, while gaining some of the basic knowledge necessary to be successful in this difficult and complex work.

Investigating Allegations of Child and Adolescent Sexual Abuse: An Overview for Professionals is written from the perspective of working in a multidisciplinary

team model of investigation and intervention. The book begins with an initial overview on what represents a successful investigative effort and then provides an overview of the multidisciplinary team model. The book moves forward by providing basic foundation information for successful investigation by teaching the investigator how to develop a profile of the victim and adapt investigative methods to meet that profile. This foundation continues by providing an overview of multiple hypotheses investigation and evidence considerations. Once this foundation is provided, the book then provides an overview of the investigative process, and then offers the reader tips on evaluating the allegations. *Investigating Allegations of Child and Adolescent Sexual Abuse: An Overview for Professionals* also includes an overview of support services for victims, advice for professionals on managing some of the special situations encountered by investigators, and ends with an overview of the process of becoming competent in the field of child abuse investigation.

Throughout the book, the reader is challenged to apply basic concepts through completion of activities that bring to life actual case situations, including final case studies that will challenge the reader to apply all the information from the book. In addition, throughout the book the reader is directed to resources that can be accessed to help gain additional knowledge and expertise on different areas related to investigation and prosecution of child and adolescent sexual abuse.

In the many years that I have worked in the field of child abuse, I have found myself consistently amazed at the enormous dedication and commitment of the many law enforcement professionals, child protection workers, prosecutors, advocates, and medical and mental health professionals that have chosen to do this difficult work. In addition, I have been blessed to have the opportunity to learn from these many professionals much of the knowledge and expertise needed to be successful in this complex field. It is with the utmost respect for the many professionals who work so hard to protect our children that I humbly share the knowledge I have gained, along with the hope that children and teens everywhere will be safe and will receive the justice they so richly deserve.

T. P.

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Chapter 1

OVERVIEW OF CHILD SEXUAL ABUSE INVESTIGATION

In the year 2005, The National Child Abuse and Neglect Data System (NCANDS) reported that 899,000 children in America were indicated by child protection agencies as victims of abuse or neglect and 9.3 percent (approximately 83, 600) were indicated as victims of sexual abuse. NCANDS further reported that only 30 percent of the cases of alleged abuse or neglect that were investigated resulted in “indicated” or “substantiated” findings.¹ This would mean that in a single year over 250,000 children or teens are reported to child protection agencies as possible victims of sexual abuse. And this staggering number does not include children or teens reported to law enforcement but who were not eligible to be investigated by child protection professionals. In other words, the number of times a year that professionals in America are called upon to investigate allegations of the sexual abuse of a child or teen could easily exceed 300,000.

The victims in these cases of alleged sexual abuse range from toddlers to older teens, and are representative of all cultural and socioeconomic classes. In each and every case, the professionals who must respond to these allegations are challenged to provide an effective, successful investigative, child protective, and/or prosecutorial response to these allegations. However, in attempting to meet this challenge, professionals who are mandated to work on these cases will often say that allegations of child and adolescent sexual abuse are among the most difficult cases to investigate. The cases can be heart-

1. A full report from NCANDS can be found on the website ChildWelfare.gov.

breaking to even the most seasoned professional, and can be the most confusing to understand. Yet most professionals who work in the field of child welfare will agree that successfully meeting this challenge is very, very important. For the stakes are very high. At stake are the health and safety of a child, as well as the safety of the community. Also at stake are the reputation and the liberty of the individual that is accused. To meet this challenge unsuccessfully can cause irreparable harm to the child or to the accused, and can destroy the confidence and trust placed by the public in those charged with meeting the challenge.

DEFINING SUCCESSFUL INVESTIGATION: FIVE CONSIDERATIONS

So if the hope is that professionals provide a successful response to this difficult and complex situation, then how is success defined? Is it defined in terms of “process”—that is, certain characteristics that occur as the investigation is conducted that define it as successful? Is success defined in terms of an “outcome”? That is, what occurs as a result of the efforts? For example, a criminal prosecution that results in a guilty verdict might be considered a great outcome, so why not say it is a success every time a case is won in court? Because one might argue that if the victim was further traumatized by the court process and did not receive counseling or support to help him or her with their healing process, then the process was not successful or at best, only a partial success.

To begin to define success in child and adolescent sexual abuse investigation, it is important to have some understanding of what the system is trying to accomplish when responding to allegations of child or adolescent sexual abuse. What is the ultimate hope? To define this, it is important to realize that successful investigation of child and adolescent sexual abuse is not about just one thing. It is not just about winning cases in court or about ensuring the child is safe from further acts of abuse. It is a “multilevel” process that must consider many things. These considerations include:

1. The child and adolescent sexual abuse investigation should be conducted in a manner that eliminates/minimizes additional trauma to the victim. *The investigative process should not re-traumatize the victim.*

As we begin to look at the process of investigating situations of possible child or adolescent sexual abuse, we must begin with the understanding that we are dealing with an individual who can be fragile, scared, and emotionally and psychologically vulnerable. Add to this process the presence of as many as eight to ten professionals from different disciplines all responding to the allegation, and we have the very real potential that the child or adolescent will become totally overwhelmed. As a result, the victim can come away from the process feeling repeatedly violated and further traumatized by the efforts of those wanting to help. Thus any successful response has to ensure that it does not “re-traumatize” the child and add to his or her misery.

2. The child and adolescent sexual abuse investigation should result in a clear understanding of “the facts” of the case. *The investigative process should not result in confusion/contamination of the facts of the case.*

Somewhere in their lifetime many people have played or have heard of the old childhood game called “telephone.” In this game, one person whispers a message to another person, who whispers it to another person, then to another person, and so on. By the end of the line, the last person tries to repeat the message. Inevitably, however, the content of the message has changed from whatever the original person has said.

Sexual abuse investigations, like the old telephone game, include many different people who are gathering and communicating information about the “facts” of the case. However, through any number of mechanisms, information can become lost, contaminated, and can eventually lead to a totally different set of facts than what really happened to the child.

Take for example the task of obtaining a preliminary statement from a witness and writing a preliminary report about that statement. A child has told her parent “uncle Rob hurt my pp with a hard thing.” A patrol officer now meets with the parent to take initial information about the allegation. The parent inadvertently changes some of the wording used by the victim to “my child told me that Uncle Rob sexually abused her.” The patrol officer then writes the report of the interview, summarizing and paraphrasing this statement into “the alleged offender committed an act of sexual assault against the victim.” The subsequent investigators who now inherit the case think they are investigating a sexual assault, when at no time did the child ever say they were “sexually assaulted.” In fact, in the above example, what really