



House Joint Resolution 595
Child Sexual Abuse Work Group
June 20, 2013

Overview



- Virginia State Crime Commission
- House Joint Resolution 595
- Study Plan
- Discussion Topics:
 - Problems with existing systems and procedures
 - Ideas for improvement in Virginia
 - Suggestions for survey topics and questions

Virginia State Crime Commission



- The Virginia State Crime Commission (VSCC) is a legislative agency, established in 1966, with the mission to “study, report and make recommendations on all areas of public safety and protection.”
 - “It shall endeavor to ascertain the causes of crime and recommend ways to reduce and prevent it.”

Virginia State Crime Commission



- The VSCC is a criminal justice agency, and routinely receives privileged and confidential information.
- To facilitate the ability of the VSCC to fully investigate sensitive topics, we are exempt from state and federal FOIA laws and requirements.

Virginia State Crime Commission



- While the VSCC investigates topics relating to crime and the criminal justice system, it is not an executive branch agency, and does no enforcement work.

Virginia State Crime Commission



- The VSCC works closely with the Virginia legislature on:
 - Carrying out assigned studies;
 - Proposing new statutes and statutory changes;
 - Making official endorsements and recommendations on criminal justice and public safety issues;
 - Assisting with legislative drafting; and,
 - Analyzing criminal justice and public safety bills during Session.

Virginia State Crime Commission



- The membership of the VSCC is defined by statute:
 - Six members from the Va. House of Delegates;
 - Three members from the Va. Senate;
 - Three members appointed by the Governor; and,
 - The Attorney General of Virginia, or designee.
- The legislative members of the VSCC are among the ranking members of both the House and the Senate.

Virginia State Crime Commission



- The current members of the VSCC are:
 - Delegate Rob Bell (Chair)
 - Senator Janet Howell (Vice-Chair)
 - Delegate Todd Gilbert
 - Delegate Charniele Herring
 - Delegate Manoli Loupassi
 - Delegate Beverly Sherwood
 - Delegate Onzlee Ware
 - Senator Thomas Norment
 - Senator Bryce Reeves
 - Robyn Diehl McDougale, Ph.D. (Va. Commonwealth Univ.)
 - Nancy Parr (CA for Chesapeake)
 - Jim Plowman (CA for Loudoun)
 - Patricia West, Chief Deputy (Attorney General's Office, Designee)

House Joint Resolution 595



- In 2013, the Virginia General Assembly passed House Joint Resolution 595.
- The resolution was originally two separate resolutions, dealing with different subjects, that were joined together during the legislative process.
- As a result, there are two distinct parts to the resolution study.

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- The first part deals with legal, consensual sexual activity between adult high school students (over the age 18) and high school teachers.
 - The Crime Commission will be deciding whether such conduct should be made illegal.
- This is NOT connected with the second part of the study, and is not within the purview of this work group.

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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;
- 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.
- All representatives shall have experience with cases of child sexual abuse.
- ***Thank you for agreeing to participate in the work group!***

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

Are there any other data sources?

Discussion



- What information would be valuable to collect from surveys?
 - CPS local units?
 - Law enforcement?
 - Commonwealth's Attorneys?

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- *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- *Law Enforcement Investigations*



- For example:
 - Should there be a mandatory investigation by law enforcement within 24 hours of a CPS report (or faster)?
 - Does there need to be better tracking of CPS notifications to law enforcement?
 - Should law enforcement training relating to child sexual abuse be examined?
 - Is law enforcement responsive to the needs of CPS and vice-versa?

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- *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?

Discussion



Other Issues?

Contact Information



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