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# Multidisciplinary Response to Child Sexual Abuse: From Outcry to Prosecution

## Evaluating Practice



# Three Lenses Viewing the Same Topic



**The Researcher and Academic**

**The Police Criminal Investigator**

**The Researching Student**

Full length article

## The practice of prosecuting child maltreatment: Results of an online survey of prosecutors<sup>☆</sup>



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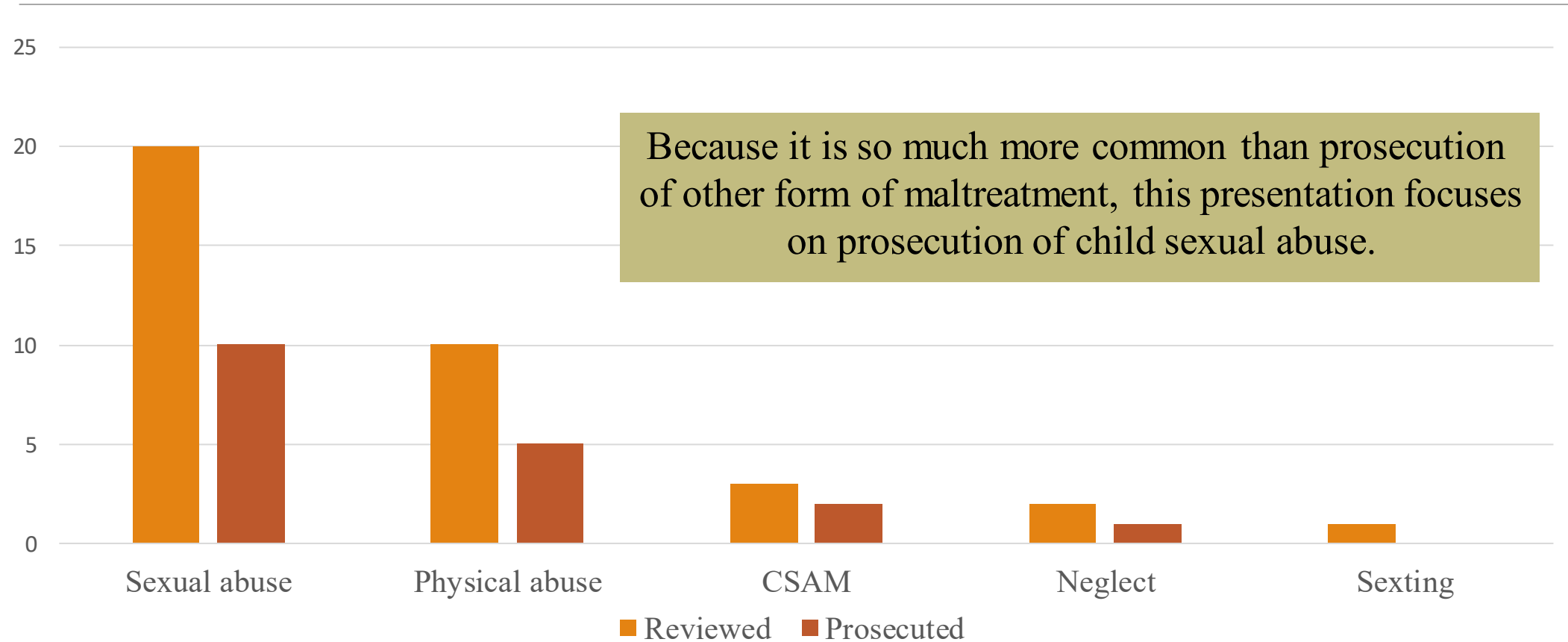
### ABSTRACT

Despite efforts by advocates, practitioners, and legislators to alleviate the burden on child maltreatment victims in the criminal justice system, many challenges remain for prosecutors as they seek to hold offenders accountable while minimizing the emotional impact on children. More than 200 state and local prosecutors in 37 states responded to an online survey to share their perspectives on current challenges, procedures to support children in the adjudication process, and the impact of the U.S. Supreme Court opinion in *Crawford v. Washington* (2004), sex offender registries, and "Safe Harbor" legislation to protect child sexual exploitation victims. Respondents' most pressing challenges were obtaining evidence to corroborate children's statements and the difficulties of working with child victims. Child testimony was ranked as more frequent than any other type of evidence, and least frequent were DNA, photos or videos of criminal acts, and other physical evidence. Prosecutors rely primarily on victim/witness assistants and courtroom tours to prepare children for testimony; technological alternatives are seldom used. Results suggest a real but limited impact of the *Crawford* opinion on the need for child testimony and on the decision to prosecute. Survey findings indicate a need for greater attention to thorough investigations with particular attention to corroboration. Doing so may strengthen the child's credibility, which is especially critical in cases lacking physical or medical evidence of maltreatment.

Research we are  
referencing throughout this  
workshop



# The Median Number of Cases Prosecutors Reviewed and Prosecuted in 2014, Categorized by Type of Abuse




Source: Cross & Whitcomb (2017)

The median was 0 for all other types of maltreatment

# Principles for the Presentation

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Holding offenders accountable is critical for serving justice and promoting children's healing



We need to shift the burden off of children for holding offenders accountable



Investigative corroboration is essential for shifting the burden off children



Law enforcement corroborates the child through and with the multidisciplinary team, not outside of or around it

# Our First Principle

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"Holding offenders accountable is critical for serving justice and promoting children's healing"

## Results from Interviews of Caregivers in Investigated Cases (Jones, et al., 2010, Quotation for Pages 301-302)

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The most common response by caregivers to the question “What was worse than expected about the investigation?” involved disappointment with the thoroughness of evidence collection, perceived failures by investigators to pursue justice fully, and bungled or problematic investigation procedures...Responses from this category included the following examples:

*They do not really investigate. I had suspicions about one particular thing, and they did not really look at that. I know he is little and does not talk really well, but I feel they should have done more.*

*Well, the person who hurt my children was a family member, so I know for a fact that he has never been questioned and nothing has been done to him about this. But my children still have to see him every day and hear comments from him stating that he is untouchable.*

*How it was dealt with afterwards. There was no follow-up . . . we felt ignored. It was frustrating that everything was not really checked into more. They let it go.*

# Our Second Principle

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“We need to shift the burden off of children for holding offenders accountable”

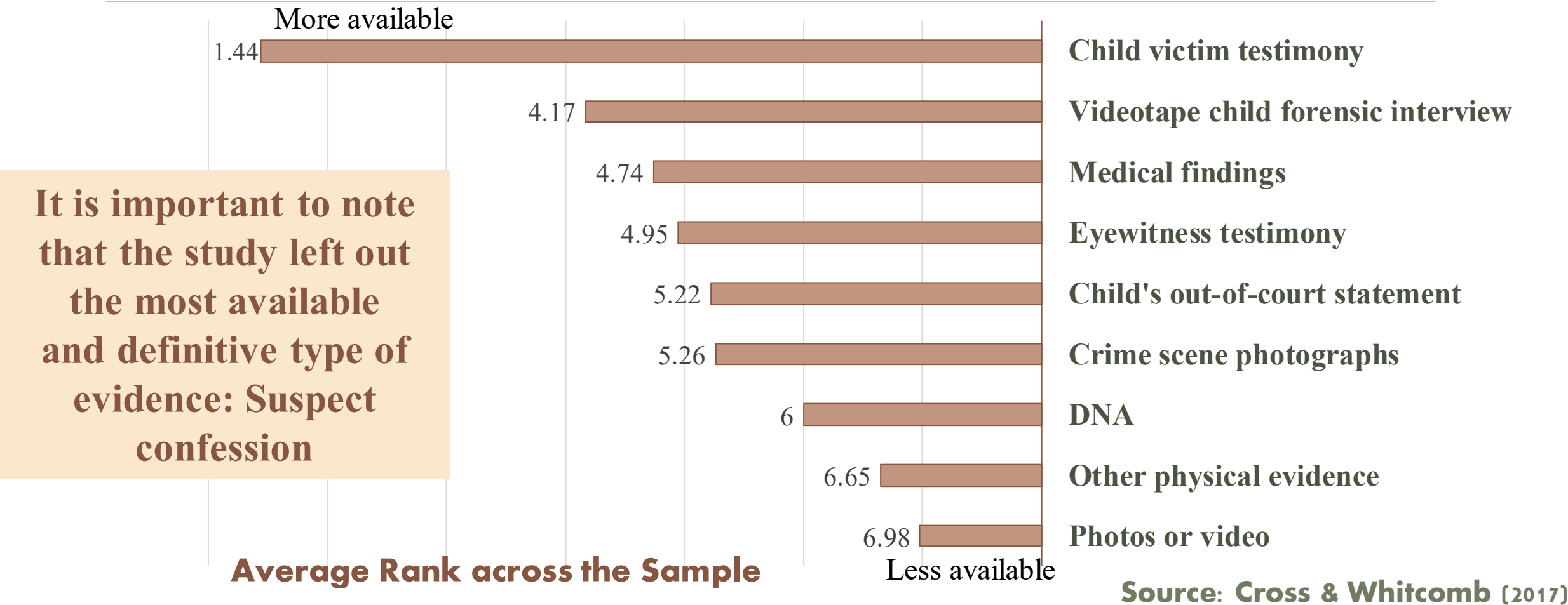


# John Myers

*"The child's credibility is the centerpiece of the prosecution's case and the bullseye for the defense."*



# Average Rank for Availability of Different Types of Evidence



**Child Victims Go  
Through an  
Extremely  
Difficult Journey,  
Including:**

- Victim experiences sexual abuse
- Victim outcry, purposeful or accidental
- Reporting person conversation with Victim
- Report to law enforcement and/or CPS
- “Coordinated” Response of MDT/CJ System CAC/FI/MDT
- Investigation/Therapy/Support
- Submission to Criminal Prosecutor/DA
- Defense may require a child psychological evaluation

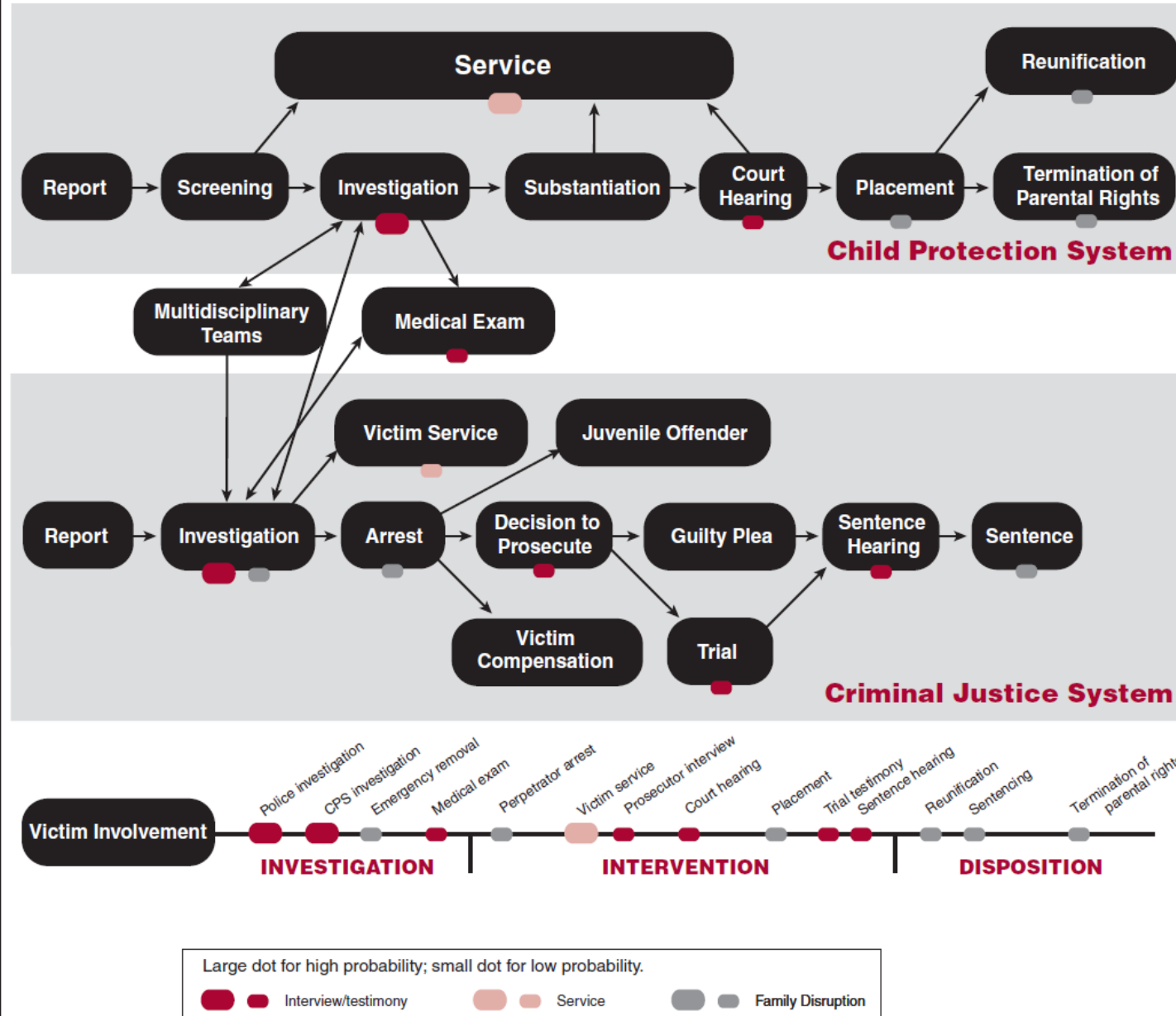
# Stages Where Victimization/Trauma Occurs

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- **Object of perpetrator's desire**
- **Sexual Victimization**
- **Internalization of Victimization**
- **Outcry/Disclosure**
- **Parental/Familial Response to Outcry**
- **Criminal/Civil Intervention and Forensic Interview**
- **Living with Consequence**
- **Testifying in Court**
- **Criminal/Civil Disposition**

Figure: The Juvenile Victim Justice System

Source: Finkelhor, Cross & Cantor (2005)



# The Juvenile Victim Justice System

# Children may have to be present or testify in a series of “mini-trials”

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- Preliminary Hearing
- Probable Cause
- Competency Hearings
- Depositions
- Grand Jury
- Bond Reduction
- Motions to quash/suppress
- Sentencing Phase
- Appeal



# Study of Time Between Law Enforcement Report and Criminal Justice Disposition

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Time Period	Percentage of Cases
Within 3 months	12%
3 months to 1 year	24%
1 to 2 years	29%
More than 2 years or pending	36%

Average = 329 days

This includes cases that did not go to trial. Cases that go to trial take much longer.

Source: Walsh, Lippert, Cross, Maurice & Davison (2008)

## CONSEQUENCES OF CRIMINAL COURT INVOLVEMENT FOR CHILD VICTIMS

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Despite concerns being routinely raised about psychological consequences for child victims of participation in criminal proceedings, empirical research remains limited, and findings have not been integrated within a well-established set of theoretical principles. In the current review, we describe extant research concerning the links between child victims' involvement in criminal prosecutions and subsequent outcomes, particularly in the domains of mental health and legal attitudes. Findings reveal that, although some facets of children's legal experiences, such as testifying repeatedly, are associated with adverse outcomes, this is largely the case only under certain circumstances—numerous factors interact to influence consequences of legal involvement. Further, although young children are often quite vulnerable when exposed to negative experiences generally, older children and adolescents may actually be more adversely affected by some features of legal involvement. Overall, the research highlights the complex interplay between children's legal experiences and children's development in shaping their reactions to legal involvement and suggests ways to facilitate their participation in the legal process while maintaining fair judicial procedures for the accused.

*Keywords:* child victims, criminal court, legal attitudes, mental health, testimony

Each year, millions of children are involved in legal actions, including those necessary for the prosecution of crime. These victims include children who

# Quas & Goodman (2012) Findings

- Multiple studies show negative mental health outcomes for child sexual abuse victims who testify *repeatedly* in court
- Testifying had worse effects if:
  - Cases lacked corroborative evidence and depended on children's testimony
  - Children lack support from a non-offending caregiver
- Children (and their parents) were often negative about their experience when the case was dismissed or led to acquittal, or the offender received a lenient sentence
- When there was no guilty verdict and children did *not* testify, they were more negative about their experience than children who testified
- Children valued having a voice in the case



# Conclusions about Quas & Goodman (2012)

Quas & Goodman: “turning to the overarching question of whether child victims should be directly involved in criminal proceedings, without hesitation, we answer, ‘yes’.”

Cross, Ernberg, & Walsh (2021) “It is possible that not testifying in a case in which testimony was called for would lead to child outcomes that were as bad or worse than the outcomes of testifying, particularly if defendants are acquitted”

Quas & Goodman: Children may do well if they

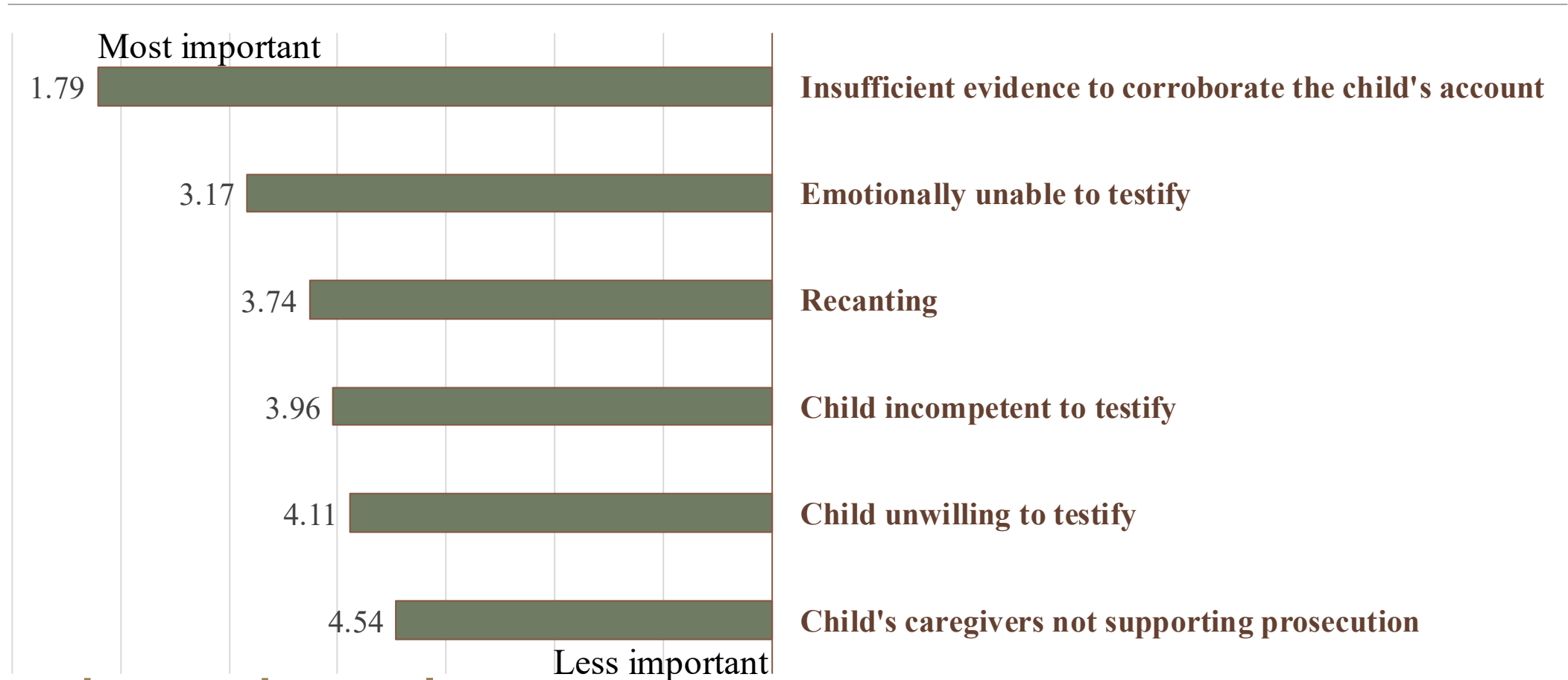
- Have the preparation and support they need
- Can testify in a timely way without significant delays and cancellations
- Do not have to testify repeatedly

# Our Third Principle

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“Investigative corroboration is essential for shifting the burden off children”

# Average Rank for Most Important Reason for Declining a Case



Average Rank across the Sample

Source: Cross & Whitcomb (2017)



# Corroboration Findings

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In child sexual abuse cases,

**Lippert et al. found that a corroborative witness more than doubled the odds of a suspect confession (odds ratio = 2.29).**

**Walsh et al. found that a corroborative witness came close to doubling the odds of criminal charges being filed (odds ratio=1.70).**

# Types of Criminal Evidence

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**DIRECT-** Evidence which singularly has the ability to prove a criminal case

- Victim ability to testify
- Confession of perpetrator
- Direct Link Evidence
- Eyewitness

**Circumstantial-** Evidence that is corroborative statements of victim, witness etc but does not singularly prove the allegation

**Behavioral and Emotional-** Behaviors and emotional states consistent with victimization

# Methods for Obtaining Circumstantial Corroborative Evidence

- Seek corroboration for every detail provided by child in forensic interview
  - Direct evidence of a crime
  - Evidence to support child's credibility
- Enhanced crime scene evaluation, especially photos
- Interview with the non-offending parent
- Interviewing suspects effectively and obtaining self-incriminating statements

# Examples of Using Children's Statements to Gather Circumstantial Evidence that Corroborates Child Victim

Child Statement	Investigative Action
Father read <i>Goodnight Moon</i> to me before he touched me.	Search suspect's house and seize the book
Uncle George always took me to the blue house	Take photograph of the house
Grandpa pulled my pants down on our fishing trip	Look for campground registration, photographs of the trip, fishing equipment at Grandpa's
<i>All About that Bass</i> was playing on the radio on Jersey's finest 99 FM	Obtain radio playlist

**Sources: Vieth, 2010**

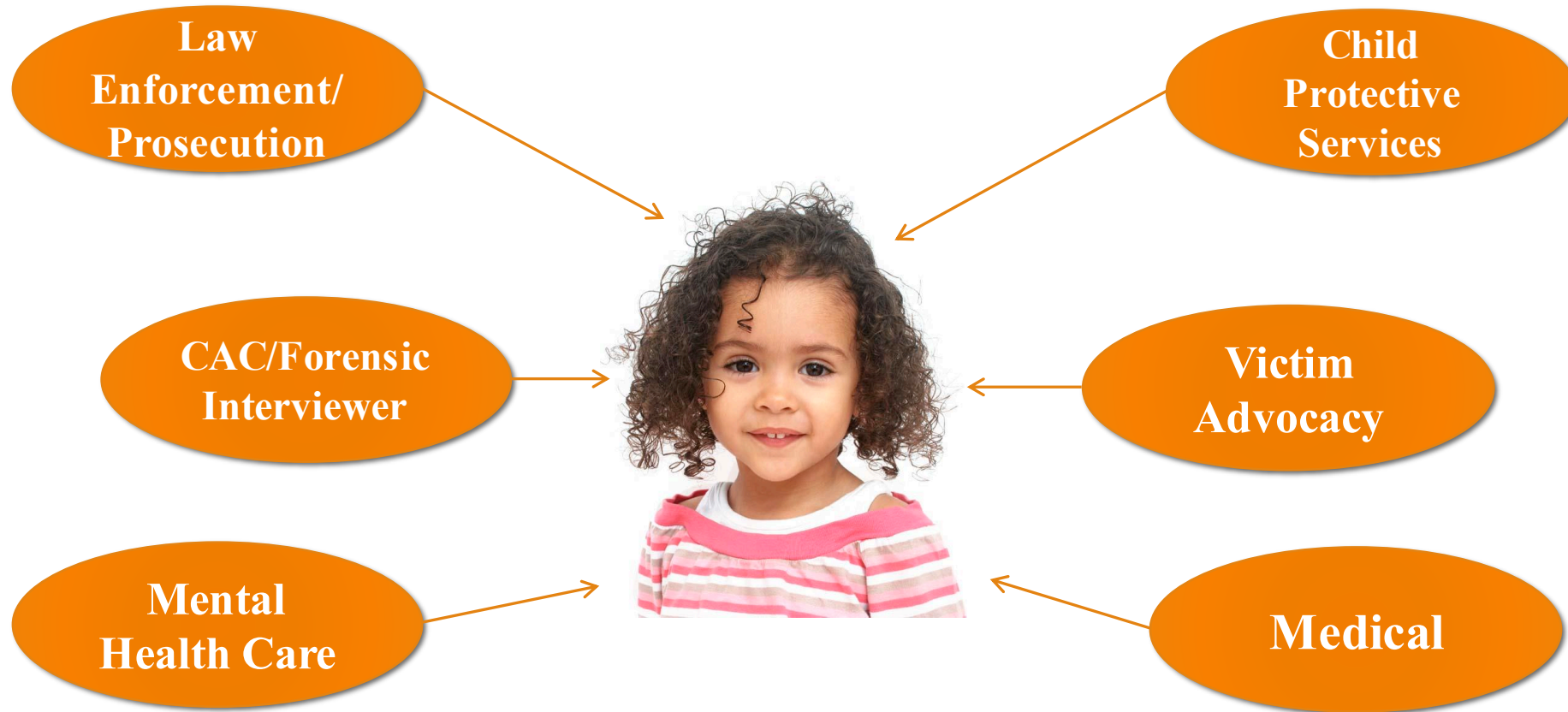
# Our Fourth and Final Principle

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“Law enforcement responds through and with the multidisciplinary team, not outside of or around it”

# Some of the Disciplines on a Multidisciplinary Team

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# All Disciplines on the MDT Contribute to Holding Offenders Accountable

Discipline	Contribution to Accountability
Forensic interviewer	Child forensic interview provides leads for law enforcement investigation
Child protective services	CPS investigation can inform law enforcement investigation
Physicians and nurses	Timely forensic medical exam can yield critical evidence (e.g., DNA, evidence of injuries), especially with adolescents
Victim and family advocacy	Support victims and families throughout the criminal justice process
Mental health	Emotional healing and coping throughout the criminal justice process (prosecution more likely if mental health problems are reduced)
Clergy	Spiritual and emotional support throughout the criminal justice process

# CAC Movement Contributions

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- 1) Child and family Friendly facilities to coordinate and streamline justice process
- 2) Identified MDT's
- 3) "Professionalism of Victim Advocacy as a Specialized Discipline"
- 4) Development of Evidence-based Forensic Interviewing Practices
- 5) Proliferation of Training Organizations and Conferences on Child Maltreatment



# **Some Challenges of the Coordinated MDT Response**

**MDT Response Protocols vs Day to  
day Practices**

LE-911 Calls For Service

CPS-Hotline/Prioritization of Calls

CAC Scheduling and Availability for  
Forensic Interview

Forensic Interviewer -Availability and  
scheduling to conduct Forensic Interview

# Current Challenges Facing MDT Case Submissions

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- Lack of Law Enforcement Experience and Training
  - Lack of Prosecutor Experience and Training
- Lack of CAC Capacity to meet MDT Investigative Needs
- Delayed Post Outcry Coordination of Investigating MDT (*Duplicative, Rogue, MF*)
  - Poor Forensic Interviews (*Elements, Details*)
- Lack or Poor Criminal Investigative Corroboration (Training, experience, Mentor)
  - Poor or Lack of Clinical Support for Victim (Effective therapy thru criminal trial)
- Poor or Lack of Support for Maternal NOC (Effective therapy/support thru criminal trial)
  - RECANTATION due to MDT Response (Response induced)

# Presenters' Future Recommendations



**More research  
on Child Abuse  
Investigation  
and  
Prosecution**



**National  
Investigative  
Multidisciplinary  
Team  
Organization**



**Differentiating  
between  
Practice/Best  
Practices/Evidence  
and Research  
based Practices**



**Train IMDT in  
Criminal  
Investigation of  
CSAE PRIOR  
to First Case  
Assignment**



**Focus and  
Commitment on  
"How To"  
Training Across  
crimes against  
Children**



**Addressing  
Retention of  
CPS  
Investigators,  
LEO's and  
Prosecutors**



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