



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

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# Importance of research

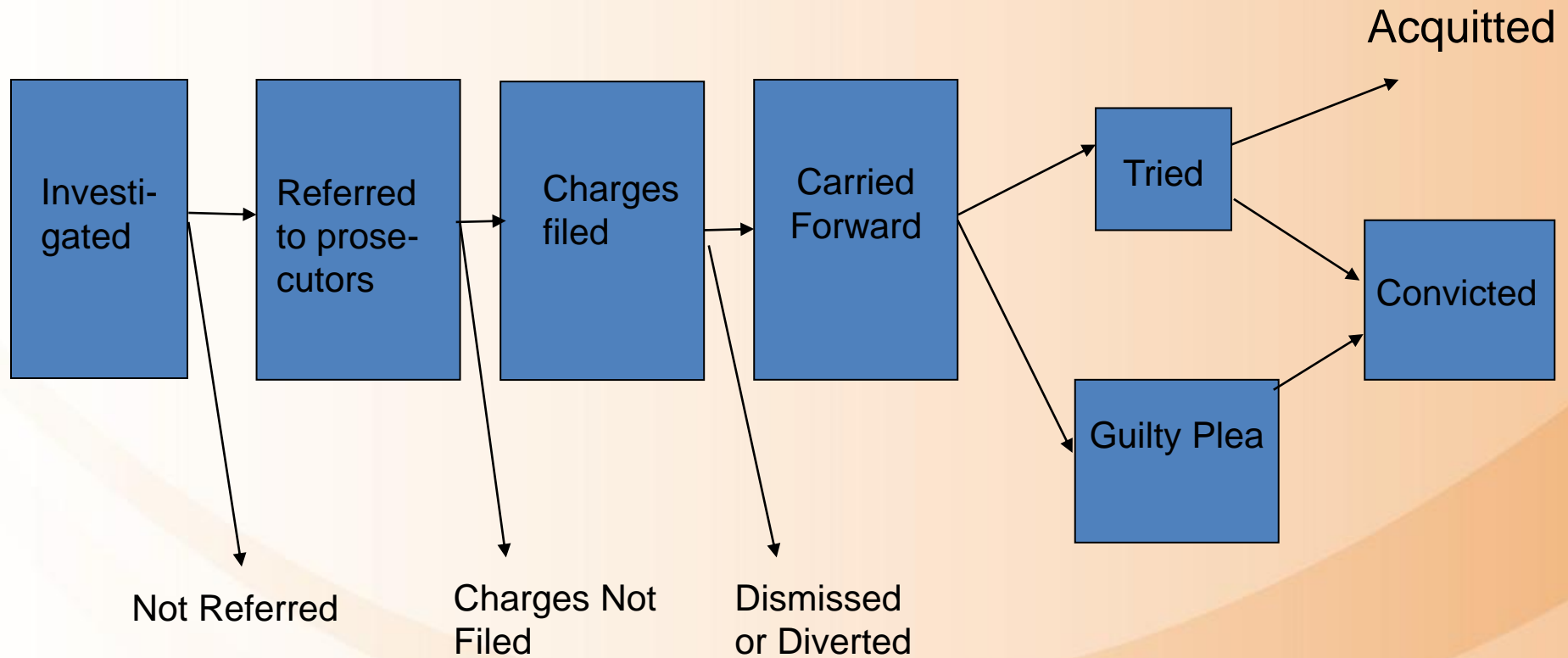
- Prosecution of child abuse is important but complex
- Need data to understand it and inform policy
- However, development of policy and practice has not been data driven
- This presentation a review of a wide range of data relevant to policy and practice



# 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%

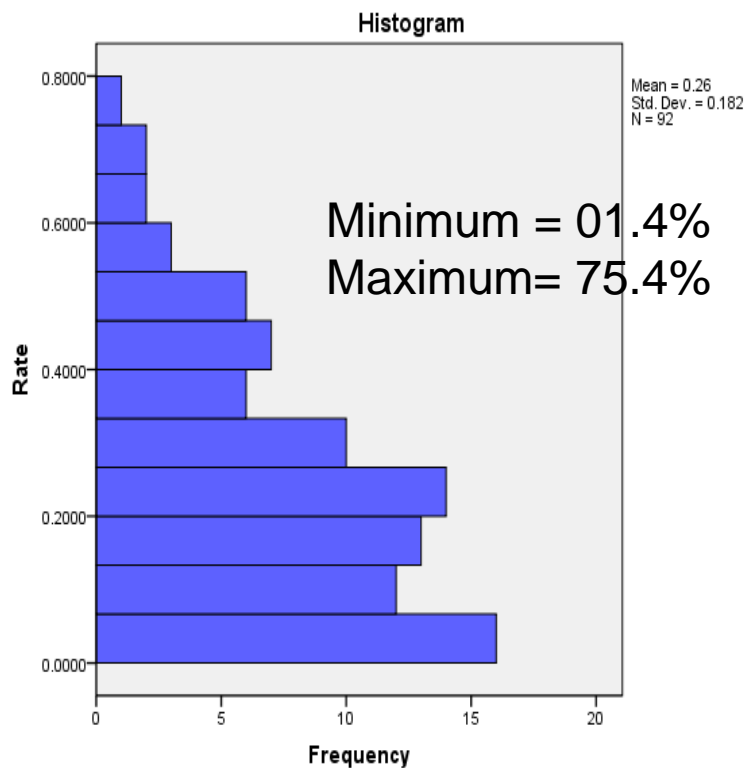
**NSCAW 2 (2008-2009 cases)**

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

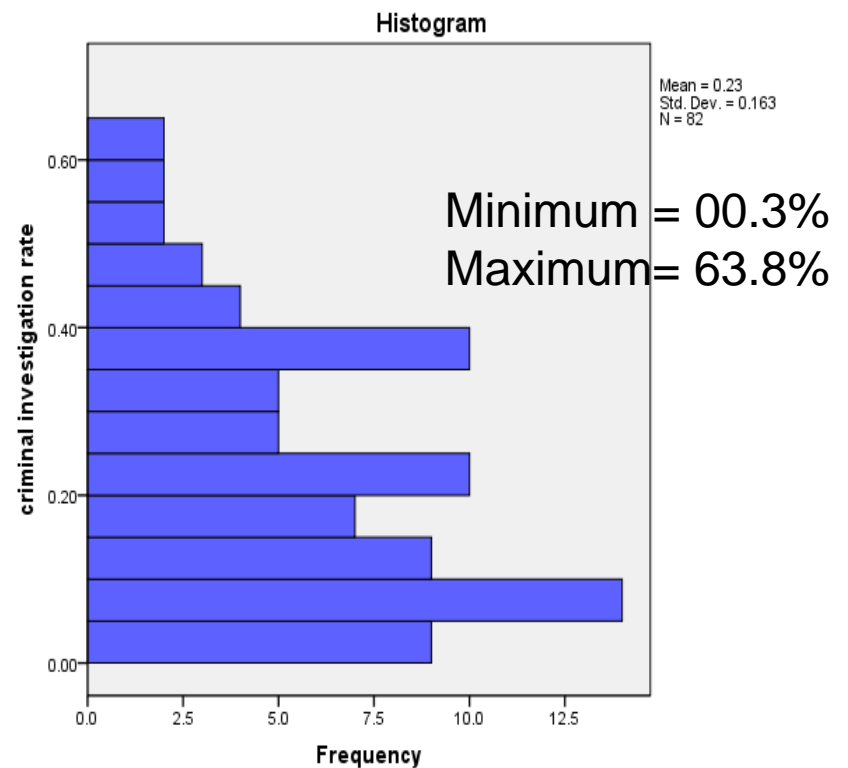


# Significant variation in CI rate across communities

## 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

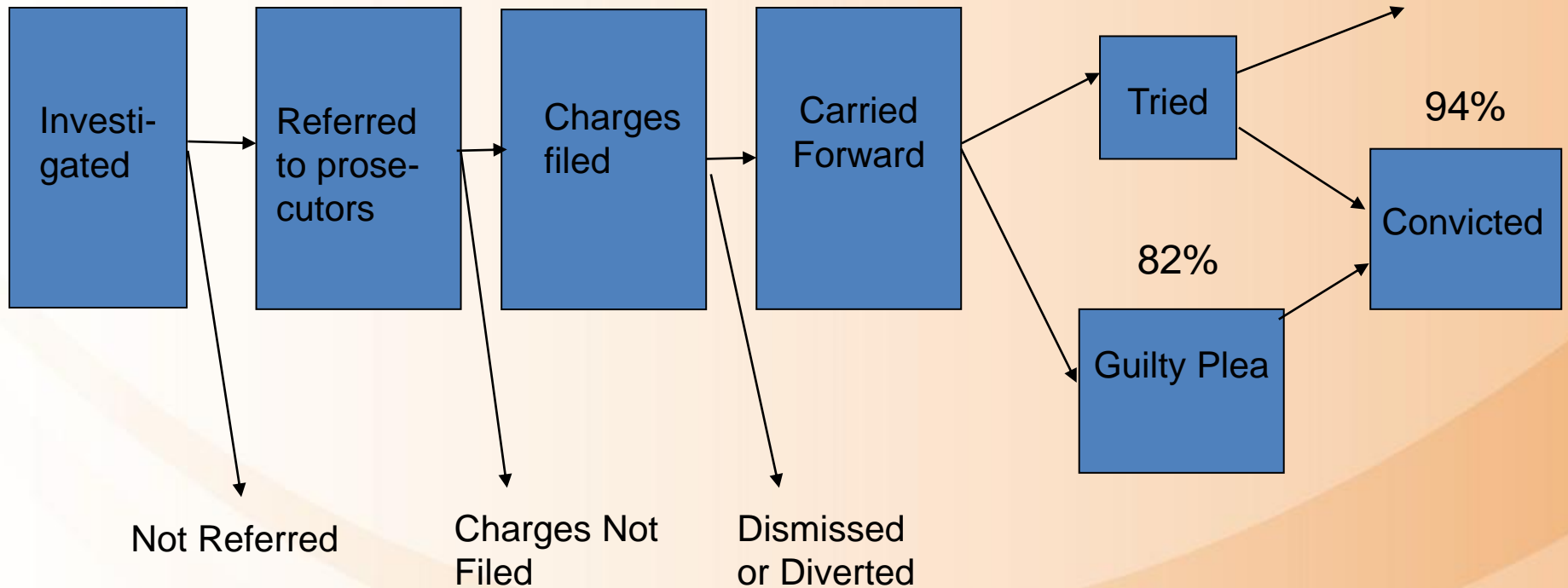
21% of  
CPS  
cases

?%

66%

79%

Acquitted





## 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

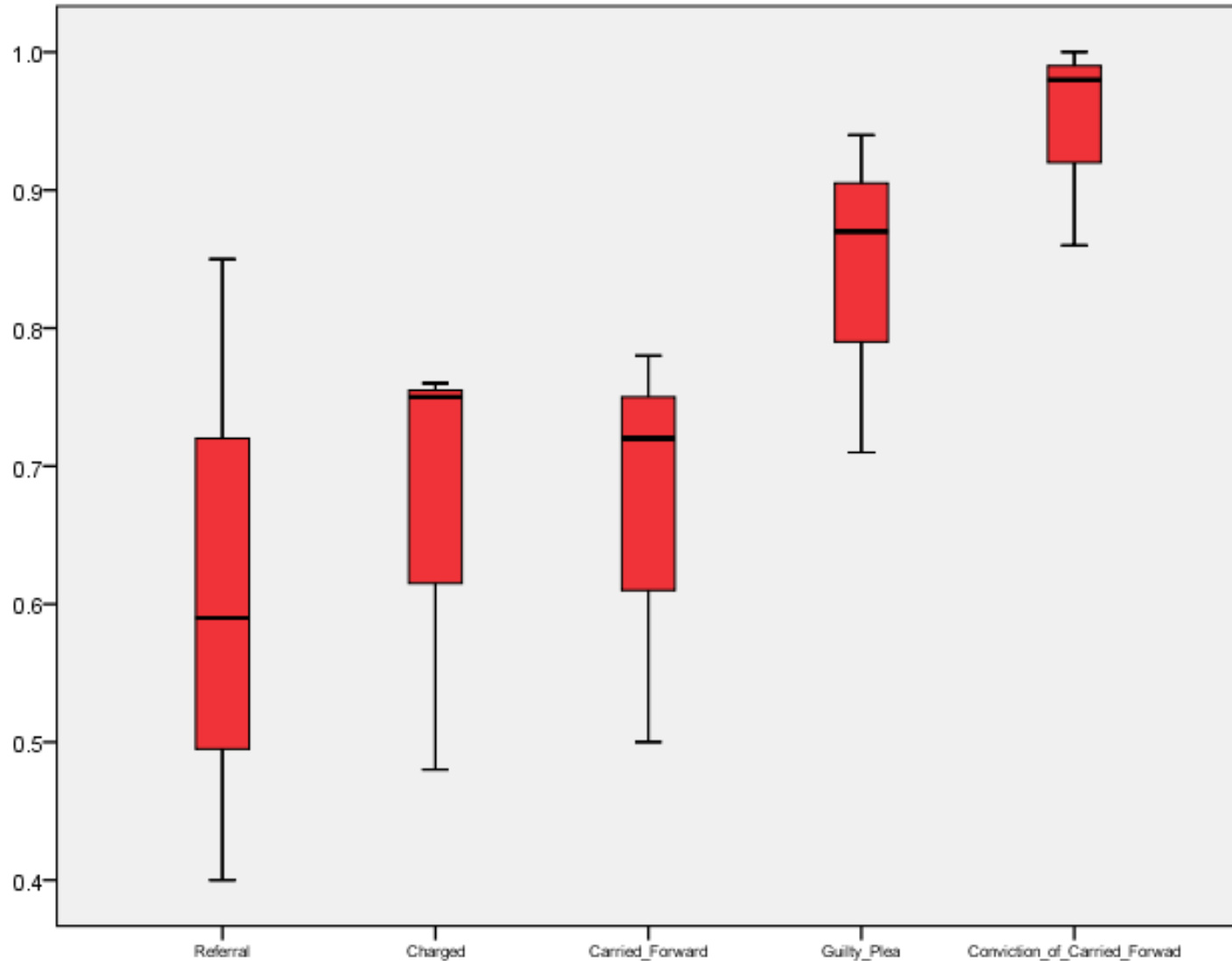


## Data on trials

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

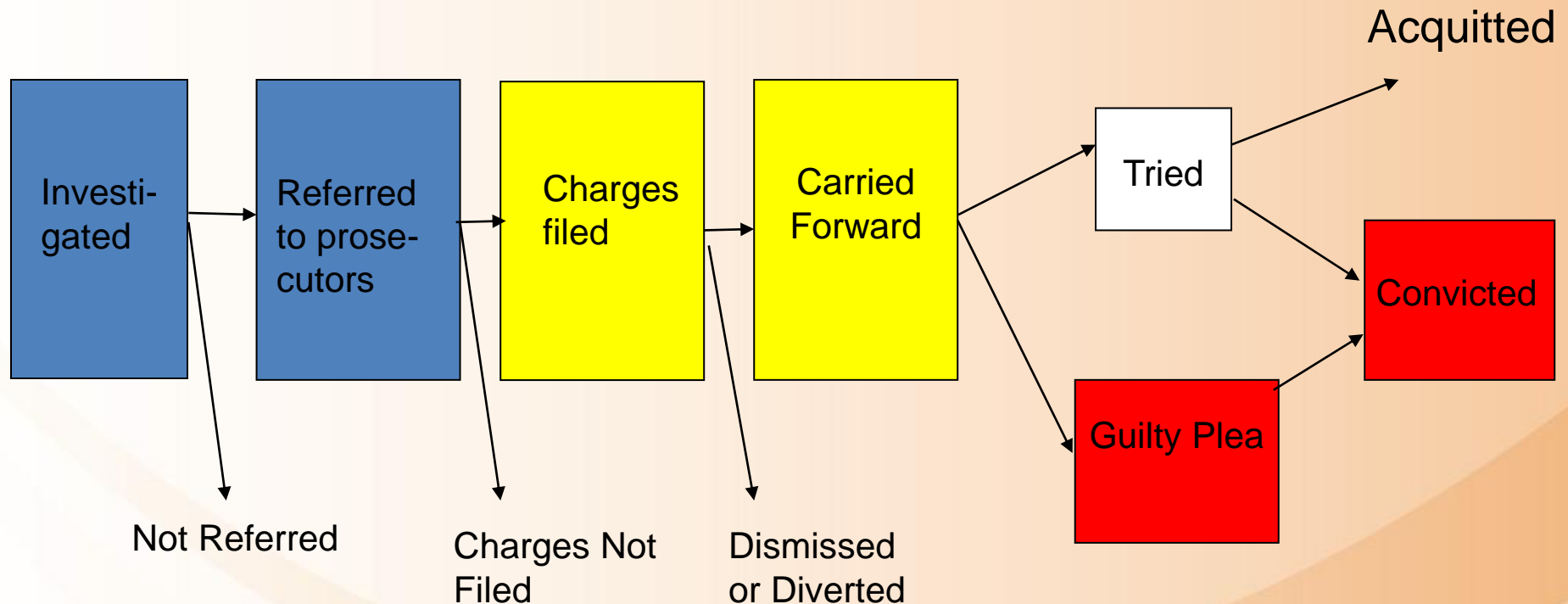


# Variation in CJ decisions





# Contrast between front, middle and end of process

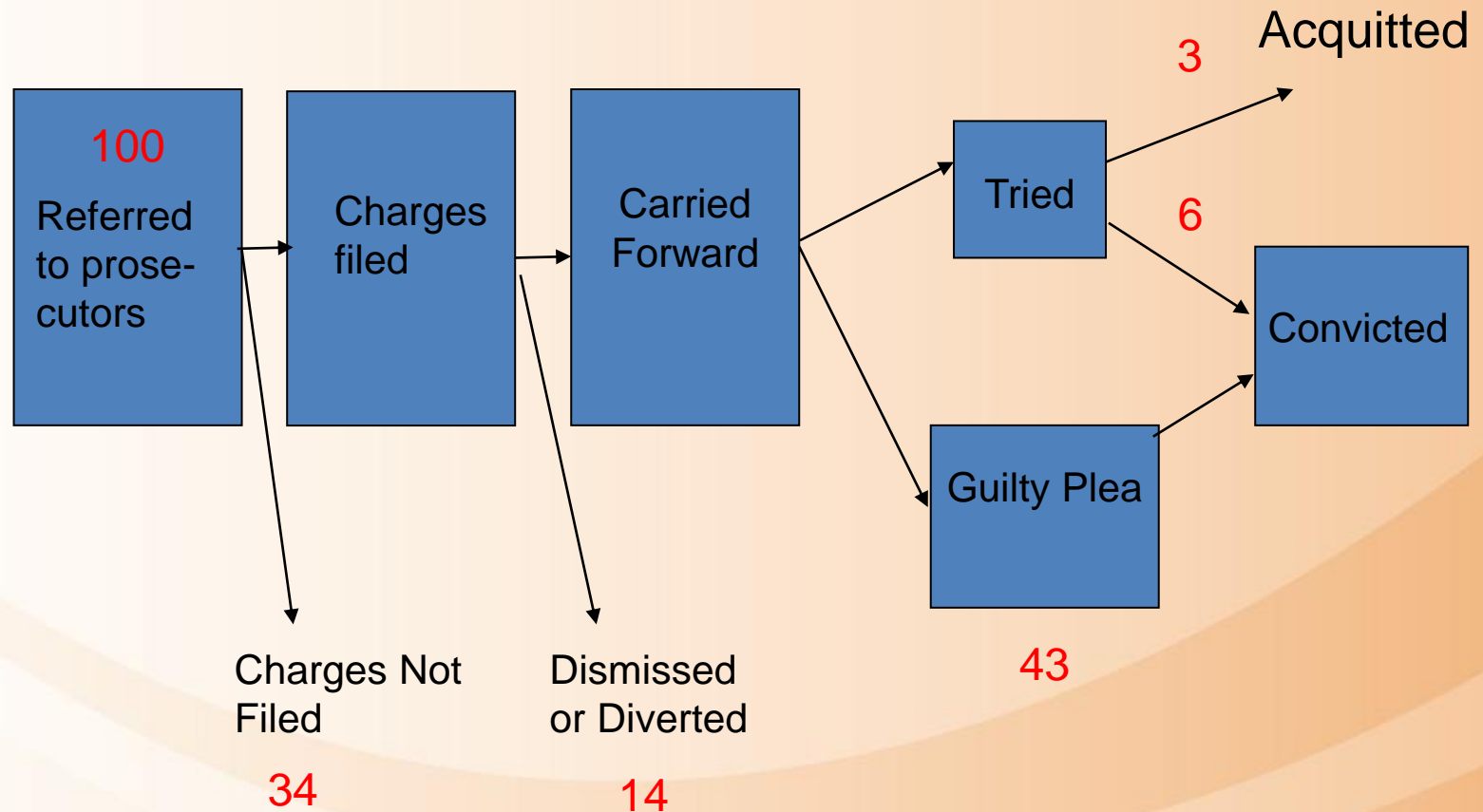


- Generally low rates, jurisdictions vary a lot
- Higher rates, jurisdictions vary a lot
- High rates, considerable consistency across jurisdictions





# 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



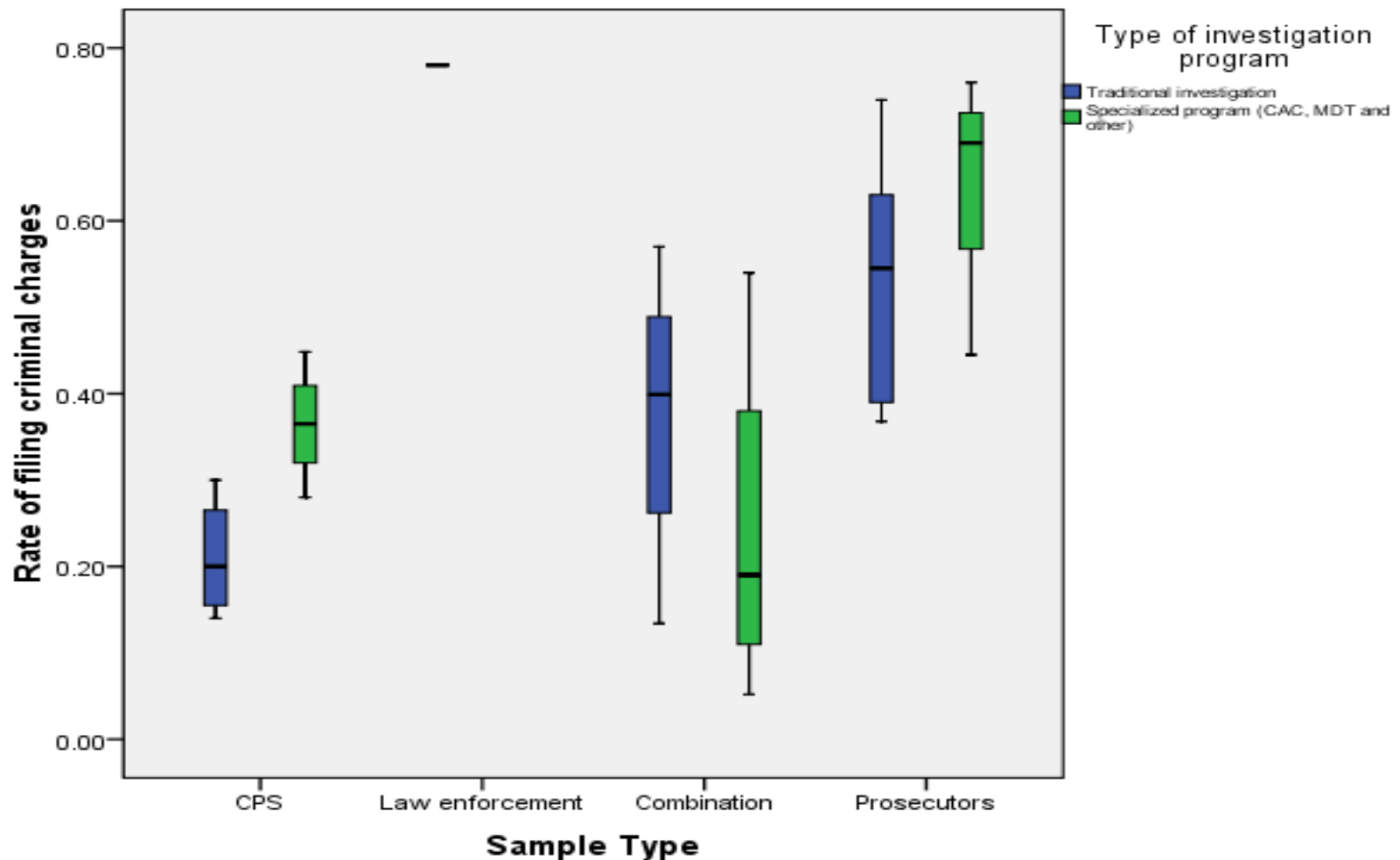


# Results on charging and conviction rates

- 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

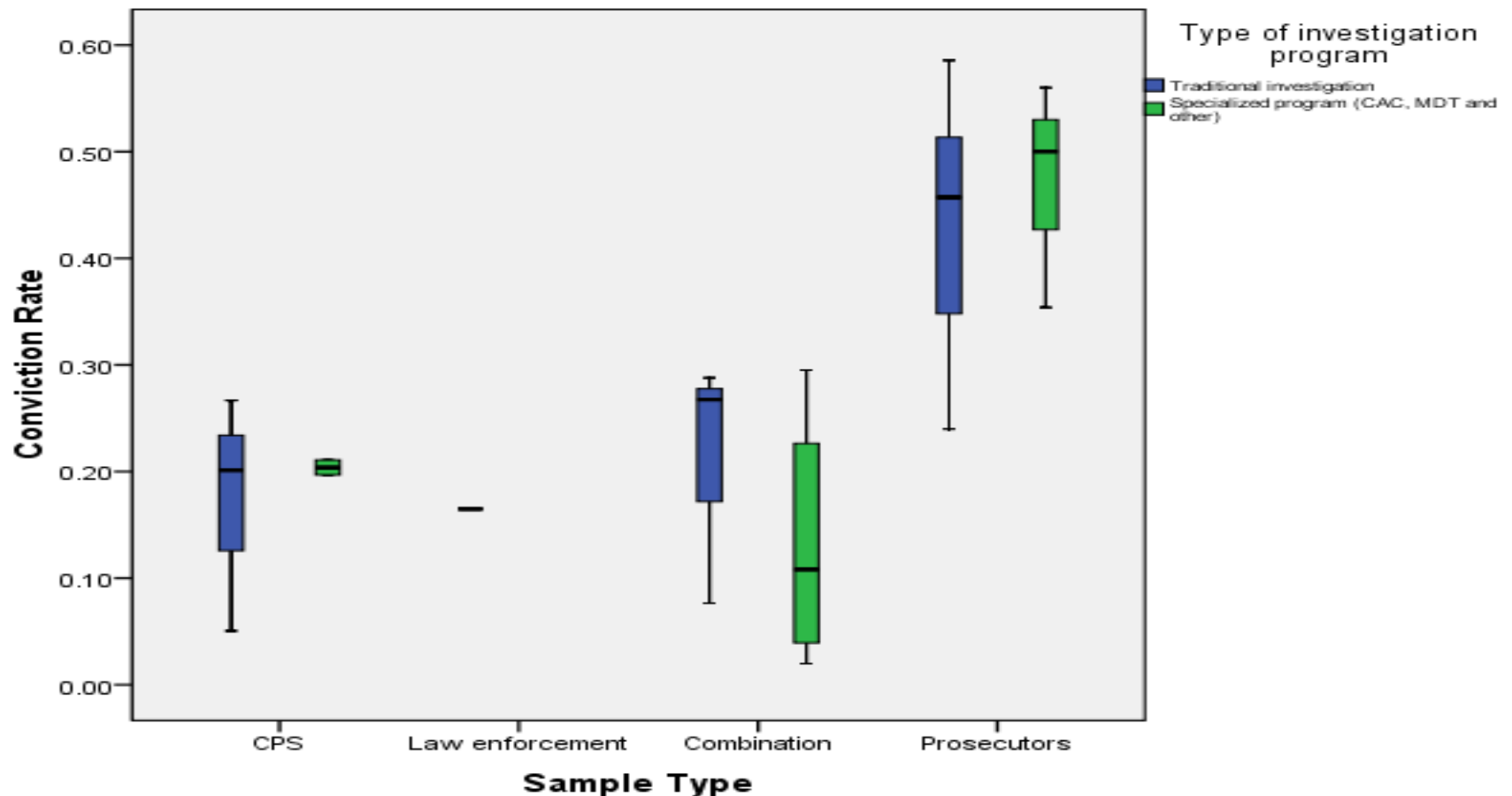


# Comparison on charging rates





# 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?

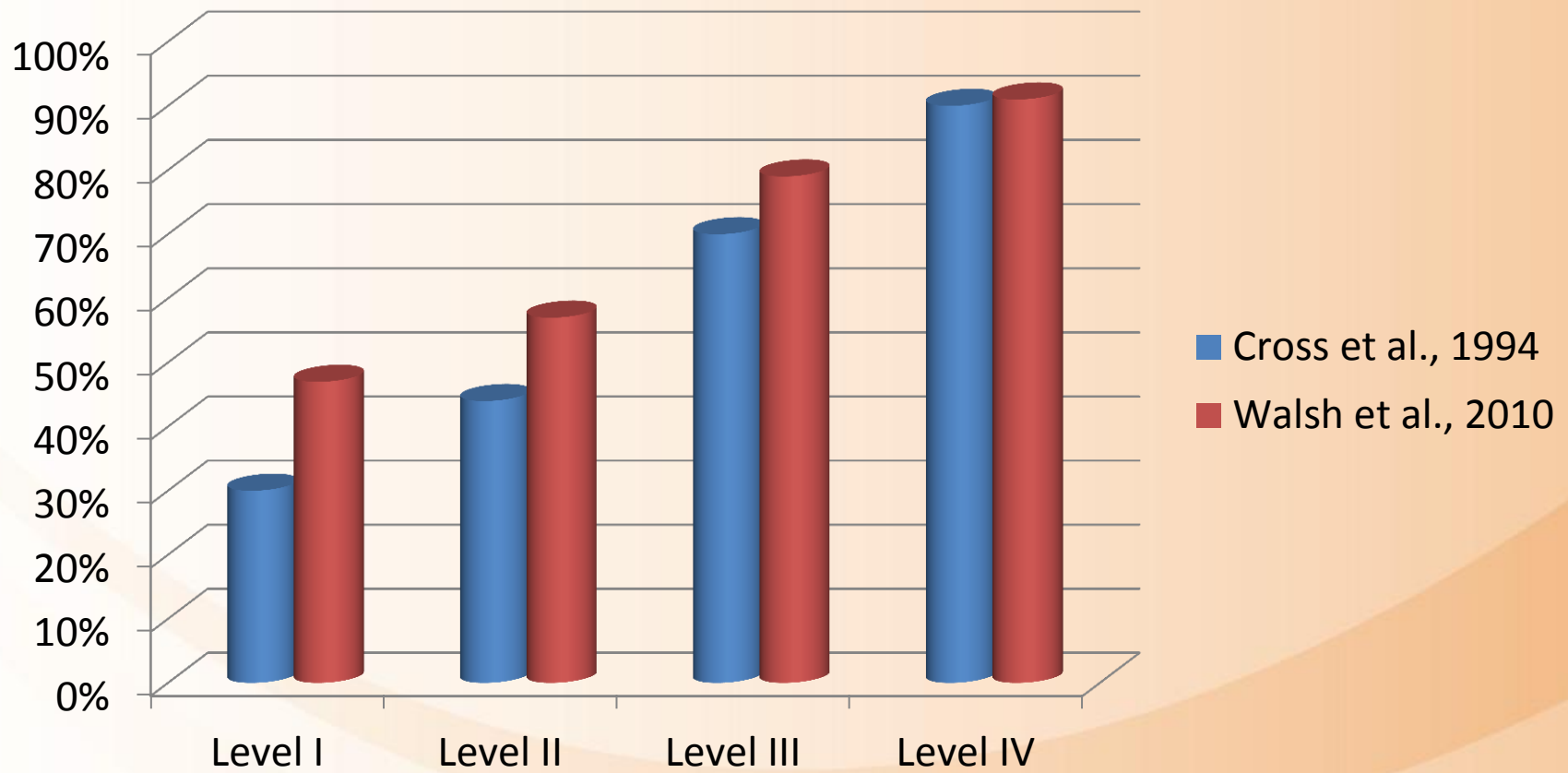


# Method I developed for ranking level of evidence

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



# 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](http://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

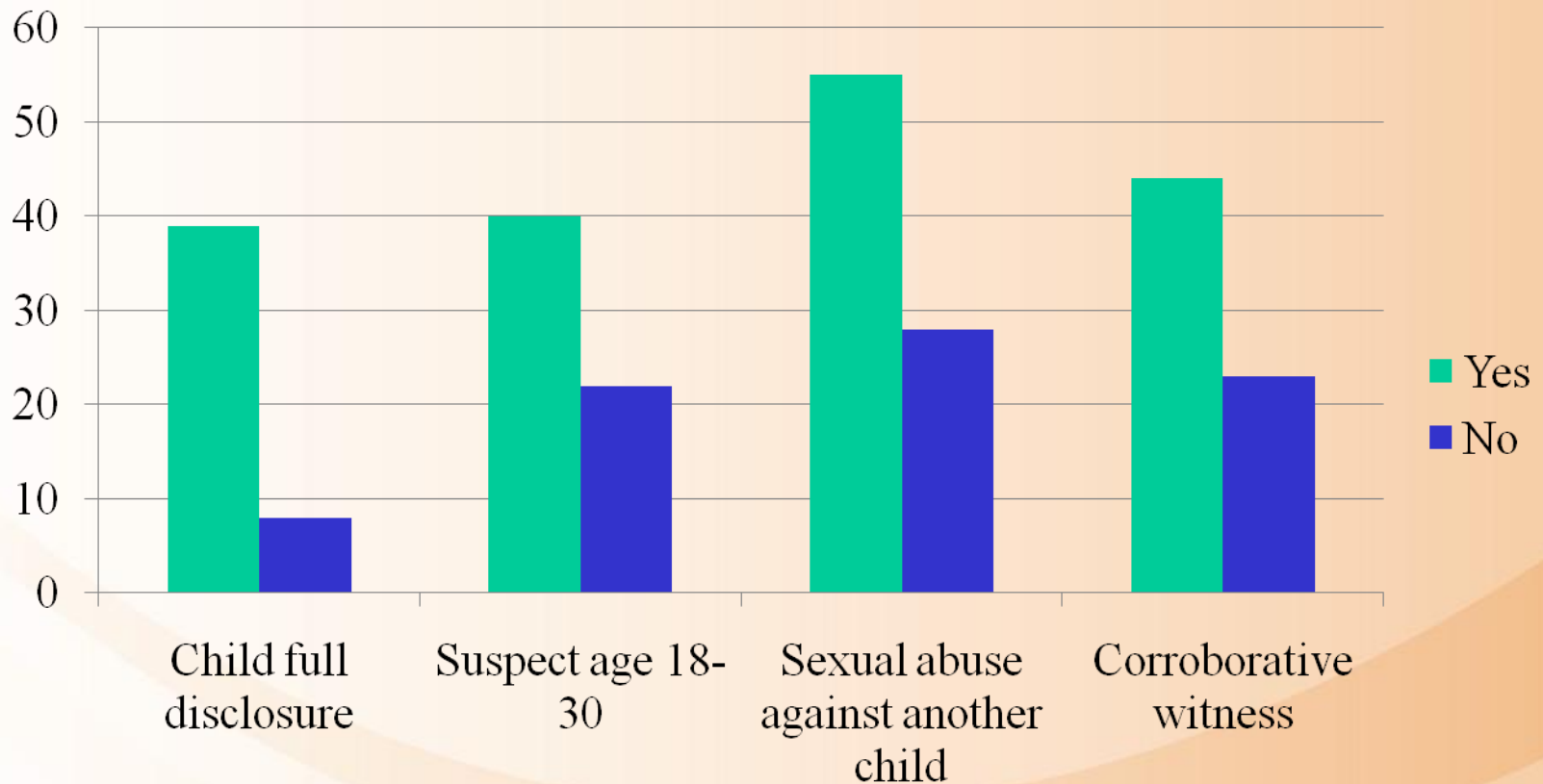


# Overall Confession Rate

- 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 2<sup>nd</sup> 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





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