



CHILDREN AND FAMILY
| RESEARCH | CENTER

UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN
SCHOOL OF SOCIAL WORK

How Can We Be Effective in Pursuing Justice in Child Abuse Cases? Lessons from Twenty Years of Research

Theodore P. Cross



Importance of research

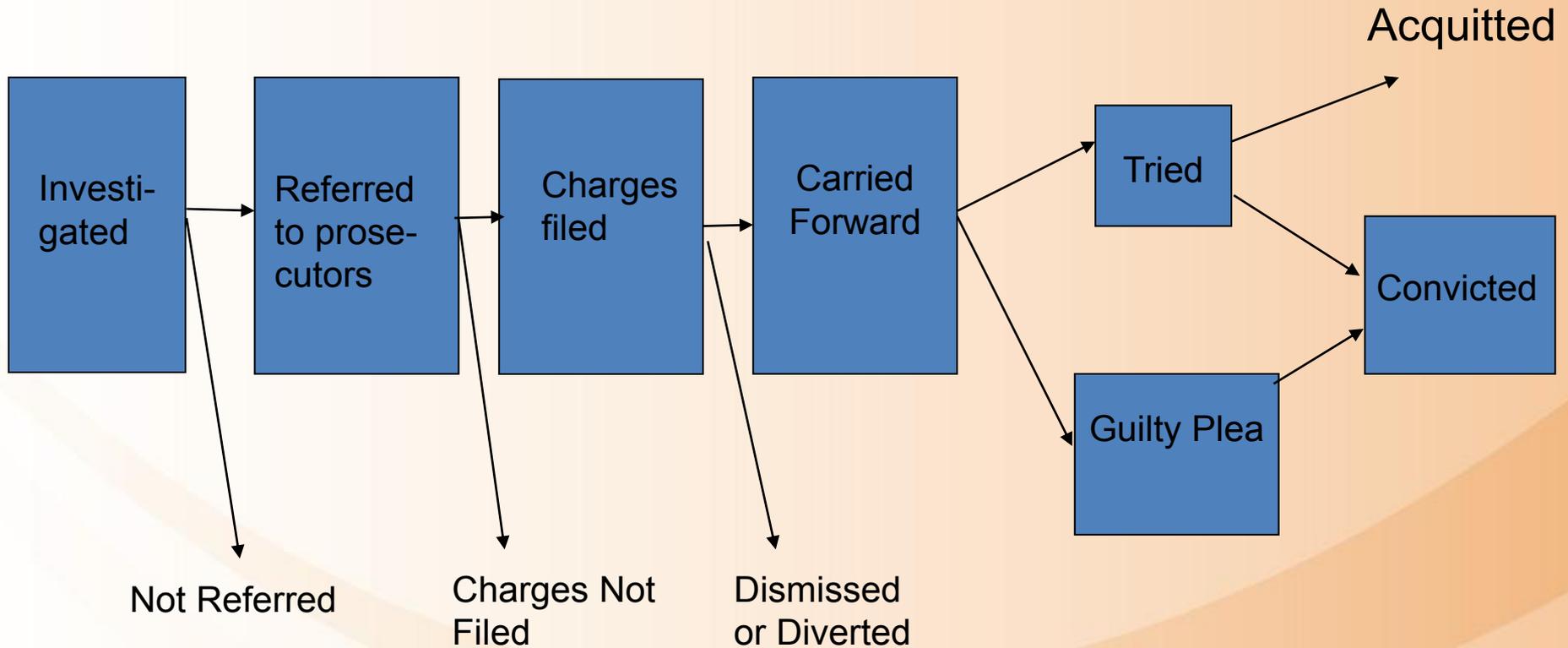
- Prosecution of child abuse is important but complex
- Need data to understand it and inform policy
- However, development of policy and practice has not been data driven
- This presentation a review of a wide range of data relevant to policy and practice



What happens to child abuse cases
in the criminal justice system?



Criminal Justice Case Flow Analysis



Criminal investigation (CI) rates for CPS cases

NSCAW 1 (1999-2000 cases)

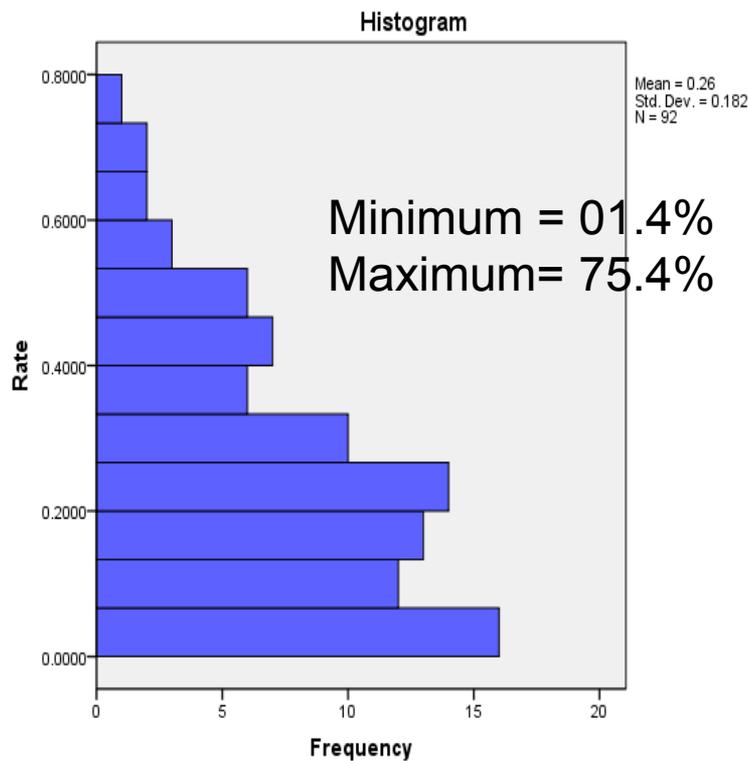
Group	N	Rate
All investigations	5097	24.0%
Sexual abuse	582	46.6%
Physical abuse	1142	27.5%
Neglect	2375	17.5%

NSCAW 2 (2008-2009 cases)

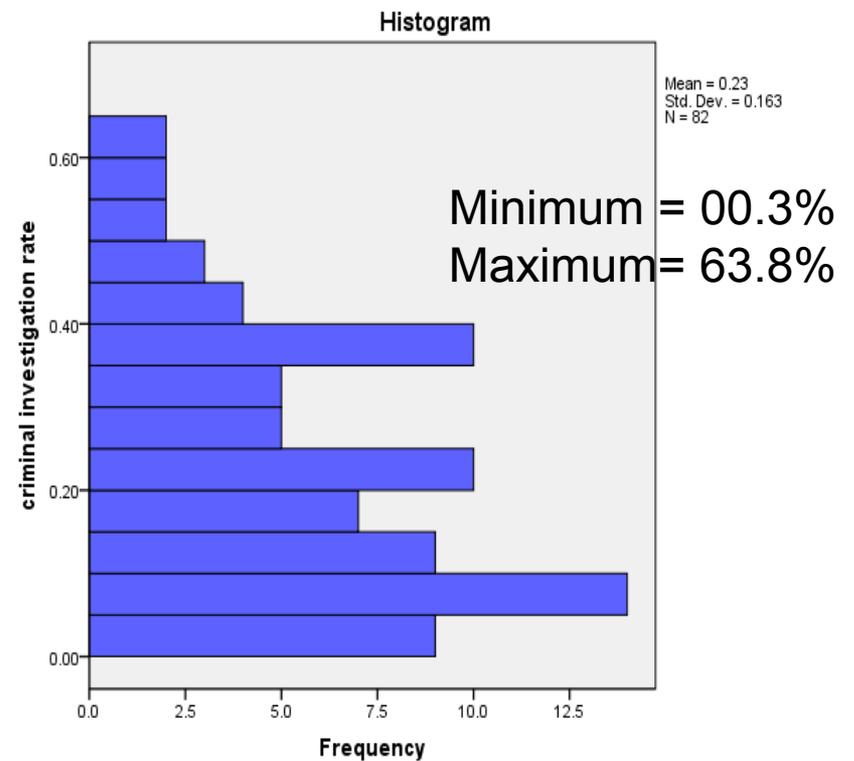
Group	N	Rate
All investigations	4939	21.0%
Sexual abuse	296	55.7%
Physical abuse	818	24.6%
Neglect	1398	11.2%

Significant variation in CI rate across communities

NSCAW 1 (1999-2000 cases)



NSCAW 2, (2008-2009 cases)





Significant predictors of CI in a logistic regression of NSCAW 2

Factor	Odds Ratio
Sexual abuse	8.03
Neglect	0.77
Level of harm to child	1.35
Level of evidence of maltreatment	1.30
CPS-Police memorandum of understanding	1.92
Community (Level 2 unit)	An odds ratio could not be calculated but this variable explained 7% of the variation in criminal investigation over and above case factors

Preliminary analysis pending multilevel weights

Data on 5 other criminal justice decisions come from a meta-analysis of multiple studies

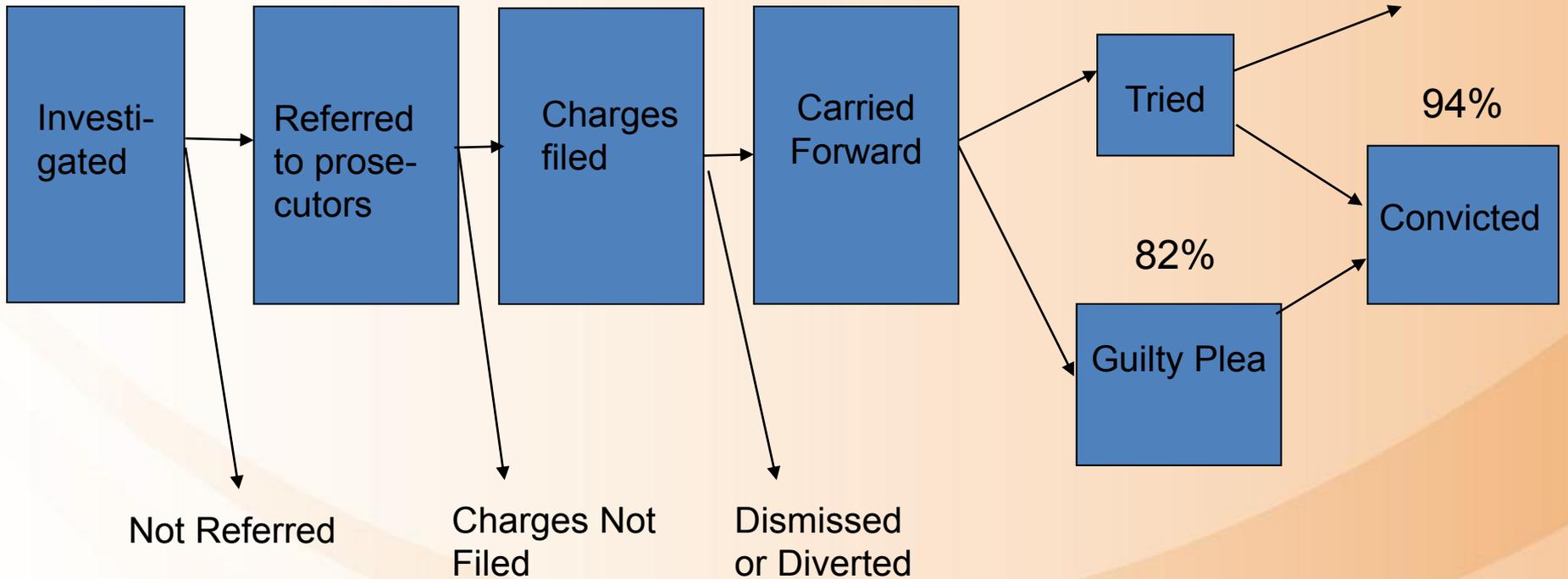
Decision	Number of Studies
Referral to Prosecutors	3
Criminal Charges Filed	13
Carried Forward vs. Dismissed	18
Guilty Plea	19
Incarceration	14

Cross, T.P., Walsh, W. , Simone, M. & Jones, L.M. (2003)



Average Rates of Criminal Justice Decisions

21% of
CPS
cases





Rates of Criminal Justice Action on Investigated Cases

Study	Sample	N	Rate
Tjaden & Thoennes, 1992	CPS	833	4% prosecuted
Finkelhor, 1983	State clearing-house data	6096	24% criminal justice action taken
Stroud, Martens & Barker, 2000	Children's Advocacy Center	1043	56% referred to prosecutors
Rogers, 1982	Investigative center cases with police involvement	265	85% referred to prosecutors

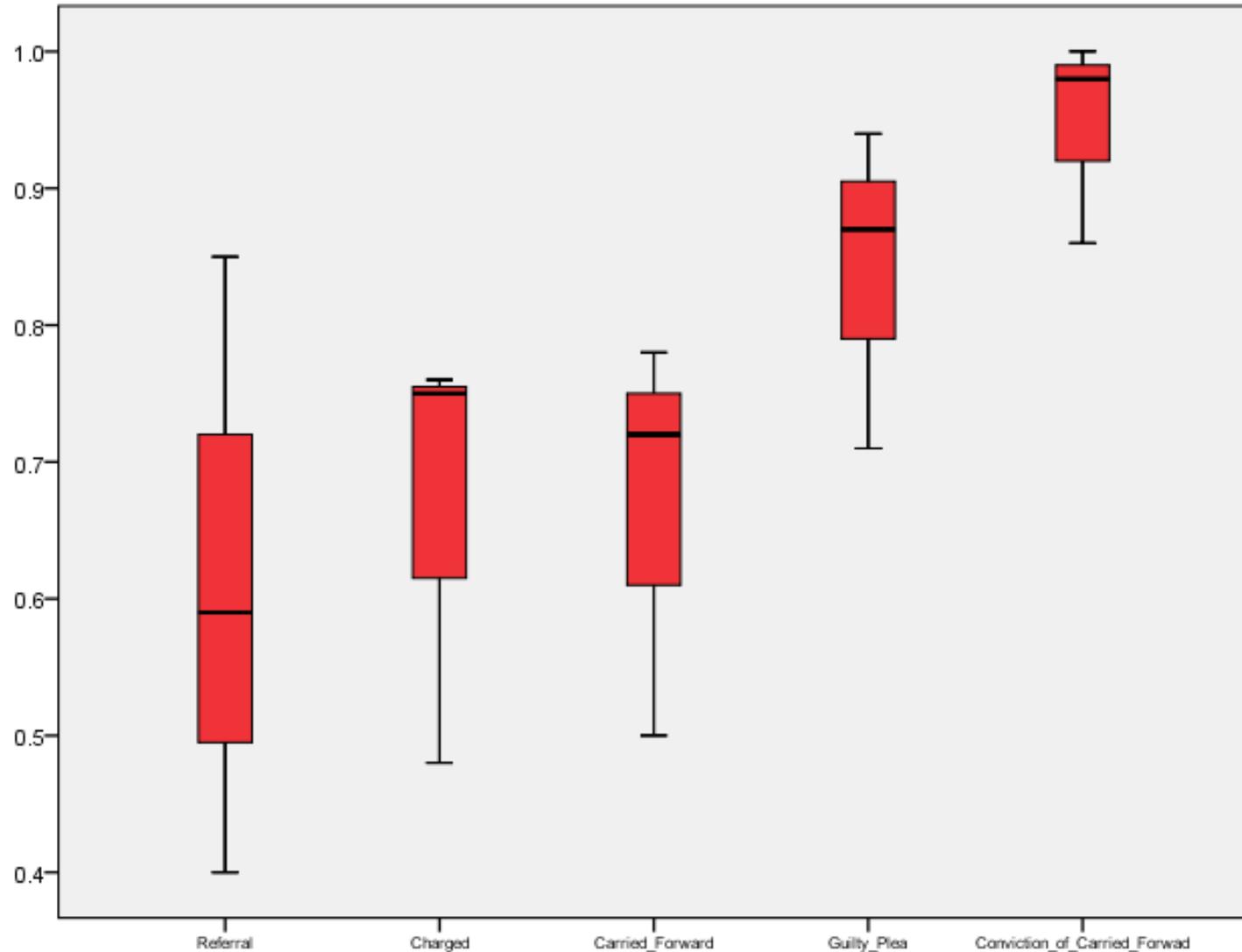


Data on trials

- Trials are uncommon
- Conviction at trial rates vary across studies
- Maybe $2/3$ of trial lead to conviction—small n 's make estimation difficult

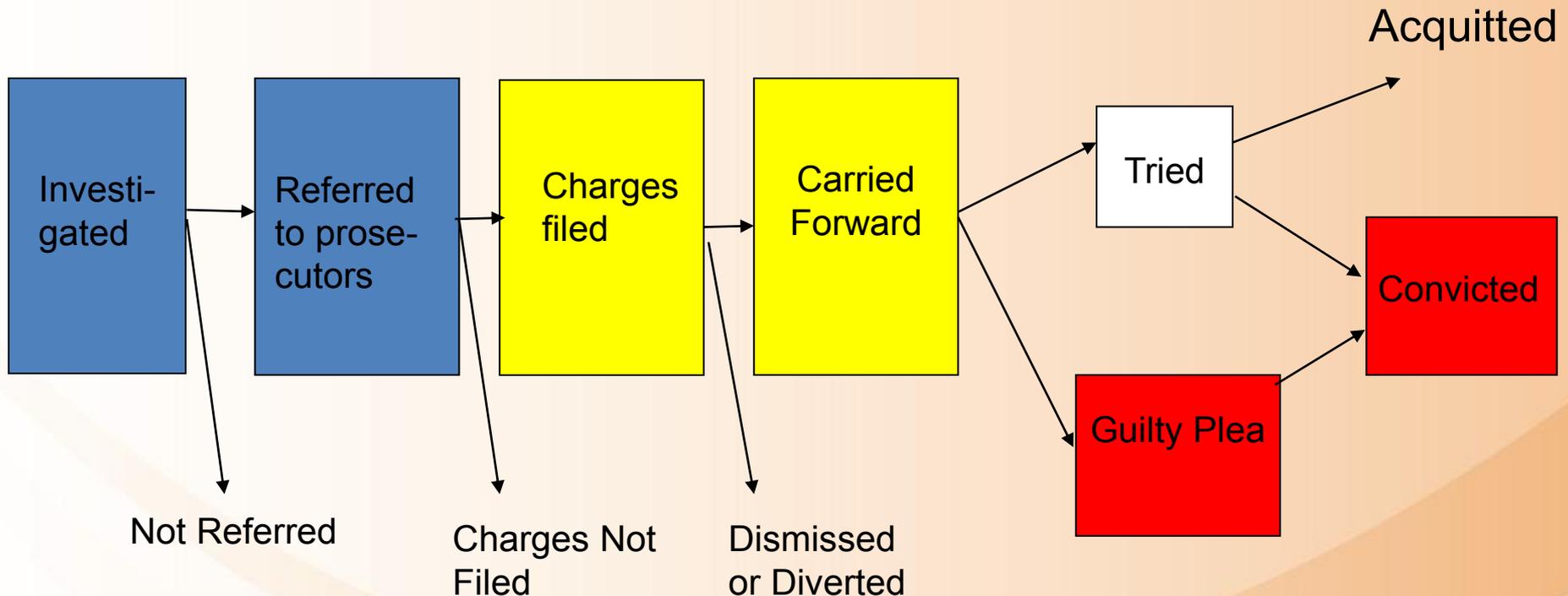


Variation in CJ decisions





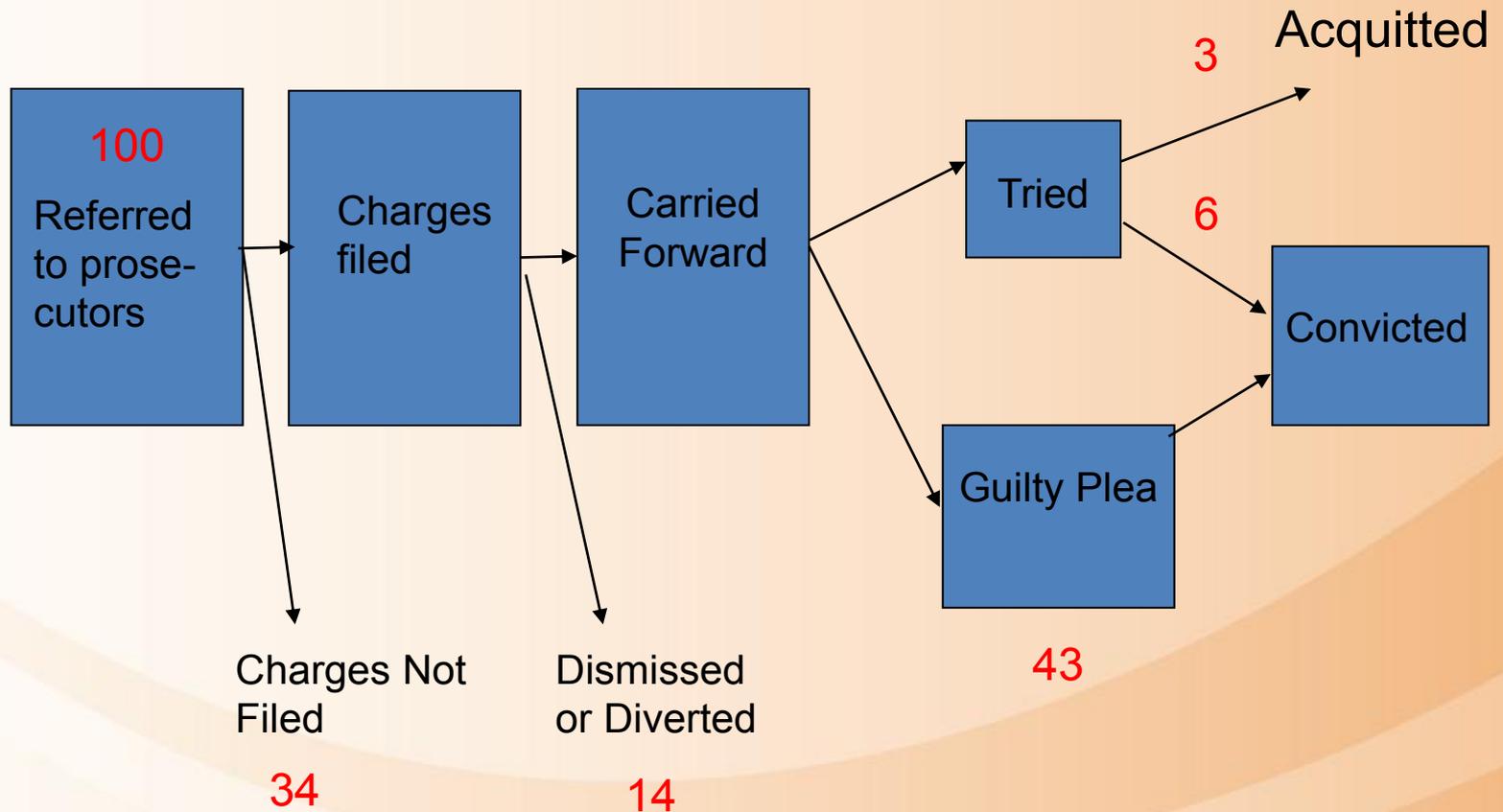
Contrast between front, middle and end of process



- Generally low rates, jurisdictions vary a lot
- Higher rates, jurisdictions vary a lot
- High rates, considerable consistency across jurisdictions



Average Breakdown of Outcomes for 100 Cases Referred to Prosecutors





Comparison to other felonies

- Child abuse cases are somewhat less likely to get charged than other felonies
- More likely to be carried forward than other violent offenses or rapes
- Guilty plea rates are comparable to other felonies and conviction rates are almost identical



Summary of case flow analysis

- Modest percentages of child abuse cases flow in on the front end of the process
- Much larger percentages are charged and carried forward once they reach prosecutor
- High rates of plea and conviction of cases carried forward
- Communities vary a lot on front and middle of process
- Comparison to other felonies
 - Less likely to be charged
 - More likely to be carried forward
 - Guilty plea and conviction of carried forward the same
- Prosecution of child abuse is neither reckless nor feckless



Do CACs and MDTs
impact prosecution?



Do CACs and MDTs impact prosecution?

- Compared charging and conviction rates of CAC/MDT samples and comparison samples
- Because of the effect of sample source on outcome, separate analyses for:
 - Child protective services samples
 - Law enforcement samples
 - Combination samples
 - Prosecution samples

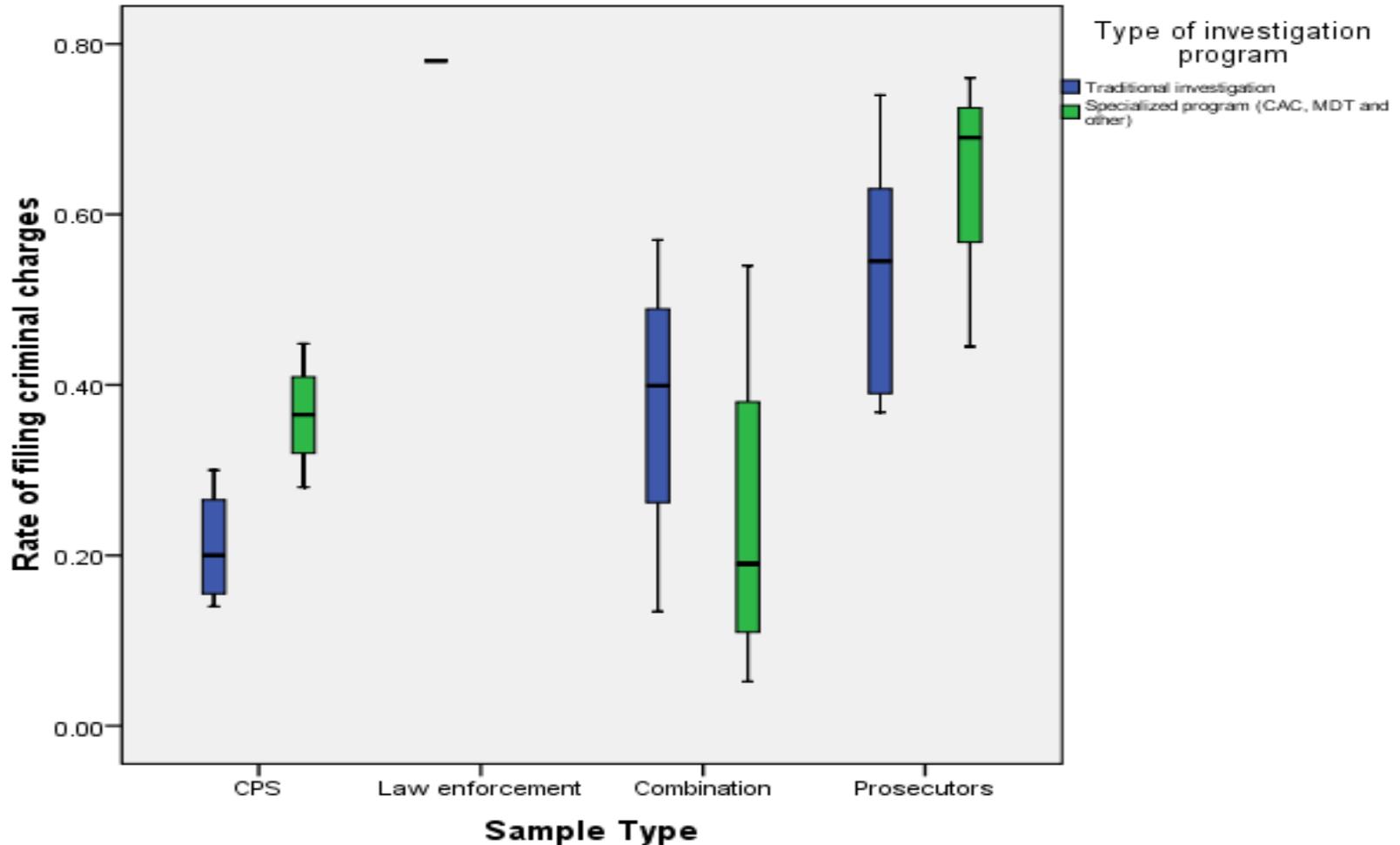


Results on charging and conviction rates

- Specialized programs MAY have higher charging rates depending on the program and type of sample
- No systematic difference on % of investigated cases that are convicted (fewer studies)
- Problems with the research: few studies, small samples, threats to validity
- Any impact depends on the specific specialized program – no “across the board” effect

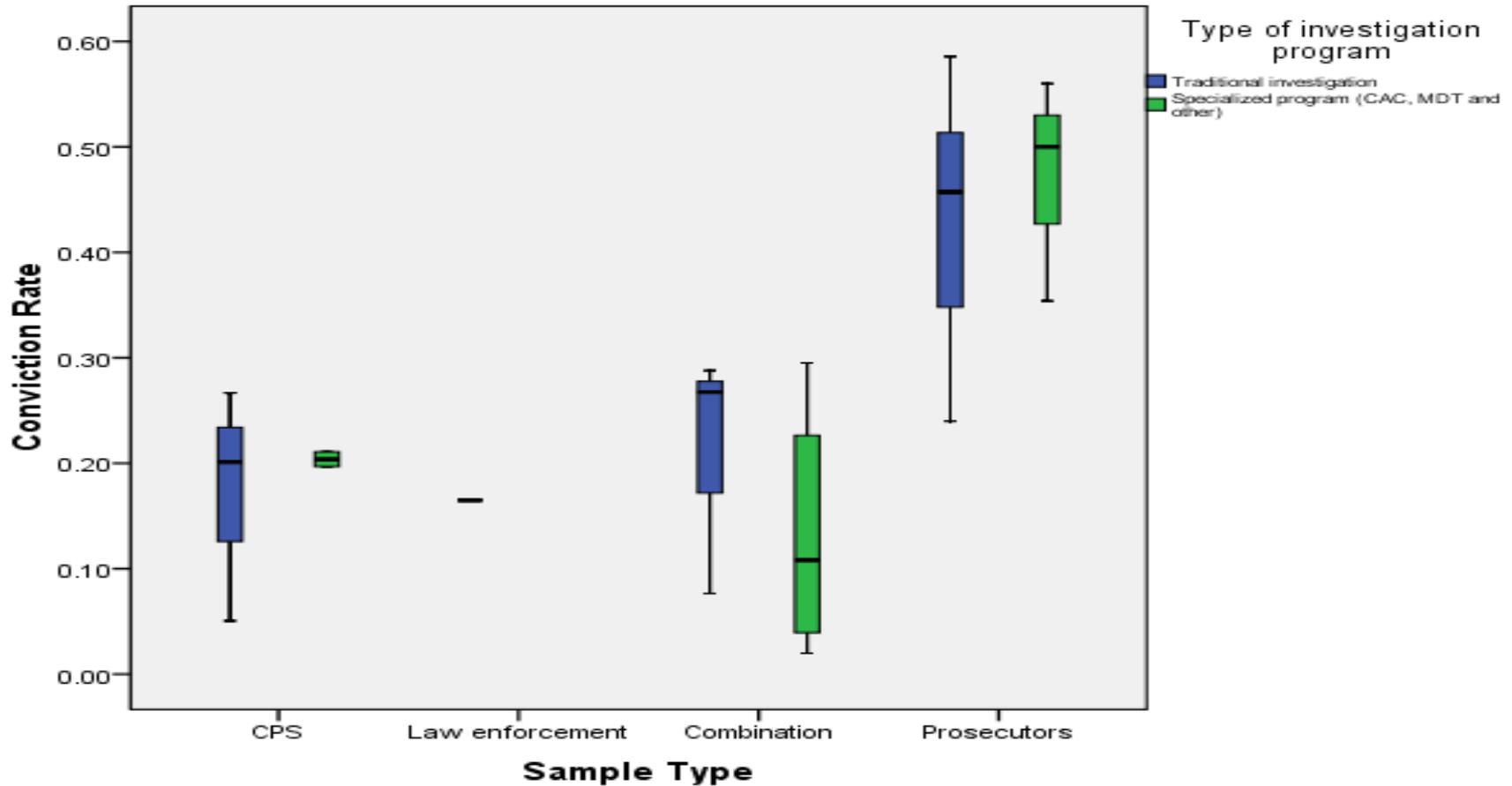


Comparison on charging rates





Comparison on % of investigated cases convicted





Reasons why specialized programs may not show prosecution advantages

- Specialized programs have multiple goals, vary in their investment in prosecution
- Impact of specialized programs on prosecution depends on the commitment and skills of prosecutor and police



Additional reasons why specialized programs may not show prosecution advantages

- Many agencies have elements of specialized programming, e.g., joint investigations, child forensic interviewing specialists
- Many experienced investigators may approximate specialized methods informally
- Effects may be modest given the wide range of factors influencing prosecution



Faller and colleagues case study of effective Michigan county

- Close-knit multidisciplinary team *and*
- Child interviewed quickly
- Suspect interrogated quickly
- Suspects showed videotape of child interview
- Suspects still denying abuse were offered a polygraph test
- 64% of suspects confessed in cases in which children disclosed sexual abuse

Faller, et al., 2001; Faller & Henry, 2001; Staller & Faller, 2010



What is the impact of prosecution on children?



Psychological impact of prosecution on children

- Children are stressed and anxious at outset
- Children tend to improve with time, regardless of their experiences in court
- Maternal support a major factor in children's improvement
- Delay in case resolution negatively affected children's mental health in study of juvenile court, but not in a study of criminal court

Whitcomb, 2003: Whitcomb, et al., 1994



Effect of testifying on children's mental health

- Study of child protection proceedings in juvenile court: children who testified had better mental health outcomes
- One study in criminal court:
 - Children who testified had poorer mental health 7 months later
 - No differences between testifiers and non-testifiers at case disposition, though some testifiers showed negative effects
 - Repeated testifying associated with poorer mental health
- Another study in criminal court found poorer mental health when:
 - Children testified more than once
 - Children experienced severe cross-examination



Study of child victims 12 years after court case (Quas et al., 2005)

- Testifying was associated with poorer mental health outcomes 12 years later
- **Not** testifying also associated with negative outcomes:
 - Higher levels of defensive avoidance in less severe abuse cases
 - More negative attitudes toward the legal system
 - Feeling that system was not harsh enough if defendant received lenient sentence



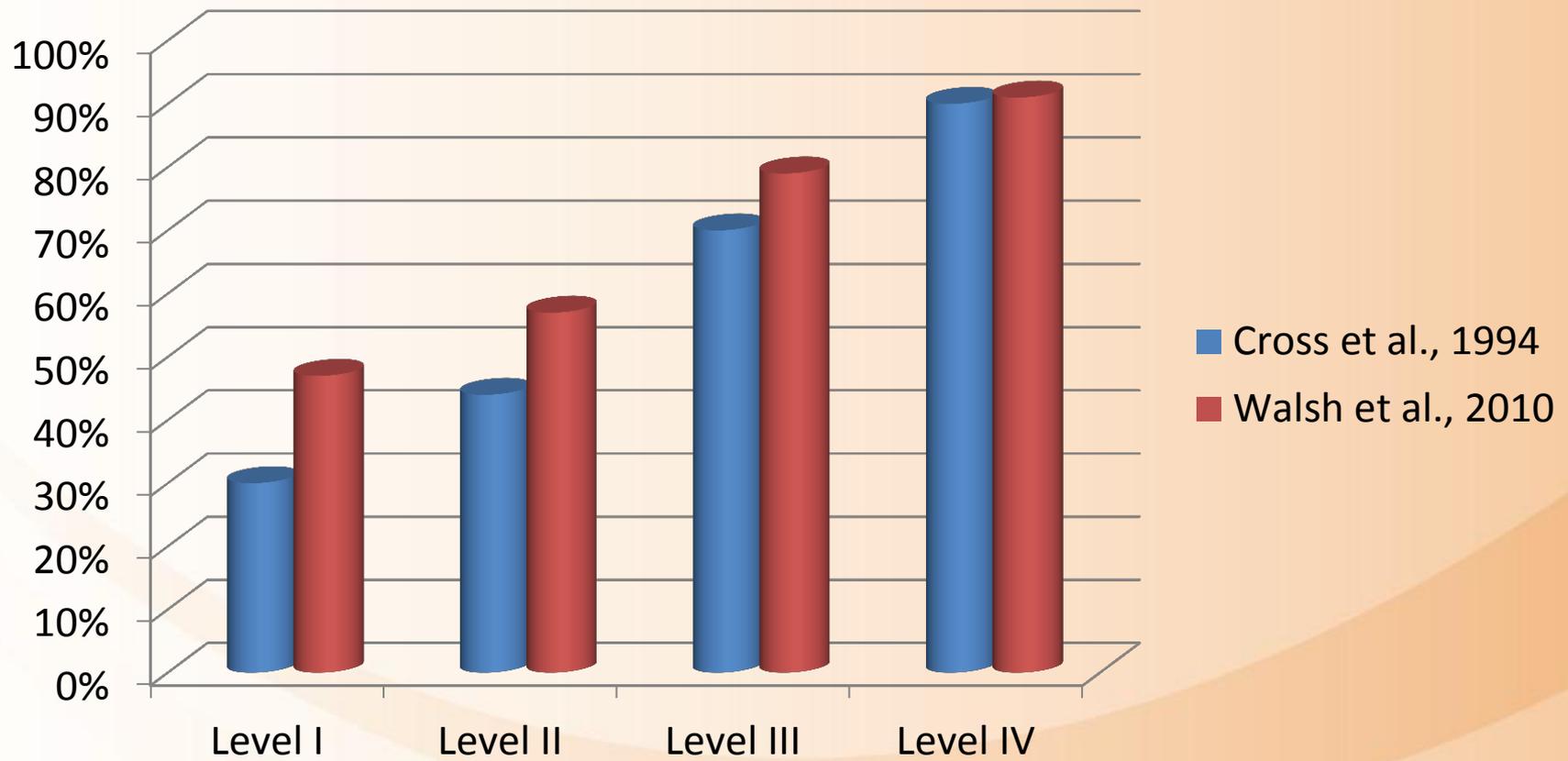
What do we know about
obtaining evidence and suspect
confessions?



Method I developed for ranking level of evidence

Level	Types of Evidence
I	No evidence or victim report only
II	<ul style="list-style-type: none">• Psychological• Medical• Behavioral evidence• Additional child abuse report against offender• Corroborating witness
III	<ul style="list-style-type: none">• Physical evidence• Eyewitness
IV	<ul style="list-style-type: none">• Offender confession

Level of evidence and % charged





Corroborating witness a key factor in Walsh et al., 2010

- 46% of cases had a corroborating witness
- 85% of cases with a corroborating witness had criminal charges filed
- Corroborating witness variable was the biggest independent predictor of filing criminal charges in a logistic regression statistical model (relative risk ratio=1.71)



Methods for obtaining corroborative evidence

- Enhanced crime scene evaluation, esp. photos
- Seek corroboration for every detail provided by child
- Seek to corroborate child's credibility as well as abuse
- Training in interviewing suspects and obtaining self-incriminating statements
- See National Child Protection Training Center at ncptc.org



Confession Study: Questions

- What is the confession rate for CSA cases referred to prosecutors?
- What variables predict confession?
- What can jurisdictions do to increase true confessions?

Lippert, et al., 2010



Methods

- 4 communities
- Cases referred to CAC (CAC community) or prosecutors offices (non-CAC communities)
- Limited to adult suspects known to have been investigated or interrogated
- N=282

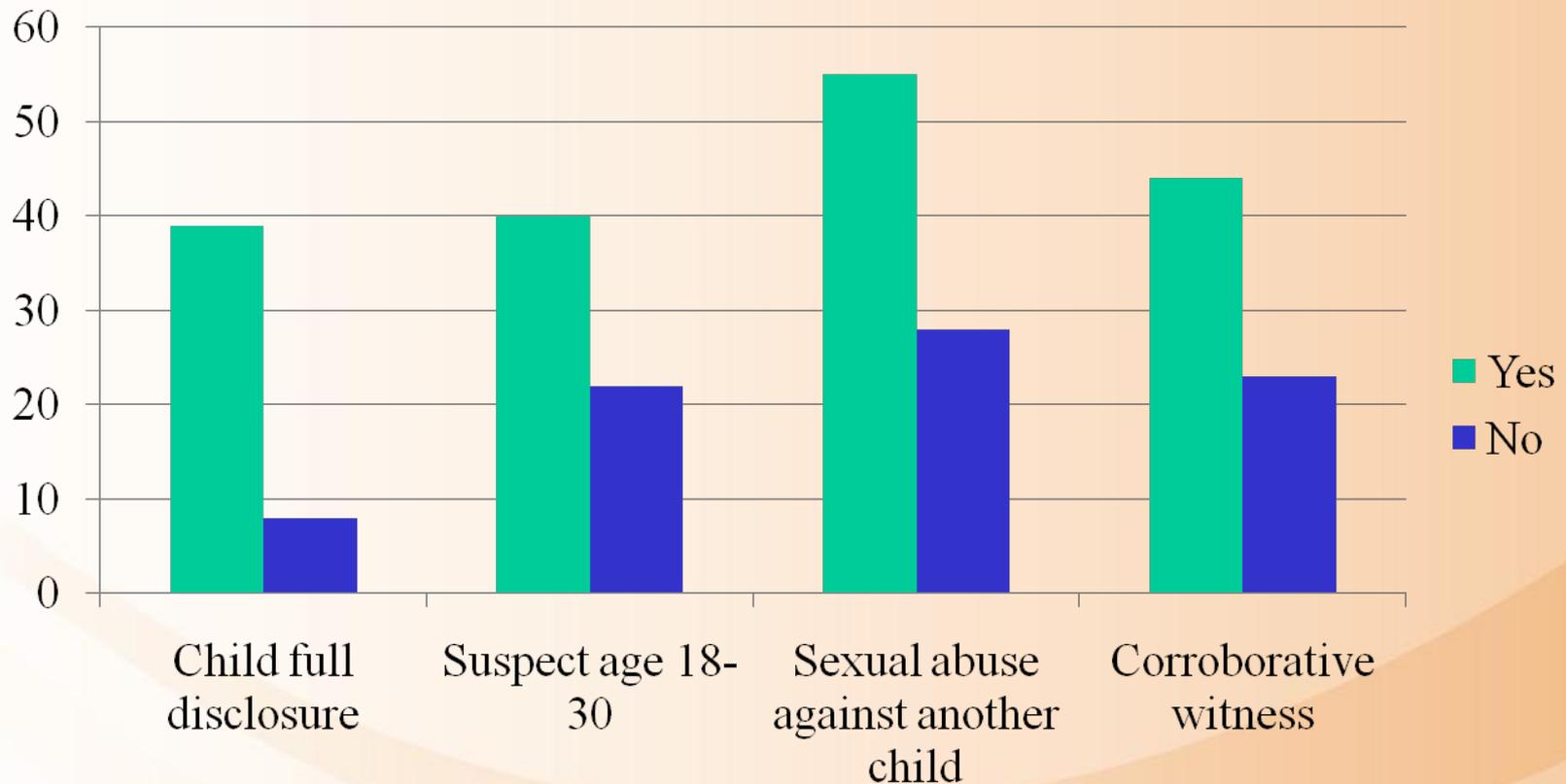


Overall Confession Rate

- 30% across four communities
- Ranged from 28% to 35% -- not much variation



Significant predictors in terms of confession rates





Implications of data on evidence and confession

- Helping children disclose is even more important because of its link to suspect confession
- Seeking corroborative evidence is promising in terms of number of cases affected and impact on confession as well as filing charges
- Evidence from a report on a 2nd victim increased confessions but occurred rarely



Workshop conclusions

- Tremendous variation across jurisdictions in cases getting to prosecutors
- Cases tend to drop out in the front end of the process
- Prosecution is neither reckless nor feckless – case flow and outcomes of cases resemble those of other felonies once charges are filed
- Testifying is stressful for children but that can be mitigated with parental support and management of the experience



Workshop conclusions (cont).

- **Not** testifying can be negative for children
- Evidence suggests that CACs and MDTs do not automatically increase prosecution
- In my opinion, MDT is necessary but not sufficient condition for effective prosecution
- Enhanced corroborative evidence increases likelihood of criminal charges and suspect confession; may help avoid trial and child need to testify



References

- Cross, T. P., De Vos, E., & Whitcomb, D. (1994). Prosecution of child sexual abuse: Which cases are accepted? *Child Abuse & Neglect*, 18, 663-677.
- Cross, T.P., Walsh, W. , Simone, M. & Jones, L.M. (2003) Prosecution of child abuse: A meta-analysis of rates of criminal justice decisions. *Trauma, Violence and Abuse*, 4, 323–340.
- Faller, K. C., Birdsall, W. C., Henry, J., Vandervort, F., & Silverschanz, P. (2001). What makes sex suspects confess? An exploratory study. *Journal of Child Sexual Abuse*, 10, 31-49.
- Faller, K. C., & Henry, J. (2000). Child sexual abuse: A case study in community collaboration. *Child Abuse & Neglect*, 24, 1215-1225.
- Lippert, T., Cross, T.P., Jones, L.M., & Walsh, W. (2010). Suspect confession of child sexual abuse to investigators. *Child Maltreatment*, 15, 161-170.
- Quas, J. (2005). Childhood sexual assault victims: Long-term outcomes after testifying in criminal court. *Monographs of the Society for Research in Child Development*, 70, (2).



References (cont.)

- Staller, K. M. & Faller, K. C. (Eds.). (2010). *Seeking justice in child sexual abuse: Shifting burdens and sharing responsibilities*. New York: Columbia University Press.
- Walsh, W.A., Jones, L.M., Cross, T.P., & Lippert, T. (2010). Prosecuting child sexual abuse: The importance of evidence type. *Crime & Delinquency, 56*, 436-454.
- Whitcomb, D. (2003). Legal interventions for child victims. *Journal of Traumatic Stress, 16*, 149-157.
- Whitcomb, D., Goodman, G.S., Runyan, D. & Hoak, S. (1994). The emotional effects of testifying on sexually abused children. National Institute of Justice Research Brief. Available from the National Criminal Justice Reference Service, www.ncjrs.gov.