THE PROSECUTION OF CHILD SEXUAL ABUSE: A PARTNERSHIP TO IMPROVE OUTCOMES

Final Summary Overview

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Abstract

Child sexual abuse (CSA) cases are notoriously difficult to prosecute. Medical evidence is available in less than 5% of the reported cases of CSA and the prosecution often must rely on the testimony of a child. Prosecutors have the responsibility to achieve justice. They balance this role with the complexities of determining what is justice for the child victim and how can they best protect the community from offenders who may go on to sexually abuse others. In 2014, the National Institute of Justice (NIJ) funded this study of prosecution of CSA. This report describes research findings on prosecutorial outcomes and considers obstacles to obtaining justice for the child victims in these complicated cases.

We conducted retrospective analysis of 500 CSA cases referred for prosecution in one state, to examine the barriers to prosecuting these cases. We analyzed case records for evidence about the alleged incident, details about the victim, the victim's family, the alleged perpetrator, and the prosecutorial decisions. We assessed the case attrition and the CSA case characteristics associated with prosecution outcomes.

Our research finds that a small proportion of the reported cases (less than one in five) went forward to prosecution. About half of those cases resulted in a conviction or guilty plea. As demonstrated on all three of our dependent (i.e., prosecutor outcome) variables, caregiver support of the child was an important predictor of the case moving forward. Evidentiary barriers included problems with disclosures presented another major obstacle in these cases. The review of these cases will help to inform guidelines on how to evaluate what successful case progression and outcomes look like. Future research should continue to explore the ways in which other outcomes such as Child Protective Services (CPS) involvement, therapeutic referrals, and changes in living situations may be successful outcomes for victims of CSA.

In short, this project was designed to provide critical information to law enforcement, victim service providers and the field on factors that impede justice for children in these demanding and stressful cases. Recommendations are made to increase CSA victims' access to justice and to promote community safety. Our study found a wide array of factors influence case outcome and that these reflect perpetrator issues, victim characteristics, case context and evidentiary and other barriers. Efforts to address these issues will require continued work of multidisciplinary teams to arrive at solutions and evaluate their impact. This study contributes to scholarly and practice-oriented literature and understanding of CSA case attrition with the goal of increasing access to justice for victims and successful prosecution of perpetrators.

The Prosecution of Child Sexual Abuse: A Partnership to Improve Outcome

Introduction

In 2014, the National Institute of Justice (NIJ) funded this study of prosecution of child sexual abuse. The central aims of the study were to: (1) conduct research designed to increase knowledge of the criminal prosecution of child sexual abuse (CSA), the characteristics of cases that go forward to prosecution and the factors associated with case attrition; (2) enhance current and foster new researcher-practitioner collaborations to understand the barriers to prosecution; and (3) develop sustained working partnerships designed to increase successful prosecution of perpetrators while minimizing trauma to victims and families and to develop future research.

While research has estimated that 1 in 12 children directly experience sexual victimization (Finkelhor, Ormrod, Turner, & Hamby, 2005; Finkelhor et al. 2013) and several hundred thousand reports of child sexual abuse are made in the U.S. each year, few studies have examined the criminal prosecution of CSA. Such research presents many challenges because case records are highly confidential and prosecutors are often hesitant to provide researcher access to their files. We know that CSA cases are notoriously difficult to prosecute (Whitcomb, 1992; Whitcomb et al. 1994). In the past several decades the child welfare and criminal justice systems have taken steps to modify procedures with the goal of improved responses to these cases. A primary focus has been on enhanced systems of care for victims designed to facilitate the coordination of investigations and services and to promote the effective prosecution of offenders (see Cross 2007). Such changes include but are not limited to the availability of and reliance on children's advocacy centers (CACs are "one-stop shops" where the alleged child victims and non-offending family members can receive multiple services and participate in

criminal justice system investigations at one location), better tracking of sex offenders, the use of trained forensic interviewers, the use of Sexual Assault Nurse Examiners (SANE), the use of expert witness testimony to explain medical findings (or lack thereof) as well as the use of experts to explain delayed disclosure.

Recent research has been conducted and was designed to understand how new approaches and techniques used in response to CSA are working together to assist in the prosecution and promote positive outcomes for the child (Campbell, Greeson, Bybee, & Fehler-Cabral, 2012; Jones, Atoro, Walsh, Cross, Shadoin, & Magnuson, 2010; Jones, Cross, Walsh, & Simone, 2007). Other research has confirmed that services such as a SANE nurses response team increased the likelihood of successful prosecution of sexual assaults of adolescents (Campbell et al., 2012). Indeed, overall Jones and colleagues (2010) found that families and children report most satisfaction with the support provided and general skills of the forensic interviewers with whom they had contact. However, many issues and concerns remain. Caregivers' complaints were focused on the effectiveness or vigorousness of the investigation and also the lack of information they received about how the investigations were proceeding (Jones et al., 2010). In contrast, Jones and her colleagues (2007) had studied family and child satisfaction with cases handled through a CAC compared to un-involved cases, and they found higher rates of satisfaction with the cases handled by a CAC. It is important to note, however, that research revealed that there are subsets of individuals who were unsatisfied with the investigation and their experience with the agencies (Jones et al., 2010; Jones et al., 2007).

There remain many challenges related to the actual prosecution of CSA cases. Analysis of the factors that contribute to case attrition in CSA cases are likely different from factors that lead to attrition in cases of sexual assault of adult victims where more research has been

conducted (Morabito, Williams & Pattavina, 2018; Spohn & Tellis, 2012a &b). One major difficulty in prosecuting cases of CSA is maintaining family and child support of the case going forward (Christensen, Sharman, & Powell, 2016). Untangling the factors that lead families and children not to want to continue with prosecution will help in understanding case trajectory and prosecutorial success. Christensen and colleagues (2016) found that such factors included: age of the child and perpetrator, gender of the perpetrator, relationship between the child and perpetrator, and the regularity of abuse.

A challenge in these cases is that they often rely heavily on the statements of the child victim. Not unlike cases of adult rape, in cases of CSA physical evidence of the assault is present for fewer than 5% of the victims. As a result, in practice, decisions to prosecute are frequently made based on the victim's report and disclosure (Heger, Ticson, Velasquez, & Bernier, 2002). Walsh and her colleagues (2010) found that four types of evidence predicted whether charges were filed following an investigation of child sexual abuse. These were victim disclosure, availability of a corroborating witness, a confession by the alleged perpetrator, or multiple reports of abuse by the same offender. And recent research on availability of DNA evidence has mixed findings because so few cases possess such evidence and also notably because arrest decision-making often occurs before results of DNA evidence is available (Cross, et al., 2017). Indeed, because physical evidence is typically absent, children's memory for traumatic events and ability to provide a coherent narrative becomes a critical element of a trial. A further complication is that, as has been reported in the literature, disclosures by children of sexual abuse experiences typically are made over time and may include denials, recantation, and later restatement that abuse did in fact occur (London, Bruck, Ceci, & Shuman, 2007). Reliance on a child witness can be difficult depending on the age of the child, perceived credibility, and

willingness to testify and participate in legal proceedings. A recent analysis across 37 states addressing prosecutor's case barriers found that children's testimonial statements remain the biggest concern, in addition to their ability to corroborate such statements with other witnesses or physical evidence and work with children (Cross & Whitcomb, 2017).

Today, however, due to enhanced enforcement and improved handling of investigations by the police in concert with CACs, many cases arrive at the prosecutor's office for disposition. This contrasts with the handling of cases of sexual assault of an adult where considerable case attrition occurs before the case ever makes it to the prosecutor's office (Morabito, Williams & Pattavina, 2018). Past research suggests that, in general, prosecution rates for child abuse cases are very low, but rates do vary a great deal (Faller & Henry, 2000; Cross, Walsh, Simone, & Jones, 2003; Cross, Whitcomb, & De Vos, 1995, Gray, 1993). Anywhere from 22% to 47% of cases are declined by prosecutors during their initial intake. Further, Gray (1993) found that over 90% of cases involving sexual abuse of a minor did not continue to trial after review by the prosecution. Some recent research has determined that while a small proportion of CSA cases result in criminal charges, once charges were lodged, cases are actually much less likely to end in a dismissal and that of the child abuse cases (note this research included cases of physical abuse) 79% cases moved forward without dismissal (Cross et al., 2003). Cases that moved forward with prosecution were likely to end in a plea or conviction. The literature suggests large variations in the proportion of CSA cases that move forward to prosecution and disposition in the criminal justice system. These disparate rates may, of course, reflect differing prosecutorial approaches but it is also likely that these differences are a reflection of how attrition is calculated, that is, which cases and how many cases are included at the starting point of any study.

While it is important to examine all the different paths that sexual assault cases take from

time of first disclosure to evaluation to dismissal or prosecution of the case, it is also important to note that successful prosecution of a guilty perpetrator may not be the only desired or positive outcome in these cases (Cross et al., 2003). In cases in which the perpetrator lives in the home with the child, for example, an intervention by child protective services (CPS) can end an abusive situation by removing the perpetrator from the home, providing services for a family, or simply notifying a supportive parent that abuse has occurred.

In summary, a handful of studies have systematically examined factors that predict whether or not child sexual abuse cases are brought to trial or dismissed. As Walsh and colleagues found (2010) evidence plays an important role in these cases in which corroborating evidence is often lacking. CSA involving alleged victims who are older (Stroud, Martens, & Barker, 2000; Brewer, Rowe, & Brewer, 1997; Tjaden & Thoennes, 1992) and who are female tend to be prosecuted more often (Stroud, Martens, & Barker, 2000; Gray, 1993). Cases in which the alleged perpetrator is a minority, has previous criminal record, a history of substance abuse (i.e., alcoholism), or is not related to the alleged victim are more likely to be brought to trial (Stroud, Martens, & Barker, 2000; Gray, 1993; Tjaden & Thoennes, 1992). Cases that involved severe abuse were also more likely to go to trial (Stroud, Martens, & Barker, 2000; Tjaden & Thoennes, 1992). Of course, even when cases go forward to trial, there is no guarantee that a conviction will result. In this research, we examined case attrition and the CSA case characteristics associated with prosecution outcomes.

Methods

A retrospective analysis was conducted of 500 CSA cases referred for prosecution over a five year period (years 2009-2013) in several counties in one New England state. We examined how these cases progressed through the system and documented the case outcomes. The

involvement of researchers, a pediatrician, a statistician, prosecutors, and community leaders in this work was designed to increase the usefulness of the findings to inform future system changes, research and evaluation.[1]

Dependent Variables -- Our outcome variables measure the status or outcome of the cases handled by the prosecutors' offices and included 1.) assignment to a prosecutor, 2.) case status e.g., open or pending and stagnant, 3.) charges lodged or dismissed, 4.) negotiated plea, 5) trial by judge or by jury and conviction or acquittal on one or more charges. *Independent variables* -- In addition to understanding the distribution of case outcomes we collected data to examine factors that were associated with or predict case outcome.

Sample Selection[2]

At each of four prosecutor's offices, 125 cases were randomly selected from a list of child sexual abuse cases provided by each office. Graduate student research assistants, trained on data collection, protection of confidentiality, and coding case records, along with the principal investigator, accessed the prosecutor case files, prosecutor trial record boxes, electronic databases of the prosecutor's offices, and any child advocacy center (CAC) files when available. Prosecutors were also available to the researchers to address any questions from the research team.

Materials

Coding form. The coders used five coding forms developed through a pilot study. The five forms covered: 1) general case details; 2) trial information; 3) victim information; 4) perpetrator information; and 5) medical information. Principal investigators and researchers collaborated with prosecutors, medical professionals and children's advocacy experts to develop the data collection forms to assure collection of all relevant case details. The forms facilitated the

coding of the independent (predictor) variables and outcomes (dependent variables). Reliability checks were conducted and items with <80% agreement were discussed at length by the full research team and revised until reliability was achieved. Records from prosecutor's offices were coded and entered into an SPSS file for archiving and analysis. These data were used prepare a flow chart of case attrition and conduct multivariate logistic regression analysis to determine the relevant predictors of case outcomes.

Variables. The coding of all study variables used in the analyses presented here is shown in Table 1 below. The outcome variables analyzed had three levels: (a) Intake Only referred to cases that were referred to the prosecutor's office but never proceeded to investigation and assignment of a prosecutor; (b) Proceeded to Investigation and assignment of a prosecutor; and (c) Prosecuted in that charges were lodged (including cases that were open, pending, or stagnant case outcomes, had charges dismissed, were plea bargained, or went to trial). We viewed the outcome of prosecutorial case management as occurring in three steps: intake interview, proceed to investigation, and prosecute. Thus we created a three-level outcome variable with values of 0 = intake interview only (129 cases), 1 = proceed to investigation (235 cases), 2 = decision to prosecute (89 cases). Analyses of this three-level outcome variable assumed that variables that predict moving from 0 to 1 (from intake interview to investigation) are the same predictors with the same predictive strength when moving from 1 to 2 (from investigation to prosecution).

Predictor variables were grouped into four categories. The first of these categories included perpetrator variables, a set of variables that included 22 parameter estimates. The seven perpetrator variables included: (a) was the perpetrator a minor when case was opened (2 parameters); (b) was the perpetrator a minor at first offense (2 parameters); (c) perpetrator age when crime was committed (grouped into 4 age groups, plus unknown category) (4 parameters);

(d) number of victims by this perpetrator (2 parameters); (e) was perpetrator a female (2 parameters); (f) did the perpetrator have a prior history (2 parameters), and (g) what was the relationship of the perpetrator with the victim (7 parameters). See Table 1 for how perpetrator variables were coded.

The second category was a set of seven victim variables that included 11 parameter estimates. The victim variables included: (a) victim age at intake (1 parameter); (b) number of perpetrators (2 parameters); (c) gender of the victim (1 parameter); (d) victim willingness to participate in prosecution (1 parameter); (e) was there a forensic interview of the victim (2 parameters); (f) did the victim have previous involvement with CPS (2 parameters); (g) number of incidents of CSA (2 parameters). Table 1 shows how the victim variables were coded.

The third category was two context predictor variables that included two parameter estimates. The first variable was whether penetration was alleged in abuse (1 parameter) and the other was caregiver support of the victim (1 parameter). See Table 1 for how these variables were coded.

The fourth and final category subsumed five barriers to prosecution that included five parameter estimates. The five barriers variable included: (a) were disclosure issues indicated by the prosecutor as a barrier to prosecution (1 parameter); (b) did family barriers prevent case progression (1 parameter); (c) did an unknown perpetrator halt case progression (1 parameter); (d) whether insufficient evidence was indicated by the prosecutor as barrier to prosecution (1 parameter); (e) did the file indicate that no abuse occurred (1 parameter). Table 1 delineates how the variables were coded.

Table 1

Coding of Project Variables, with Frequencies

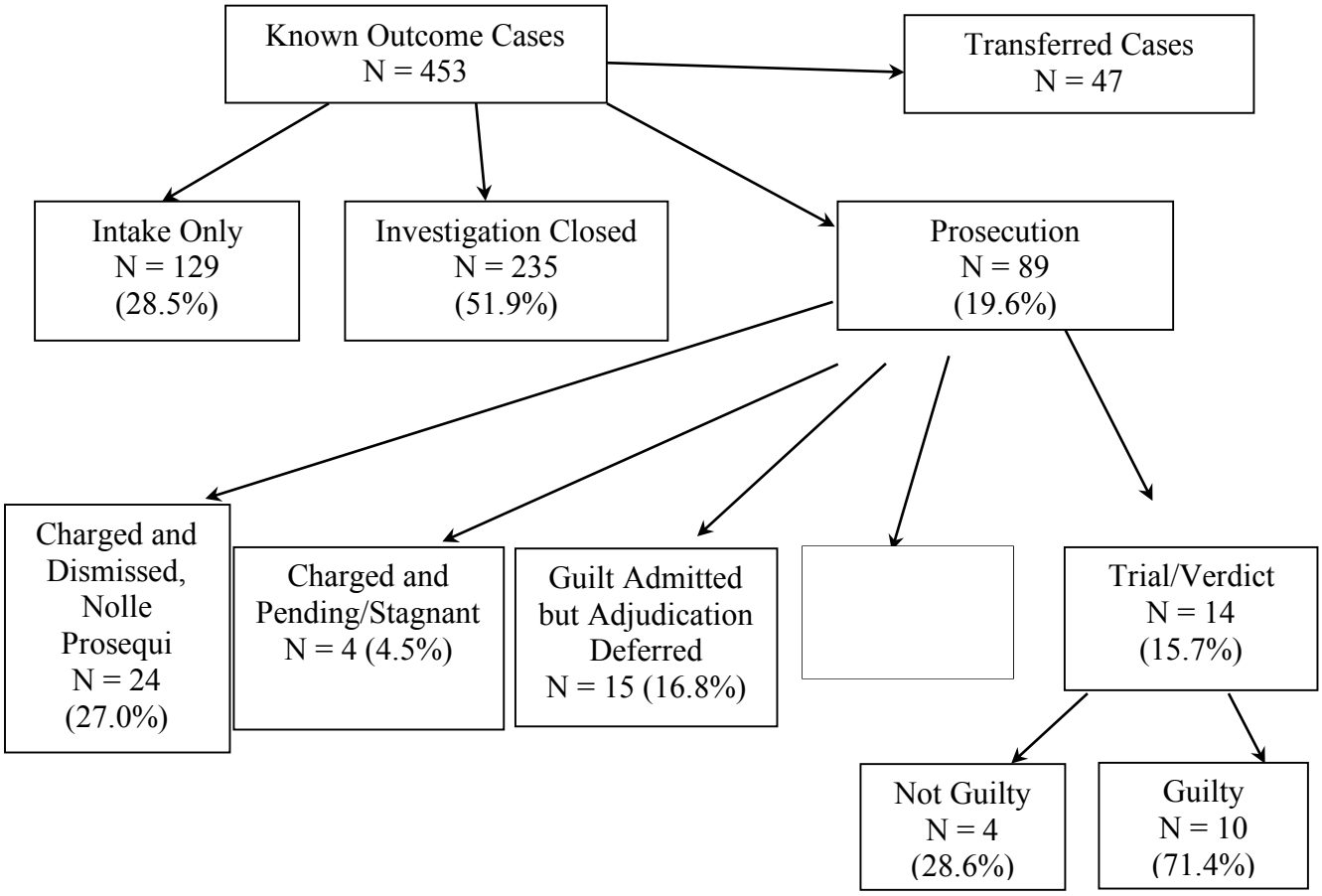
Variable	Coding	N	%
Outcome variable			
Three-level	0 = intake only	129	28.5
	1 = investigate	235	51.9
	2 = prosecute	89	19.7
Proceed beyond intake	0 = intake only	129	28.5
	1 = investigate and/or prosecute	324	71.5
Prosecute	0 = intake or investigate	364	80.4
	1 = prosecute	89	19.7
Perpetrator variables			
Perp minor when case opened	0 = no	278	55.6
	1 = yes	168	33.6
	2 = unknown	54	10.8
Perp minor first offense	0 = no	242	48.4
	1 = yes	189	37.8
	2 = unknown	69	13.8
Perp age group	0 = under 10	43	8.6
	1 = 11-15 years	89	17.8
	2 = 16-18 years	64	12.8
	3 = 19-35 years	106	21.2
	4 = over 35 years	88	17.6
	5 = unknown	110	22.0
Victim number	0 = 1	460	92.0
	1 = 2 or more	36	7.2
	2 = unknown	4	0.8
Perp gender (female)	0 = male	436	87.2
	1 = female	43	8.6
	2 = unknown	21	4.2
Perp prior history SA	0 = no	222	44.4
	1 = yes	170	34.0
	2 = unknown	108	21.6
Perp relation to victim	1 = stranger	12	2.4
	2 = peer	83	16.6
	3 = romantic relation	10	2.0
	4 = person of authority	40	8.0
	5 = parent/family	153	30.6
	6 = acquaintance	117	23.4
	7 = boyfriend/girlfriend of parent	32	6.4
	8 = unknown	53	10.6

Victim variables			
Victim age group at intake	0 = less than 5 years	53	10.6
	1 = 5 – 9 years	107	21.4
	2 = 10 – 12 years	69	13.8
	3 = older than 12 years	271	54.2
Number of perpetrators	0 = 1	452	90.4
	1 = 2 or more	36	7.2
	2 = unknown	12	2.4
Victim gender (female)	0 = male	122	24.4
	1 = female	378	75.6
Victim willing to prosecute	0 = no	101	20.2
	1 = yes	399	79.8
Victim forensic interview	0 = no	320	64.0
	1 = yes	154	30.8
	2 = unknown	26	5.2
Victim CPS history	0 = no	111	22.2
	1 = yes	294	58.8
	2 = unknown	95	19.0
CSA incidents	0 = 1	153	30.6
	1 = 2 or more	159	31.8
	2 = unknown	188	37.6
Context variables			
Penetration	0 = no	307	61.4
	1 = yes	193	38.6
Caregiver support	0 = no	356	71.2
	1 = yes	144	28.8
Barriers variables			
Disclosure barrier	0 = no	304	60.8
	1 = yes	196	39.2
Family support barrier	0 = no	361	72.2
	1 = yes	139	27.8
Perpetrator unknown	0 = no	442	88.4
	1 = yes	58	11.6
Insufficient evidence	0 = no	364	72.8
	1 = yes	136	27.2
No abuse in evidence	0 = no	454	90.8
	1 = yes	46	9.2

Note: For each variable the total *N* equals 500 or 453 if it was a transferred case and not data were available for those cases.

Case attrition. The overall attrition of cases of CSA referred to the prosecutors' offices is shown in Figure 1. Of the 500 cases, 47 were referred to another jurisdiction where it was determined a prosecutable incident occurred. Thus, for these 47 cases, we were unable to identify the outcomes of these cases, leaving 453 cases for which we know the outcome.

Figure 1: Case Outcomes for 500 Child Sexual Assault Cases (All Offices)



Many cases (129 = 28.5%) were not assigned to a prosecutor and did not proceed beyond intake. Just over one-half of the cases proceeded to be investigated but did not go forward to prosecution (51.9% or 235 cases). As a result only 89 cases (19.6%) were prosecuted. Of these 89 cases, 46 cases were adjudicated (52%) and most of these resulted in a guilty outcome via a negotiated plea (36.0%) or verdict in a trial (10 cases, or 11.2%). It is notable that only 14 cases went to

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trial, a small proportion of all cases reported or of those prosecuted.

Multivariate analysis analytic strategy. To model predictor effects on our three categorical outcome variables, we used logistic regression modeling. Our three-level ordinal outcome variable was modeled as an ordered categorical outcome, and the two two-level outcomes (proceed and prosecute) were modeled as standard dichotomous outcome variables in logistic regression analyses.[3]

Results[4]

3-Level Ordered Categorical Outcome

The first dependent or outcome variable analyzed was the 3-Level ordered outcome, where 0 = intake only, 1 = investigate, and 2 = prosecute. Analyses were conducted in a series of steps. First, we conducted separate analyses using each of the four sets of predictor variables (i.e., perpetrator, victim, context, and barriers) as predictors of the 3-Level outcome. In each of these sets of analyses, we first performed a simultaneous analysis with all predictors in the set included in the model, and then performed a stepwise analysis to determine if a smaller number of predictors carried essentially all of the predictive power. After completing these analyses of each of the four separate sets of predictors, we performed a complete model analysis, first putting all predictors from all four sets of predictors into the model, and then following this up with a stepwise analyses to see if a smaller number of predictors carried the bulk of the predictive power.

As an example, consider the Total Effect analysis for the perpetrator variables, shown in the first column of Table 2. This analysis led to significant prediction of the 3-Level outcome using a total of 22 parameter estimates across the seven predictors, χ^2 (22) = 102.04, $p < .0001$. Interestingly, the stepwise analysis of the perpetrator variables led to a far smaller number of

parameter estimates, only 4 significant parameter estimates, but still with the majority of variance explained, χ^2 (4) = 74.53, $p < .0001$. The reduction in model fit associated with fitting 18 fewer parameter estimates was non-significant, $\Delta\chi^2$ (18) = 27.51, $p = .07$, suggesting that the streamlined model with just 4 parameter estimates was an optimal, efficient representation of the relation of perpetrator variables with the ordinal outcome variable.

Table 2

Fit of Logistic Regression Models to Three Outcome Variables

Model	Outcome variable		
	3-Level	**Proceed**	**Prosecute**
Perpetrator Variables			
Total Effect	102.04 (22)	67.08 (22)	89.30 (22)
Stepwise	74.53 (4)	39.41 (3)	66.00 (4)
Victim Variables			
Total Effect	106.64 (11)	83.63 (11)	08.01 (11)
Stepwise	104.46 (6)	79.65 (3)	69.33 (6)
Contextual Variables			
Total Effect	88.76 (2)	29.30 (2)	90.75 (2)
Stepwise	88.35 (1)	29.23 (1)	87.86 (1)
Barriers to Prosecution			
Total Effect	34.03 (5)	5.94 (5)[a]	137.75 (5)
Stepwise	31.73 (2)	-	133.77 (4)
Complete Model			
Total Effect	251.20 (40)	154.58 (40)	269.50 (40)
Stepwise	216.97 (12)	122.04 (7)	235.36 (10)

Note: Tabled values are chi-square statistics, with degrees of freedom in parentheses. All chi-square values were significant at $p < .001$, except as noted. [a] Non-significant

Similar results were found for each of the remaining sets of analyses predicting the 3-Level outcome, the analyses with (a) victim predictors, (b) context predictors, (c) barriers predictors, and (d) total set of predictors, as shown in Table 2. For example, the two context predictors had a significant relation to the 3-Level outcome variable, χ^2 (2) = 88.76, $p < .0001$. However, only one of these two predictors was required to retain virtually all of the predictive power in the stepwise analysis, χ^2 (1) = 88.35, $p < .0001$, and the drop in fit was extremely small and non-significant, $\Delta\chi^2$ (1) = 0.41, *ns.*

In the Complete Model analyses (see bottom section of the first column of Table 2), the Total Effect model estimated 40 parameters across the four sets of predictor variables, providing evidence of significant relation to the 3-Level outcome variable, χ^2 (40) = 251.20, $p < .0001$. However, the stepwise model was far more efficient as it only used 12 estimates instead of the 40 parameter estimates in the Total Effect model and had strong relation to the outcome variable, with χ^2 (12) = 216.97, $p < .0001$. Moreover, the drop in fit was relatively small and non-significant, $\Delta\chi^2$ (28) = 34.23, *ns*. As a result, the stepwise analysis for the Complete Model resulted in the most efficient final model predicting the 3-Level outcome variable.

To interpret the results of the stepwise analysis of the Complete Model, refer to the "3-Level" column of results in Table 3, which provides the odds ratios for all significant predictors in our stepwise model. The 12 significant parameters consisted of 5 parameters associated with perpetrator variables, 4 from victim variables, 1 from a context variable, and 2 from barrier variables. For example, first consider the Perpetrator Age effects. The lowest age group – perpetrators aged 10 years or younger – were the reference group for these results, so the odds ratio of 1.73 for perpetrators aged 16 – 35 years had odds of their cases moving toward investigation and then prosecution elevated by about 70% when compared with the odds of

investigation and then prosecution of perpetrators aged 16 years or younger.

Table 3

Results of Stepwise Logistic Regression Analyses for Three Outcome Variables

	Outcome Variable		
Predictor	**3-Level**	**Proceed**	**Prosecute**
Perpetrator variables			
AP Age (16-35)	1.73 [1.09, 2.74]	-	3.41 [1.52, 7.63]
AP Age (Over35)	4.70 [2.49, 8.87]	7.00 [2.32, 21.1]	13.48 [4.79, 37.9]
AP Prior Criminal History	1.62 [1.03, 2.54]	-	-
AP Unknown	2.48 [1.28, 4.78]	2.95 [1.37, 6.36]	-
Victim Total	2.87 [1.34, 6.15]	-	-
Victim variables			
Victim Group Age (Intake)	1.26 [1.04, 1.53]	1.47 [1.18, 1.83]	-
Victim CPS History	2.00 [1.20, 3.22]	2.09 [1.09, 4.01]	2.87 [1.31, 6.31]
Victim Gender	-	-	2.50 [1.02, 6.08]
Victim Willing to Prosecute	1.97 [1.20, 3.22]	-	5.07 [1.72, 14.9]
Victim Forensic Interview	4.73 [2.85, 7.84]	12.43 [5.66, 27.3]	-
CSA incidents	-	-	3.32 [1.43, 7.74]
Context variables			
Caregiver Support	4.28 [2.58, 7.09]	2.83 [1.41, 5.71]	6.00 [2.88, 12.5]
Barrier variables			
Disclosure Issues Barrier	0.45 [0.28, 0.72]	-	0.15 [0.05, 0.46]
Family Support Barrier	-	2.55 [1.50, 4.35]	0.18 [0.06, 0.59]
Insufficient Evidence	0.54 [0.33, 0.91]	-	0.10 [0.03, 0.40]

Note: Tabled values are odds ratios, with 95% confidence intervals in brackets. All odds ratios significant at $p < .05$

However, perpetrators who were over the age of 35 years were almost five times as likely to have their cases move forward than perpetrators who were under the age of 10 years, with OR

= 4.70, 95% CI [2.49, 8.87]. Relative to perpetrators without a criminal history, perpetrators with a prior criminal history had higher likelihood of their cases being investigated and prosecuted, with odds over 60% higher, OR = 1.62. Cases in which the perpetrator were unknown were about 2.5 as likely (OR = 2.48) to move to investigation than those with a known perpetrator, with investigation authorized to identify the perpetrator. Finally, cases with more than one victim were almost three times as likely to move forward, OR = 2.87, as were cases with a single victim.

Turning to victim variables, increased age led to increasing likelihood of the case being investigated and prosecuted, OR = 1.26. Having a CPS history led to a doubling of the odds of investigation and prosecution, OR = 2.00, relative to victims with no prior CPS history. Willingness on the part of the victim also approximately doubled the odds of investigation and prosecution relative to victims who were unwilling to prosecute, OR = 1.97. Finally, cases in which the victim received a forensic interview were almost 5 times more likely to have a case investigated and prosecuted relative to cases in which no forensic interview was performed, OR = 4.73.

Victims with caregivers who were supportive of the case moving forward were over 4 times as likely to have cases proceed to investigation and prosecution relative to cases without caregiver support, OR = 4.28. Finally, both disclosure barriers (OR = 0.45) and insufficient evidence (OR = 0.54) approximately halved the odds of investigation and prosecution relative to cases without these barriers. Thus, if victims or their family members were unwilling to disclose details or if insufficient evidence was presented, cases were relatively unlikely to move on to investigation or prosecution.

Proceed Outcome

The foregoing analyses of the 3-Level outcome variable assumed implicitly that variables that predicted moving cases from intake to investigation would be the same variables with the same magnitude of effect in moving cases from investigation to prosecution. This need not be the case, as certain variables may predict moving cases from intake to investigation, and different subsets of variables or variables with altered effect might predict moving cases from investigation to prosecution. Here, logistic regression analyses were conducted on the *Proceed* outcome which compared "intake only" cases to those that proceeded to investigation (i.e., combining investigation only and prosecute groups, because both of these had involved investigations). Table 2 shows results of these analyses that were again conducted in a series of steps, first analyzing the four sets of predictors (perpetrator, victim, context, barriers) and then the combined set of all predictors in the complete model.

As with the 3-Level ordered categorical outcome, the stepwise model for each of the 5 sets of analyses for the Proceed outcome led to far fewer parameter estimates with negligible decrease in model fit. For example, in the Complete Model analyses (see bottom section of the second data column of Table 2), the Total Effect model estimated 40 parameters across the four sets of predictor variables, providing evidence of significant relation to the Proceed outcome variable, χ^2 (40) = 154.58, $p < .0001$. However, the stepwise model was far more efficient as it required only 7 parameter estimates instead of the 40 estimates in the Total Effect model and had a strong relation to the outcome variable, with χ^2 (7) = 122.04, $p < .0001$. Moreover, the drop in fit was relatively small and non-significant, $\Delta\chi^2$ (33) = 32.54, *ns*. As a result, the stepwise analysis for the Complete Model resulted in the most efficient final model predicting the Proceed outcome variable.

To interpret the results of analyses of the Proceed outcome, Table 3 lists the odds ratios for the significant predictors (2 from the set of perpetrator variables, 3 from the set of victim variables, 1 context variable, and 1 barrier variable). Perpetrators who were over the age of 35 compared to those under age 16 were 7 times as likely to proceed to investigation, OR = 7.00. Interestingly, cases with an unknown perpetrator were almost three times as likely to move from intake to investigation, OR = 2.95, with the investigation presumably opened to attempt to identify the perpetrator.

Three victim variables also affected whether a case was investigated. Older victims were more likely to have cases investigated, with each move from one age group to the next associated with an approximate 50% increase in odds of investigation, OR = 1.47. Victims with a prior CPS history had odds of their cases being investigated over twice as high as those with no history, OR = 2.09. Finally, a forensic interview was associated with extremely high odds of investigation, OR = 12.43.

Victims who had a supportive caregiver had cases that were over 2.5 times more likely to proceed to investigation than those without caregiver support, OR = 2.83. Finally, lack of family support led to odds of proceeding to investigation over 2.5 times as high as for cases with family support, OR = 2.55. Lack of family support led to higher rates of proceeding to investigation to determine the basis for the complaint, and an investigation was needed to accomplish this goal.

Prosecute Outcome

Finally, we performed the same set of logistic regressions on the Prosecute outcome which compared cases that moved forward to any kind of prosecution with all other cases. Analyses were again conducted in a series of steps, analyzing our four sets of predictors first (perpetrator, victim, context, barriers) and then the combined set of all predictors in a final

analysis as shown in Table 2. As with preceding analyses, the Total Effect analyses led to significant prediction of the Prosecute outcome, but the Stepwise analyses led to more efficient models with little loss in model fit. In the Complete Model analyses (see bottom of right column of Table 2), the stepwise model was more efficient as it used only 10 parameter estimates, instead of the 40 parameter estimates in the Total Effect model, with a non-significant decrease in chi-square, $\Delta\chi^2$ (30) = 34.14, *ns*.

The Prosecute column in Table 3 lists the odds ratios for all significant predictors, which included 2 predictors from our set of perpetrator variables, 4 victim variables, 1 context variable, and 3 barrier variables. Perpetrator age was again a strong predictor. Cases with perpetrators who were between the ages of 16-35 were more than 3 times as likely to be prosecuted than perpetrators under the age of 16, OR = 3.41. Moreover, perpetrators who were over the age of 35 were over 13 times more likely to have their cases move forward to prosecution than perpetrators who were under the age of 16, OR = 13.48.

Turning to victim variables, victims who had prior involvement with CPS were almost 3 times as likely to have cases that were prosecuted compared to victims without a history of this sort, OR = 2.87. Not surprisingly, cases that had a victim who was willing to move forward with the prosecution process were more than 5 times as likely to be prosecuted, OR = 5.07. Cases in which victims described more than one instance of abuse were more than 3 times as likely to be prosecuted as cases with only a single instance of abuse, OR = 3.32.

Cases where the victim was supported by a caregiver were about 6 times more likely to be prosecuted as those with unsupportive caregivers, OR = 6.00. In contrast, presence of barriers led to very low odds of prosecution. Thus, cases in which the prosecutor indicated that there was insufficient evidence were 10 times less likely to be prosecuted than cases with sufficient

evidence, OR = 0.10. The presence of family support barriers, OR = 0.18, or disclosure issues, OR = 0.15, also led to much lower odds of prosecution.

Discussion of Findings and Implications for Next Steps

Our research finds that a small proportion of cases (less than one in five) goes forward to prosecution. About half of those cases do result in a conviction or guilty plea. While this number is consistent with findings from other studies, comparison to other jurisdictions remains difficult because of lack of clarity on the denominator of cases against which one should measure this outcome.

One clear goal of this study was to examine case attrition and understand which cases moved forward to prosecution. In looking at the percentage of cases that moved forward we had to decide what to use as a denominator. For example, in our study, 89/500 (17.8%) cases moved forward for prosecution. Using 500 as the denominator does not necessarily accurately reflect the percentage of cases moving forward. Forty-seven of our cases were transferred to other counties.

Some of our cases were not opened or investigated because they involved two consenting minors. Other cases did not move forward because the perpetrator was unknown or too young. It is extremely complicated to figure out which cases could/should potentially be prosecuted and thus hard to determine "success" and prosecution percentages. We also want to note that often cases did not move forward because it was not viewed to be in the best interest of the child victims and/or their families. No prosecutor involved in our study (or that we know of) would ever "force" a child to testify if it was not therapeutically appropriate and/or the child's wish. We also want to note that sometimes cases did not move forward because parents were not supportive or protective of their children. There were cases where parents seemed to defend a perpetrating partner, boyfriend, or girlfriend instead of protecting their child. Prosecutors report

that these are some of the most difficult cases for them to handle, and of course ultimately would involve CPS involvement. As demonstrated on all three of our dependent variables, caregiver support is an important predictor of cases moving forward. In discussing our findings with prosecutors, they were hopeful that future research might provide specific guidance about how to handle the caregiver who defends the perpetrator. There has been considerable research on the role of non-offending parents and the challenges faced by these caregivers (Lipovsky, Swenson, Ralston, & Saunders, 1998). Their support in the prosecution of the person who assaulted their child still presents challenges to the field. New strategies for supporting caregivers and psycho-educational approaches designed to stress the importance of believing/supporting the child are needed. Such approaches might address how such support predicts the child's long-term well-being regardless of what happens in a criminal prosecution (Goodman et al., 1992), but might also work towards offering more support to caregivers as they make decisions about participation in the criminal justice system and prosecution of the alleged offender. One suggestion we received is that it may be helpful to connect these caregivers with other caregivers who have been through this process.

Evidentiary barriers including problems with disclosures, present a major obstacle in these cases. The case often comes down to the word of a child versus the word of an adult. There are seldom physical medical findings or other evidence in these cases. In our discussions with the prosecutors, they identified that the public perception of these cases is an obstacle and these cases present the prosecutors with unique challenges (Long, Wilkinson, & Kays, 2011). Juries do not easily understand the dynamics of grooming, of disclosure, and that children often delay reporting. It is essential that the children who identify themselves as victims of rape and/or assault be protected and supported. All cases may not meet prosecutorial standards to move

forward and even with multi-disciplinary team approaches, forensic interviews, and reliance as needed on outside experts may result in no prosecution. It is important, however, to work to meet these challenges through new and innovative approaches as well as mustering the resources to support the child witnesses. Meanwhile it is critical that a system be put in place to track the other outcomes and systems involved when a case is closed. For example, a prosecutor might believe that a child was sexually abused but would not move forward with the case because of one of the aforementioned challenges. Such children may be referred to CPS if appropriate, referred to therapy, and/or parents may be supported in making changes in their living situations to keep the children safe. In the cases we studied some cases did not move forward to prosecution but the families were believed to have made sure that the child would have no further or future contact with an alleged perpetrator. Successful prosecutions may not be the only positive outcomes in these cases and future research should track the "other" outcomes as well as how victims and their families fare longitudinally.

Our research found that perpetrator criminal history and number of victims predicted our 3-level outcome variable. This finding suggests that these cases may have been prosecuted more vigorously or that these elements may have helped to overcome some of the barriers to prosecution. It is almost impossible to know if an alleged perpetrator has ever been identified as a suspect in another county or state. Importantly, prosecutors told us that even convictions, when they occurred out-of-state, can be difficult to track. Perpetrators who have plead guilty to a lesser or non CSA offense may not be required by their state to register and the requirement to register as a sex offender is also something that may have been negotiated as a part of a plea agreement. Thus, there are many reasons that it is difficult even for a prosecutor to know the criminal history of an alleged perpetrator. Knowing that an alleged perpetrator has been identified as a potential

suspect in other cases might influence both prosecutorial decisions to move forward as well as victim willingness to participate. In national cases, we have seen that after one victim comes forward, others may feel more comfortable and supported to disclose and such disclosure may impact prosecutorial decision-making. In addition to the sexual assault kits and tracking of DNA through CODIS (an avenue that is of scant use in cases of CSA, See Cross et al. 2017), future research might examine the benefits of a national system that would better allow investigators to connect the dots in these cases so that we could better protect children.

In summary, our study of 500 cases of CSA found a wide array of factors influence case outcome and that these reflect perpetrator issues, victim characteristics, case context and evidentiary and other barriers. We are continuing to work on developing guidelines and suggestions for innovation in prosecuting cases of CSA and to build on the partnerships formed in this research. Efforts to address these issues will require continued work of multidisciplinary teams to arrive at solutions and evaluate their impact.

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[1] Results of Research/ Practice Partnership-- The philosophy of the project team is rooted in a true research/practitioner partnership. Such collaborations are more likely to identify the most important research questions and find answers that are useful to the field (Williams, 2004). Our approach ensures the active involvement of these partners especially in refining questions, reviewing the research protocol, and participating in discussion and dissemination of findings. The project was designed to facilitate the participation of legal practitioners and service providers in the interpretation of results and share responsibility for integrating findings into policy and planning next steps for research (Williams, 2004). Our approach involved collaborative methods to assist with data analysis and report writing to assure that the findings are useful for policy and practice and will be widely disseminated.

[2] Limitations to the study-- we were only able to code what was in the file and some of the information germane to case outcomes was likely not written in the actual file. In addition, case records only contain information that was deemed relevant by the prosecutors and other investigators. To offset this limitation, we supplemented the information with feedback from the prosecutors however that information was not systematically collected. Finally this sample of cases is limited to one period of time (albeit recent) in several counties within one state and the laws of that state. This state has widespread use of children's advocacy centers so the findings may not be generalizable to all jurisdictions.

[3] When preparing predictor variables for analysis, we set up a priori contrast codes for most variables. Many predictor variables had three identified values, such as "perpetrator was minor when case was opened," which had codes for 0 = no, 1 = yes, and 2 = unknown. For such variables, we formulated two contrasts, the first of which had coefficients of (-1, 1, 0) and the second of which had coefficients of (1, 1, -2). Thus, the first contrast code contrasted "no" versus "yes," and the second contrasted "unknown" with the combined "no" and "yes" responses. Preliminary analyses indicated that, in virtually all analyses, only the first of these contrasts was significantly related to outcome variables, whereas the second contrast had minimal relation with outcome variables. For other variables, such as "Perpetrator relatedness to victim" which had 8 categories, we performed preliminary analyses to identify the most efficient contrast among different groups, and used these contrast codes in later analyses for all three outcome variables.

[4] We conducted our logistic regression analyses in a series of steps, analyzing sets of predictors first and then the combined set of all predictors in a final analysis. In our first analysis, we used the perpetrator variables as predictors to determine whether these predictors were related to advancement for a case beyond the intake interview. For each of the three outcome variables (3-level ordered categorical, proceed, and prosecute), we performed two analyses: (a) Total effects, including all 7 perpetrator variables in a simultaneous analyses, involving 22 parameter estimates; and (b) Stepwise, which added predictors in order of predictive importance, requiring that the improvement in model fit be significant at the $\alpha = .05$ level, assuming that far fewer than the full set of 22 parameter estimates would be statistically significant. The initial "simultaneous" (or "total") analysis provides an index of strength of relation of the full set of predictors with the outcome variables, and the second "stepwise" analysis leads to a smaller and more efficient set of predictor variables. Our second set of analyses used the set of 7 victim predictor variables, variables that subsumed a total of 11 parameters. Once again, we performed a "total" analysis with all seven predictors (and their associated 11 parameter estimates), and then a stepwise analyses requiring that predictors in the model be significant at the $\alpha = .05$ level. Our third and fourth sets of analyses did similar analyses using the 2 context predictors (with 2 parameter estimates) and the barrier predictors (with 5 parameter estimates), respectively, again in "simultaneous" (or "total") analyses and then in stepwise analyses. Our fifth and final set of analyses employed the full set of perpetrator, victim, context, and barrier predictors. The "simultaneous" (or "total") analyses used the 40 parameter estimates across the 21 predictor variables, and the stepwise analysis was performed to find a more efficient set of predictors significant at the $\alpha = .05$ level. As noted, each of the preceding sets of analyses were performed for each of the three outcome variables (3-level ordered categorical outcome, and the proceed and prosecute outcomes).