

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

ABOUT THE AUTHOR

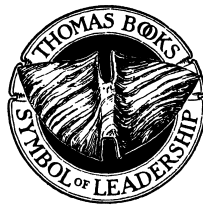
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INVESTIGATING ALLEGATIONS OF CHILD AND ADOLESCENT SEXUAL ABUSE

An Overview for Professionals

By

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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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CONTENTS

	<i>Page</i>
<i>Preface</i>	<i>v</i>
CHAPTER 1. OVERVIEW OF CHILD SEXUAL ABUSE	
INVESTIGATION	3
Defining Successful Investigation: Five Considerations	4
Characteristics of Successful Investigation	8
CHAPTER 2. THE MULTIDISCIPLINARY TEAM	
APPROACH	9
Why a Team Approach?	10
What is Special About a Team Approach?	10
What is a Team?	11
Who is On a Multidisciplinary Team?	12
Establishing a Common Purpose	13
The Domino Effect	14
Multidisciplinary Team Protocol: How We Work Together	15
Case Review and Accountability	16
Being a Good Team Member	18
CHAPTER 3. PROFILING THE VICTIM	19
Child Development: Implications for Investigation	19
Emotional/Psychological Responses to Sexual Abuse:	
Implications for Investigation	25
Culture: Implications for Investigation	27
Practice Exercise: Profiling the Victim	30
CHAPTER 4. GATHERING EVIDENCE	35
Sources of Information and Evidence in Child and Adolescent Sexual Abuse Cases	35

Chapter 4 Supplement	46
Sample: Consent To Search Form	46
CHAPTER 5. MULTIPLE HYPOTHESES INVESTIGATION.	47
Defining Multiple Hypotheses Investigation	47
Alternative Explanations and Investigative Strategies	49
Practice Exercise: Developing Multiple Hypotheses	57
CHAPTER 6. THE INVESTIGATIVE PROCESS	61
First Responder and Preliminary Investigation.	62
Safety Planning	65
Practice Exercise: Safety Planning.	69
Interviewing the Victim: An Overview	72
General Considerations for The Interview Process.	73
Factors That Impact Upon the Interview Process.	74
Making A Plan For The Victim Interview: Who, What, When, and Where	80
The Interview Process	86
Documenting The Interview	93
The Medical Exam	97
Follow-up Interviews and Evidence Collection.	99
Suspect Interview: An Overview	101
Making a Plan For The Suspect Interview: Who, What, When, and Where	104
Documentation Issues in Investigation	105
Chapter 6 Supplements	107
I. Sample First Responder Preliminary Report	107
II. Interviewing Self-Assessment	108
III. Who, What, When, and Where of Forensic Interviewing.	110
IV. Investigative Interview References	112
V. Sample Medical Guidelines Protocol	113
VI. Thinking Errors with Sex Offenders.	114
CHAPTER 7. SUPPORT SERVICES	115
The Victim/Family Advocate.	115
Mental Health Care	120
Chapter 7 Supplements	123

I. A Note to Parents-English.....	123
II. A Note to Parents-Español	125
CHAPTER 8. EVALUATING THE CASE FOR DIS- POSITION: WHAT DO WE DO NOW?.....	127
Burden of Proof.....	127
Myths and Realities in Evaluating Allegations	128
Tips for Making an Accurate Case Disposition.....	134
Safety Revisited: Evaluating Ongoing Risk.....	136
Chapter 8 Supplement	139
Sample Checklist.....	139
CHAPTER 9. SPECIAL SITUATIONS	143
The Incomplete Victim Interview	143
I Take It Back: When the Victim Recants the Allegation.....	148
Multivictim Cases	152
When the Professional Testifies	155
When the Child Testifies.....	157
CHAPTER 10: ON BECOMING A COMPETENT CHILD ABUSE PROFESSIONAL.....	163
The Four Ingredients in Competency	163
Self-Assessment For Professional Development	167
Final Case Studies: Applying the Book.....	168
ANSWERS FOR THE CASE STUDIES.....	173
I. Profiling The Victim.....	173
II. Most Likely Alternative Explanations.....	175
III. Safety Planning.....	176
<i>Resources</i>	179

**INVESTIGATING ALLEGATIONS
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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

happened to the child was that Uncle Rob inadvertently poked the child with a toy sword while they were pretend fighting. Thus, the process of paraphrasing, interpreting, and summarizing allegations is just one example of how “facts” can become contaminated. So certainly one of our considerations has to be that the investigative process has to occur in a way that leads to a clear and accurate picture of “the facts” of the allegation.

3. The child and adolescent sexual abuse investigative process should support effective prosecution for those situations that warrant criminal prosecution. *The investigative process should not help to create “loopholes” for the defense.*

Child sexual abuse is a crime. It is prosecutable under the law. Yet any prosecutor will tell you that sexual abuse cases can be the most difficult to prosecute. Often the victim is young, and many times there is very little corroboration for the child’s allegation. *The most successful prosecutions result from very concerted efforts by investigators to gather evidence objectively and thoroughly, and anticipate possible attacks upon the evidence to ensure that whatever evidence is collected is strong enough to withstand attacks by the defense during a trial.* So important is this consideration that portions of this book are devoted to identifying steps for investigators that will help strengthen a case for any type of litigation that will ensue as a result of the investigation.

So what might occur during the investigative process that might create a “loophole” that the defense might exploit during a trial? There are many examples of this, ranging from problems or irregularities in collecting physical evidence to problems with interviewing the suspect. One example of a problem that might occur is the process by which the victim is asked to “give their statement.” For example, a 14-year-old victim makes an “outcry” of possible abuse to his or her teacher at school. The teacher contacts law enforcement, and they send out a patrol officer that completes an initial interview with the child about the facts of the case. This leads to a call to child protection authorities, and they dispatch an investigator who again questions the victim regarding the facts of the case. The next day a detective from law enforcement questions the victim for a third time. Each individual then completes a summary of his or her interview with the victim. Each summary contains the same basic information, but includes or excludes various “peripheral” details provided by the victim during the three separate interviews (a common occurrence when victims