



House Joint Resolution 595

Child Sexual Abuse Investigations

November 14, 2013

Overview



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House Joint Resolution 595



- HJR 595 was introduced during the 2013 General Assembly Session, which incorporated Delegate Albo's HJR 730.
- The resolution has two distinct parts.

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- The second part focuses on child sexual abuse, and directs the VSCC to determine:
 - Laws, regulations, policies, and training practices of the Commonwealth and its agencies governing the reporting, investigation, and tracking complaints of child sexual abuse;
 - Variations or discrepancies in how various agencies receive, investigate, and track cases of child sexual abuse;

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- Whether there are any variations or discrepancies that may allow a suspected abuser to destroy evidence, intimidate victims, or interfere with the course of an investigation; and,
- Recommendations for legislative or regulatory changes to reduce or eliminate any such variations or discrepancies, to increase the quality and effectiveness of child protective services, investigations of child sexual abuse, and prosecutions of suspected abusers.

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- HJR 595 also mandated that a work group be convened. The following representatives participated:
 - Rural and urban CPS unit;
 - Rural and urban law enforcement agency;
 - Rural and urban prosecutor;
 - Rural and urban city/county attorney;
 - Va. Dept. of Social Services, Division of Family Services;
 - Va. Dept. of Criminal Justice Services;

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- Work group representatives (continued):
 - Office of the Attorney General;
 - Nationally accredited child advocacy center;
 - Victim's rights organizations;
 - Va. Department of Education;
 - Va. Association of School Superintendents;
 - Pediatric Emergency Room Physician; and,
 - Member of the public.

Methodology



- In order to address the mandates, staff:
 - Conducted a general literature and statutory review;
 - Convened two *Child Sexual Abuse Work Group* meetings;
 - Collected available data from relevant agencies;
 - Surveyed local DSS, law enforcement agencies, criminal justice training academy directors, and Commonwealth's Attorneys;
 - Attended meetings, trainings, and conferences; and,
 - Met with various individuals, organizations, and state agencies.

Methodology



- Formal survey response rates:
 - 75% (90 of 120) of Directors of local DSS responded.
 - 69% (93 of 135) of primary law enforcement agency Chiefs and Sheriff's responded.
 - 76% (22 of 29) of criminal justice training academy directors responded.
 - 80% (8 of 10) of regional training academies; and,
 - 74% (14 of 19) of independent training academies.
- Commonwealth's Attorneys were informally surveyed.

Background



- There are approximately 74.8 million children in the U.S.
- An estimated 3.7 million referrals of children being abused or neglected were received by state and local child protective services (CPS) in 2011.
 - Of this number, it is estimated that 681,000 children (9.1 per 1,000) were victims of child abuse and neglect.
 - 79% of neglect;
 - 18% of physical abuse;
 - 9% of sexual abuse; and,
 - 10% of other types of maltreatment including threatened abuse, parent's drug/alcohol abuse, or lack of supervision.¹

¹ U.S. Dept. of Health and Human Services, Administration for Children and Families. (2012). *Child Maltreatment 2011*.

Background



- There are approximately 1.84 million children in Virginia.
- An estimated 87,300 referrals of children being abused or neglected were received by local child protective services (CPS) in FY13.
 - Of this number, it is estimated that 8,612 referrals were determined to be founded:
 - 56% of physical neglect;
 - 26% of physical abuse;
 - 12% of sexual abuse;
 - 2% of mental abuse;
 - 2% of medical neglect; and,
 - 1% involved substance exposed infants.¹

¹ Va. Dept. of Social Services, Online Automated Services Information System (OASIS) data.

Background



- Child sexual abuse can be defined in many ways.
- There is no one single “profile” of someone who sexually abuses a child.
 - Offenders can represent every age, race, socioeconomic status, education level, religion, etc.
- Similarly, there is no one single “profile” of a victim.
 - “...sexually abused children constitute a very heterogeneous group with many degrees of abuse about whom few simple generalizations hold.” -Putnam (2002)

Background



- However, there are some general trends that can be observed. For example:
 - In the majority of cases, the offender is known by the victim or the victim's family.¹
 - Females are more likely than males to experience child sexual abuse.²
 - Most known perpetrators are male.³
 - Juveniles comprise approximately 1/3 of known perpetrators.⁴
 - Children with disabilities are at a higher risk of victimization.⁵
 - Victims are often exposed to other forms of abuse or neglect in their household.⁶

See, for example, ¹ Finklehor et al. (2005). Victimization of children and youth: A comprehensive, national survey.

^{2,3} Snyder (2000). Sexual assault of young children as reported to law enforcement: Victim, incident and offender characteristics, NIBRS statistical report. ⁴ Finklehor (2009). Juveniles who commit sex offenses against minors. ⁵ McEachern (2012). Sexual abuse of individuals with disabilities: Prevention strategies for clinical practice. ⁶ Saunders (2003). Understanding children exposed to violence: Toward an integration of overlapping fields.

Background



- Research has consistently documented the potential short- and long-term physical and mental effects of childhood sexual abuse, including but not limited to:
 - Depression, anxiety, anger, fear, sleeping difficulties, STIs, pregnancy, sexualized behaviors, PTSD, poor self-esteem, sexuality issues, self-destructive behavior, substance abuse, suicidal behavior, and eating disorders.
 - However, it is important to note that children's resiliency levels vary considerably.¹

See, for example, ¹ McClure et al. (2008). Resilience in sexually abused women: Risk and Protective Factors; McElheran et al. (2012). A conceptual model of post-traumatic growth among children and adolescents in the aftermath of sexual abuse.

Background



- Research has found a wide range of variance in disclosure and recantation rates.¹
 - Failure to disclose is common.
 - If disclosed, it is very common for disclosure of child sexual abuse to be delayed.
 - Recanting is not uncommon in the disclosure process, especially when there is lack of support from the non-offending parent or guardian, or other family members.²

See, for example, ¹ London et al. (2005). Disclosure of child sexual abuse: What does the research tell us about the ways that children tell? ² Malloy & Lyon (2006). Caregiver support and child sexual abuse: Why does it matter?

Background



- More recent research has begun to examine the potential cross-over between internet child pornography and contact sex offenses.
 - The results are mixed, with some research supporting a correlation and others not finding support for the relationship.¹

See, for example, ¹ McCarthy (2010). Internet sexual activity: A comparison between contact and non-contact child pornography offenders.; Bourke & Hernandez (2009). The "Butner Study" redux: A report on the incidence of hands-on child victimization by child pornography offenders; Seto & Eke (2005). The criminal histories and later offending of child pornography offenders; Webb et al. (2007). Characteristics of internet child pornography offenders: A comparison with child molesters; Wolak et al. (2005). Child pornography possessors arrested in internet-related crimes: Findings from the National Juvenile Online Victimization Study.

Background



- Child sexual abuse, similar to all types of sexual offenses, is a highly underreported crime.¹
 - As such, accurate incidence and prevalence rates are difficult to estimate.
- Prosecution and conviction rates vary widely.²
 - “...child abuse presents special challenges that make prosecution difficult.”

See, for example, ¹ National Crime Victimization Survey. ² Cross et al. (2003). Prosecution of child abuse: A meta-analysis of rates of criminal justice decisions.

Background- Virginia Data



Circuit Court Charges and Convictions, FY10-FY13*

Type of Offense	FY10		FY11		FY12		FY13**	
	Charges	Convictions	Charges	Convictions	Charges	Convictions	Charges	Convictions
Forcible Rape	159	74	171	68	162	54	204	66
Forcible Sodomy	313	117	282	110	284	69	238	90
Object Sexual Penetration	183	56	181	73	139	33	127	28
Aggravated Sexual Battery	855	409	646	315	771	299	723	302
Indecent Liberties	904	501	810	404	759	355	811	339
Carnal Knowledge	306	203	322	217	367	241	322	217
Obscenity	2,499 [†]	866	1,959	1,165	3,848 [†]	2,953 ^{††}	2,916	1,434

Source: Supreme Court of Virginia, Circuit Court Management System; * FY in which the charge was concluded. ** Data do not include charges that were still pending at the end of FY2013. [†] One individual was charged with over 800 counts of obscenity in FY2010 and two individuals were charged with over 900 counts of obscenity in FY2012. ^{††} Two individuals were convicted of more than 900 counts of obscenity in FY2012. Data does not include cases from Fairfax, Va. Beach, or Alexandria. Prince William joined the system in FY2009.

Va. Dept. of Social Services



- The Virginia Dept. of Social Services (VDSS) is a state supervised and locally administered social services system.
 - Provides oversight and guidance to 120 local DSS, which operate autonomously.
- Child Protective Services (CPS) is one of many division programs that fall under VDSS.
 - The goal of CPS is to “identify, assess and provide services to children and families in an effort to protect children, preserve families, whenever possible, and prevent further maltreatment.”

Va. Dept. of Social Services



- Local DSS are responsible for:
 - Receiving reports of abuse and neglect that involve a **caretaker**;
 - Conducting investigations to determine the validity of CPS reports; and,
 - Providing services that enhance child safety and prevent further abuse and neglect to families and children.

Va. Dept. of Social Services



- A **caretaker** is defined by 22VAC40-705-10 as any individual having the responsibility of providing care for a child to include the following:
 - Parent or other person legally responsible for the child's care;
 - Any other person who has assumed caretaking responsibility by virtue of an agreement with the legally responsible person;
 - Persons responsible by virtue of their positions of conferred authority; and,
 - Adult persons residing in the home with the child.

Va. Dept. of Social Services



- Under Virginia Code § 63.2-100, a sexually abused child is one type of “abused or neglected child.”
- Specifically, it includes any child under 18 whose parent, or any other person responsible for the care of the child, does any or all of the following:
 - Commits or allows to be committed any illegal sexual act upon a child including incest, rape, fondling, indecent exposure, prostitution; or,
 - Allows a child to be used in any sexually explicit visual material.

Va. Dept. of Social Services



- A **referral** is defined by 22VAC40-705-50 as any report of suspected child abuse or neglect made to the local DSS or the Virginia Department of Social Services Child Abuse and Neglect Hotline.
 - A referral is also called a complaint.

Va. Dept. of Social Services



Source of Referrals

Source of Referral	Number of Referrals	Percentage of Referrals
Schools (public and private), school staff, teachers	14,918	20%
Law enforcement	11,412	16%
Parent	7,110	10%
Counselor/therapist	5,422	7%
Relative	4,965	7%
DSS, social services, social workers	4,555	6%
Hospital, clinic, medical personnel	4,499	6%
Court probation	1,141	2%
Neighbor	1,065	1%
Mental Health	1,021	1%
Other/Unknown	17,218	23%
TOTAL	73,326	100%

Source Va. Dept. of Social Services, FY12, Referral Reporter Source Annual Report, Va. OASIS data

Va. Dept. of Social Services



- A referral is **accepted**, or considered to be valid if it meets the following four criteria:
 - The victim child is less than 18 years of age at the time of the report;
 - The alleged abuser is the child's parent or other caretaker;
 - The local department receiving the report has jurisdiction; and,
 - The circumstances reported described alleged suspected child abuse or neglect.
- Regulation 22VAC40-705-50.

Va. Dept. of Social Services



- Regardless of whether a referral is accepted, Va. Code § 63.2-1503(D)(i) requires local CPS departments to immediately report all cases of child sexual abuse to law enforcement and the Commonwealth's Attorney.
 - Note: Some local DSS have an MOU with law enforcement indicating that law enforcement is responsible for contacting the Commonwealth's Attorney.

Va. Dept. of Social Services



- There are two different responses that can stem from an accepted/valid report:
 1. **Family Assessment**: conducted when there is no statutory requirement to conduct an investigation and/or when there is no immediate concern for child safety. There is no disposition made in a Family Assessment.
 - Regulation 22VAC40-705-50.

Va. Dept. of Social Services



2. **Investigation**: conducted when there is an immediate concern for child safety and/or is required by Va. Code § 63.2-1506 (c)(i), such as reports involving sexual abuse, a child fatality or cases involving non-familial caretakers.

Va. Dept. of Social Services



- Va. Code § 63.2-1505(B)(5) requires a CPS investigation be completed within 45 days from the date of the report, with a possible extension to 60 days. In certain sexual abuse investigations or child fatalities, this time frame may be suspended pending receipt of necessary reports.

Va. Dept. of Social Services



- Investigations can have one of two dispositions:
 - 1. Founded** means that a review of the facts shows by a preponderance of the evidence that child abuse or neglect has occurred.
 - The level of severity determines the retention time within the Child Abuse and Neglect Central Registry.
 - Regulation 22VAC40-700-30.
 - 2. Unfounded** means a review of the facts does not show by a preponderance of the evidence that the abuse or neglect occurred.
 - Regulation 22VAC40-705-10.

Va. Dept. of Social Services



- **Appeals:**
 - When the disposition of an investigation is founded, the subject of the investigation may appeal the finding.
- There are three levels of administrative appeal to include:
 - Local conferences;
 - State appeal hearings; and,
 - Appeals to circuit court.
 - Regulation 22VAC40-705-190.

Va. Dept. of Social Services



Record Retention Time

Type of Record	Length of Retention
Founded, Level 1 cases, involving sexual abuse	25 Years
Founded, Level 1 cases, not involving sexual abuse	18 Years
Founded, Level 2 cases	7 Years
Founded, Level 3 cases	3 Years
Family Assessments	3 Years
Unfounded*	1 Year*

* Unless there is a subsequent complaint involving the same parties within that 1 year time frame, per Va. Code § 63.2-1514.

Va. Dept. of Social Services



- There is concern over the length of retention time for unfounded records.
 - The *Work Group* overwhelmingly supported that the retention time be reexamined.
 - 28% (24 of 86) of local DSS reported that the record retention time for unfounded investigations needs to be reexamined.

Va. Dept. of Social Services



- Reasons to extend the retention time for unfounded records, include:
 - Family assessments, which are typically less serious, are kept for 3 years with no disposition.
 - Unfounded cases are typically more serious than family assessments and may involve alleged sexual abuse, but did not meet preponderance of evidence standard.
 - No history to reference and collateral contacts lost if same or similar subsequent allegations occur, which can impact child's safety.

Va. Dept. of Social Services



Referrals by Disposition and Type of Abuse or Neglect, FY13

Type	Referrals	Accepted	Family Assessment	Investigated	Founded	Unfounded	Appealed
Medical neglect	2,731	2,126	1,504	500	201	268	26
Mental abuse	6,266	4,287	3,475	615	204	366	25
Physical abuse	22,150	16,884	10,772	5,253	2,205	2,789	180
Physical neglect	50,117	40,008	28,514	9,346	4,833	4,116	260
Sexual abuse	5,093	3,533	8	3,166	1,043	1,942	107
Substance Exposed Infants	955	850	668	127	80	39	1
Total	87,312	68,210	45,293	19,126	8,612	9,590	600

Source: Va. Dept. of Social Services, Va. OASIS and VCWOR data.

This table represents a count of the allegations contained in referrals. A referral can have more than one type of allegation.

Law Enforcement Investigations



Local CPS

- Preponderance of evidence.
- Investigation must be completed in 45 days of report, unless extension requested for 60 days.
- Objective is to determine safety needs of child, and whether there is a need for services or alternative living arrangements.

Law Enforcement

- Beyond a reasonable doubt.
- No deadline to complete investigation.
- Objective is to gather evidence that will convict a defendant in a criminal trial.

Law Enforcement Investigations



- Law enforcement will carry out both caretaker and non-caretaker child sexual abuse investigations.
 - Many conduct a joint investigation with CPS for caretaker investigations.

Law Enforcement Investigations



- Investigatory Concerns:
 - Destruction of evidence
 - Loss of element of surprise
 - Victim intimidation
 - Interference
 - Role of non-offending parent
 - Continuances by defense counsel
 - CPS interviews after suspect is arrested
 - If Miranda warnings are not given, testimony is inadmissible per Va. Code § 63.2-1503(M).
 - Respecting parental rights

Staffing and Caseloads



- Both law enforcement and CPS workers handle extremely high caseloads and will often handle many different types of cases or investigations in addition to child sexual abuse.
 - Law Enforcement, FY12:
 - 0-570 child sexual abuse cases per agency investigated per year.
 - Caseload per detective ranges from 20 to 379 cases per year.
 - Local CPS, FY12:
 - 0-280 referrals per local DSS involving child sexual abuse accepted.
 - Caseload per worker ranges from 12 to 360 referrals per year.

Law Enforcement Training



- Recruits receive anywhere from 500 to 1,500+ hours of basic law enforcement training.
 - DCJS's minimum standard is 480 hours.
- Of the total training received, recruits will receive approximately anywhere from 1.5 to 16 hours of training devoted to child sexual abuse.
 - Median hours allocated to child sexual abuse: 4 hours
- 76% (16 of 21) of responding directors believe the minimum standards and training relating to child sexual abuse is adequate for basic law enforcement training.

Law Enforcement Training



- However, academy directors and law enforcement agencies did emphasize the need for additional in-service and specialized training relating to child sexual abuse investigations.
 - Only 45% (10 of 22) of academies provided any in-service training to law enforcement relating to child sexual abuse over the past 5 years.
 - Emphasized desire for more on-line training opportunities.

Law Enforcement Training



- Law enforcement officers are not *required* to complete any specialized training or certification once assigned as a new detective.
 - 54% (50 of 92) of law enforcement agencies reported that they do not *require* any specialized training for newly assigned detectives.
 - Only 45% (10 of 22) of academies currently offer any courses that are designed specifically for newly appointed detectives.
- However, Va. requires certification or completion of specialized training for law enforcement in many other areas:
 - General and specialty instructors, field training officers, school resource officers, K-9 handlers; child safety seat technician; use of TASER, RADAR/LIDAR, patrol rifle and other firearms, etc.

CPS Worker Training



- Newly hired CPS workers are required to complete a series of approximately 15 instructor-led courses within their first 24 months of employment.
 - Training on sexual abuse and sexual abuse investigations must be completed no later than the first 12 months of employment.
 - 2-day course on sexual abuse
 - 3-day course on child sexual abuse investigations

CPS Worker Training



- Nearly all local DSS departments reported concerns with the availability and quality of the required VDSS training for CPS workers.
- Mandated VDSS training is not provided frequently enough.
 - Training needs are significant due to high staff turnover.
 - Local DSS must absorb the costs of travel for their staff due to no trainings in close proximity within the 1 year time frame.
- Specialized/continuing education for existing CPS workers, supervisors, or directors is lacking.

School Personnel Training



- Va. Code § 63.2-1509 requires teachers to report suspected child abuse and neglect as a mandated reporter.
 - Must only report suspicion that abuse has occurred, not prove it.
 - Required to complete mandatory reporter training as part of their licensure.
 - Teachers can make report via school designee who makes report to local DSS. School designee must then report back to original mandated reporter on the status of report.

School Personnel Training



- Are immune from any civil or criminal liability in making report, unless it is proven that such person acted in bad faith or with malicious intent.
- Failure to file report as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect, shall be fined not more than \$500 for the first failure and for any subsequent failures not less than \$1,000.
 - In cases evidencing acts of rape, sodomy, or object sexual penetration, a person who knowingly and intentionally fails to make the report required pursuant to this section shall be guilty of a Class 1 misdemeanor.

Working relationships



- *Work Group* discussions and survey results pointed to concerns with the handling of child sexual abuse reports by schools.
- Per Va. Code § 63.2-1511(D), local DSS and local school divisions are required to have MOUs with each other.
 - MOU only applies to reports against school personnel.
 - Yet, only 62% (53 of 85) of local DSS reported having an MOU with local schools.

Working Relationships



- Law enforcement and local DSS relationship:
 - 92% (81 of 88) of local DSS and 88% (82 of 93) of local law enforcement agencies reported having “very good” to “excellent” working relationships with one another.
- MOUs between law enforcement and local DSS:
 - 61% (56 of 91) of law enforcement and 61% (52 of 85) of local DSS reported having a formal MOU with one another.
 - Not required by statute.

Working Relationships



- Collaboration and communication are important to successful child sexual abuse investigations.
- Virginia has long recognized this importance.
- Under Va. Code § 63.2-1507:
 - *“All law enforcement departments and other state and local departments, agencies and authorities and institutions shall cooperate with each child-protective services coordinator of a local department and any multi-discipline teams in the detection and prevention of child abuse.”*

Child Advocacy Centers (CACs)



- A Child Advocacy Center (CAC) is a:
 - child-focused, facility-based program in which representatives from many disciplines, including law enforcement, child protection, prosecution, mental health, medical, victim advocacy, and child advocacy work together to conduct interviews and make team decisions about investigation, treatment, management and prosecution of child abuse cases.
 - Source: National Children's Alliance

Child Advocacy Centers (CACs)



- Services provided by CACs generally include the following:
 - **Multidisciplinary Team Response (MDT);**
 - **Forensic Interviewing Services;**
 - Child and Family Friendly Facilities;
 - Victim Advocacy and Support;
 - Specialized Medical Evaluation and Treatment;
 - Specialized Mental Health Services;
 - Training, Education and Support for Child Abuse Professionals; and,
 - Community Education and Outreach.

Child Advocacy Centers (CACs)



- Research has demonstrated a number of positive outcomes with MDT implementation:¹
 - Better coordinated response and investigations;
 - Cost savings;
 - Increased prosecution and conviction rates;
 - Increased forensic medical exams;
 - Increased referrals to mental health services; and,
 - Increased satisfaction by caregivers.

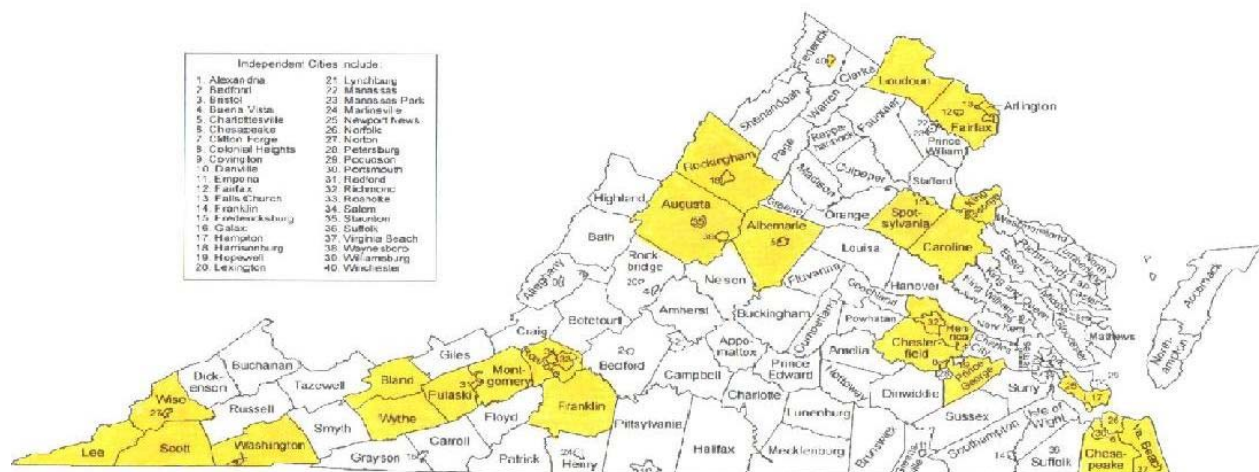
See, for example, ¹ Crime Against Children Research Center (2006). Executive summary: Findings from the UNH multi-site evaluation of children's advocacy centers.; Miller & Rubin (2009). The contribution of children's advocacy centers to felony prosecutions of child sexual abuse; Formby et al. (2006). Cost-benefit analysis of community responses to child maltreatment: A comparison of communities with and without child advocacy centers; Bonach et al. (2010). Exploring nonoffending caregiver satisfaction with a children's advocacy centers; Cross et al. (2007). Child forensic interviewing in child advocacy centers: Empirical data on a practice model.

Child Advocacy Centers (CACs)



- There are over 750 CACs nationwide, which serve children under the age of 18 with reported sexual or severe physical abuse.
 - Accreditation standards are set by the National Children's Alliance.
- Virginia has 17 CACs that serve 30% (40 of 135) of Virginia's localities.
 - 10 centers are accredited.
 - 7 centers are associate members.
- Coordination and assistance is provided to CACs by the Children's Advocacy Centers of Virginia (CACVA), an accredited chapter of the National Children's Alliance.

Child Advocacy Centers (CACs)



Source: Children's Advocacy Centers of Virginia

Child Advocacy Centers (CACs)



- In FY13, Virginia's CACs had 3,192 new children's cases referred to them.
 - 76% (2,414 of 3,192) for sexual abuse;
 - 18% (577 of 3,192) for physical abuse;
 - 9% (286 of 3,192) for physical neglect;
 - 6% (211 of 3,192) for witness to violence; and,
 - 2% (68 of 3,192) for other investigation.*
 - Cases can involve more than one type of abuse/neglect.

Child Advocacy Centers (CACs)



- A forensic interview (FI) is an approach to interviewing children where information is gathered in a child-sensitive, developmentally-appropriate and legally-defensible manner.
 - Imperative to schedule as soon as possible.
- FI's can be completed at CAC, local DSS offices, police/sheriff's office, hospitals, schools, or a child's home.
 - CAC is the most ideal location.

Child Advocacy Centers (CACs)



- CACVA and DCJS coordinate multiple *ChildFirst Virginia* forensic interview training.
 - Funded through federal Children’s Justice Act grant.
- 91% (81 of 89) of local DSS reported that FI’s were conducted for most of their child sexual abuse cases.
- 70% (62 of 89) of local DSS and 57% (52 of 92) of law enforcement agencies had at least one worker or officer who was qualified to conduct child forensic interviews.
- Survey results indicated a desire for additional workers and detectives to complete this specialized training.

Multidisciplinary Team Response



- CACs emphasize the coordination of investigation and intervention services by bringing together professionals and agencies as a multidisciplinary team (MDT) to create a child-focused approach to child abuse cases.
 - An MDT can be defined as “a group of professionals who represent various disciplines and work collaboratively to promote a thorough understanding of case issues and assure the most effective system response possible.”¹

¹ Chandler (2006). Children advocacy centers: Making a difference one child at a time.

Multidisciplinary Team Response



- An MDT includes representation from the following:

- Prosecution;
- Law enforcement;
- Child protective services;
- Mental health services;
- Medical professionals;
- Victim advocacy services;
- Children's advocacy center (if applicable); and,
- Others as necessary.

Multidisciplinary Team Response



- Case review is one of the most important functions of the MDT process.
 - MDTs will meet to share information on cases in an efficient manner, determine if any additional information or services are needed regarding the child or the child's family, and will assign specific tasks to appropriate members of the group.

Multidisciplinary Team Response



- 57% (49 of 86) of responding local DSS indicated they were a member of a MDT.
 - Of the 49 teams, 34 indicated that they met monthly.
 - Others indicated they met weekly, bi weekly, bi monthly, quarterly , or as needed depending on number of cases being investigated or prosecuted.
- The *Work Group* and survey results all emphasized the importance of developing a MDT approach in all localities.

Multidisciplinary Team Response



- The federal Children's Justice Act fund has been awarded to Virginia since 1990 to DCJS.
 - Provides training and on-site technical assistance, at no cost, to localities wishing to establish MDTs.
- CACVA has also partnered to offer pilot training and programming to localities interested in developing a MDT or CAC.

Summary



- Child sexual abuse is a serious problem that can affect anyone.
- Victims can experience many negative short- and long-term consequences.
- Child sexual abuse, similar to all types of sexual offenses, is a highly underreported crime.
 - As such, accurate incidence and prevalence rates are difficult to estimate.
- Prosecution and conviction rates are also low.

Summary



- VDSS provides oversight to 120 local DSS, which operate autonomously.
- Local DSS/CPS handle reports of neglect and abuse that involve a caretaker.
 - Referrals for physical neglect are the highest.
- Local DSS is required to report all cases of child sexual abuse immediately to law enforcement and the Commonwealth's Attorney.

Summary



- If investigated by DSS, the burden of proof for founded cases is preponderance of the evidence. If the evidence does not meet this burden of proof, the case is considered to be unfounded.
- Retention times vary for founded, unfounded and family assessment cases.
 - There is concern that unfounded cases should be retained for a longer period of time.
- The timeframe and burden of proof for investigations is very different for CPS and law enforcement.
 - This disparity can lead to investigatory concerns.

Summary



- Caseload levels are very high for both local DSS and law enforcement.
 - Staff turnover is also a concern for both.
- Basic law enforcement training appears to be adequate; however, in-service/specialized training needs to be offered more frequently.
 - On-line training is highly desired.
- There is currently no requirement for newly assigned detectives to complete any type of certification or specialized training.

Summary



- Mandated VDSS training for newly hired CPS workers needs to be made more available across the state.
 - Specialized and/or continuing education for existing CPS workers needs to be made available.
- School divisions are required to have an MOU with their local DSS; however, it appears that this requirement is not being fully complied with.
 - Further, the MOU is only required to address reports against school personnel.
- Based on survey results, it appears that the vast majority of law enforcement and local DSS have a “very good” to “excellent” relationship.
 - However, only 61% reported having an MOU with one another.

Summary



- Child advocacy centers have been shown to provide numerous positive outcomes in child sexual abuse cases by coordinating the investigation and promoting a child-focused environment.
 - There are 17 CACs in Virginia.
- Forensic interviews are being provided in most child sexual abuse cases, but there is a need to train additional personnel to increase availability in localities.
- The multidisciplinary team (MDT) is the foundation to the CAC model.
 - The need to implement MDTs, at a minimum, across the state was strongly encouraged.

Policy Options



- Statutorily **require** the creation, maintenance, and coordination of multidisciplinary teams, specifically for child sexual abuse cases.
 - Who should be designated as coordinator?
 - Commonwealth's Attorney or designee?
 - Meetings should ideally be held once per month.
 - Require that MOUs be established between the MDT members.
 - MDT would review both caretaker and non-caretaker cases.
 - Goal implementation date: July 1, 2015.
 - VSCC staff could provide a follow-up on status in Fall 2015.

Policy Options



- Amend Va. Code § 63.2-1505(B)(5) to extend the requirement for a CPS investigation to be completed from 45 days to 90 days, whenever a joint investigation is being conducted between law enforcement and local DSS, for child sexual abuse investigations.
 - Written justification and approval process would be the same as outlined in this Code section.

Policy Options



- Amend Va. Code § 63.2-1514 to extend the amount of time unfounded records are maintained from 1 year to 3 years.
 - *Family assessments, which are typically less serious, are kept for 3 years with no disposition.*
 - *Unfounded cases are typically more serious and may involve alleged sexual abuse, but did not meet preponderance of evidence standard.*
 - *No history to reference and collateral contacts lost if same or similar subsequent allegations occur, which can impact child's safety.*

Policy Options



- Amend Va. Code § 63.2-1511(D) to extend the scope of MOUs between school divisions and local DSS to include all types of child sexual abuse reports involving a student.
 - MOUs should detail the process for Va. Code § 63.2-1503(P).
 - Goal implementation date: July 1, 2015.
 - Include requirement to submit a report on the status of MOUs between schools and local DSS in the Board of Education's annual report.

Policy Options



- Require that all newly appointed detectives complete certification/specialized training within a year of assignment.
 - *Should include compulsory, minimum elements that every newly assigned detective should know, such as interview/interrogation, search and seizure, basic crime scene investigation, courtroom testimony, etc.*

Policy Options



- Require that local DSS input additional documentation in OASIS, when reporting all referrals involving child sexual abuse, to include:
 1. Method of reporting (telephone, e-mail, fax, etc.)
 2. Date and time of report
 3. Name of law enforcement officer(s) to whom report was made.
 4. Verification that report was received or number of attempts to notify.
 - *Improve tracking of CPS notification to law enforcement for incidents of child sexual abuse.*
 - *Current available data for this information in OASIS is inaccurate.*
 - *Must improve accountability through accurate data collection and tracking.*

Policy Options



- Other collateral issues have been identified that could be further reviewed in a second year, including:
 - *Role of schools in identifying and reporting abuse; working with CPS and law enforcement;*
 - *VDSS data collection system and process;*
 - *Internet Crimes Against Children (ICAC) Investigations and cross-over to "contact" offenses;*
 - *Appeal process;*
 - *Role of non-offending parent;*
 - *Role of GALs;*
 - *Juvenile perpetrators; and/or,*
 - *Services available for children and families.*

Acknowledgements



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- Criminal Justice Academy Directors
- Law Enforcement Agencies
- Local Departments of Social Services
- Va. Association of Chiefs of Police
- Va. Criminal Sentencing Commission
- Va. Department of Social Services
- Va. Sheriff's Association



Discussion