



***House Joint Resolution 595
Child Sexual Abuse Work Group
July 23, 2013***

Overview



- House Joint Resolution 595
- Study Plan
- Discussion Topics:
 - Problems with existing systems and procedures
 - Ideas for improvement in Virginia

House Joint Resolution 595



- In 2013, the Virginia General Assembly passed House Joint Resolution 595.
- The resolution directs the Crime Commission to study a number of issues related to the investigation and prosecution of child sexual abuse in Virginia.

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- The resolution 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;
- 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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- The VSCC is directed to convene a work group consisting of the following representatives:
 - A rural and an urban CPS unit;
 - A rural and an urban law enforcement agency;
 - A rural and an urban prosecutor;
 - A rural and an 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;
 - A nationally accredited child advocacy center;
 - A victim’s rights organization; and,
 - Others as necessary—Dept. of Education; Superintendents Assoc.; medical profession; citizen of the Commonwealth.
- All representatives shall have experience with cases of child sexual abuse.

Study Plan



- In addition to the work group, staff will:
 - Conduct a general literature and statutory review;
 - Collect available data from relevant agencies;
 - Survey local CPS units; law enforcement agencies; Commonwealth’s Attorneys; and,
 - Continue to meet with key stakeholders who work in preventing, investigating, and prosecuting child sex abuse to help child victims.

Study Plan- *Data Sources*



- Staff has contacted, or will contact:
 - Va. Dept. of Social Services
 - On-line Automated Services Information System (OASIS)
 - Child Protective Services Accountability System Reports
 - Va. Criminal Sentencing Commission
 - Total # of charges and convictions
 - Va. State Police
 - Total # of offenses reported and # arrests
 - Child Advocacy Centers
 - Total # of children served

Study Plan



- Findings and possible policy options are tentatively scheduled to be presented at the November 14, 2013, Crime Commission meeting.
- Final Crime Commission legislative or policy recommendations might be voted upon at the December 2, 2013, meeting.
- Both meetings are scheduled for 10:00 a.m. in Senate Room A of the General Assembly Building.
- A final report will be published in January 2014.

Discussion- *CPS Investigations*



- What is frustrating with the current system, from the standpoint of CPS investigations?
- Are there any problems with operations?
- Are there any problems with current statutes, policies, or regulations?

Discussion- *CPS Investigations*



- For example:
 - Should there be better access by CPS workers to all relevant victim and offender information files?
 - Should the suspect receive any notification about a right to an attorney when interviewed by CPS?
 - Should there be greater authority for CPS to take a child into immediate custody?
 - Should the reunification policy of DSS be examined?
 - Should retention policies of DSS case records be reexamined?

Discussion- *CPS Investigations*



- Should Va. Code § 63.2-1517 be modified to make clear that law enforcement or CPS may transport a child to a forensic interview if sexual abuse is suspected?
 - This statute currently requires that a court order is not “immediately obtainable,” and mandates that parents be notified as soon as possible, and a court hearing be held within 72 hours.

Discussion- *CPS Investigations*



- Should Va. Code § 54.1-2969 be modified to allow a CPS worker, who has custody of a minor, to officially request a sexual assault exam?
 - Currently, the statute speaks of obtaining “medical treatment,” which is arguably different from gathering forensic evidence.

Discussion- *Law Enforcement Investigations*



- What is frustrating with the current system, from the standpoint of law enforcement investigations?
 - Any variations in contact versus ICAC investigations?
- Are there any problems with how investigations are carried out?
- Are there any problems with current statutes, policies, or regulations?

Discussion- *Criminal Prosecutions*



- What is frustrating with the current system, from the standpoint of criminal prosecutions?
 - Are the existing criminal laws in Virginia adequate to prosecute defendants who sexually abuse children?

Discussion- *Criminal Prosecutions*



- Should prosecutors be able to petition a court where a criminal charge is pending, to obtain a protective order prohibiting or restricting contact between the defendant and the victim?
 - Should this be the equivalent of Virginia's existing protective order statutes, or should a new statutory protective order be created?
 - Existing protective orders prohibit possession of firearms; require entry of relevant information into the VCIN system.

Discussion- *School Administration*



- What is frustrating with the current system, from the standpoint of dealing with school administration?
 - Any cooperation issues?
 - Are there any problems with regulations, policies, or laws?

Discussion



- From a system-wide perspective, are there any problems with the interaction of CPS, law enforcement, and prosecutors, at a local level?
- Are the problems structural—due to current laws, regulations, funding—or organizational/procedural?
- Could any of them be addressed with statewide measures?

Discussion



- What could be done to improve things for CPS investigations in Virginia?

Discussion



- What could be done to improve things for law enforcement investigations in Virginia?

Discussion



- What could be done to improve things for criminal prosecutions in Virginia?

Discussion



- Are there any issues with training for all disciplines?
- Are there ways in which training could be improved?

Discussion



- Is there a better way to receive and track alleged cases of child sexual abuse?



Other Issues?

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