

122936

FINAL REPORT
JUVENILE SEXUAL ASSAULT UNIT
"INTERDISCIPLINARY COOPERATION IN JUVENILE
JUSTICE'S APPROACH TO CHILD SEXUAL ABUSE"

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES
GRANT #90-CA-1052

U.S. Department of Justice
National Institute of Justice

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Copies of this report are available from The Juvenile Sexual Assault Unit
Pierce County Prosecuting Attorney's Office
Juvenile Division
5501 6th Avenue, Tacoma, Washington 98406
(206) 593-4471

The pictures on the cover of this report were made by child victims during their interviews and were given to the Child Interviewer/Victim Advocate to hang on her office wall.

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PREPARED BY
HELENE CHABOT
PROJECT COORDINATOR

NCJRS

APR 30 1990

ACQUISITIONS

JUNE 1987

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PREFACE

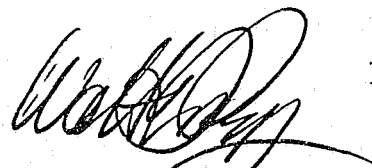
This Project has been rewarding, frustrating and educational for the staff. Trying to make a difference in the lives of children is a real challenge.

Listening to the stories of victims has elicited a variety of emotions from all of us. Sadness, anger, dismay—knowing that these little people have experienced confusing and painful incidents; hearing language that would shock a sailor coming from a five year old; reading the psychosexual evaluations of offenders whose life histories are filled with domestic violence, child abuse and sexual assault. Occasionally we have experienced laughter at the unique and delightful antics of these child victims. Joy has not been uncommon as we observed the ability of children to cope and survive.

Families, too, have affected us as we watched parents torn between a daughter and a son—who to believe, who to support, how to be sure it will never happen again; parents in blended families pitted against one another; grandparents, aunts, uncles and friends often unable to resolve the conflict of whose child did what to whom.

There are many aspects of juvenile sexual assault we found to be completely out of our hands. We have felt frustrated by the limitations of the law, the system and ourselves.

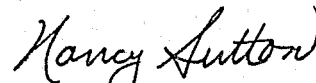
When the problem seems overwhelming I am reminded of an analogy made by Richard Krugman, M.D. at a child abuse conference in Pierce County, in 1984. Dr. Krugman said that working with child abuse is like emptying the ocean with a bucket. If you keep looking at the ocean it seems like you have accomplished nothing. You have to look behind you at the lake you have created. This report is a description of the lake we have created.



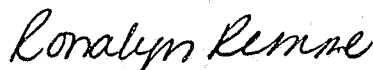
Walter A. De Puy
Deputy Prosecuting Attorney



Helene Chabot
Project Coordinator



Nancy Sutton, MSW
Child Interviewer/Victim Advocate



Ronalyn Remme
Support Staff

PROJECT ADVISORY BOARD

The guidance, encouragement and insight of the Project Advisory Board has been deeply appreciated by the Juvenile Sexual Assault Unit.

Judy Fortier, Board Chairperson
Tacoma Human Rights Commission

Eileen O'Brien, Grant Author
Victim Witness Assistance Services
Pierce County Prosecuting Attorney's Office

Kay Wylie
Pierce County Rape Relief

Daniel Niebrugge, M.D.
Pediatrics Northwest

John Phillips, Ph.D.
University of Puget Sound

ACKNOWLEDGEMENTS

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For his desire to develop a system that is responsive to victims and for establishing the Juvenile Sexual Assault Unit in his office:

William H. Griffies
Pierce County Prosecuting Attorney
1982-1986

For his recognition of the importance of this Unit and his support of its continuation:

John W. Ladenburg
Pierce County Prosecuting Attorney
1987 -

For her creativity in authoring the grant, and her continued support and guidance:

Eileen O'Brien
Victim Witness Director
Pierce County Victim Witness Assistance Service

For his guidance, support, wisdom and humor:

W. Stephen Gregorich, Section Head
Juvenile Division
Pierce County Prosecuting Attorney's Office

For their endless enthusiasm, back up and hard work:

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Michelle Remme
Naomi Welcher
Donna Woodard

Victim Witness Assistance Service
Lisa Tustison
Terese Thornton

For their training, cooperation, consultation and support:

Barbara Corey-Boulet, Section Head
Special Assault Unit
Pierce County Prosecuting Attorney's Office

Kathy Schuknecht, Child Interviewer
Special Assault Unit
Pierce County Prosecuting Attorney's Office

For their support of this project, their dauntless investigative pursuits, and their senses of humor:

Tacoma Police Department

Lieutenant James Hairston
Sergeant Stan Mowre
Sergeant John Knowles
Detective Fred Norton
Detective Ed Loughrey
Detective Bob Verone
Detective Stan Nyland
Detective Bruce Norton
Detective Celia Peltier
Detective Doug Margeson
Detective John Matz

Pierce County Sheriff's Office

Captain Mark French
Detective Larry Minturn
Deputy Don Halsey
Deputy Greg Stonack
Deputy Rick Adamson
Deputy Rob Masko
Deputy Loren Page
Deputy Mike Portmann
Deputy Deborah Simcoe
Deputy Dennis Meyers
Deputy Ron Cox

Puyallup Police Department

Detective Mike Henry

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Barbara and Michael Comte
Comtes and Associates

Bridgette Fitzgerald, Director
Chrestos Counseling Center

Rita Nygaard
Chrestos Counseling Center

Grace Brooks, Director
Lutheran Compass Center

Jim Teverbaugh, Director
Center for Child Abuse Prevention Services

Don Glabe, Director
Child Abuse Treatment Center

Robert Hunner, Director
Northwest Resource Associates

Remann Hall Administration and Staff

The Pierce County Juvenile Probation Department

The Panel of Juvenile Judges

The members of the Child Abuse Service Providers Association

The Division of Children and Family Services, Region 5

Pierce County Rape Relief

EXECUTIVE SUMMARY

Child Sexual assault has received much attention during the last ten years. Agencies which treat victims, offenders and families have sprung up across the country. Prevention programs have been developed. New laws have been passed.

As public awareness and concern increased, adult women who had been sexually assaulted as children began to come forward. When these women told their stories professionals learned that adults were not the only offenders. Some of these women had been sexually assaulted by juveniles. Assaults by brothers, cousins, and older playmates had traumatically affected victims lives.

Therapists providing offender treatment found that many offenders began sexually assaulting when they were juveniles.

The child abuse community became aware that juvenile sexual assault was a more serious and more prevalent problem than had been suspected.

To address this problem the Pierce County, Washington, Prosecuting Attorney's Office applied for and received a grant from the United States Department of Human and Health Services. These funds were used to develop a project which would improve the juvenile justice system's approach to child sexual assault by juvenile offenders. The funds for this demonstration project were awarded for a two year period between July 1, 1985 and June 30, 1987.

The four major goals of the Project were to:

- Increase cooperation and communication by child abuse agencies through inter-agency agreements and multi-disciplinary training.
- Reduce system induced trauma to child victims and their families through improved delivery of service.
- Provide quality legal intervention through greater prosecution of juvenile sex offenders.
- Encourage the enhancement of community based juvenile sex offender treatment programs.

To accomplish these goals a Juvenile Sexual Assault Unit was established in the Prosecuting Attorney's Office. The Unit consisted of a Project Coordinator, a Child Interviewer/Victim Advocate, a Deputy Prosecuting Attorney and a half-time support person. The Unit acted as a team to address each goal, with individual staff members responsible for specific activities.

The Project Coordinator was responsible for:

- developing the Unit
- planning and coordinating multi-agency meetings
- facilitating development of inter-agency agreements (Protocol)
- coordinating a conference on juvenile sexual assault
- participation on child abuse committees and task forces
- community education
- professional training and consultation
- supervising Project staff
- preparing reports for funding source

The Child Interviewer/Victim Advocate was responsible for:

- conducting child interviews
- preparing reports for Deputy Prosecutor, law-enforcement and Child Protective Services (CPS)
- providing crisis intervention
- keeping family up to date on case status
- offering referral sources to families
- coordinating cases with law-enforcement and CPS
- assessing child's competency to testify
- conducting court room orientations
- providing court room accompaniment
- record keeping

The Deputy Prosecuting Attorney was responsible for:

- coordinating case investigation
- making charging decisions
- preparation of all legal documents
- arraigning juvenile sex offenders
- negotiating pleas and plea bargains
- trials
- preparing the state's sentencing recommendation
- all court hearings

The half-time support person was responsible for:

- typing all reports, letters and memos
- fielding phone calls
- data collection
- logging case information
- filing
- mailing

A Project Advisory Board composed of concerned professionals was developed to advise the Unit and to ensure that Project goals were accomplished. The Board was also responsible for lobbying the County Council to keep the Child Interviewer/Victim Advocate and Deputy Prosecuting Attorney as permanent County positions. Their lobbying was successful and the Juvenile Sexual Assault Unit will continue with these two positions after the federal funding ends.

The results of this Project include:

- increased reporting of juvenile sex offenses
- more thorough investigation of juvenile sex offenses by law-enforcement
- a working agreement between child abuse agencies (Protocol)
- an increased awareness in the community of the incidence and seriousness of juvenile sex offenses
- improved service delivery to victims throughout the system
- increased communication and cooperation between service providers
- improved case tracking
- improved record keeping procedures for juvenile sexual assault cases
- improved communication between the system and families
- increased prosecution
- larger numbers of offenders receiving education and treatment
- an increase in the number of treatment programs for juvenile sex offenders
- increased understanding of the juvenile justice system by the social service community

PART I: INTRODUCTION

INTRODUCTION

This report summarizes the development, operation and findings of the Juvenile Sexual Assault Unit (JSAU). The JSAU is part of the Juvenile Division of the Pierce County, Washington Prosecuting Attorney's Office. The purpose of the Unit is to improve the legal system's approach to juvenile sexual assault while increasing community awareness and multidisciplinary cooperation.

The Juvenile Sexual Assault Unit was made possible through a demonstration grant from the National Center for Child Abuse and Neglect (NCCAN), U.S. Department of Health and Human Services. This grant made it possible to develop the Unit, provide community education and professional training, study the incidence of juvenile sexual assault in this community, and develop an interagency protocol for the handling of child sexual assault cases.

The JSAU will continue after the final grant period. This will allow the Juvenile Division to provide continued services and to participate in multidisciplinary activities which address juvenile sexual assault.

The purposes of this report are to increase awareness, in the legal and social service fields, of the need to address juvenile sexual assault; suggest ways of improving existing services; encourage other prosecuting attorney's to establish juvenile units that address sexual assault; and to offer suggestions for multidisciplinary cooperation. The contents of the report include:

- Background information on the need for a Juvenile Sexual Assault Unit
- Development and operation of the Unit
- Statistical information on offenders and victims
- Child Interviewing/Victim Advocacy techniques and issues
- Prosecution procedures and issues
- Steps in Protocol development
- Information on Adolescent Sex Offender Treatment
- Suggestions for a local Conference on Juvenile Sex Offenders
- Recommendations for replication

Style

It is hoped that this report will be of interest to professionals from a variety of disciplines. It has been written with this in mind, therefore few assumptions have been made about the expertise of the readers. Consequently, portions of the content may appear obvious to one reader and obscure to another.

The pronoun 'he' is used throughout the report when referring to offenders. Males account for the vast majority of the offending population. The pronoun "she" will be used for victims, although over 1/3 of the victims are male.

The JSAU is referred to in the present tense because it will continue to operate when the grant ends.

All statistical data in this report is taken from cases referred and/or charged in 1986, the only full calendar year of the project.

BACKGROUND

Identifying The Problem

It has been estimated by child abuse experts that between 100,000 and 500,000 children are sexually assaulted in this country each year. There are no accurate figures because so many of these incidents go unreported due to the shame and fear victims may feel. However, the number of reported cases of child sexual abuse increases yearly.

Nationally much attention has been given to the prosecution of adults who sexually abuse children. Throughout the country special assault units have been established in prosecutors' offices (including this locale) to handle the prosecution of adult offenders. Little has been done to change juvenile justice's approach to child sexual assault or the juvenile offender.

The Child Sexual Abuse Victim Assistance Project in Washington, D.C., found that in more than half (56%) of the referrals made of child sexual abuse the offender was under age 18 with the majority falling within the 14 to 16 age category. These findings appear to indicate that the juvenile sex offender is a population group which requires immediate attention.

Studies of adult offenders who are incarcerated or in treatment reveal that a majority began to have problems in adolescence, although not all teenagers who commit sex offenses will become adult offenders. Leading researchers in the field of juvenile sex offenders are calling for early detection and treatment of offenders as a means of working against the increasing number of sexual assaults. Some studies have shown that sexual assault is a compulsive behavior, therefore, offenders are likely to reoffend when no intervention occurs.

The Need For Prosecution

Experts in the field of sex offender treatment believe that the criminal justice system must be involved if treatment is going to be effective. Prosecution and court ordered treatment give treatment programs the leverage needed to require the offender to enter and remain in treatment. In cases involving juvenile offenders prosecution may also be needed to impress upon the offender's family the serious nature of the incidents and their child's need for help.

Community Coordination

The issue of child sexual assault is addressed by many agencies including law enforcement, child protective services, health care, and mental health agencies, but each is involved in only a part of the total picture. Many child sexual abuse cases handled by these agencies are ultimately referred to the prosecuting attorney who must attempt to assemble all the information from the various participating agencies.

Project Goals

To facilitate this process there is a need for interdisciplinary training, coordination, and a formal protocol for handling these sensitive cases.

The Juvenile Sexual Assault Unit was developed to address each of these areas. Project goals were designed to impact all participants in the child abuse/juvenile justice process. There are four major areas addressed by the project: the agencies involved in child abuse investigation, the child victim and the family, prosecution and juvenile sex offender treatment programs.

Project goals:

1. Increase cooperation and communication by child abuse agencies through interagency agreements and multidisciplinary training.
2. Reduce system induced trauma to child victims and their families through improved delivery of services.
3. Provide quality legal intervention through greater prosecution of juvenile sex offenders.
4. Encourage the enhancement of community based juvenile sex offender treatment programs.

THE UNIT

A Juvenile Sexual Assault Unit (JSAU) was formed in the Juvenile Division of the Pierce County Prosecuting Attorney's Office in July of 1985. The structure of this Unit and staff roles were designed to meet the goals of the Project. Detailed information on the goals and their completion will be given in upcoming sections of this report. The goals and activities will be understood better after a brief description of the Unit itself.

The JSAU was modeled after the Special Assault Unit (SAU) in the Criminal Division of the Pierce County Prosecuting Attorney's Office. The project staff was trained by the SAU staff, a case tracking system was developed based on the SAU system, and technical assistance was provided by the SAU throughout the grant's existence.

JSAU staff consists of a Project Coordinator, a Deputy Prosecuting Attorney, a Child Interviewer/Victim Advocate and a half time Secretary/Support Staff. While modeled after the SAU, the JSAU was able to provide more services and interact with the community on a much larger scale. The role of the Project Coordinator and the smaller volume of cases handled by the JSAU account for this difference.

The Deputy Prosecuting Attorney is responsible for all juvenile sexual assault cases from charging through disposition. This is known as vertical prosecution. The Child Interviewer/Victim Advocate is responsible for case tracking, child interviews, victim and family advocacy as well as preparing reports from her interviews which help the Deputy Prosecuting Attorney with charging decisions. The Project Coordinator is responsible for supervision of staff, community coordination, interagency agreements, multidisciplinary training and education, and all grant related reports. The half time Secretary/Support Staff is responsible for typing up all child interviews, all correspondence and federal reports. All legal documents, court reports, and subpoenas for the Deputy Prosecuting Attorney are handled by the legal support staff in the Prosecuting Attorney's Office.

The Deputy Prosecutor and Child Interviewer/Victim Advocate positions have been adopted by the County Council as permanent county positions. The Project Coordinator's functions will be completed and will dissolve with the end of the grant. The half time Secretary/Support Staff position will also end with the grant and those responsibilities will be absorbed by permanent staff.

The JSAU is housed with the Juvenile Division of the Prosecuting Attorney's Office in Remann Hall, the County's Juvenile Court Facility. The Hall contains all juvenile detention, the dependency and criminal courts, the juvenile probation officers, the guardian ad litem, and the juvenile prosecutors and defense attorneys (The Department of Assigned Counsel).

PART II: PROJECT ACTIVITIES

ACTIVITIES

Each activity of the Juvenile Sexual Assault Unit appears on the surface to support one of the four goals of the Project. Actually these activities are interwoven such that more than one goal is supported by each of them

As cross training and Multi-agency meetings increased communication and coordination, reporting of juvenile sexual assault cases increased dramatically.

The improved service delivery provided by the Child Interviewer/Victim Advocate enhances inter-agency communication and cooperation, increases the quality and quantity of prosecution, and also decreases trauma to children and families.

Vertical prosecution improves prosecution and reduces trauma to victims and families.

Increased prosecution of juvenile sex offenders encourages the enhancement of offender treatment programs.

The development of treatment programs encourages professionals to report since they know that offenders will receive improved services.

Because the emphasis of the JSAU is treatment for offenders the trauma to victims and families is decreased.

COOPERATION AND COMMUNICATION

GOAL ONE of the Project was to increase cooperation and communication by child abuse agencies through inter-agency agreements and multi-disciplinary training.

Child sexual assault cases are handled by people from a wide variety of disciplines. Psychologists, police officers, detectives, child protective case workers, attorneys, crisis counselors, physicians and teachers are just a few of those people who play a vital part in the protection of children. Because each of these disciplines has its own unique training, its own function and often its own language, communication can be difficult.

Bringing these professionals together is an important and challenging step in overcoming the barriers that seem to separate them. Once these barriers no longer exist they can recognize their common goal: protecting children.

Cross Training

Cross training between the JSAU and law enforcement agencies, mental health agencies, child protective services, rape relief, and sex offender treatment providers was valuable to the JSAU staff in two ways. Increased knowledge of the roles of these agencies helped Unit staff in performing their jobs, and the JSAU staff was able to bridge the gap between these groups when Multi-agency Meetings were held.

Multi-Agency Meetings

Multi-Agency meeting were held by the JSAU on a regular basis. These meetings were a forum for discussions about

- juvenile sex offenders
- victims of sexual assault
- the juvenile justice system
- juvenile sex offender treatment
- juvenile sentencing standards
- programs in the Department of Juvenile Rehabilitation
- the need for government funding for sex offender treatment

Conference

A free conference for local child abuse agencies was held by the JSAU. This Conference, "Current Perspectives on Juvenile Sex Offenders" was attended by one hundred four people. Four presentors covered various topics on juvenile sexual assault.

Presentations included:

- The Juvenile Sex Offender's Impact on the Victim, the Family and the Community, by Lucy Berliner. An in depth discussion on the effects of victimization.

-
-
- Juvenile Offense Patterns, what we've learned from adult offenders, by Florence Wolfe. A video presentation of four adult offenders individually interviewed by Ms. Wolfe. Each discussed offenses he committed as an adolescent and what he thought should be done to/for adolescent offenders.
 - Emerging Patterns in Juvenile Sex Offenses, implications for investigation and prosecution, by Robert Wheeler, Ph.D. An overview of his research on characteristics and demographics of juvenile sex offenders and their victims.
 - Evaluating and Treating Juvenile Sex Offenders, by Michael Comte. An in-depth presentation of the issues addressed and techniques used in treating adolescent sex offenders.
 - Our Next Challenge: Female Offenders, by Florence Wolfe. Ms. Wolfe presented research she has done on female offenders. While she feels that we will see more female offenders than expected, she does not believe they will ever make up a large proportion of offenders.

Protocol

Protocol was developed between the Pierce County Prosecuting Attorney's Office, the Division of Children and Family Services, the Tacoma Police Department and the Pierce County Sheriff's Office. The JSAU Project Coordinator met with each of these agencies individually to identify:

- Each agency's role in the investigation/prosecution of child sexual assault cases
- Concerns each agency had regarding the current activities of each of the other agencies
- Agreements each would like to make

After this information had been obtained representatives from each agency began meeting to work on the Protocol together. After several false starts it was agreed that the King County, Washington, Protocol would be used as a model to work from. The King County Protocol took about three years to develop and contained many of the same kinds of agreements Pierce County needed.

Having this model to work from shortened the time required for this process. Representatives would read and edit the King County agreements and return to meetings with ideas, suggestions, additions and substitutions for the Pierce County Protocol. Even having this tool to work with, the process took eight months of meetings for a final Protocol to be agreed upon. (See Addendum A for final Protocol).

Community Cooperation

The Project Coordinator joined the Child Abuse Service Providers Association. This five year old group of community agencies meets regularly to discuss concerns, develop guidelines, address issues, educate professionals and to network with one another. Because of its longevity and on going commitment it was important for juvenile sexual assault to be recognized as a serious problem by this group. This group will be instrumental in assuring that juvenile sexual assault issues continue to be addressed in this community.

IMPROVED SERVICE DELIVERY

GOAL TWO of the grant was to reduce system induced trauma to child victims and their families through improved delivery of services.

Prior to the JSAU few services were provided by the prosecutor's office to victims sexually assaulted by juveniles. Because of the large volume of criminal cases handled by the juvenile division it was impossible to handle a sexual assault case differently than a burglary case. An initial report was taken by the responding officer, a supplementary report made by a detective, and a brief meeting was held with a deputy prosecutor if the case was going to trial. Victims and families were not notified of case status until they received a subpoena to appear for trial, a notice that no charges had been filed, or a notice of final case disposition.

Services

The JSAU provides a number of services which address the needs of victims and families in these very sensitive cases. These services are provided by the Unit's Child Interviewer/Victim Advocate (CI/VA). Some of these services impact the victim/family directly and others impact the victim/family indirectly by improving service delivery throughout the system.

The CI/VA is responsible for the following direct services to victims and families

- conducting investigative interviews
- providing case status information
- brief crisis intervention
- offering referral sources
- court room orientation
- court accompaniment

Child Interviewer/Victim Advocate functions which affect service delivery include:

- case tracking
- coordinating cases with law-enforcement and CPS
- preparation of written reports, from interviews, for Deputy Prosecuting Attorney (also provided to law enforcement and CPS).
- assessing child's competency for trial
- preparation of work product for Deputy Prosecuting Attorney
- testifying in court when necessary

Advantages

A Child Interviewer/Victim Advocate can be very valuable to the investigation of child sexual abuse cases. There are advantages for everyone involved.

Advantages for the Child:

- decreases the number of times the child must tell his/her story by allowing detectives and CPS workers to observe the child through a one-way mirror.
- provides a variety of mediums which may aid the child in describing the assault. These include several sets of anatomically correct dolls, clay, paper, crayons, doll house, play telephones.
- some children are uncomfortable telling their story to a male authority figure.
- the child interviewer has time to develop trust with the child in a non-threatening environment. These interviews often take one to two hours.
- some children find it easier to tell their story when Mom/Dad are not in the same room.

Advantages for the Family:

- may observe the interview and experience some emotions which will not interfere with the interview (because of the one way mirror).
- have a contact person who keeps them up to date
- receive some support and guidance through the System.

Advantages for Law-Enforcement:

- saves time for other aspects of investigation
- eliminates the possibility of an uncomfortable interview
- gives a multi-disciplinary approach to difficult cases
- cuts down on the number of times the detective will be contacted by the victim's family to see what's happening with the case

Advantages for CPS:

- worker does not become involved with the criminal investigation
- protective interview is shorter than investigative interview
- worker is able to focus on case management and protection issues

Advantages for the Prosecutor:

- uniform interviewing of children
- uniform qualifying procedures
- child interviewer provides a complete report and a separate work product (which the detective cannot provide). The work product is very helpful in determining the child's competency to testify.
- eliminating multiple interviews decreases the possibility:
 - that defense will claim that the child has been coached
 - that the child will get tired of telling the story and not cooperate at the time of trial

Child Interviews

The CI/VA conducts a very thorough, detailed interview with child victims. This interview is strictly for investigative purposes and does not replace the protective interview which is done by CPS in intra-family sexual assault cases.

Only children three years or older are interviewed and interviews take place only when it is known who the alleged offender is. The interview is conducted in a specially equipped child interview room. Detectives, CPS workers, and parents are able to observe the interview through a one way mirror in an adjoining room which also has sound equipment. The interview is not visually recorded or recorded for sound.

The interview room is designed for the child's comfort with child size furniture, cheerfully decorated walls, and toys. There are several sets of anatomically correct dolls which are used to help children describe the assault. Occasionally children will tell their story on a toy telephone, in an exchange between puppets, while playing with clay, or as they draw pictures.

The interview is carried on in a casual manner with the interviewer attempting to keep the child comfortable and focused on the matter at hand. This is obviously a challenge and the interviewer must be very skilled at working with children.

The interviewer must find out a wide variety of information; the circumstances surrounding the assault, the details of the assault, time frames, location (the assailant is known) and any other details pertinent to the case. This information is used by the Deputy Prosecuting Attorney to determine if charges can be filed and, if so, what charges to file.

See Addendum B for Suggested Steps For Conducting Child Interviews

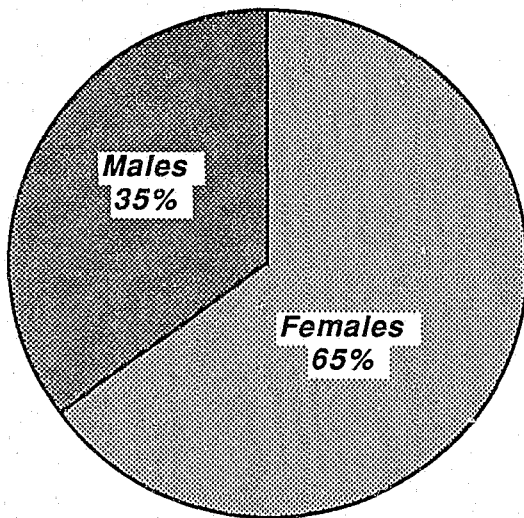
Work Product

Additional information is obtained from the child and used in the work product. The interviewer asks the child a series of questions to help determine whether the child knows the difference between inside/outside, the difference between truth and lie, or real and pretend. Other questions are used to see if the child's memory extends beyond the date of the incident and to determine if the child has an independent memory of the assault (rather than having heard it talked about by family members).

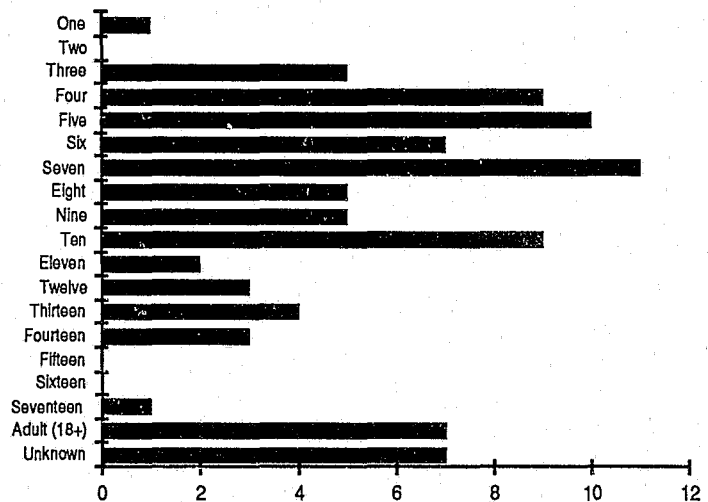
The answers to these questions are combined with the Child Interviewer's observations of the child's ability to verbalize the incident, comfort level, maturity and other factors which may indicate the child's ability to testify in court. This information is presented as a written work product to the Deputy Prosecuting Attorney. This section of the interview is not part of discovery material and is not seen by the defense attorney. The work product is used to help the Deputy Prosecuting Attorney assess the strength of the case.

In 1986, 200 cases were referred to the JSAU. One hundred thirty-nine interviews were conducted by the child interviewer. The following data was gathered from 89 of these interviews and may be helpful or interesting to the reader.

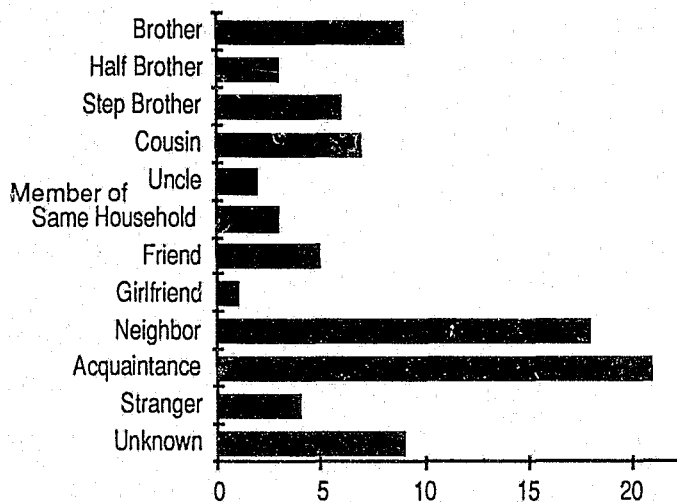
VICTIMS BY SEX



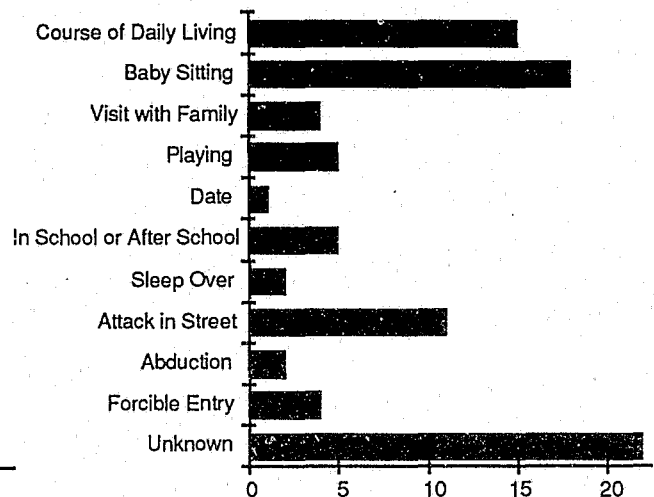
VICTIMS BY AGE



OFFENDER'S RELATIONSHIP TO VICTIM



CIRCUMSTANCES OF ASSAULT



PROSECUTION OF JUVENILE SEX OFFENDERS

GOAL THREE of the grant was to provide quality legal intervention through greater prosecution of juvenile sex offenders.

Prosecution of juvenile sex offenders plays an important role in the protection of children. Many adult offenders report that they committed their first sexual assaults before the age of eighteen. It is hoped that early intervention with prosecution and subsequent treatment will decrease the number of victims assaulted by an individual offender. On the other hand, an adolescent who does not receive these interventions is at high risk to become compulsive in his deviancy and consequently assault several or many children in his lifetime.

Offender treatment providers in this community support and encourage prosecution of juvenile offenders. Without legal intervention juvenile sex offenders are not likely to enter treatment and if they do, they are unlikely to complete treatment. Prosecution also enhances treatment by impressing upon the offender the seriousness of his actions.

Community education and inter-agency meetings had a great impact on the Juvenile Sexual Assault Unit's case load. By the third quarter of the Project the number of referrals from law-enforcement had increased 500% over the first quarter.

Referrals

In 1986 the JSAU received 200 referrals of cases involving sexual assault by juveniles. Charges were filed in 101 of these cases.

There are several reasons for the difference between the number of referrals and the number of charges filed. One juvenile might have as many as nine referrals and only be charged with one to three counts. Charges were not filed on offenders under the age of 12. Charges were not filed in cases where the victim was under the age of three unless there was corroborating evidence or a witness. Some referrals did not name an offender and no charges could be filed.

Charging

The Deputy Prosecuting Attorney is responsible for charging all cases. He works closely with the Child Interviewer/Victim Advocate as he makes these decisions. The details given in the child interviews help determine if charges can be filed and if so what charge to file. Many cases cannot be filed because of the victim's age and/or inability to tell the story. Children under the age of three are not interviewed and these cases will only be charged if there is an eye witness, medical evidence or an adult's testimony based on a child's statement made after the assault and if this statement is corroborated by medical evidence. Such a statement could consist of the child pointing to her vaginal area and saying "Johnny hurt." However, medical evidence is rare in these cases and consequently they are seldom charged.

Plea Bargains

The charges filed depend on the age of the victim and the offender, penetration and in some cases their relationship. For further details see Addendum C, Washington State Laws.

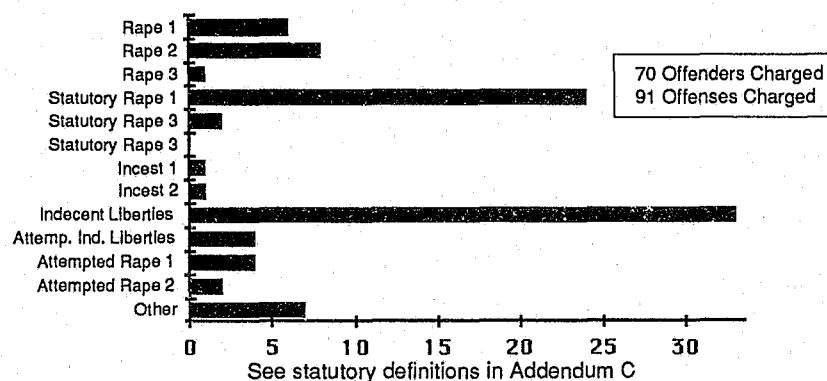
The Child Interviewer's impressions of the victims are vital in determining whether a case should go to trial. Three factors which must be considered are: (1) the child's ability/willingness to describe the assault; (2) can the child be qualified as a competent witness; and (3) how traumatizing would a trial be to the victim.

Strong cases may or may not go to trial. Frequently the defense attorney will choose to have his client plead guilty as charged.

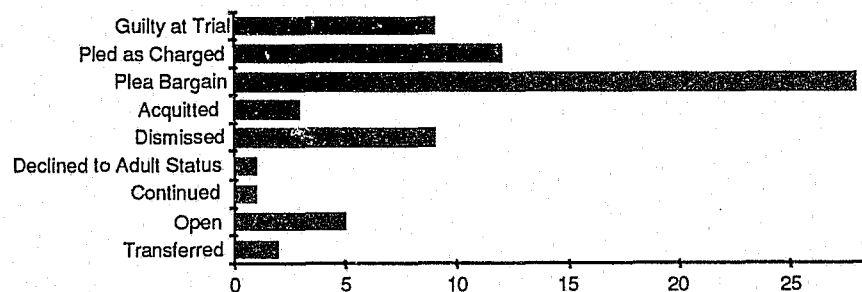
When cases are weak or the child might be traumatized by a trial the Deputy Prosecuting Attorney will initiate a plea bargain. Because treatment is one of the primary goals of prosecution a plea bargain is preferable to a lost trial or a traumatized child.

Although one hundred and one cases of sexual assault were filed in 1986, only 70 cases were available for statistical analysis. The following graphs show the charges filed and outcome of these cases.

OFFENSES CHARGED



CASE OUTCOMES



Trials

Trials for juvenile offenses of all kinds are fairly rare. It is not unusual for adolescents to confess to their crimes and/or plead guilty. About 95% of all defendants plead guilty in juvenile cases. Sexual assault crimes are an exception in that only slightly over half plead guilty.

Child sexual assault cases are particularly difficult to try. There is usually no evidence and no eye witnesses except, of course, the victim. Parents on both sides usually testify. The victim's parents will tell how the assault came to light, define time frames, and possibly describe behavior changes in the victim. The defendant's parents will tell why this couldn't have happened and possibly why the other family would make such an accusation. The primary witnesses are the victim and the defendant.

Victims under the age of ten must be asked a series of questions to determine if they are qualified to testify. These questions are like those used by the Child Interviewer to prepare the work product. If the child is found competent to testify the trial will continue, otherwise it will be dismissed unless there is sufficient medical evidence or an eye witness. Hearsay evidence may be used to replace the child's testimony but must be corroborated by other evidence.

Children who appear competent during the child interview may not be so verbal or open in Court. The person who assaulted them is in the court room, there is a judge, a strange attorney (the defense attorney), and other court room personnel, as well as spectators. The Deputy Prosecuting Attorney's job is very difficult at this point—how to get the child to tell the story in spite of all these obstacles. In some cases it just cannot be done.

Court room techniques that have proved helpful:

- Deputy Prosecuting Attorney standing between the victim and the defendant during testimony (unfortunately this cannot be done during cross examination!)
- kneeling close to the child to talk and ask questions
- having a parent hold the child or sit next to her (the judge can refuse to allow this)
- using language appropriate to the child's level (quite a challenge for an attorney!)
- a defense interview with the victim may make the child more comfortable with the defense attorney, but can cause problems if the child's court room testimony differs from statements made during that interview

Sentencing

The final step in prosecution is sentencing.

In all cases where a defendant pleads guilty or is found guilty at trial the Deputy Prosecuting Attorney requests a psychosexual evaluation before sentencing. This evaluation helps determine if the juvenile is a serious danger to the community or is amenable to community based treatment. The Pierce County Juvenile Court pays for a number of these evaluations through a contract with a local treatment provider.

In 1986, 44 juveniles were sentenced to probation with community based treatment while 15 were sentenced to the Department of Juvenile Rehabilitation (DJR). Three of those sentenced to DJR spent time in the CAPP program at the Remann Hall Detention Center.

There are two reasons why juveniles are sentenced to the Department of Juvenile Rehabilitation.

- psychosexual evaluation recommends containment based on:
 - high risk to reoffend
 - antisocial behaviors in addition to sexual deviancy
 - insufficient supervision or unwillingness to submit to supervision
- The Washington Juvenile Code is based on a point system. The Juvenile earns point for each crime committed. Points are also based on the age of the juvenile. Some juveniles have earned points or committed offenses which require automatic commitment to an institution.

Manifest Injustice

A manifest injustice is an exceptional sentence. A Manifest Injustice for a longer probation or sentence is necessary in some cases to obtain the necessary probation time for treatment or in order to commit an offender to the Department of Juvenile Rehabilitation.

In a Manifest Injustice hearing the Deputy Prosecuting Attorney must show that the standard range sentence is not sufficient to protect the community and/or to rehabilitate the juvenile. Manifests obtained for juveniles who have been committed to the DJR were on those offenders who had been unusually aggressive or who had been violent in their assaults.

COMMUNITY BASED TREATMENT PROGRAMS

GOAL FOUR of the grant was to encourage the enhancement of community based treatment programs. There are two reasons why juvenile sex offender treatment is so necessary:

- To decrease the incidence of juvenile sexual assault, thereby decreasing the number of victims who will be sexually assaulted
- To help those offenders who are victims of sexual assault address and work through their own victimization.

The increased number of juveniles convicted of sexual assault and court ordered into treatment has certainly demonstrated the need for community based treatment. The community is aware of this need and there are four agencies which have comprehensive treatment programs. Two of these programs were developed during the project period. These programs provide individual, group and family counseling. Several other agencies and private therapists work with juvenile sex offenders on an individual basis.

While there may be an adequate number of services available to families in this county, the cost is prohibitive to most families. Only one treatment program operates on a sliding fee scale and that agency cannot provide services to the large number of low income families needing treatment.

The three mental health agencies in the county are the only agencies that can accept medical coupons. Each of these agencies has therapists qualified to treat juvenile sex offenders. None of the three has a comprehensive program. All have extensive waiting lists.

Pierce County supports an Adolescent Sex Offender Program (ASOP) which is free to families. However, ASOP is strictly educational and accepts only the most benign offenders. The majority of pre-sentence treatment recommendations include both ASOP and treatment. However, court orders for sentencing usually read "Treatment as required by the probation officer." Probation officers are often at a loss to find resources for their clients. They are reluctant to require a family to participate in a program they cannot afford. Consequently many offenders receive only the Adolescent Sex Offender Program.

This problem has been discussed extensively in Multi-agency meetings. No simple solution appears to be possible and any solution would have to include financial support.

Recommendations

- group homes and foster homes specifically for juvenile sex offenders
- subsidized treatment programs for low income families
- a law change with consequences (i.e.: commitment to the Department of Juvenile Rehabilitation) for offenders who do not follow through in community based treatment
- a statewide task force to draft legislation and lobby the legislature for necessary funds and law changes

PART III:

PROJECT RESULTS

PROJECT RESULTS

The results of the Juvenile Sexual Assault Unit Project include:

- increased reporting of juvenile sex offenders
- more thorough investigation of juvenile sex offenses by law-enforcement
- a working agreement between child abuse agencies (Protocol)
- an increased awareness in the community of the incidence and seriousness of juvenile sex offenses
- improved serviced delivery to victims throughout the system
- increased communication and cooperation between service providers
- improved case tracking
- improved record keeping procedures for juvenile sexual assault cases
- improved communication between the system and families
- increased prosecution
- larger numbers of offenders receiving education and treatment
- an increase in the number of treatment programs for juvenile sex offenders
- increased understanding of the juvenile justice system by the social service community

Recidivism

The grant contained a stated goal of collecting statistics on recidivism of juvenile sex offenders. It was anticipated that sexual assault recidivism for juvenile sex offenders involved in community based treatment programs would decrease by 10% over 1984 recidivism figures. However, there is no mechanism for obtaining data on recidivism for 1984. To obtain this data one would have to go through every individual juvenile file from 1984 to find those who were sex offenders and then it would be possible to determine if there had been prior adjudicated sex offenders.

The record keeping system developed by the JSAU, a card file containing all sex offense cases referred to the Prosecuting Attorney's Office, will facilitate any future attempts to obtain statistical data of this nature. In addition, the juvenile division of the Prosecuting Attorney's Office became computerized in late 1984, this makes it possible to store and retrieve information that was not previously available.

The second quarter of the second year of the Project saw the first reoffenders since the beginning of the grant. Five juveniles, previously prosecuted by the JSAU, were referred for new sex offenses during this quarter.

There does not seem to be a pattern among these offenders which could be used as part of a prevention/treatment plan. When the reoffense occurred:

- 1 was released pending sentencing
- 1 had been sentenced to the Department of Juvenile Rehabilitation (DJR) and had served his time in an institution
- 2 had been sentenced to the DJR and had served time in the Community Alternative Placement Program (CAPP) at Remann Hall (a less intrusive secure environment)
- 1 was on 12 months community supervision

Four of the five had received some form of treatment or education for sex offenders. One of the four had been in treatment and three had attended the Adolescent Sex Offender Program provided by the County. The one who served time in an institution had received minimal treatment and/or education within the institution. The juvenile who was awaiting sentencing had received no treatment or education.

The juvenile who was on community supervision was one of the earliest cases handled by the JSAU. The juvenile awaiting sentencing was one of the most recent. All five were charged with the new offenses.

Increased Prosecution

The grant stated that the project would show a 20% increase in prosecution over 1984 statistics. Using statistics from 1986 (the only full calendar year during the project) the actual increase in prosecution was 33%.

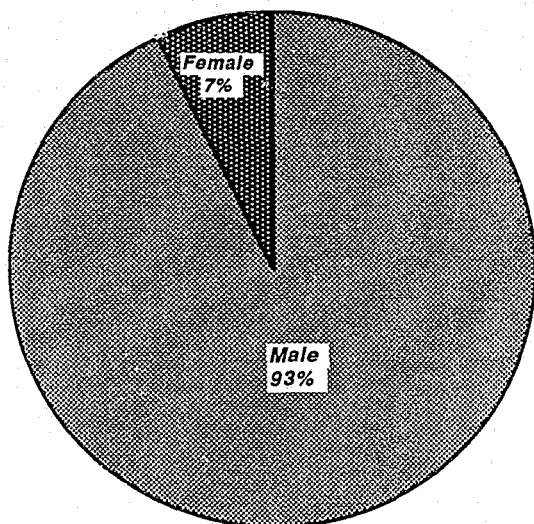
The following figures show the increase in number of cases charged in 1986 compared to 1984. This information was taken from The Pierce County Prosecuting Attorney's Annual Reports for 1984 and 1986.

	<u>1984</u>		<u>1986</u>
Rape	10	Rape	37
(including		(including	
Statutory Rape)		Statutory Rape)	
Indecent Liberties	58	Indecent Liberties	55
Incest	8	Incest	8
Totals	<u>76</u>	Totals	<u>100</u>

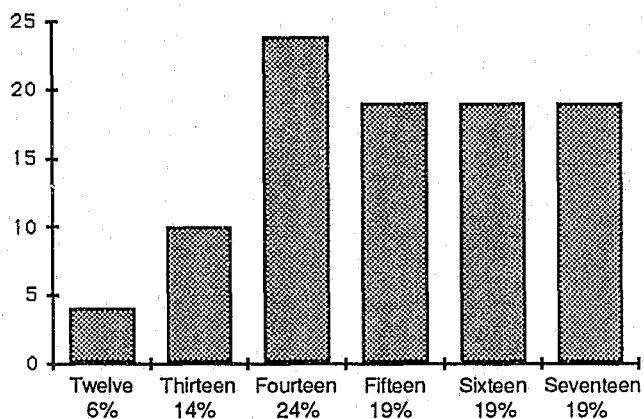
Miscellaneous Data

The JSAU was not a research project, however, it has been possible to collect some interesting data from offenders psychological evaluations and case files. Data was collected from cases adjudicated in 1986. The method used to gather this data was a simple numerical count of the number of individuals in each category of interest. The data on the following pages is presented to provoke thought and lay a foundation for future research.

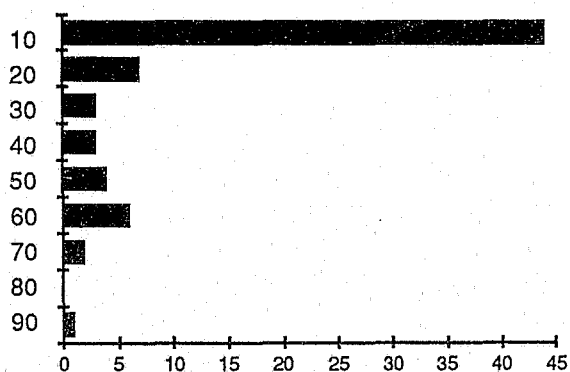
OFFENDERS BY SEX



OFFENDERS BY AGE

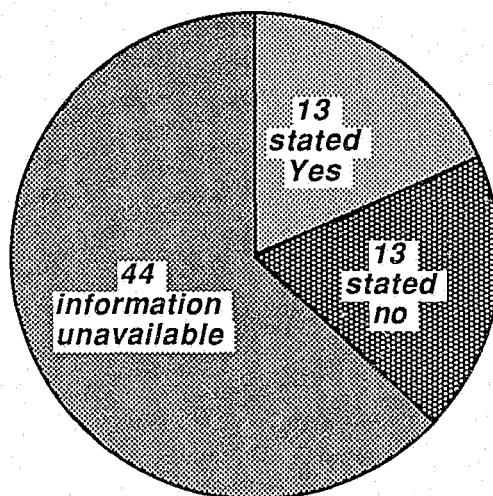


OFFENDERS BY RO#s

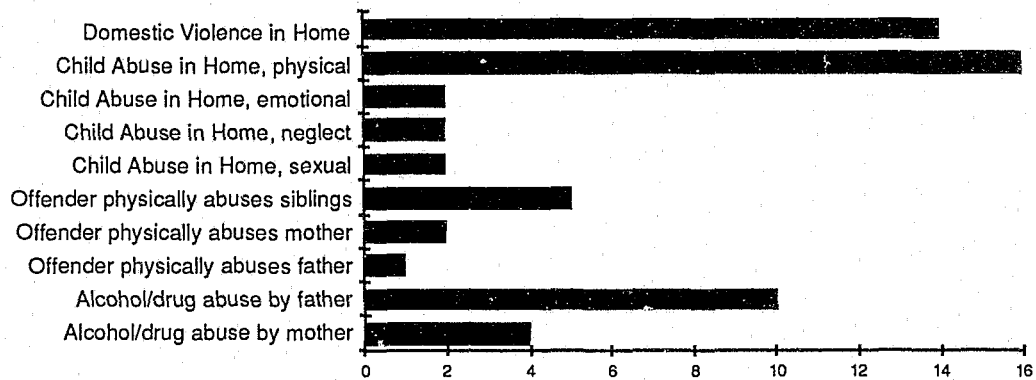


(The RO# tells the number of times a juvenile has been referred to Juvenile Court for offenses or probation violations. RO 10 is the first referral.)

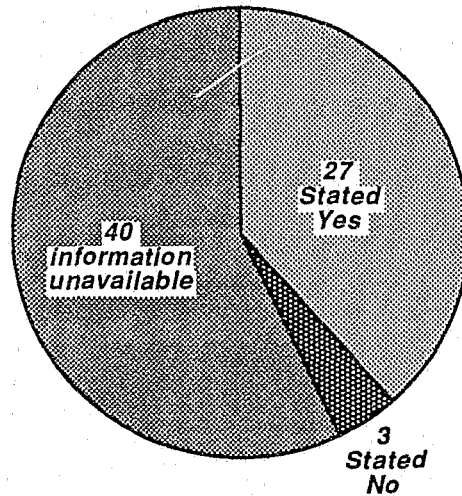
Offenders Who Are Victims of Sexual Assault



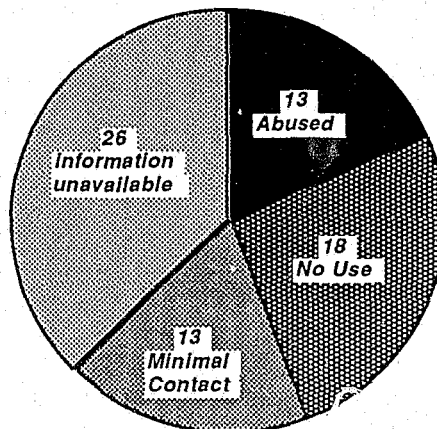
DYSFUNCTION IN FAMILIES OF OFFENDERS



USE OF PORNOGRAPHY BY OFFENDERS (includes hard and soft core, video and magazines)



ALCOHOL/DRUG USE BY OFFENDER



The following information on female offenders should prove interesting.

#1

Offender's Age	14
RO#	10
Charge	Statutory Rape 1, Indecent Liberties, 2 counts
Outcome	Plea Bargain to 1 count Indecent Liberties
Victim	Female, six years old
Relationship	Acquaintance
Circumstances	Babysitting
Force	Handcuffs
Disposition	30 days in detention, 12 months community supervision

Offender is a sexual assault victim from a home with domestic violence and child abuse.

#2

Offender's Age	17
RO#	10
Charge	Indecent Liberties, 2 counts
Outcome	Guilty at trial, 1 count Attempted Indecent Liberties
Victim	2 males, 4 and 5 years old
Relationship	Neighbor
Circumstances	Babysitting
Disposition	6 months Community Supervision

Offender lives with natural parents and is retarded.

#3

Offender's Age	17
RO#	60
Charge	Statutory Rape 1
Outcome	Reduced Plea Bargain to Simple Assault
Victim	Female age 7
Relationship	Sister
Circumstances	Stated she was concerned that her sister was being sexually assaulted by someone and needed to check her vaginally to determine if this was true. The offender accompanied a friend to the child's school and the child was actually "checked" by the friend.
Disposition	4 days in detention 1 month community supervision (until 18th birthday)

The offender is a victim of sexual assault.

	#4
Offender's Age	14
RO#	10
Charge	Indecent Liberties
Outcome	Dismissal
Victim	Male, 6 years old
Circumstances	Babysitting
Disposition	Dismissed

	#5
Offender's Age	16
RO#	10
Charge	Statutory Rape 1, Indecent Liberties
Outcome	Plea as charged
Victim	Female, 6 years old
Relationship	Acquaintance
Circumstance	Babysitting
Force	Handcuffs and tying up victim
Disposition:	Committed to the Department of Juvenile Rehabilitation

Offender is a victim of sexual assault, she comes from a home with domestic violence, physical abuse and alcoholism.

PART IV: SUGGESTIONS FOR REPLICATION

SUGGESTIONS FOR REPLICATION

The purpose of a demonstration grant is to set up a program that can be a model for other communities. Recognizing the limited funds that most communities work with, a few suggestions have been made for setting up a similar program without the luxury of a federal grant.

Conference

Because juvenile sexual assault is such a new topic for focus and discussion, professionals in a community are unusually eager to be educated on the subject. The JSAU had the luxury of a budget allowing a free local conference. However, the communities wishing to provide a low cost or free conference for professionals might explore the following possibilities for obtaining the necessary components of a conference.

Conference Coordinator

You can have a conference without some things—i.e.: coffee, lunch, a snazzy conference center, expensive brochures—but you can't do without someone to coordinate the event. Possible alternatives:

- a volunteer from the community
- a child abuse agency donating a staff person's time
- a mini grant from a local service organization to pay for a coordinator
- a volunteer task force

Space

- a church
- school
- community center
- government building
- library

Speakers/Presenters

Because the topic is new you may be able to get some local experts in the field to donate their time. If a group of people working on juvenile sexual assault issues is interested in educating the community, members of that group likely have some expertise, or work with people who do, and might be able to convince a friend or co-worker of the need for community wide education on the subject.

Things that will require financial support

Brochures

A good brochure is an important component of a Conference. It is the conference's introduction to the community; to have a successful conference you need participants.

Mailing

Mailing will cost something.

- If a prosecutor's office is participating in conference planning the County might be willing to pay for the mailing.
- If you are doing a free or low cost conference you do not have to do as large a mailing as you would for a money making conference. The JSAU mailed less than 200 brochures and had an attendance of over 100 participants.
- A larger mailing can be done as a bulk mailing which also keeps cost at a minimum.

Conference Materials

- handouts
- paper and copying

Possible Resources:

- a mini grant
- donations from one or more agencies
- an agency might take on one cost item of the project

Protocol

A working agreement between agencies that handle child abuse cases is a valuable tool. Definition of terms, clarification of roles, eliminating duplication of effort and agreement on case flow can work together to make everyone's job easier and to make the system less traumatic for victims and families.

The first two steps in developing a Protocol are to identify which agencies should participate and who will coordinate the process. The coordinator should meet with each agency to define roles, identify current problems, and elicit suggestions for the agreements. The coordinator is responsible for scheduling and facilitating joint meetings, taking minutes, making up a rough draft (or several rough drafts before the process is completed!) and preparing the final agreement.

It is important to gather information from on line workers in the initial stages. Department heads should develop the content because they have the authority to make agreements and implement them.

Using the protocol in this report (Addendum A) as a model could shorten the length of time it takes to develop a final agreement.

Participants should be prepared to deal with philosophical differences, territoriality, language barriers and different interpretations of child abuse laws. It is important to keep an open mind, to keep talking and to keep listening. Remember there is a common goal—the protection of children.

Child Interviewer

A child interviewer can be a valuable addition to a prosecuting attorney's office. As stated in the section "Improved Service Delivery" of this report, a Child Interviewer is beneficial to the whole system. One advantage not stated in that section is the heightened community perception that the Prosecutor is sensitive to child victims of sexual assault.

In smaller counties it may be impossible or unnecessary to employ a full time interviewer. Alternatives may be:

- a part time interviewer
- a full time interviewer who works on both adult and juvenile cases
- an attorney who carries a reduced case load and who is trained to interview children
- a specially trained police officer or detective

Child Interview Room

A child interview room is a real luxury. However, space and money are not always available. Fortunately, the Pierce County Prosecutor's Office has space and the room was equipped with funds from the Pierce County Sheriff's Auxiliary. The JSAU was able to obtain funds to equip another interview room (from Forester's International) but space was never available. The Unit was able to coordinate interviews with the adult division.

The Ideal Child Interview Room would include:

The Room

- one way mirror
- sound system
- observation room
- carpet
- murals on walls

Equipment

- child size furniture
- a few small toys
- several sets of anatomically correct dolls
- two toy telephones
- clay
- hand puppets
- paper for drawing
- felt tip pens, crayons

Some jurisdictions may include audio and/or video equipment. In Pierce County interviews are not audio or video recorded as it is preferred that these not be available to defense attorneys as part of discovery materials.

Optional Space

Part of an office where some child size furniture is kept, and/or where an interviewer can sit on the floor with a child.

The presence of observers in the room may hinder the interview, but King County, Washington, has been successful in doing joint interviews with the prosecutor's interviewer, CPS worker and detective in one room with the child.

Minimum equipment needed for interviewing children:

- anatomically correct dolls, the best are those with fingers and with mouths that contain tongues. These should be available in light and dark skin tones.
- clay
- crayons, marking pens
- paper
- two toy telephones

Because some children seem to talk about the assault better when involved in some sort of play it is recommended that a few miscellaneous toys be available—perhaps contained in a cupboard or nearby toy box. An abundance of toys may over stimulate the child and she may not be able to focus on the questions.

PART V:

ADDENDUMS

ADDENDUM A

PIERCE COUNTY CHILD SEXUAL ABUSE PROTOCOL

I. STATEMENT OF PURPOSE AND LEGAL REQUIREMENTS:

A. PURPOSE:

In order to more efficiently and successfully prosecute child sexual abuse cases and minimize the number of interviews to which the child victim is subjected, the Criminal Justice System, the Pierce County Prosecutor's Office, Division of Children and Family Services, Region 5, Tacoma Police Department, and the Pierce County Sheriff's Office agree to the following protocol. These procedures apply to sexual abuse cases; physical abuse and neglect cases must be reported pursuant to the mandatory reporting law.

B. DEFINITIONS:

For the purposes of this protocol:

1. Offender refers to an adult or juvenile;
2. Child and victim will be used interchangeably;
3. Protective interview refers to the victim interview conducted by CPS;
4. Investigative interview refers to the victim interview conducted by the Prosecuting Attorney's Office;
5. Victim interviewer refers to an employee of the Prosecuting Attorney's Office.

C. LEGAL REQUIREMENTS:

The protocol is based in part on the mandatory reporting law, RCW 26.44.030, which provides as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social worker, psychologist, pharmacist, or employee of the Department of Social and Health Services has reasonable cause to believe that a child or adult developmentally disabled person has suffered abuse or neglect, he shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the Department of Social and Health Services as provided in RCW 26.44.040. The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect.

(2)

(3) The department upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent person who has died or has had physical injury or injuries inflicted upon him other than by accidental means or who has been subjected to sexual abuse shall report such incident to the proper law enforcement agency.

(4) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent person who has died or has had physical injury or injuries inflicted upon him other than by accidental means, or who has been subjected to sexual abuse, shall report such incident to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime has been committed.

D. PROCEDURE:

The filing of criminal charges will be preceded by the investigative interview by the Pierce County Prosecutor's Office. Generally, the investigative interview will be confined to victims of sexual abuse.

An investigative interview is intended to be an interview with the victim conducted by the Pierce County Prosecutor's Office child interviewer. The police detective and/or the CPS worker are able to observe the interview behind a one-way mirror and request that specific information be solicited. (If a victim requests that no one observe the interview, the professionals involved will determine how best to respond to that request.) When the Prosecuting Attorney's Office, the detective, and the CPS worker agree it would be helpful, the CPS worker and/or detective may be included in the interview. Investigative interviews are scheduled in the Pierce County Prosecutor's Office, by the victim interviewer, as soon as possible after the receipt of the allegation and opening of the police investigation.

Criminal prosecution is a possibility and hence the protocol is applicable whenever a child under age 18 alleges any sexual contact with an offender over the age of eight. Whenever an allegation of sexual abuse is made by a child, it should be reported to law enforcement so it can be properly investigated by a police agency.

There is no requirement the complaint be "substantiated" or "corroborated" in order for it to be referred to the police. When a CPS worker has "reason to believe" the complaint is abuse, it should be reported. Examples:

1. A direct statement by a child that they have been sexually abused, is generally "reason to believe."
2. Neighborhood gossip, such as a call from the neighbor that "she's heard" a child is being sexually abused, may necessitate a report, depending upon the specificity of the information.

Decisions about "legal sufficiency," i.e., whether the conduct alleged to have occurred amounts to a specific crime, are made by the prosecutor.

II. CPS ROLE:

A. INITIAL DISCLOSURE TO CPS:

When CPS is the first agency notified of abuse, the worker (and police officer, if appropriate) will make an initial contact with the child and family to determine whether the child is at risk for further abuse if the child stays in the home. In most cases, there is a presumption of separation of offender and child pending criminal investigation. Clearly, in most cases the preference is for the offender to move from the family home until criminal proceedings are concluded. If the CPS case plan does not include a recommendation to separate the offender and victim, or if the offender declines to implement a plan of separation in pending proceedings, CPS will notify the assigned detective as soon as possible.

B. GUIDELINES FOR PROTECTIVE INTERVIEW:

At the protective interview with the victim, the CPS worker will take care to elicit only those details necessary, and to follow the DCFS Guidelines Interviewing Children Regarding Sexual Abuse Using Anatomically Correct Dolls (Dated 11/15/85):

1. To assess the parent's ability to protect the child from further abuse;
2. For immediate reporting to law enforcement; and
3. For filing dependency petitions.

Further questioning of the child about the details of the abuse shall be reserved for the investigative interview.

It is the function of the police to obtain the offender's version of events for any criminal investigation. If there is contact between the CPS worker and the offender either in person or by phone, the offender may be informed: that there are allegations of sexual abuse; of any dependency procedures; of the mandatory reporting law; and that the matter will be referred to the police for investigation. THE CPS WORKER SHALL NOT DISCLOSE THE SPECIFIC ALLEGATIONS OF THE ABUSE. CPS workers should refer all questions regarding criminal proceedings to the appropriate law enforcement agency. If statements are volunteered by the offender, the CPS worker should document them and send them to the assigned law enforcement agency.

C. OFFENDER INTERVIEWS:

1. CPS worker will advise offender that any statement made will become part of the Division of Children and Family Services

record, and Division of Children and Family Services records are available to the law enforcement and Prosecutor's Office on request.

2. CPS worker will advise offender that referral has been made to law enforcement and all questions of criminal prosecution must be addressed to them. Children's Protective Services has no involvement in criminal prosecution.
3. When the offender initiates contact, the CPS worker shall discuss Children's Protective Services issues:
 - a. Only that there is an allegation of sexual abuse (general allegations, not specific);
 - b. allegations of other abuse; (general allegations, not specific);
 - c. protection issues, i.e. offender's willingness to leave home; and
 - d. services available to family.

D. ROUTINE REFERRALS:

In non-emergency situations, CPS workers shall refer cases of sexual abuse to the appropriate police agency on the standard form. The referral shall be made within three (3) working days of having reason to believe that the child has been sexually abused.

E. EMERGENCY SITUATIONS

In an emergency situation, when the child has been removed from the home and placed in protective custody, the CPS worker shall notify the appropriate police agency and the Prosecutor's Office by phone, and request that an investigative interview be set. CPS shall submit a follow-up written notification on the standard form.

III. POLICE AGENCIES:

A. CASES REFERRED BY CPS:

Upon receipt of a routine referral by CPS, the police will assign a detective as soon as possible. The detective will:

1. Fill out an offense report and assign a case number;
2. Contact the referring party for any additional information not contained on the standard form; and
3. Arrange for the investigative interview and notify all appropriate persons, specifically including the CPS worker.

Referrals to police agencies will be on the standard form mailed to the department. In those emergency situations, such as when juvenile court

hearings are pending or the offender is likely to leave the jurisdiction, the police will assign a detective and arrange for the investigative interview.

B. INITIAL DISCLOSURE TO POLICE:

1. Cases coming to the police shall be immediately assigned to a detective to contact the victim and arrange an investigative interview.
2. Police agencies will notify CPS of all appropriate cases where CPS is not already involved. This includes the following cases:
 - a. abuse where the alleged offender is a member of the household of the victim;
 - b. the offender has continuing access to the child; or
 - c. alleged abuse occurred in a licensed facility.

C. COORDINATION WITH OTHERS:

1. The detective will complete his/her investigation and have follow-up statements to the Prosecutor's Office within 30 days of the investigative interview.
2. All cases referred to the police shall be referred to the Prosecutor's Office for the filing of criminal charges or a written "decline."

IV. PROSECUTOR'S OFFICE:

A. INVESTIGATIVE INTERVIEWS:

1. An investigative interview will be scheduled as soon as practical upon the receipt of a police report from a detective. In protective custody situations, at the request of the CPS worker, the Prosecutor's Office will conduct the interview as soon as possible. Investigative interviews will not usually be set for children under age four because two and three-year-olds are generally not competent to testify in court. Cases with two and three-year-old victims should be presented for possible filing of charges based on other kinds of evidence, *i.e.* hearsay statements, medical evidence, etc. The Prosecutor's Office will interview three-year-olds if a CPS worker or detective believes there is great likelihood the child will be found competent.
2. The prosecutor will decide whether to file or decline the case within 10 days after receipt of follow-up reports. The case will be filed earlier if necessary to keep an offender in custody or to issue a warrant for the arrest of the offender. The Prosecutor's Office will notify CPS of its decision within five (5) days, as required by law, RCW 26.44.030 (5).

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3. A "no contact" order between the victim and offender will be sought in all cases where charges are filed. "No contact" includes no supervised contact. Criminal Rule 3.2 (A). Violations should be reported to the Prosecutor's Office for review of release conditions. In general, in the case of conflicting or overlapping court orders, the most restrictive order about contact should be followed.

V. PROBLEM RESOLUTION:

Each of the signing agencies shall designate a liaison person to meet quarterly with representatives of the other agencies. The liaison persons may act in a problem solving capacity as needed. The liaison persons will schedule the biannual protocol reviews.

VI. CONCLUSION:

We hereby acknowledge the above protocol to be effective immediately and agree to review it biannually.

Dated this ____ day of _____, 1987 *

WILLIAM H. GRIFFIES
Pierce County
Prosecuting Attorney

EUGENE ZINCK
Child Protective Services
Department of Social Health Services

RAYMOND FJETLAND
Pierce County
Sheriff's Office

DEAN R. PHILLIPS
Tacoma Police Department

* signed by above officials on October 9, 1987

ADDENDUM B

SUGGESTED STEPS FOR CONDUCTING CHILD INTERVIEWS

(Please note: These interviews are not recorded. Any recording, tape or video, would become part of discovery materials, therefore available to defense attorneys. This could be harmful to a case because the child's demeanor would be revealed and might cause the defense to be reluctant to plea bargain.)

- prior to interview review police and CPS reports
- meet child and begin to establish rapport
- take child to interview room and get her interested in some play, tell her you will be in the next room for a few minutes with her mother/father
- talk to parents, get any additional background information (Interview form, Addendum D, contains information needed from parents)
- begin child interview with the questions needed for the work product, these questions are less threatening than questions about the incident, they may even seem fun. Sample questions include:
 - inside/outside
 - is your foot inside or outside of your shoe?
 - is the toy car inside or outside of the toy box?
 - memory—try to go back to a holiday, birthday, vacation or incident that occurred before the assault.
 - Did you get any presents for Christmas/birthday? What did you get?
 - Did you dress up for Halloween? What did you dress up like?
 - Your mommy says you took a vacation last summer, where did you go? Who did you visit?
 - Who was your teacher last year?
 - What color is your house now?
 - What color was the house you lived in before the white house?
 - truth/lie or real/pretend questions (real/pretend questions seem to work best with younger children)
 - Would it be truth or lie if I said I have green hair?
 - Would it be truth or lie if I said you are wearing shoes?
 - Would it be truth or lie if I said there is a plane flying around this room?
 - What happens if you tell lies?

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-
- questions about the incident
 - Do you know why you are here today?
 - Has anything yucky, uncomfortable, scary ever happened to you?
 - Who did it happen with?
(Additional questions related to the incident can be found in Addendum D)
 - Let the child know you believe her and it's not her fault. Let her know she may have to talk about this later on.
 - Return to observation room, leaving child to play
 - Check accuracy of child's answers to birthday presents, etc.
 - Re-check time frames
 - Ask CPS worker and/or detective if there are any other questions they need asked
 - Use opportunity to offer referral sources to parents
 - Complete interview and take child back to parents.

ADDENDUM C

REVISED CODE OF WASHINGTON

9A.44.010 Definitions. As used in this chapter:

(1) "Sexual intercourse" (a) has its ordinary meaning and occurs upon any penetration, however slight, and

(b) Also means any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes, and

(c) Also means any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex.

(2) "Married" means one who is legally married to another, but does not include a person who is living separate and apart from his or her spouse and who has filed in an appropriate court for legal separation or for dissolution of his or her marriage.

(3) "Mental incapacity" is that condition existing at the time of the offense which prevents a person from understanding the nature or consequences of the act of sexual intercourse whether that condition is produced by illness, defect, the influence of a substance or from some other cause;

(4) "Physically helpless" means a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act;

(5) "Forcible compulsion" means physical force which overcomes resistance, or a threat, express or implied, that places a person in fear of death or physical injury to herself or himself or another person, or in fear that she or he or another person will be kidnapped;

(6) "Consent" means that at the time of the act of sexual intercourse there are actual words or conduct indicating freely given agreement to have sexual intercourse.

9A.44.040 Rape in the first degree. (1) A person is guilty of rape in the first degree when such person engages in sexual intercourse with another person by forcible compulsion where the perpetrator or an accessory:

(a) Uses or threatens to use a deadly weapon or what appears to be a deadly weapon; or

(b) Kidnaps the victim; or

(c) Inflicts serious physical injury; or

(d) Feloniously enters into the building or vehicle where the victim is situated.

9A.44.050 Rape in the second degree. (1) A person is guilty of rape in the second degree when, under circumstances not constituting rape in the first degree, the person engages in sexual intercourse with another person:

(a) By forcible compulsion; or
(b) When the victim is incapable of consent by reason of being physically helpless or mentally incapacitated.

(2) Rape in the second degree is a class B felony.

9A.44.060 Rape in the third degree. (1) A person is guilty of rape in the third degree when, under circumstances not constituting rape in the first or second degrees, such person engages in sexual intercourse with another person, not married to the perpetrator:

(a) Where the victim did not consent as defined in RCW 9A.44.010(6), to sexual intercourse with the perpetrator and such lack of consent was clearly expressed by the victim's words or conduct, or

(b) Where there is threat of substantial unlawful harm of property rights of the victim.

(2) Rape in the third degree is a class C felony.

9A.44.070 Statutory rape in the first degree. (1) A person over thirteen years of age is guilty of statutory rape in the first degree when the person engages in sexual intercourse with another person who is less than eleven years old.

(2) Statutory rape in the first degree is a class A felony.

9A.44.080 Statutory rape in the second degree. (1) A person over sixteen years of age is guilty of statutory rape in the second degree when such person engages in sexual intercourse with another person, not married to the perpetrator, who is eleven years of age or older but less than fourteen years old.

(2) Statutory rape in the second degree is a class B felony.

9A.44.090 Statutory rape in the third degree. (1) A person over eighteen years of age is guilty of statutory rape in the third degree when such person engages in sexual intercourse with another person, not married to the perpetrator, who is fourteen years of age or older but less than sixteen years old.

(2) Statutory rape in the third degree is a class C felony.

9A.44.100 Indecent liberties. (1) A person is guilty of indecent liberties when he knowingly causes another person who is not his spouse to have sexual contact with him or another:

- (a) By forcible compulsion; or
- (b) When the other person is less than fourteen years of age; or
- (c) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless.

(2) For purposes of this section, "sexual contact" means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party.

9A.64.020 Incest. (1) A person is guilty of incest in the first degree if he engages in sexual intercourse with a person whom he knows to be related to him, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either the whole or the half blood.

(2) A person is guilty of incest in the second degree if he engages in sexual contact with a person whom he knows to be related to him, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either the whole or the half blood.

(3) As used in the section, "descendant" includes step children and adopted children under 18 years of age.

(4) As used in this section, "sexual contact" has the same meaning as in RCW 9A.44.100(2).

(5) As used in this section, "sexual intercourse" has the same meaning as in RCW 9A.44.010(1).

(6) Incest in the first degree is a class B felony.

(7) Incest in the second degree is a class C felony

9A.44.120 Admissibility of child's statement—Conditions. A statement made by a child when under the age of ten describing any act of sexual contact performed with or on the child by another, not otherwise admissible by statute or court rule, is admissible in evidence in dependency proceedings under Title 13 RCW and criminal proceedings in the courts of the state of Washington if:

(1) The court finds, in a hearing conducted outside the presence of the jury, that the time, content, and circumstances of the statement provide sufficient indicia of reliability; and

(2) The child either:

(a) Testifies at the proceedings; or

(b) Is unavailable as a witness: Provided, That when the child is unavailable as a witness, such statement may be admitted only if there is corroborative evidence of the act.

A statement may not be admitted under this section unless the proponent of the statement makes known to the adverse party his intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the adverse party with a fair opportunity to prepare to meet the statement.

ADDENDUM D

CHILD VICTIM INTERVIEW FORM

VICTIM'S NAME:

AGE:

GRADE:

PARENT/GUARDIAN:

D.O.B.:

ADDRESS:

DATE OF INTERVIEW:

TIME:

PHONE:

LOCATION:

DEFENDANT:

D.O.B.:

PERSONS OBSERVING:

RELATIONSHIP TO VICTIM:

VICTIM'S NAME FOR DEFENDANT:

INTERVIEWER:

VICTIM'S SEXUAL VOCABULARY:

Vagina:

Breasts:

CASE:

Buttocks:

Penis:

TYPE OF SEXUAL CONTACT/FREQUENCY:

LAST/ONLY CONTACT:

WHO

WHERE

WHEN

CLOTHING

WHAT

HOW

OTHERS NEAR

THREATS

WHO TOLD/WHEN

PICTURES: TAKE/SHOW

OTHER MOLESTS

OTHERS INVOLVED

FIRST CONTACT

WHO

WHERE

WHEN

CLOTHING

WHAT

HOW

OTHERS NEAR

THREATS

WHO TOLD/WHEN

OTHER CONTACT

WHO

WHERE

WHEN

CLOTHING

WHAT

HOW

OTHERS NEAR

THREATS

WHO TOLD/WHEN

OTHERS INVOLVED

OTHER MOLESTS

TAKE ANY PICTURES/SHOW YOU ANY PICTURES

PARENT INTERVIEW/BACKGROUND INFORMATION

VICTIM'S NAME _____ DATE _____

PARENT'S NAME _____ TIME _____

WHO CHILD TOLD/WHEN:

MEDICAL TREATMENT:

BEHAVIORAL CHANGES:

IN COUNSELING:

ACCESSIBILITY TO CHILD:

OTHER CHILDREN INVOLVED:

VICTIM PREVIOUSLY MOLESTED:

LANDMARKS FOR CHILD:

OTHER RELEVANT INFORMATION:

COMPETENCY

Name

How Old?

Birthday

do you remember last birthday?

what did you do?

presents? cake?

Go to School?

Name of school/grade

Teacher's Name

last year's teacher's name?

what are you learning?

Can you tell me about where you live?

type building, color

who lives there with you?

any animals?

have you lived in other houses?

Who all is in your family?

(names, relationships)

where do they live?

Colors (clothes have on)

Body parts (arms, hands, fingers, mouth, tongue, sexual parts...)

Concept before/after

pajamas/bed

shoes/socks

Concept inside/outside

toes/shoes

teeth/mouth

Concept truth/lie

raining/room

clothes/child

good/bad idea to tell truth

good/bad idea to tell lie

what happens in your family if tell lie?

Memory Impression

Speech Impression

Other Impressions