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WE HEREBY RECOMMEND THAT THE DISSERTATION BY

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LEGAL DECISION-MAKING IN CHILD SEXUAL ABUSE INVESTIGATIONS:

FACTORS THAT INFLUENCE PROSECUTION

**BE ACCEPTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE
DEGREE OF PH.D. IN SOCIAL WORK.**

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**LEGAL DECISION-MAKING IN CHILD SEXUAL ABUSE INVESTIGATIONS:
FACTORS THAT INFLUENCE PROSECUTION**

BY

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DISSERTATION

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LEGAL DECISION-MAKING IN CHILD SEXUAL ABUSE INVESTIGATIONS:
FACTORS THAT INFLUENCE PROSECUTION

An Abstract of a Dissertation
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the Faculty of the Graduate College of Social Work
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of the Requirements for the Degree of
Doctor of Philosophy in Social Work

By

Jacquelynn F. Duron

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Abstract

This mixed-method, multiphase study explored factors associated with child sexual abuse cases that are accepted for prosecution. Prosecution of child sexual abuse is the most consequential approach communities have for addressing perpetrators, yet as many as 72% of perpetrators evade prosecution despite evidence of the crime (Cross, Walsh, Simone, & Jones, 2003). In order to explore the decision to prosecute, quantitative and qualitative data were sequentially integrated across three phases of study. This research incorporated prosecutor perceptions surrounding influential factors to analyze 100 child sexual abuse case records and forensic interviews for children who provided a disclosure through a Children's Advocacy Center. This exploration concluded with prosecutor reviews of 10 prosecuted cases. Analytic methods included logistic regression modeling to determine predictive factors associated with a decision to prosecute and framework analysis to further confirm and expand upon the factors found to influence prosecution. Findings across all phases of study indicate that prosecution is most strongly predicted by caregiver support, the availability of other evidence, and family engagement in services. Additionally, emergent themes indicate that the decision to prosecute requires an ongoing evaluation of the evidence and a balanced approach. These findings present opportunities for multidisciplinary teams of professionals to provide assistance to families who are likely to interface with legal proceedings. Findings support prosecution of sexual abuse when appropriate as one component in a system wide approach to child sexual abuse prevention.

*** In order to protect the identity of the children and families whose cases were used for this study, "CAC" is used to represent all references to the specific CAC where data were collected and "Child Abuse Division" is used to represent all references to the specific District Attorney office involved in this study.

Dedication

I dedicate this dissertation to my beloved Sara. Four years of doctoral education have culminated in the completion of this research. To a significant extent, I was able to complete this study, because of your never-ending support, unconditional love, and encouragement. When I was exhausted and overwhelmed you reminded me of my purpose. You said, “You chose to do this because it was important to you.” This became my mantra over the last several months. Thank you for caring for me and sacrificing so much of our time together so that I could accomplish this. I am ready to regain our quality time and continue building our future.

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Chapter 1

INTRODUCTION

Child sexual abuse is a crime. It destroys trust and safety and can severely impair the well-being of children and families. In many states, child sexual abuse allegations are investigated in partnership with a Children's Advocacy Center (CAC), a non-profit organization whose mission is to provide child-friendly service throughout the difficult process. One of the most critical components of the investigation commences with the forensic interview, a semi-structured interview approach for giving a child an opportunity to tell about abuse. Through the process of disclosure, of telling about a sexual abuse experience, the child provides the primary evidence for the entire case. The level of detail provided in this narrative provides opportunities for investigators to corroborate the account by confirming details that can be checked.

While many decisions are made throughout the investigative process, the decision to prosecute ultimately lies in the hands of the prosecutor who reviews the case and makes a decision to pursue charges or not. This research study focused on the decision to prosecute a child sexual abuse case by exploring a sample of disclosure cases from one CAC to determine which factors influence prosecution. The factors explored included characteristics of the child, characteristics of the adult perpetrator, details provided in the disclosure narrative, and the availability of other evidence. Identification of influencing factors may lead to strategies for supporting the prosecution process. Through the criminal justice system, communities hold child sex offenders accountable and seek to prevent further abuse for the victimized child and other potential victims.

Background

In 2012, 62,936 cases of child sexual abuse (CSA) were reported in the United States,

accounting for 9.3% of all reported cases of child abuse (U.S. Department of Health and Human Services). In one southern state, more than 28,800 children are sexually abused annually, the majority by family members or close acquaintances (CAC report, 2014). From 1992 through 2010, several sources consistently report a decline in child sexual abuse from over 150,000 cases to 63,000 cases (Finkelhor & Jones, 2012). These reports coincide with declines reported by CPS and victim self-reports (Sedlack et al., 2010). This trend likely represents a real decline in abuse as crimes in other categories have also declined and may represent a decreased tolerance for sexual abuse (Berliner, 2011). It is likely that the downward trend reflects intensive prevention, treatment, and criminal justice efforts (Finkelhor & Jones, 2004). Despite the decline, the impact of child sexual abuse can be incredibly damaging and presents a risk for initiating an intergenerational cycle of sexual abuse victimization (Finkelhor & Jones, 2004).

Consequences of Sexual Abuse

Child sexual abuse is a chronic health problem. Child sexual abuse presents potentially persistent harm that may depend upon prior trauma and psychological difficulty, the severity of the abuse, and the response of others when a child discloses (Berliner, 2011). Children and adolescents who have experienced sexual abuse are at great risk for a myriad of lifetime concerns including emotional and behavioral problems. A history of sexual abuse has been significantly attributed to a higher risk of pregnancy among high school students (Saewyc, Magee, & Pettingell, 2004). Adolescents who have experienced child sexual abuse have been found to have greater psychological symptoms and functional impairment (Houck, Lugent, Nescano, Peters, & Brown, 2010). These adolescents have high incidents of Major Depressive Disorder, Post Traumatic Stress Disorder, problematic alcohol and drug use, and delinquent behaviors (Danielson et al., 2010). Substance use, specifically alcohol, marijuana, and hard

drugs such as stimulants and hallucinogens, have also been related to child sexual abuse among adolescent females involved in the juvenile justice system (Smith & Saldana, 2013). Risky behaviors may linger into adulthood as child sexual abuse has been associated with adverse sexual behaviors in both women and men, including sex trading, more sexual partners, more unprotected sex, and earlier age of first sexual encounter (Senn, Carey, & Venable, 2008). Even when negative family environment is controlled, individuals who have experienced child sexual abuse are not as well adjusted in adulthood as those individuals who did not experience sexual abuse (Merrill, Thomsen, Sinclair, Gold, & Milner, 2001).

Characteristics of Victimization

Although child sexual abuse can affect any child from any circumstance, certain factors present a greater chance for victimization. Children are consistently vulnerable to child sexual abuse from the age of 3 years (Sedlak & Broadhurst, 1996). Girls have long been characterized as having a higher risk for victimization than boys (Berlinger, 2011; Gault-Sherman, Silver, & Sigfusdottir, 2009; Sedlack et al., 2010). In research focused on abuse committed by clergy, opportunity rather than gender preference appeared to be the primary motive (Holt & Massey, 2013) suggesting that situational factors impact perpetrator choice of victim (Terry & Freilich, 2012) in addition to sexual preference. Among a sample of convicted sex offenders, 29% admitted abusing both males and females (English, Jones, Patrick, & Pasini-Hall, 2003). Sedlack et al. (2010) found that gender, family structure, socioeconomic status, and number of children in a household were all risk factors for sexual abuse. Others have found that overall, neither race nor low-income status appears to be associated with sexual abuse (Putnam, 2003).

In a recent study of risk factors associated with girls, the absence of one or both parents, maternal education of less than college, and family income below 400% of poverty presented

greater risk of abuse (Butler, 2013). Additionally, a lack of caregiver affection and warmth, an increase in emotional neediness, presence of impulsivity, low achievement scores and special education needs present greater risks for abuse (Butler, 2013). Other child characteristics that make children vulnerable to abuse are low self-esteem or lack of confidence, and being overly trusting of others (Goodyear-Brown, Fath, & Myers, 2012). Family dynamics also contribute to exposure of child sexual abuse, with children who are abused often coming from dysfunctional, more disorganized, and less cohesive family environments (Berliner, 2011). A lack of supervision for children or isolation also presents critical vulnerabilities (Goodyear-Brown et al., 2012).

Disclosing Sexual Abuse

Disclosing child sexual abuse is difficult. Disclosure has been estimated to occur at alarmingly low rates with approximately only 10% of all child sexual abuse offenses committed being disclosed (National Association of Counsel for Children (NACC), 2007) and less than 10% of abuse cases reported to authorities (Lyon & Ahern, 2011). Researchers speculate various reasons for low disclosure. Secrecy (McElvaney, Green, & Hogan, 2012), stigma and powerlessness (Gibson, & Leitenberg, 2001), manipulation (Leahy, Pretty, & Tenenbaum, 2004), and shame (Weille, 1997) all dissuade children from disclosure. Relationship dynamics involving coercion and ongoing abuse can delay disclosure and are often mixed with confusing feelings of affection for the abuser (Cheung, 2012). Further, the gender relationship between the child and perpetrator may present difficult feelings. With the national prevalence of child sexual abuse committed by male perpetrators reaching 87% (Sedlack et al., 2010), male victims may strongly feel the stigma of being viewed as homosexual as in insurmountable deterrent to disclosure (Alaggia, 2004). Negative feelings such as these and family dynamics can influence

whether or not a child will disclose abuse (Alaggia & Kirshenbaum, 2005). With so many barriers to disclosing abuse, a delay may be experienced. Paine and Hansen (2002) found that the average delay from onset of abuse to disclosure reported across studies ranged from 3 to 18 years. Family responses may be critical to overcoming a delayed outcry, with children who have supportive caregivers being 3.5 times more likely to disclose abuse (Paine & Hansen, 2002).

Supportive Response to Disclosure

Disclosure of abuse is critical for a child's well-being and safety, but disclosure of abuse is not enough. A supportive response makes a tremendous difference in outcomes. Children whose disclosure was limited to only telling someone about the abuse at the time of abuse, without further discussion, experienced more negative mental health symptoms as adults than those who told someone and discussed the abuse within a year of the experience (O'Leary, Coohey, & Easton, 2010). Additionally, a non-supportive response by parents, specifically a mother's negative response, may relate to increased mental health symptoms (Browne & Finkelhor, 1986) and greater psychological distress (Bernard-Bonnin, Hebert, Daignault, & Dansereau, 2008). Disclosure is an ongoing, life-long process of seeking support (Jonzon & Lindblad, 2005), making it critical that families provide support to children in the position to disclose child sexual abuse. Moreover, prosecution is dependent on disclosure.

Prosecution of Sexual Abuse Cases

A low disclosure rate or lack of disclosure adds to the burden of prosecution and makes child sexual abuse one of the least prosecuted crimes (NACC, 2007). The decision to prosecute is often focused on the child's disclosure statement as less than 5% of child sexual abuse cases have physical evidence (Heger, Ticson, Velasquez, & Bernier, 2002). The lack of a standard approach to prosecution may be related to the great diversity of factors that are considered in the

decision, as Cossins (2011) lists:

...the child's age, relationship with the offender, relationship with their parents, access to the police and emotional stability to give evidence; an offender's silencing methods; parental denial; quality of the police investigation; presence or absence of corroborating evidence; low guilty plea rates; and low conviction rates at trial. (p. 834)

Hartley, Mullings, and Marquart (2013) suggest that research identifying factors associated with prosecution may inform decisions about which cases should successfully move through the system and should be accepted. An early report from the American Bar Association (ABA, 1981) indicates that 25% (about 71 prosecutors) of respondents to a questionnaire described having special policies for determining whether or not to prosecute family cases. In non-family cases there was a greater likelihood of prosecution, with about 80% of non-family cases prosecuted compared to about 75% of intra-family offenders (ABA, 1981). For family cases, the most cited reasons for not prosecuting was incompetency of the child (being too young or forgetful of specific dates or places), lack of corroboration, and sometimes lack of child credibility or retracting (ABA, 1981). Pressure from the family to dismiss or to prevent a child from testifying might also influence the decision to prosecute (ABA, 1981).

Standards for Prosecution

The decision to prosecute ultimately depends on the discretion of the prosecutor. Understanding the prosecutor's role and responsibilities is important for better understanding the decision-making process. The national prosecution standards outlined by the National District Attorney's Association (2004) describe the primary role and responsibility of a prosecutor as:

The prosecutor is an independent administrator of justice. The primary responsibility of a prosecutor is to seek justice, which can only be achieved by the representation and

presentation of the truth. This responsibility includes, but is not limited to, ensuring that the guilty are held accountable, that the innocent are protected from unwarranted harm, and that the rights of all participants, particularly victims of crime, are respected. (1-1.1)

The criminal justice standards emphasize that the “duty of the prosecutor is to seek justice, not merely to convict” (Standard 3-1.2). The most informative description comes from Standard 3-3.9, Discretion in the Charging Decision:

(a) A prosecutor should not institute, or cause to be instituted, or permit the continued pendency of criminal charges when the prosecutor knows that the charges are not supported by probable cause. A prosecutor should not institute, cause to be instituted, or permit the continued pendency of criminal charges in the absence of sufficient admissible evidence to support a conviction.

(b) The prosecutor is not obliged to present all charges which the evidence might support. The prosecutor may in some circumstances and for good cause consistent with the public interest decline to prosecute, notwithstanding that sufficient evidence may exist which would support a conviction. Illustrative of the factors which the prosecutor may properly consider in exercising her or his discretion are:

- (i) the prosecutor's reasonable doubt that the accused is in fact guilty;
- (ii) the extent of the harm caused by the offense;
- (iii) the disproportion of the authorized punishment in relation to the particular offense or the offender;
- (iv) possible improper motives of a complainant;
- (v) reluctance of the victim to testify;
- (vi) cooperation of the accused in the apprehension or conviction of others; and

(vii) availability and likelihood of prosecution by another jurisdiction.

Regarding the decision-making process, the National Center for the Prosecution of Child Abuse (2004) states that a basic understanding of the primary dynamics of child abuse is needed.

With considerable power, the prosecutor must evaluate competing considerations balancing the needs of the victim, the need for accountability, the need for justice, and the need for the system to deter criminal behavior (National Center for the Prosecution of Child Abuse, 2004).

Additionally, the prosecutor is asked to make an objective evaluation of the evidence and each office is allowed to use different standards for filing criminal cases, although the Center suggests that the standard should exceed probable cause that a crime was committed by the person indicated in the charge (National Center for the Prosecution of Child Abuse, 2004).

Statement of the Problem

As many as 72% of child sexual abuse perpetrators evade prosecution despite evidence of the crime (Cross et al., 2003), suggesting that criminal prosecution of child sexual abuse is an arduous process. While some jurisdictions report prosecution rates as high as 94% (Cross et al., 2003), the disparity in charges suggests the need for additional research to further explore the legal decision-making process. Given the individual discretion inherent in pursuing prosecution, combined with the primary evidence of a child's disclosure, it is imperative to research the decision making process of child sexual abuse prosecution.

While previous research has examined some of the factors associated with prosecution (Connolly, Price, & Gordon, 2010; Hagborg, Stromwall, & Tidefors, 2012; Mac Murray, 1989; Moore, 1998), these studies do not integrate prosecutor feedback about the issues and dynamics of a case that influence the decision to charge. Additionally, Children's Advocacy Centers are the central setting for legal investigation of sexual abuse in many locales and are responsible for

conducting the required forensic interview, often the primary and only evidence available. Previous research focusing on CAC forensic interviews has primarily analyzed overall interview quality (Hagborg et al., 2012) and has not explored the number of details provided or the specific questions used to transition a child into a narrative disclosure describing sexual abuse experiences. Prosecution of perpetrators in child sexual abuse cases is often contingent upon the level of dependable details collected from the child (Perona, Bottoms, & Sorenson, 2006) with disclosure linked to a greater likelihood that charges will be filed (Walsh, Jones, Cross, & Lippert, 2010).

Case records documenting information about the child, perpetrator, abuse, and legal outcomes are important for understanding criminal prosecution, but records may not fully depict the circumstances surrounding a prosecutor's efforts to pursue a case. Prosecutor input is needed to better understand and interpret criminal prosecution decisions. While it can be difficult to navigate the judicial process to determine legal outcome, acceptance of a case for filing charges (rather than rejection or referral to a diversion program) is a good predictor of whether or not a case will be convicted (Cross, Whitcomb, & DeVos, 1995). Criminal conviction is the most consequential response communities have for addressing the problem of child sexual offenders (Cross et al., 2003). Prosecution may be important in returning control to the child, promoting safety, preventing offenders from further crime, and holding offenders accountable (Walsh et al., 2010). Prosecution of child sexual abuse is an important step in the protection of children with research demonstrating that those convicted of a child sexual offense are twice as likely to be reconvicted for a sexual offense as those just strongly suspected (Soothill, Harman, Francis, & Kirby, 2005) with recidivism ranging from 5-30% for low risk offenders and up to 90% for high risk offenders (Cossins, 2011).

Purpose of the Study, Aims, & Research Questions

This mixed-method, multiphase study explored the factors associated with a decision to prosecute a perpetrator in a child sexual abuse case. In an effort to better understand factors that distinguish cases that advance to criminal prosecution from those that do not, this research investigated the predictors of prosecution (a decision to pursue charges) by 1) incorporating prosecutor perceptions of influencing factors, 2) analyzing child demographics, perpetrator demographics, abuse details provided in the forensic interview, and 3) integrating prosecutor feedback about specific cases to explore the legal decision-making process. Disclosure cases from a CAC in a large Southern city were used to analyze case records, videotaped forensic interviews, and prosecutor decisions. The purpose of this study was to explore factors that distinguish cases that progress to criminal prosecution from those that do not. Using a sample of child sexual abuse cases (N=100) and four criminal prosecutors as informants associated with the CAC, this study pursued the following aims:

1. Explored factors influencing prosecutor decision making through individual interviews
 - qualitatively
 - a. Research question: What is the process for pursuing prosecution?
 - b. Research question: What influences your decision to pursue prosecution?
2. Examined differences in case characteristics (e.g. gender, age, relationship, details, etc.) associated with legal outcomes among cases that proceeded to prosecution compared to those that do not through CAC records– quantitatively
 - a. Research question: What factors are associated with prosecution of a child sexual abuse case?

3. Examined the decision making process of prosecutors by exploring a selection of prosecuted cases through individual interviews– qualitatively
 - a. Research question: What were the characteristics of each case that led to prosecution?

Research Contribution

The primary purpose of Children’s Advocacy Centers is to improve services provided to children involved in sexual abuse investigations by providing a child-friendly atmosphere that uses methods, such as the recorded forensic interview, to minimize trauma that may be experienced when disclosing abuse (NACC, n.d.). The forensic interview serves as the primary evidence against a perpetrator. This study elucidates trends related to child sexual abuse investigations that result in criminal prosecution. The study informs best practices for facilitating forensic interviews, an influencing factor for prosecution, further improving the investigative process and legal accountability. Knowledge of the issues influencing legal outcomes may assist the multi-disciplinary team approach for completing investigative services in order to increase the prosecution of child sexual abuse.

This study expands on previous literature by using a mixed-method approach to distinctly connect prosecutor feedback with the forensic interview evidence and individual case dynamics for extrapolating a prediction model about child sexual abuse cases that proceed to criminal prosecution. While much of the previous literature has examined various aspects of forensic interviewing, this study examined forensic interviews for the specific questions asked to help children disclose actual abuse and evaluated the level of details (total) provided through sensory focused questioning. This knowledge about the specific techniques and particular questions used by forensic interviewers to assist children in disclosing actual abuse can immediately be applied

to strengthen child sexual abuse investigations. This study complemented case file data with data gathered from exploring issues faced by prosecutors in making final legal decisions. Knowledge about the obstacles prosecutors face in pursuing criminal charges such as lack of family support, unclear disclosure statements that could not be corroborated, lack of evidence, etc. will help improve sexual abuse prevention efforts by promoting new advocacy center policies around engaging families, helping children clarify statements, and making informed decisions to better use limited legal resources. Improvements to the legal investigative process are founded on the objective of holding offenders accountable and protecting communities.

Definitions of Key Terms

The definitions of key terms are provided to better facilitate understanding of words as defined by state statutes or widespread practical acceptance and to clarify how major concepts are operationalized in this study.

Child Sexual Abuse. Generally, as defined in the Penal Code Sections 21.11, 22.011, and 43.24, child sexual abuse refers to contact, exposure, sexual intercourse, and sale, distribution, or display of harmful materials (sexual) to an individual younger than 17 years of age. The Penal Code defines child sexual abuse in terms of criminal offenses, from indecency to aggravated sexual assault. Offenses vary in level of criminality ranging from misdemeanors to felonies (increasing in severity from fourth to first degree). For example, penile penetration is an aggravated sexual assault and is a felony of the first degree.

Disclosure. Disclosure refers to the process of providing an outcry for help in which a child tells about the sexual abuse that has occurred (Cheung, 2012). Disclosure can result from purposeful telling, accidental observation of abuse, change in behaviors, or suspicions by others

(Cheung, 2012). If a child acknowledges and describes sexual abuse, whether the process was intentional or not, this is considered to be disclosure for the purpose of this study.

Prosecution. Black's Law Dictionary (Black, 1968) defines criminal prosecution as "a proceeding instituted and carried on by due course of law, before a competent tribunal, for the purpose of determining the guilt or innocence of a person charged with a crime" (p. 1385). This study focuses on the intake decision to prosecute or not. While additional information was available for the case reviews conducted with prosecutors, the CAC data does not include information about the various negotiation factors. The CAC files have limited data indicating whether charges were filed and what the final outcome was.

Summary of Introduction

Child sexual abuse violates a child's well-being and is a criminal offense. The ramifications of sexual abuse are severely damaging to the child with many detrimental psychological and behavioral effects. Disclosure of sexual abuse is a difficult process whereby a child seeks help by telling about their sexual experience. Disclosure is important for legal investigation because the child's account is often the primary source of evidence. Prosecution presents a critical opportunity to protect the victimized child from ongoing abuse and protect other potential victims by providing punishment that holds the perpetrator accountable.

In the legal investigative process, the forensic interview is an essential data gathering process. Children's Advocacy Centers were created to improve team services to children in sexual abuse cases. This study explored how various factors related to the child, perpetrator, abuse, and disclosure statement in sexual abuse cases conducted at a CAC influence the prosecutor's decision to file criminal charges or not. The study is presented in the following

chapters as Chapter 2: Literature Review, Chapter 3: Methods, Chapter 4: Findings, and Chapter 5: Discussion and Conclusions.

Chapter 2

LITERATURE REVIEW

The literature on factors associated with prosecution of child sexual abuse has spanned over four decades (see Cole, 1970; Hartley, Mullings, & Malquart, 2013; Mac Murray, 1989; Martone, Jaudes, & Cavins, 1996). Previous studies evaluating prosecution have explored influencing factors associated with the age, gender, and race of the child and perpetrator (Brewer, Rowe, & Brewer, 1997; Cross, De Vos, & Whitcomb, 1994; Hartley et al., 2013; Mac Murray, 1989; O'Donohue, Smith, & Shewe, 1998), credibility related to these factors (O'Donohue et al., 1998), relationship to the perpetrator (Brewer et al., 1997; Cross et al., 1994), and availability of evidence (Brewer et al., 1997; Cross et al., 1994). Cross et al. (1994) further examined how severity of abuse, mother's support, and relationship to the first disclosure person related to prosecution. Credibility, viewed as honesty and cognitive ability and its association with conviction, has also been studied (Connolly, Price, & Gordon, 2010). Stroud, Martens, and Barker (2000) found that 65% of cases prosecuted involved disclosure statements. Additionally, Hagborg, Stromwall, and Tidefors (2012) found that although forensic interviews with older children demonstrated better quality in interviewer techniques such as building rapport and asking questions, this was not associated with higher rates of prosecution.

This review of the literature first describes the factors associated with child sexual abuse cases that affect prosecution beginning with the children's advocacy model of service. Second, it provides a discussion of the forensic interview process and the rationale behind using standardized protocol. Third, it describes the motivation to disclose as well as potential reluctance to disclosure. Fourth, it is a review of the elements related to the child, perpetrator, and evidence that influence prosecution. Finally, this chapter concludes with the conceptual

framework used in this study, outlining and describing the theories that have informed and supported this research.

The Children's Advocacy Model

Children's Advocacy Centers (CAC) began in 1984 with the advocacy efforts of an Alabama District Attorney Bud Cramer (Faller & Palusci, 2007). Today, there are over 900 locations providing child-focused coordinated services designed to minimize trauma by alleviating the need for repeated interviews (National Children's Advocacy Center, 2014; National Children's Alliance, 2009). The agency operates through a multidisciplinary model whereby Child Protective Services, law enforcement, mental health professionals, the district attorney's office, and other necessary staff collaborate to provide needed interventions for the child (National Children's Alliance, 2009). Children's Advocacy Centers were established to improve criminal prosecution of child sexual abuse by coordinating child centered criminal investigations (Faller & Palusci, 2007). Accredited CACs adhere to ten standards of service, including expectations for forensic interviewing that assure a particular quality of service (Faller & Palusci, 2007). In the state where this research was conducted, local law enforcement and Child Protective Services conduct joint child abuse investigations, preferably at a CAC. In sum, CACs set the standards of service for forensic interviewing and most investigations take place at a CAC. In this study, the CAC is used as a model for conducting forensic interviews and completing sexual abuse investigations.

The effectiveness of CACs has been met with mixed results (Jones, Cross, Walsh, & Simone, 2005). In a multi-site comparison, Cross, Jones, Walsh, Simone, and Kolko (2007) found that CAC cases more often involved police involvement in CPS investigations as well as joint investigations, multi-disciplinary team interviews (active observation by other team

members), case reviews, and audio/videotaped interviews than non-CAC cases. This same evaluation found that while there was no difference in the number of interviews conducted between CACs and comparison sites, the majority of CAC interviews took place in a child-friendly atmosphere (Cross et al., 2007). Faller and Palusci (2007) posit that CACs are promising for achieving better outcomes in child sexual abuse cases, but evidence is still needed to support the primary objective of achieving criminal prosecution. Lack of comparable data between CACs and other community efforts, along with failure to meet the standard of proof make it difficult to determine how successful criminal prosecution has been; it is possible that an inability to prosecute potentially leaves some children unprotected (Faller & Palusci, 2007). In a comparison of two districts with established CACs, felony prosecution increased when use of the CAC increased and prosecution strongly depends on whether or not a clear disclosure statement was provided (Miller & Rubin, 2009).

Forensic Interviews as Evidence for Prosecution of CSA

Child sexual abuse investigations have two major goals: to detect actual abuse and protect against false allegations (Perona et al., 2006). These goals are fulfilled by the forensic interview, which provides an opportunity for the child to disclose the details of her or his experience. Forensic interviews are completed by professionals from varying educational backgrounds who have been trained with the knowledge and skills necessary to specialize in interviewing children about alleged abuse (APSAC, 2002). The prosecution of child sexual abuse is often limited or completely based on the evidence derived from the forensic interview because other evidence is lacking (Walsh et al., 2010). For criminal proceedings, the expectation for the forensic interview is that it should be consistent, lengthy, and detailed (Stromwall, 2010). Skillfully conducted forensic interviews support conviction of perpetrators (Cronch, Viljoen, &

Hansen, 2006), particularly when these statements are the only available evidence (Peterson & Biggs, 1997) to support advancement to legal action. The quality and quantity of information provided by a child often reflects the competency and expertise of the interviewer with skillful interviewers helping children appear more reliable (Lamb, Sternberg, & Esplin, 1998). Other members of the multidisciplinary team also recognize the skill required in interviewing; CPS and law enforcement personnel have characterized forensic interviewers as experts in questioning children with specialized training and experiences (Newman, Dannenfelser, & Pendleton, 2005).

The Use of Standardized Protocol

The investigative interview establishes the foundation for professional intervention in cases of child sexual abuse. Most often these interviews follow a protocol that substantiates the techniques used by the interviewer as a model for questioning children concerning reports of sexual abuse (Dion & Cyr, 2008; Orbach et al., 2000). These questions concerning the details about what occurred reflect the child's understanding of the content of sexual abuse as well as the child's ability to recall contextual factors about events as they transpired (Lamb, Orbach, Hershkowitz, Horowitz, & Abbott, 2007; Orbach, & Lamb, 2000). Trainings on protocols are available through several programs including CornerHouse RATAC, the American Prosecutor Research Institutes' Finding Words, the National Children's Advocacy Center Child Forensic Interview Structure, and the Forensic Interview Clinics of the American Professional Society on the Abuse of Children (Jones, Cross, Walsh, & Simone, 2005). Research based protocols also include guides such as the Step Wise Interview, the Cognitive Interview, a flexible interview outlined by Pool and Lamb, and the National Institute for Children's Health and Development (NICHD) Investigative Interview Protocol (Perona et al., 2006). The lack of research available comparing the varying approaches may reflect the overall similarity between the trainings.

However, research focused on interviews completed with a protocol versus those that were not found that the use of a protocol resulted in more details being provided by the child through open-ended questions, an important technique for increasing accuracy (Dion & Cyr, 2008; Orbach et al., 2000).

Evidence based interviewing techniques can lead to a valid account of the child's experience, whereas improper techniques may include leading questions and a lack of free recall that taints the account (Blackstone, 2009). Research based guidelines present recommendations for how questions should be worded, styled, and asked (Perona et al., 2006) and how and when interview aids such as anatomical dolls should be used (Cronch, Viljoen, & Hansen, 2006). Protocols provide a standardized format for proceeding through the interview from introductions to rapport building followed by an open-ended prompt to focused questioning and concluding the interview (Cheung, 2012; Perona et al., 2006). The use of non-structured or protocol based interviewing may mean that best practices are not incorporated in the interviewer's approach, resulting in the use of long, vague, unspecific, and suggestive questioning (Korkman, Santtila, Westeraker, & Sandnabba, 2008). Improper interviewing techniques may have damaging effects, including false allegations and a lessened prospect of being accepted by prosecution (Bruck & Ceci, 1995; Wood & Garven, 2000). The interviewer's approach to questioning can greatly strengthen or weaken the narration's acceptability as evidence with leading questions reducing the credibility of the child (Castelli, Goodman, & Ghetty, 2005). Suggestive utterances pose a serious threat to forensic interviewing because young children are very susceptible to influence and this interaction could contaminate the report (Ceci & Bruck, 1993). Credibility is improved when interviewers elicit as many details about the abuse as possible (Sternberg et al., 1997) with good techniques increasing the amount of accurate details (Lamb et al., 2007; Orbach & Lamb,

2000).

Disclosure of Child Sexual Abuse

The use of the word disclosure can be unclear in the literature because it is used to define the process of telling someone about sexual abuse, but may also refer to reporting sexual abuse to authorities (Jones, 2000). While disclosure does not always lead to meaningful action or protection (Fontes & Plummer, 2010), the following literature focuses on research using disclosure as a process of telling about sexual abuse in an effort to seek protection. Children disclose sexual abuse in varied and complex ways (Allaggia, 2004), with many experiencing mixed emotions (Staller & Nelson-Gardell, 2005). In a study evaluating types of disclosure by exploring rates of accidental versus purposeful disclosure, accidental disclosure was the most common type of process reported and preschool children were most likely to disclose accidentally while adolescents disclosed purposefully (Sorensen & Snow, 1991).

While some agree that denial or tentative disclosure characterized by features such as describing sexual abuse in a minimizing or distancing way may be common in disclosure (Sorensen & Snow, 1991), others have found a lack of support for such a pattern (London, Bruck, Ceci, & Shuman, 2005). Among pre-adolescent and adolescent females, Staller and Nelson-Gardell (2005) identified three phases in the disclosure process. These phases included the 1) self phase in which children are ready to tell, 2) the confident selection-reaction phase in which reactions from key persons who may demonstrate support and belief or not will influence further telling and 3) the consequences phase in which children need help understanding the personal and environmental consequences of telling (Staller & Nelson-Gardell, 2005). Overall, disclosure cases indicate the child's willingness to discuss sexual trauma and reveal a desire to gain protection (Schaeffer, Leventhal, & Asnes, 2011).

Among the forensic interview related research, Hershkowitz, Horowitz, and Lamb (2005) found that more than 60% of children disclosed abuse in forensic interviews, with higher disclosure rates associated with sexual abuse cases compared to physical abuse cases. Lippert, Cross, Jones, and Walsh (2009) found that disclosure increased when a child was female, the primary caregiver was supportive, and the child purposely told about abuse. Similarly, Hershkowitz, Horowitz, & Lamb (2005) also found that rates of disclosure increased for older children. In other research exploring characterizations of disclosure, children who experienced sexual abuse at an older age, were abused by family members, felt more responsibility for the abuse, and feared negative consequences were found to delay disclosure longer than other children (Goodman-Brown et al., 2003).

Interviewing Reticent Children

Children who disclose abuse may not automatically tell about their experiences; they may initially be reticent. The interviewer's approach is very important for helping children feel comfortable and non-coercive, direct questioning may assist even reticent children report experiences accurately (Perona et al., 2006). For children who are reluctant to discuss an abuse situation, the interviewer should attempt to ask non-threatening and non-leading questions to minimize the anxiety a child may feel (Cheung, 2008). Asking "who", "where", and "when" questions about other events separate from the abuse may help a child transition into discussing abuse (Cheung, 2008). Research exploring non-verbal behavior suggests that identifying reticent children early may allow interviewers to provide non-suggestive support (Katz et al., 2012). Specifically, non-disclosing children may display more physical disengagement during rapport building (Katz et al., 2012). It has also been suggested that interviewers use a less leading statement such as "it is really important that I know everything that happened" when addressing

reticent children rather than indicating why a disclosure is important (Lyon, Ahern, & Scurich, 2012).

Characteristics of the Abused Child Leading to Prosecution

Several case predictors lead to criminal court proceedings. In order to better analyze the importance of the forensic interview, these factors must be considered in relation to disclosure evidence. Child characteristics such as age, gender, and race can influence the interview, but also the case outcome. Gray (1993) found that a child's age predicted whether or not a case would be processed. Possibly a sign of the times, Mac Murray (1989) found that females were twice as likely as males to be victims of child sexual abuse, but prosecution was very unlikely. Brewer, Rowe, and Brewer (1997) found that race did not predict prosecution but age did; cases with a young victim or adolescent were less likely to move to prosecution than cases where the child was 8-11 years of age. Cullen, Smith, Funk, and Haff (2000) found that child abuse victims were most often European American females, with an average age of 11.13 years at time of prosecution acceptance. Overwhelmingly, the majority of cases that progress to criminal proceedings are for children over 4 years of age who are female (Stroud, Martens, & Barker, 2000).

Characteristics of the Perpetrator Leading to Prosecution

Perpetrator characteristics such as gender, race, age, and relationship to the child may influence how a child feels about sharing her or his disclosure narration (NACC, 2007); these factors may also influence how willing a family is to pursue criminal charges (Stroud et al., 2000) and how the prosecutor views the charging potential of a case. The majority of cases referred for prosecution typically involve an older perpetrator who was not closely related to the child (Stroud et al.). Brewer et al., (1997) found that prosecution was more likely when the

perpetrator was a stranger. Yet in other research, the likelihood of prosecution increased as perpetrator age increased (Hartley, Mullings, & Marquart, 2013). Cullen et al. (2000) also report perpetrator-child relationships that were nearly 39% intrafamilial (biological or legal kin), while about 60% were extrafamilial (nonbiological or legal kin both known and unknown). Child sexual abuse perpetrators, when compared to other felons, were more likely to be employed, married, European American, and older than 30 years old (Cullen et al., 2000). Perpetrators charged with abusing multiple children were also more likely to be prosecuted (Brewer et al., 1997). Many perpetrators may not have a criminal record, but if they do, as many as 14% had committed a sexual or violent offense (Cullen, 2000).

Prosecutor Decision-making Factors

In addition to the forensic interview process and various demographic and abuse factors predicting rates of prosecution, it is important to consider that the prosecutor is the individual who will review the evidence and make a determination about pursuing prosecution or not. In a survey of former prosecutors, responses suggest that the evaluation of evidence greatly informs the decision to prosecute (Cole, 1970). In this study, prosecutors indicate that prosecution was rejected when the prosecutor did not believe that the evidence would lead to a conviction (Cole, 1970). Community norms also influenced the types of crimes that were prosecuted (Cole, 1970). Further, Cole (1970) describes situations in which the heinous nature of the crime joined with public reaction prompt prosecution even when evidence was unsatisfactory. Prosecutors also described being selective about cases when the system was overloaded (Cole, 1970). Finally, Cole (1970) suggests that prosecutors may also weigh into their decision how exposure in the courtroom could create an embarrassing risk when making their recommendation to prosecute or not.

Chin (2010) found that prosecution of child sexual abuse is greatly impacted by the evidentiary difficulties presented to prosecutors including the secrecy governing child sexual abuse, the lack of witnesses, and the apprehension surrounding the child's statements. These cases typically do not provide much evidence beyond the child's account, and generally children are not called as witnesses to testify (Chin, 2010). Critics of the veracity of children's disclosures often question the child's susceptibility to leading questions. Chin (2010) observes that videotapes enhance a child's disclosure by providing an opportunity for the child's interview to be experienced firsthand. This opportunity must be considered when evaluating how prosecutors sort through the evidence to make a decision about prosecution. Further, while Cole (1970) and Chin (2010) provide research considering prosecutor decision-making, the paucity of research in this area suggests a gap in comprehensively understanding the factors influencing prosecution.

Conceptual Framework

The conceptual framework guiding this research considers the ecological model of child abuse prevention for understanding why prosecution of child sexual abuse cases is important. Additionally, Prospect Theory is considered in understanding how all of the factors under investigation in this study influence the decision to prosecute. The ecological model and prospect theory are first described, then the conceptual framework and diagram are presented.

Ecological Model of Child Abuse Prevention

Bronfenbrenner's (1979) ecological model for understanding human development conceptualizes the child at the individual level surrounded by the microsystem (family), extending to the exosystem (community), with all levels contained within the macrosystem (society). The individual level includes personal characteristics such as the child's biology and history. The microsystem or relationship level includes proximal social relationships to family

members and peers. In the community level, it is the neighborhood a family lives in and the schools and agencies surrounding the neighborhood. In the macrosystem or societal level, the social policies and cultural norms govern interactions. Just as the etiology of child abuse can be understood as a series of risk factors and protective factors complexly interwoven through interaction among varying systems (IOM & NRC, 2013), prevention approaches must include strategies targeting multiple levels (Krug, Dahlberg, Mercy, Zwi, & Lozano, 2002). At the community level, a lack of enforcement of child abuse laws may suggest tolerance (Krug, Dahlberg, Mercy, Zwi, & Lozano, 2002). Therefore, prosecution of child abuse is a necessary prevention approach incorporating the family, local community agencies, and laws. Prosecution of child abuse is an investigation of the individual in the context of relationships and is influenced by the perceptions of the family and community in imposing accountability for sexual crimes. Further, prosecution reflects the societal norms and social policies established to deliver justice, protect children from additional victimization, and prevent further abuse by the perpetrator.

Decision Making & Prospect Theory

Decision-making is a process that includes several stages: recognition, formulation, alternative generation, information search, judgment or choice, action and feedback (Carroll & Johnson, 1990). Decision-making has its shortcomings, but can be improved by exploration of the subject to be decided upon and the decision makers (Carroll & Johnson, 1990). Decision theory has developed through interdisciplinary collaboration of such professions as philosophy, economics, and psychology (Peterson, 2009). Classic economic theory suggests that individuals use rationality to make decisions (Carroll & Johnson, 1990). In order to make reasonable decisions, decision-makers identify the attributes of all possible alternatives (Carroll & Johnson,

1990). Decisions in which all alternatives have known outcomes are decisions under certainty (Carroll & Johnson, 1990). There are also instances when the probability of alternatives is known but the outcome is not; these situations require decision under uncertainty (Carroll & Johnson, 1990). Tversky and Kahneman (1979) developed a behavioral economic decision theory, Prospect Theory, with the central conclusion that individuals make choices differently when confronted with losses rather than gains (Vis, 2011). When a loss is inevitable, individuals are risk accepting, but when a win is likely, individuals are risk-averse (Vis, 2011). Loss aversion suggests that individuals are influenced more by potential losses than potential gains and are adverse to loss (Tversky & Kahneman, 1979). When making decisions, individuals use a reference point, the status quo, to determine if they are facing a loss or gain (Vis, 2011). Prospect theory has not been considered in efforts to understand decision-making by prosecutors in child sexual abuse investigations. Prospect theory may be relevant to the complex nature of child sexual abuse cases.

Connecting Prospect Theory to Prosecutor Decision-making

Translated to the experience of a prosecutor, prospect theory would suggest that the prosecutor considers whether or not to pursue a criminal case based on all the gathered evidence and case dynamics evaluating whether these present potential losses or gains. Evidence includes the forensic interview, characteristics of the child, characteristics of the perpetrator, the severity and type of abuse, the family's interests, etc. Case dynamics include parental support for the child's testimony, support of pursuing charges, the relationships between members, etc. The prosecutor's reference point might place her or him considering evidence and case dynamics with the belief that child sexual abuse cases are difficult to win, are labor-intensive, tend to be dismissed, require negotiation of charges, depend on family support, etc. It is also possible that

the status quo may be to avoid pursuing cases that pose a significant risk, those in which winning may be possible, but seem unlikely. The various possibilities for how a prosecutor may interpret a case indicate that similar cases may be pursued differently. Although the probability of an outcome may be known (perhaps 50/50), the outcome is not guaranteed. The pressure to maintain more legal wins than losses in the courtroom may impact how a prosecutor views a case. Of specific interest is how details gathered in the forensic interview influence the decision-making process. As the interview is often the only evidence available, it would be interesting to further explore how interviews, specifically disclosures, lead to prosecution. It seems likely that prosecutors are more likely to pursue charges in disclosure cases where more details are provided so that any “risks” associated with case evidence and dynamics do not diminish the possibility of a prosecution win.

Building a Framework

The ecological model presents a framework for contextualizing how previously studied influencing factors such as child characteristics, perpetrator characteristics, nature of the abuse, and family dynamics may be considered in the decision to prosecute. Figure 1 uses the ecological model to diagram how the prosecution decision occurs at the community level, is guided by societal level laws that govern all systems, and is influenced by factors in the individual and family levels. Further, the model allows for easy integration of other system factors that may influence prosecution. In particular, this research explores how the number of details provided in a disclosure narrative relates to the decision to prosecute a case. Other predictive variables are identified as most likely to occur in the community level as the CAC and its partner agencies investigate sexual abuse cases. Prospect theory is integrated into the model to depict how a prosecution decision may be made by evaluating a case in terms of a gain or a loss.

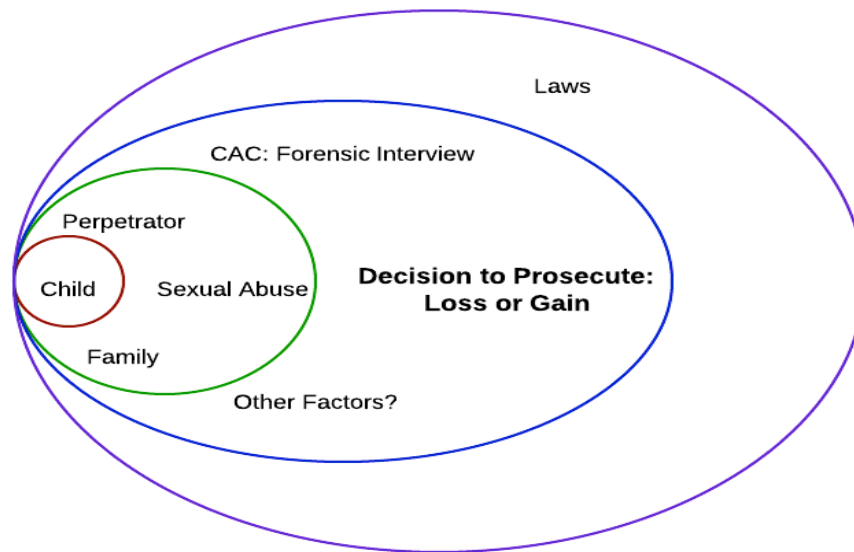


Figure 1. Conceptual Framework

Summary of Literature Review

The CAC model is widely used for investigating child sexual abuse cases. The CAC approach incorporates multidisciplinary collaboration and a structured protocol for completing forensic interviews. Cases involving disclosure of abuse are the focus of this research because they present a child's account as the primary evidence. Disclosure in the process of investigation is essential for prosecution and is connected to initiating formal responses for child protection. While previous literature has identified many factors associated with prosecution, these studies did not include the number of details provided by a child as a potential predictor of a decision to prosecute. Moreover, previous research approaches have not used a mixed-method approach in order to more comprehensively explore CAC data integrated with prosecutor feedback. The factors identified in previous literature, along with factors to be explored in this study, lie within a system of connected levels. At the focus of this system is the prosecutor's decision to pursue criminal charges, a process that may include an evaluation of whether all of the influencing factors present a potential loss or gain in the criminal justice system.

Chapter 3

METHODS

The purpose of this research was to use a mixed-method, multiphase study to identify factors associated with the decision to prosecute child sexual abuse cases. This study evaluated the prosecution practices of disclosure cases at a Children's Advocacy Center (CAC) by using multiple phases of research to explore factors that predict prosecution. The primary aim was to examine CAC data and prosecutor input to explore how a decision to prosecute is influenced by characteristics of a child victim, perpetrator, a child's disclosure statement, and abuse experience. The first phase of the study involved individual interviews to explore how prosecutors handled and processed child sexual abuse cases. In these interviews, prosecutors described elements of their cases that they perceived as influential and critical to the decision making process. Considering these variables, the second phase of research focused on gathering data from CAC files in order to develop a prediction model. Finally, factors associated with prosecution as identified through the logistic regression models were included in the interview guide for the final phase of interviews with prosecutors. In the third and final phase of research, prosecutors were asked to discuss the dynamics of a sample of cases in order to confirm and expand upon the factors influencing prosecution as identified in the second phase of research. Prosecution is operationalized as the decision to pursue criminal charges.

Research Design and Procedures

This research used a mixed-methods multiphase design (Creswell & Plano Clark, 2011) alternating qualitative and quantitative methods across three phases (Sandelowski, 2000). The influence between phases was interactive, with each phase informing the next (Creswell & Plano Clark, 2011). Overall, quantitative and qualitative components, had equal priority for addressing

the study's purpose, and the sequential timing of implementation allowed research elements to be linked in a multiphase combination (Creswell & Plano Clark, 2011). The research design is illustrated in Figure 2.

In this design, the principal investigator first collected and analyzed qualitative data. The second, quantitative phase was built upon the first phase with qualitative findings informing the final selection of variables for quantitative data collection. Data from the second phase was collected and analyzed. The third, qualitative phase was built upon the second phase with quantitative findings informing the development of a semi-structured interview guide. Data from the third phase were collected and analyzed. All three phases were connected through data collection and interpretation in order to provide a more comprehensive understanding of the decision to pursue prosecution in child sexual abuse cases. Use of a multiphase mixed convergent process increased the design rigor for studying this complex social issue and provided greater insight than could have been gained from a single qualitative or quantitative approach (Creswell, 2009; Greene, Caracelli, & Graham, 1989; Bryman, 2006; Palinkas, Horwitz, Chamberlain, Hurlburt, & Landsverk, 2011).

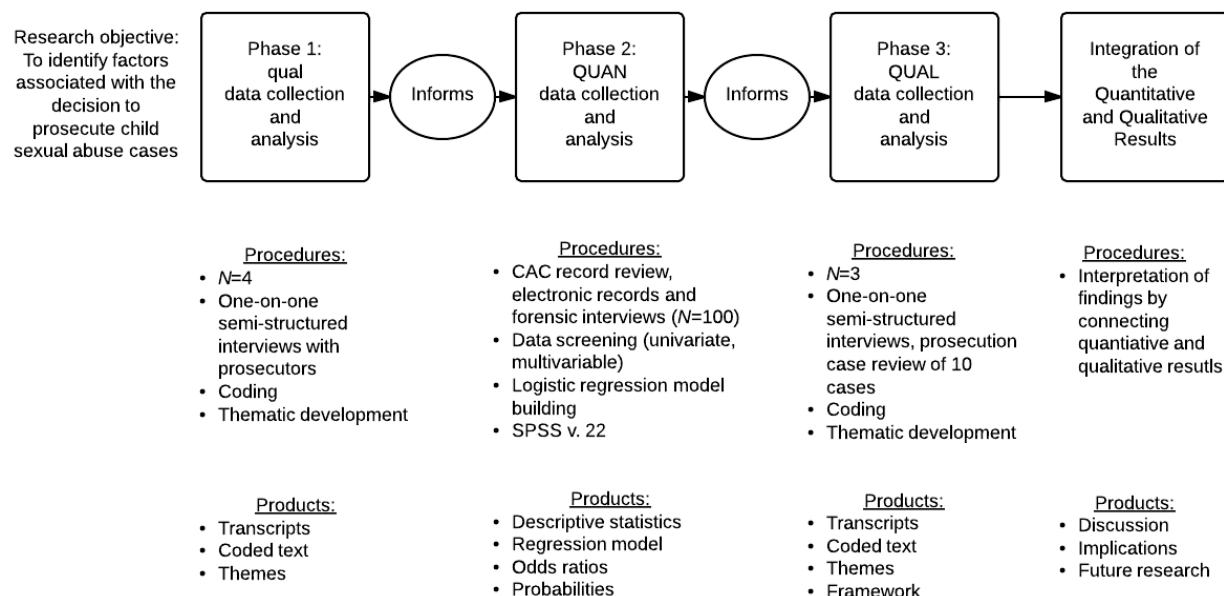


Figure 2. Research design

The study began with Phase 1 in which one-on-one interviews were completed with four prosecutors to discuss issues that influence the judicial process, including the particular problems that arise when pursuing criminal charges. Data from Phase 1 along with findings from previous research guided the final selection of variables included in Phase 2. In Phase 2, 100 agency data files and forensic interview videos were examined to explore characteristics of the child, perpetrator, abuse experience(s), and forensic interview that predicted whether a case was criminally prosecuted or not. Data from Phase 1 and Phase 2 were combined with findings from previous research to develop a semi-structured interview guide. Phase 3 consisted of one-on-one interviews with three prosecutors to discuss a subsample of 10 prosecuted cases. The cases were selected so that each of the three participating prosecutors served as an informant, reviewing 2-6 cases in which s/he was the assigned prosecutor or was consulted during the case. Each prosecutor discussed the strengths, limitations and process of pursuing prosecution in each case. The issues described centered around factors that influenced the decision to prosecute. The questions asked during the interviews followed a semi-structured guide that included questions

about often cited factors affecting prosecution as found in previous literature and in Phase 1 and Phase 2 of this study.

Protection of Human Subjects

The Committee for the Protection of Human Subjects at the University of Houston approved this research. The Internal Review Board (IRB) application required a full review by the committee. A collaborative agreement between the principal investigator and agency administration was established. A letter of support and approval for research accompanied the IRB application. The principal investigator met with the county's District Attorney and Assistant District Attorney. The District Attorney also provided a letter of support for this research. This letter accompanied the IRB application. The informed consent process was completed with each participating prosecutor in Phase 1 and Phase 3 of the research.

Research Setting

The study was completed in collaboration with a Children's Advocacy Center (CAC) located in a southern state to investigate 100 case records and videotapes of forensic interviews for child sexual abuse cases containing disclosure statements and having a documented prosecution outcome (charged/rejected). From July 2009 through October 2013, the CAC completed 1,439 first time investigations for child sexual abuse cases. July 2009 served as the lower limit because this is the first date for which video recordings were available. October 2013 served as the upper limit because for this study. This was the last date video recordings were available for selecting cases with a prosecution outcome.

Cases were eligible for inclusion in this study only if they were considered by the CAC to be closed for investigative services, meaning that the child victim was no longer receiving additional forensic interviews, court advocacy, or other case services from the center. These

selected cases had to have a forensic interview video available for review and a documented prosecution outcome in order to be included. Other cases in which a child was receiving ongoing therapy services were eligible for inclusion only if there was a documented legal outcome for the case with no other investigative work pending.

From July 2009 through October 2013, an agency report on criminal justice outcomes showed that 658 cases had documented final legal outcomes. Although some of the 658 cases were initiated prior to July 2009, this number was the closest estimate of the total possible cases that were available for screening. To be included in the sampling of child sexual abuse cases, these cases had to involve an adult perpetrator. An adult as defined by the legal system in this state is anyone 17 years or older. This selection criterion was established because the focus of this study was about child sexual abuse, which by its legal definition involves an adult perpetrator. Also, the criminal records on the county's public website pertained to adult cases criminally charged in the county of interest and the prosecutors in the Child Abuse Division handled only cases involving adult perpetrators. The work in the Child Abuse Division is conducted by six prosecutors. In summary, the sampling approach through three research phases is illustrated in Figure 3.

Phase 1

The objective of Phase 1 was to explore the prosecution process and prosecutor perceptions of influential factors affecting the decision to prosecute.

Sample

Each of the six prosecutors in the county's Child Abuse Division was invited to participate in the research study via email. The email indicated that the District Attorney supported this research. A letter of support from the District Attorney was attached to the email

solicitation. The email scripts used are presented in Appendix A. A second email followed after 1-2 weeks in order to remind prosecutors about the study, provide an opportunity for the asking questions, and request participation. Four (out of six) prosecutors agreed to participate in the first phase of research.

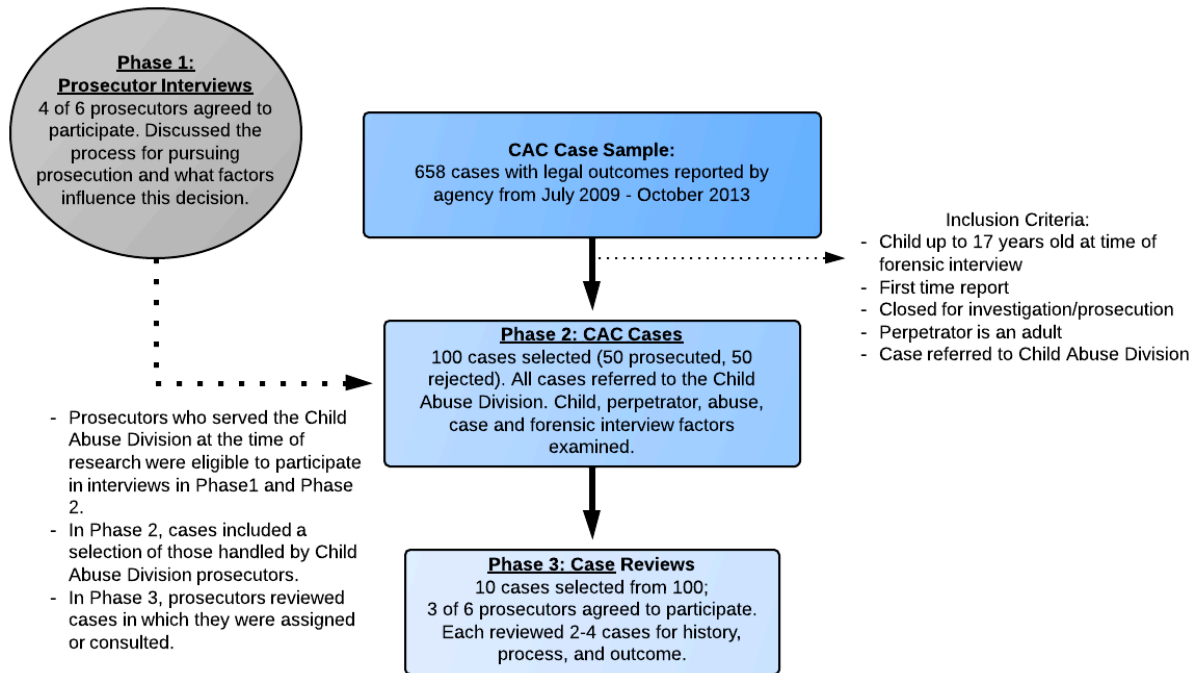


Figure 3: Sampling approach

Inclusion Criteria

The Child Abuse Division has six prosecutors assigned to handle cases with adult offenders. When the study was initiated, every prosecutor in the division had served the unit for three months or longer. Each prosecutor was eligible to participate if s/he 1) served the Child Abuse Division at the time of recruitment and 2) had been active as a prosecutor in this division for at least three months.

Research Setting and Data Collection

One-on-one interviews occurred in a small conference room at the Child Abuse Division during normal office hours. Interviews were completed over a 2-month period and lasted 45 minutes to 75 minutes each. Phase 1 interviews did not require discussion of any particular cases, therefore no case records were required and no specific names of children/families were used.

The principal investigator was singly responsible for conducting prosecutor interviews. Interviews were conducted using a semi-structured guide and pertained to the prosecutor's global experiences in pursuing criminal prosecution charges for child sexual abuse cases. The primary objective was to identify factors that influence the decision to prosecute and to consider these variables for possible inclusion in the second phase of research. Interviews began with a short demographic survey collected for descriptive purposes (see Appendix B). The semi-structured interview guide was used to facilitate all interviews (see Appendix C). Questioning began with general inquiries about the prosecutor's history in the division and particular assignments to help establish rapport. Questions were asked about the prosecution process and obstacles faced when pursuing prosecution. A final question about self-care was asked to diffuse any stressful feelings about discussing the prosecution process with the researcher.

None of the interviews were recorded with a tape recorder. Although the option of audio recording was offered to every participant, all prosecutors declined. Prosecutors collectively indicated that they would not feel comfortable having our sessions recorded because others (besides the investigator) could potentially access the tapes. Data for all interviews were written directly into a notebook and written notes were transcribed into a Word document within 72 hours. Each participant was assigned a research code. The research code was linked to the prosecutor's name on a research list. The research list is kept as an electronic password protected

Word document that is stored on a password protected computer at the University of Houston Graduate College of Social Work. The research list is maintained in case questions arise about interview data. Memos were also maintained in the data notebook to document the principal investigators thoughts about the process and data collection. All data is stored at the University of Houston Graduate College of Social Work in a locked file cabinet in a locked office.

Data Analysis Plan

A small research team was formed consisting of the principal investigator and a research assistant who was a PhD student in social work. The research assistant was not involved in any aspect of data collection and did not view the forensic interviews. The research assistant only assisted in analyzing qualitative data as presented in data transcripts. Research assistants did not visit the CAC. Comparisons of qualitative data analysis and discussions occurred in person.

Transcripts of individual interviews were reviewed and coded using an iterative content analysis approach. Content analysis is a systematic review of text that Krippendorff (2004) defines as “a research technique for making replicable and valid inferences from texts (or other meaningful matter) to the contexts of their use” (p. 18). Berge (2004) states that content analysis is associated with grounded theory and narrative ethnography and is a good choice for analyzing interview data. Content analysis is a flexible method allowing for use with either an inductive or deductive manner (Elo & Kyngas, 2007). The principal investigator and research assistant first independently familiarized themselves with the transcripts and then inductively coded all 4 interviews. The two coders analyzed and discussed the interviews coming to consensus about relevant codes and created an initial coding scheme. Following agreement of the emergent codes, the coders reviewed the interviews again. The codebook was then used to code all interviews. Consensus of the final emergent themes was reached through discussion. An iterative coding

process was used to ensure credibility and consistent data analysis (Patton, 2002; Miles & Huberman, 1994). The final themes related to factors that influence the prosecution process: details about the abuse allegation, corroboration of a child's disclosure - other evidence, and family support. These key factors were compared to factors identified in previous literature and were added to the data collection instrument, the final list of variables, for inclusion in Phase 2.

Phase 2

The objective of Phase 2 was to use CAC forensic interviews and case files to identify factors that predict the decision to prosecute

Sample

Of the 658 cases documented with closed legal outcomes and video-recorded interviews, 100 were chosen for this study. Hosmer and Lemeshow (2000) suggest approximating a sample size by including a minimum observed frequency of 10 cases per sampling parameter when fitting logistic regression models. As an exploratory study, it was anticipated that there would not be more than 2 to 3 predictors. Using this sampling guideline and an estimated 2-3 possible independent variables to be included in the logistic regression, a minimum of 100 cases was identified as a satisfactory sample for exploratory analysis. Furthermore, the number of rejected cases that met the inclusion criteria for having a CAC forensic interview, involving allegations of sexual abuse, and being handled by the Child Abuse Division was limited to 50 cases.

Cases were identified in several ways. Using the 658 cases identified through the agency report, cases were reviewed for sexual abuse allegations, first time report status, and availability of the associated forensic interview. These cases were then compared to lists provided by CAC professionals documenting prosecution status (charged/rejected). The Criminal Court Advocate and Bilingual Services Specialist, CAC professionals who supports families as they transition

through the criminal justice system, provided the researcher with lists of cases that were closed. Each list was screened for the child's age, perpetrator's age, availability of the forensic interview, and criminal status as documented in the CAC online database. The county's online public records system for criminal charges was also searched to confirm prosecution status.

The Children's Services Coordinator, a social worker that provides families with crisis support and updates on closed cases, provided available lists of rejected cases and general Case Review Team (CRT) meeting documentation that noted case updates and status. The cases on these lists were also screened by searching the CAC online database for information about sexual abuse allegations, first time report status, availability of the forensic interview, child's age, perpetrator's age, and prosecution status. The rejected cases were more difficult to identify because no central list tracking rejected cases exists and the database is not capable of producing a report for rejected cases. In order to ensure proper classification as a rejected case, the Child Abuse Division provided a list of rejected cases from 2010 to 2013 that was reviewed for availability of CAC forensic interviews.

Inclusion Criteria

Child sexual abuse cases from the CAC were included in the research if they meet the following criteria: 1) completed a forensic interview from July 2009 to October 2013, 2) disclosed sexual abuse, including alleged perpetrator's (AP) fondling of child's genitals, breast, or buttocks; digital penetration; penile penetration; penetration with an object; AP oral sex to child; child fondling of AP's genitals, breast, or buttocks; child oral sex to AP; AP exposure; voyeurism; or pornography, 3) case status was considered "closed"—child's case was no longer in investigation, 4) legal proceedings had ended and a legal result was documented in the child's chart (electronic database), 5) the child was 3 to 16 years old at the time of the abuse (up to 17 at

the time of the interview), and 6) the reported abuse was the first incident documented.

Additionally, all cases were referred to the Child Abuse Division for prosecution. Cases included assignment to 11 different prosecutors, the 6 current prosecutors and 5 who had previously worked for the division. Cases that met these criteria were then classified in one of two groups based on the outcomes of their cases: A) those whose disclosure cases led to criminal prosecution (charged/indicted) and B) those whose disclosure cases did not lead to criminal prosecution (rejected).

Data Collection

The principal investigator collected all case data, including demographic information, from the case tracking system for the state, an electronic database used by the CAC to maintain case data online. Demographic data was coded excluding identifiers such as name, date of birth, and address. An electronic version of the data was not available for download. Each case was individually viewed and data recorded on the research form. The research instrument, “Coding Instrument for CAC Study” (see Appendix D) was created to replicate data available in the online database. This is not a standardized instrument, however it integrates portions of the checklist and interviewing stages presented by Cheung (2012, 2009) such as 1) building rapport, 2) free narrative, 3) questioning, and 4) closing (Cheung, 2009). Table 1 lists the variables used as predictors in this study. Table 2 lists the other variables used to describe cases in this sample.

Information contained in the video recorded forensic interview was also recorded on the “Coding Instrument for CAC Study”. Forensic interviews were viewed while on site at the CAC. Interview data included the length of interview, development of rapport, review of ground rules, transition into free narrative, and details provided in the disclosure statement. A disclosure statement consisted of the child’s affirmation of sexual maltreatment by a narrative elicited in the

forensic interview. Disclosure included information about what happened, who the perpetrator was, when the abuse occurred, how it occurred, and where it occurred. An example of disclosure would be an initial comment such as “my brother did bad things to me” followed by a description of genital touching, exposure, pornography etc. Cases that began without a report of sexual abuse, and then gradually through the interviewer’s use of questioning, led to a narrative describing sexual abuse experiences were coded as disclosure cases. An example of this process might include a child initially saying that they were not sure why they were at the CAC. Then, the child might have described her mother bringing her to the Center because X was bad. Following this the child might then have described how X was bad, indicating that she was sexually abused.

The researcher documented details provided in a narrative statement by writing specific information shared by the child in response to questions asked by the forensic interviewer. As the researcher viewed each interview, items on the data collection form were marked as “Yes” or “No” depending on whether or not a particular detail was provided. Using the definition of details described in research conducted by Orbach et al. (2007), details included any word or phrase identifying or describing people, objects, or events integrally related to the abuse allegation. Details answered the questions who did what to whom where, when, and how?

Table 1. List of All Variables

Variable	Variable Type	Values
Predictors		
Child age (at disclosure)	Continuous	Number
Child gender	Categorical	0 Male; 1 Female
Child race	Categorical	1 AA; 2 Asian; 3 Hispanic; 4 White; 5 Mixed

Perpetrator age (at disclosure)	Continuous	Number
Perpetrator gender	Categorical	0 Male; 1 Female
Perpetrator race	Categorical	1 AA; 2 Asian; 3 Hispanic; 4 White; 5 Mixed
Relation to child	Categorical	0 Non-familial; 1 Familial
Severity of abuse	Categorical	0 Non penile penetration; 1 Penile penetration
Number of types of abuse experienced	Continuous	Number
CPS case	Categorical	0 No; 1 Yes
Other evidence	Categorical	0 No; 1 Yes
Medical referral	Categorical	0 No; 1 Yes
Support	Categorical	0 No; 1 Yes
Narrative transition	Categorical	1 After asked purpose of visit; 2 After asked who brought child to center; 3 After asked what person who brought them said about coming to center; 4 After interviewer explained her role; 5 After asked about body parts where child should not be touched; 6 After asked if any of those parts had ever been touched; 7 After drawing used to discuss body parts
Details	Continuous	Number
Lapse	Categorical	0 Delayed; 1 Immediate
Services	Continuous	Number
Therapy	Categorical	0 No; 1 Yes
Outcome		
Prosecution	Categorical	0 Not prosecuted/Rejected; 1 Prosecuted/Indicted

Table 2. List of Other Variables Used for Descriptive Purposes

Variable	Variable Type	Example (for full description see Appendix D)
Specific relationship	Categorical	1 Father; 2 Mother; 3 Stepfather, etc.
Length of forensic interview	Continuous	Number
Length of time building rapport	Categorical	Number
Type of evidence	Categorical	1 Confession; 2 Polygraph; 3 Witness, etc.
Type of abuse	Continuous	Fondling genitals, fondling buttocks, digital penetration, etc.
Type of services received	Categorical	Information, referral, MDT meeting, etc.

Details were counted by reviewing the information provided by the child. Each new piece of information counted as one detail. Details that clarified a statement were counted, but details that repeated a previous statement were not counted. An example for how details were counted can be illustrated with the following child’s statement. When asked why she had come to the CAC, the child said “X did some bad stuff to me. He put his thing that boys have right there, he put it in my mouth”. Five details for these lines were counted as illustrated in Figure 4.

1. X – reference to a particular person, Who?
2. Did some bad stuff – reference to action, Did what?
3. To me – reference to person receiving the action, To whom?
4. His thing that boys have right there – reference to specific body part, With what?
5. Put it in my mouth – reference to where the body part was placed, Where?

Figure 4. Example of counting details

How a child advanced from building rapport with the interviewer to providing a disclosure could follow several prompts, typically advancing in this order: 1) “tell me why you are here today?”, 2) “who brought you here?”, 3) “what did that person say about coming here?”,

4) information about the interviewer's role followed by a question about how the child was doing and if there was any reason for a caregiver to want the child to talk to someone, 5) discussion of body protection, 6) questions about touching, and 7) use of a drawing to ask questions about body touching. The narrative transition between stages of establishing rapport with the child and discussing the topic of concern was included in this research because it demonstrated a child's willingness to discuss the abuse. The CAC director expressed an interest in exploring this variable because years of practice experience indicated that narrative transitions could reflect a child's readiness to provide details. Cases are investigated for many reasons, including purposeful disclosure to someone, suspicion of abuse, or an eyewitness account. Narrative transition was categorically coded based on when the transition to disclosure occurred and reflected the steps outlined above.

Family support was categorized as a non-offending caregiver's support of the child's disclosure and was coded as non-supportive (0) or supportive (1). Through consultation with the CAC director, support for the child was characterized by 1) the child describing in the forensic interview a primary caregiver who believed the child, supported the child's disclosure, reported the abuse, and/or cooperated with the investigation, and/or 2) CAC records indicating that the primary caregiver supported the child, was protective, and/or cooperated with the investigation. Non-support of the child was characterized by 1) the child describing in the forensic interview a primary caregiver who did not believe the child, blamed the child, did not support the disclosure, did not report the abuse, and/or was not cooperative with the investigation, and/or 2) CAC records indicating that the caregiver was not supportive of the child, did not believe the child, was not protective, and/or did not cooperate with the investigation. If there was uncertainty about support in a case, CAC staff and charts were consulted in order to make a determination.

Evidence was coded indicating whether or not other evidence was available, no (0) or yes (1). Other evidence included 1) a perpetrator's confession, 2) failed polygraph, 3) witness, 4) physical evidence including medical, 5) media including texts, videos, and 6) other victims. Services received by the child and her or his family were also documented on the coding sheet. Services included interactions like providing information, referrals, court advocacy, etc.

No personal identifiers were recorded on the coding instruments. Cases were given unique research codes, and the principal investigator maintained a record book matching the research codes to specified cases which was stored as a password protected document at the University of Houston, Graduate College of Social Work on a password protected computer in a locked office. Both the physical copy and electronic record linking subjects to codes will be destroyed five years following final data analysis. The record book was used to verify data and corroborate missing values by cross-referencing the child's physical chart. This sample was purposively selected.

Data Analysis Plan

All data in Phase 2 was quantified and entered into SPSS v.22. Variables included in the database were continuous or categorical, with many of the categorical variables entered as binary values. Variables with multiple categories were collapsed or computed as new variables to make them useful for analysis. Race was collapsed to Hispanic or Not Hispanic because this was the largest group in the sample. Race was also reduced to two groups in order to minimize the number of variables entered in the model. Whether or not the child knew a perpetrator was recoded to Familial or Non-familial. Severity was coded based on whether or not a child experienced penile penetration, described in the hierarchy of abuse severity as being the most severe (Cheung, 2012; Sgroi, 1982). Immediate or delayed outcry was computed based on

whether the lapse in time from first experiencing abuse to having a forensic interview happened the same day or days later (immediate) or longer than several days (delayed: months, a year, or years). The data analysis process began by examining the accuracy of the data file, including gathering missing data, coding missing data that could not be gathered, and correcting any errors. In logistic regression there are no assumptions about the distribution of predictor variables, therefore predictors do not have to be normally distributed, linearly related or of equal variance within each group (Tabachnick & Fidell, 2007, p. 437). In logistic regression, assumptions exist about linearity of the logit and multicollinearity for continuous variables (Field, 2009) and these were checked.

Linearity of the logit for all continuous variables was assessed using the Box-Tidwell test. None of the values were significant except for the number of services provided ($p=.001$). A new services variable was created by adding 1 to all cases so that no values were 0. A square root transformation was then used to correct the variable. A plot was completed to visually check for linearity and a second Box-Tidwell test was used to check for linearity of the logit. The value was not significant. The new transformed variable was used in analysis. Multicollinearity was assessed by using a linear regression analysis between each predictor and outcome (Field, 2009). Tolerance and VIF values were reviewed. All tolerance values were more than 0.1 and all VIF values were less than 10. Eigenvalues, condition indexes, and variance proportions were also screened. The assumption of multicollinearity was met. Univariate frequency distributions and measures of central tendency were used to describe the demographic characteristics of children who provide disclosure of child sexual abuse.

A model building procedure recommended by Hosmer and Lemeshow (2000) was used to identify the correlates of prosecution. Univariable logistic regression analyses were conducted

to identify correlates of prosecution for the baseline multivariable model. Hosmer and Lemeshow use the term univariable to refer to bivariate logistic regression where single variables are entered into a logistic regression with prosecution (yes/no) one by one. Variables found to be correlated with prosecution using a value of $p < .25$ were entered using forced entry as the first set of predictors with prosecution status as the outcome variable. The use of a larger significance level allows for inclusion of variables of potential importance that would have been ignored with the more conservative significance level. In order to identify the most parsimonious model, only predictor variables correlated with prosecution, using a value of $p < .10$ were included in the subsequent multivariable model. The importance of each variable was verified by examining the estimated coefficients between the preliminary main effects model and baseline model. None of the estimated coefficients changed markedly in magnitude. Interactions among variables in the model were examined and were not statistically significant at $p < .05$. The likelihood ratio test was then used to compare the baseline model with the more parsimonious model. The likelihood ratio was not significant indicating that the more parsimonious main effects model should be retained (LRT $X^2=7.17$, $df=7$, $p=.42$). The predictors from this model, Other Evidence, Support, and Services, were used to inform construction of the final semi-structured interview guide for Phase 3. The variable Services was not included in the interview guide because this variable is specific to services provided by the CAC and is not documented in the prosecutor's files.

Phase 3

The objective of Phase 3 was to examine the decision to prosecute in a sample of 10 prosecuted cases with prosecutors serving as the informants.

Sample

Of the 100 cases included in Phase 1, a subsample of 10 cases was chosen for further, in

depth qualitative case reviews. While there is no standard guideline for determining sample size of qualitative approaches (Patton, 2002), analysis may be conducted until saturation is reached. Due to the general legal framework in place for making decisions and the collaborative case support established in the division, it was estimated that no more than 10 to 25% (10-25) of the 50 cases would be needed to reach saturation. Prosecutors consider standard protocol and past case successes when making decisions, therefore variation among the issues that influenced each case was expected to be somewhat limited, with a maximum of 25 case reviews providing a conservative estimate for capturing themes. In the process of analyzing data following interviews, it became clear that several key factors permeated throughout the decision making process across prosecutors and saturation of major themes was reached with 10 cases.

Cases represented the work of the various prosecutors who had or currently worked in the Child Abuse Division. Each of the six prosecutors in the county's Child Abuse Division was invited to participate in the research study via email. The email scripts used are presented in Appendix E. A second email followed after 1-2 weeks in order to remind participants about the study, provide an opportunity for the prosecutor to ask questions, and request participation. Three (out of six) prosecutors agreed to participate in the third phase of research. One of the three prosecutors was the chief of the division. She served as a consultant or was directly involved for all cases used in this study. She agreed to review the remaining cases needed to reach saturation. One of the other two prosecutors reviewed two cases she was directly responsible for and the other reviewed four. The prosecutor who reviewed two cases had been with the division for approximately a year at the time of this research, so a limited number of cases with a final disposition were available for further review. The other prosecutor had been in the division for several years. The chief reviewed four cases, each handled by a different

prosecutor. In total, the ten cases reviewed (n=10) represented the efforts of six different prosecutors.

Inclusion Criteria

All cases in Phase 2 were eligible for selection in Phase 3. Cases were chosen by identifying a small selection for each prosecutor included in Phase 2. Priority was given to selecting cases in which the assigned prosecutor was currently in the Child Abuse Division and was accessible for an interview. Cases represented a variety of sexual abuse crimes and relationships between perpetrators and children. The final criteria for inclusion were based on each prosecutor's willingness to participate in this study.

Research Setting and Procedures

The selected cases were presented to each participating prosecutor using the form "UH Case Review List" (See Appendix F). This form was completed when the principal investigator was present at the CAC and was immediately provided to the prosecutor. To eliminate unnecessary documentation of sensitive, identifying information, the principal investigator only kept a record of the associated research numbers. Upon request from the prosecutors, the names of the perpetrators were also provided for verification purposes. The prosecutors kept the case review lists for county record. Following receipt of the list, each prosecutor requested records for the selected cases from the county's archive and reviewed the files to reacquaint himself/herself with the case before or during the interview.

The principal investigator scheduled meetings with each prosecutor at a time that was convenient to her/him. All interviews were conducted in the Child Abuse Division offices. For each participant, no more than two cases were reviewed at each interview. For one participant, two meetings were held on the same day including a break in between sessions. Due to the

prosecutors' demanding schedules, case reviews were completed over five months. Each meeting lasted one to one and a half hours.

At each interview, the principle investigator used a semi-structured interview guide, probing when necessary, to facilitate the discussion of each case and the prosecution process. Questions were generated by incorporating findings from Phase 1 and Phase 2 (evidence and support), integrating previous research (age, relationship, etc.), and allowing the interviewee to expand upon the process and dynamics of a case that influenced prosecution. At the beginning of an interview, each prosecutor was asked to provide a narrative of the case details including who the child was, who the perpetrator was, what the allegations were, and the various steps taken to reach the final prosecutorial decision. The interview guide is presented in Appendix G.

Directed questions were then asked about influential factors such as the availability of evidence and caregiver support. Questions were developed incorporating findings from Phase 2 and additional prompts were used as needed to fully explore case dynamics and prosecution considerations. As the prosecutor fully described the case and answered questions from the interview guide, additional questions were asked that reflected information shared by the prosecutor about each particular case. For example a discussion of criminal history prompted additional questions about what the criminal history was, if not explicitly stated.

All participants declined the option for interviews to be audio recorded. Participants had previously reported a lack of comfort being recorded. Responses were documented using paper and pen. Names were not documented if mentioned. The recordings were transcribed into a Word document within 72 hours. Each participating prosecutor was assigned a research code. The research code was linked to the prosecutor's name on a research list. The research list is kept as an electronic password protected Word document that is stored on a password protected

computer at the University of Houston Graduate College of Social Work. Memos were also maintained in the data notebook to document the principal investigators thoughts about the process and data collection. All data is stored at the University of Houston Graduate College of Social Work in a locked file cabinet in a locked office.

Data Analysis Plan

A small research team was formed consisting of the principal investigator and a research assistant who recently obtained a PhD in psychology. The inclusion of someone from another discipline allowed for multidisciplinary triangulation (Patton, 2000), reflecting the multidisciplinary nature of the prosecution process. The research assistant was not involved in any aspect of data collection. The research assistant only assisted in analyzing qualitative data as presented in data transcripts. Comparisons of qualitative data analysis occurred via telephone discussions.

Transcripts of individual interviews were reviewed and coded using framework analysis (Richie & Spencer, 1994). Framework analysis was developed for applied qualitative research that aims to generate policy and practice oriented findings (Green & Thorogood, 2004). This was a great fit for this research seeking to better understand what leads to successful prosecution. The approach in framework analysis allows for existing concepts and emergent themes to be integrated into the analysis. Through a series of stages, themes are developed that deductively reflect the research questions and inductively reflect findings from the data. Framework analysis is systematic, but it allows the researcher to fluctuate between stages (Richie & Spencer, 1994).

The five stages in framework analysis are: *familiarization*, *identifying a thematic framework*, *indexing(coding)*, *charting*, and *mapping and interpretation*. The research team first familiarized themselves with all data by reading the transcripts several times to gain an overall

impression of the narratives. The researchers took notes for each interview listing key ideas and recurrent themes. In the thematic framework stage, the researchers reviewed their notes and developed codes based on a priori issues, those coming from the interview guide, and emergent issues shared by the prosecutors. The thematic framework was applied to a few transcripts and the categories were refined. Next, indexing (coding) occurred independently with each researcher applying the thematic framework to the transcripts. The researchers then discussed their coding decisions and reached consensus about codes. In the charting stage, the researchers created charts with headings and subheadings to reflect themes across all interviews. The details provided, relating to each theme for each case, were then added to the charts with annotated research codes so that the source could be traced. In the final stage of mapping and interpretation, the researchers reviewed the charts and compared and contrasted the accounts provided for each case searching for patterns. A structure was developed that aggregated patterns in order to provide an explanation for what factors promote prosecution. Member checking was completed by contacting prosecutors during analysis to clarify or confirm data and upon the conclusion of analysis, aggregate findings were presented to participating prosecutors (see Appendix E for email scripts).

Connecting the Data

Upon analysis of Phase 3 qualitative data, findings from this stage were connected to findings from Phase 2 through a process of comparing and expanding upon key concepts. An overall framework was developed to illustrate the factors that are important to the prosecution process. The framework demonstrates how the multiphase mixed-method approach more comprehensively provides an understanding of the complex nature of seeking prosecution.

Summary of Methods

Through several stages, involving both qualitative and quantitative approaches, this research explored the factors related to a decision to prosecute a child sexual abuse case. Each stage built upon the previous in order for the most influential factors to be considered. Phase 1 explored the prosecution process and prosecutor perspectives around factors influencing prosecution. Findings from Phase 1 were then incorporated as variables of interest in Phase 2 where CAC forensic interviews and data files were examined in order to discover predictors of prosecution through logistic regression modeling. Findings from Phase 2 were included as specific questions for Phase 3 case reviews of prosecuted cases with the prosecutors serving as informants of the process and decision to prosecute. The connection of data across phases demonstrated a consistent presence of some factors, while also uncovering factors that would have been lost by approaching this study with only one method.

Chapter 4

FINDINGS

In this chapter, findings are presented for each phase of the research study. Phase 1 presents emergent themes resulting from individual interviews with Child Abuse Division prosecutors to explore the prosecution process and understand the prosecutors' perspectives about what factors influence the decision to prosecute a case. Phase 2 presents results of descriptive statistics, bivariate correlations, and a logistic regression analysis, which were used to identify predictors of prosecution. Phase 3 presents an emergent framework for understanding the factors influencing decisions made through the prosecution process resulting from individual case reviews with Child Abuse Division prosecutors to discuss cases where the decision to prosecute was made.

Phase 1

The objective of Phase 1 was to explore the prosecution process and prosecutor perceptions of influential factors affecting the decision to prosecute.

Description of the Informants

Participants in this study were three female prosecutors and one male prosecutor from the Child Abuse Division. All participants were White, with ages ranged from 30 to 49 years. Time spent working in the Child Abuse Division ranged from 6 months to 10 years. Three prosecutors had been in the division for 4 years or more. Prosecutors' experience focusing on child sexual abuse cases was consistent with the time spent in the Child Abuse Division, with the exception of one participant. One prosecutor also had 4 years of child sexual abuse experience in another county. In total, the prosecutors' professional careers as lawyers spanned from 5.5 to 20 years. Three of the prosecutors had 16 or more years of legal experience.

During individual interviews, prosecutors appeared to be comfortable sharing information about the legal process and their perceptions of what influenced prosecution decisions. All prosecutors expressed an interest in this research and agreed to provide qualitative data regarding prosecution decisions. Prosecutors also provided unprompted clarification and used examples to illustrate their points when they felt their additional input would be helpful for this study.

Prosecution Process

Prosecutors began each interview by providing an overview of the criminal prosecution process, clarifying the procedures dictated by the state's criminal code and explaining procedures determined by the District Attorney's office. Cases begin with investigation through CPS or law enforcement. The case is then referred to the CAC. Once the investigation is complete, if it is determined that a criminal offense has occurred, a case is referred to the Child Abuse Division where it is randomly assigned to one of six prosecutors for intake review. In intake, a decision is made to file a case or not. This is the first step in the charging/indictment decision. A case is "rejected" if it is not filed and is considered "dead." A filed case is received for review by the Grand Jury, 12 community members serving a 6-month juror term. The Grand Jury determines if probable cause exists to believe that the defendant has committed the charged crime. If the Grand Jury determines this to be true, the case is True Billed and is filed with the district court; if the jury determines this to be false, the case is No Billed and no further action is taken. Once in the district court, it is assigned to one of four courts. Child Abuse Division prosecutors are each assigned to one of these four courts. The prosecution process is illustrated in Figure 5.

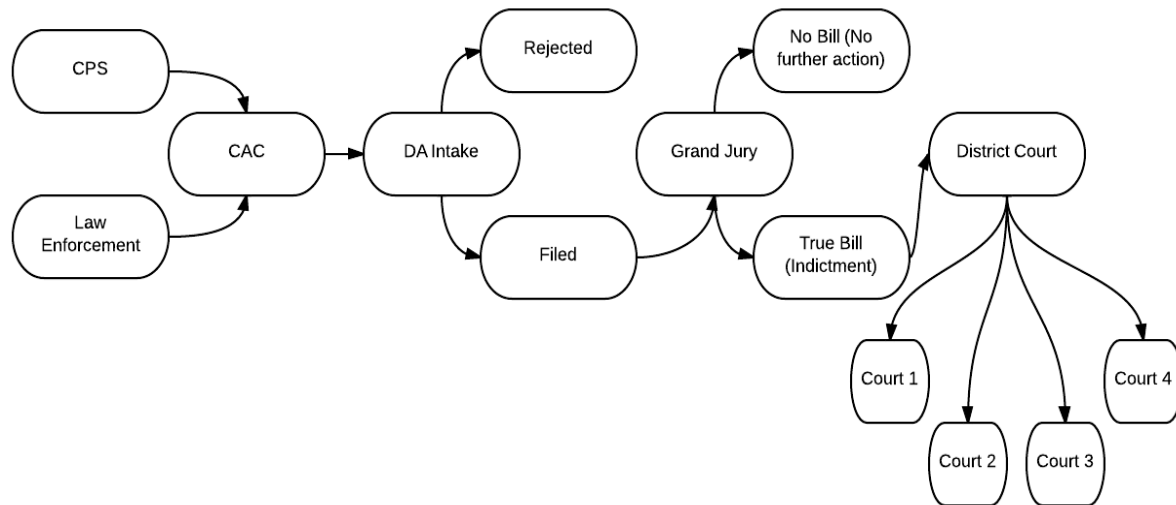


Figure 5. Criminal prosecution process

Emergent Themes

Participants described the decision to prosecute as a complex series of steps, reflecting several intertwined factors. As one prosecutor stated *“legal decisions are made all along the way.”* Prosecutors highlighted the circumstances surrounding receiving a case referral and tracing the factors that affect the process from intake to pursuing charges. The three factors that were consistently described as influencing prosecution decisions were caregiver support of the child, the details provided by the child, and the availability of evidence.

Caregiver Support

When prosecutors were asked about issues experienced in facing cases and what a successful outcome was, the idea of support arose as a strong influencer in prosecuting a case. A non-offending caregiver’s support was described as being important for protecting a child and assisting the child to feel comfortable talking about sexual abuse. While a parent’s support may be of highest priority, any support from caregivers including extended family members is critical for helping the child talk about a very difficult situation. When asked about how cases are prosecuted, one prosecutor said: *“It really comes down to the strength of the victim and the*

support the victim has around them.” Another prosecutor stated that evidence was of primary importance and “*Secondary to that is support that the victim gets from mom or other family members.*” One prosecutor described the complexity of support by describing how a lack of parental support for the child sends a very strong negative message:

We’ve had cases where mom is supportive of the defendant and so the message that sends to the child is they are not doing the right thing. Those are difficult cases. It’s not just the parent; it’s other family members as well.

One of the prosecutors expanded on the idea of support, by recognizing that resources might limit a family’s ability to participate in the process. In this case, the prosecutor noted that assistance from the CAC helped the family be more supportive. This prosecutor described it as:

Family support is a big thing, but it is a resource issue. I’ve seen cases where everyone is pulling together to help the victim, the family to get here, to get school supplies and then I’ve seen how it played out in the success of cases vs. other cases where not . . . You have better outcomes or the potential to have better outcomes...

With certain sexual abuse crimes, such as internet crimes, support for the child is characterized as a protective factor. In these situations, there is often a trace of technical evidence and media, therefore, support for the child’s outcry is not as important as support reflected in parental monitoring. For protection against additional internet solicitation and pornography, support is described as parent involvement and supervision to keep children safe from predators. One prosecutor described this observation:

I see a lot of kids who didn’t have a good family and end up in the system and a lot of them are perfect targets. They don’t have anyone who protects them. You have some people who don’t pay attention to their children.

Caregiver support is integral to strengthening the child's resolve to discuss abuse and serves as an important element for safeguarding children from additional abuse. Caregiver support or lack of support influences a child's comfort in sharing sensitive details.

Details

Prosecutors view the forensic interview in order to assess the details provided as the child shares her or his account of sexual abuse. When asked what parts of the forensic interview are most important for pursuing prosecution, prosecutors described a need for the child to give clear statements with as much detail as possible. Prosecutors acknowledged that a child's ability to discuss abuse "*depends on the child being ready to talk about it*". Therefore, the role of the forensic interview is important to helping a child transition into a narrative and "*the key for the forensic interviewer is that they ask a lot of open-ended questions.*" Another prosecutor shared this perspective saying, "*developing rapport is critical. If they don't trust you, they won't tell you anything. You can still have the best interviewer and might have a child who is not ready to tell.*" However, once a child discloses abuse, it is important that the interviewer is:

. . . thorough in questioning. What did something sound like, smell like, taste like?

Details, the little details. Little details convince someone that you are telling the truth.

Anyone can tell that he stuck his penis in me. What was he wearing? What did the room look like?

Another prosecutor described the forensic interview as an opportunity to hear how a child describes something. This prosecutor stated:

The ones that stand out are the ones where a little kid says things they wouldn't know unless they experienced it. It's a child's description, but it's clear. A child might describe semen as white blood. Older kids would have words for it. They would know how to use

their own words to describe it. We hear grown up acts described with a child's words.

The truth is in the details . . . the smell, taste, sound.

Details provided in the forensic interview are directly tied to law enforcement's investigation. The details help corroborate a child's disclosure or might indicate that a criminal offense has not occurred. As the prosecutors' described, the specifics of a case such as the ages of the parties involved and what was experienced (the nature of sexual abuse) determine criminal charges. For example, charges for penetration are different than charges for genital touching. The details characterizing the abuse provide opportunities to confirm a child's statement. One prosecutor described the information law enforcement needs to thoroughly conduct an investigation:

They are going to need information obtained in the child's interview to find evidence.

There have been cases where the child is spot on. For example, in a case where there is penetration, if the child says when he's done he uses this blanket and puts it in the dirty hamper, we can search for the blanket and the child's credibility in court or trial has just shot through the roof. That's what we are looking for, details that corroborate what the child says. Either corroborates what child says or it doesn't add up.

Evidence

Closely connected to details provided by a child, is the collection of other corroborating accounts and evidence. One prosecutor described the investigative procedures as being time sensitive and requiring a thorough approach: *"You have to handle evidence in a proper way so as not to allow anything to be destroyed or a defense attorney to alter the credibility of the child."* Additionally, *"The quality of investigations is the most significant factor in a positive outcome. You need details, workers that can collect and build a case."* Reflecting the general sentiment toward accountability, while emphasizing the need to substantiate a child's statement, another

prosecutor stated, *“While you certainly want to prosecute anyone who has committed a crime against a child, you have to have evidence. In all cases the child is the primary evidence.”*

During the first step in the prosecution process, a prosecutor reviews the evidence. One of the prosecutors described the objective of intake as:

... looking for sufficient evidence. The legal standard is probable cause. If we got a sufficient statement from the child that can be probable cause or if we have a statement from the defendant, and along with the defendant, if there is an eyewitness ... looking to see if I believe a crime occurred, if there is enough evidence for prosecution, to go to court in good faith and prosecute.

One prosecutor described how gathering evidence beyond the child’s statement could be limited. However, sending a child for a medical exam allows the medical professional to explain the lack of medical findings, particularly when laypersons may expect medical evidence. This prosecutor shared these thoughts:

For our cases there is generally no evidence. It’s very rare to get semen, any bio evidence. Not going to get anything from a SANE [sexual abuse nurse exam] exam. There is no tearing. The vagina and anus were designed to stretch. The nurse is always helpful to explain this to a jury. You’re not going to have DNA evidence on the body to show that someone was sexually abused.

At times, the child’s account is very believable, but the lack of evidence prevents a case from being prosecuted. One prosecutor described it this way: *“There are times when I believe an offense has occurred, but I don’t have enough evidence, not enough information, don’t give enough details – and that happens.”* In discussing the availability of evidence, another prosecutor also recognized that there is “often no evidence,” however the “quality of the

investigation and how much evidence is obtained” to “[support] what the child says” increases the possibility of holding the perpetrator accountable.

Integrating Findings in Phase 2

The three themes emerging from interviews with prosecutors were determined to be the primary factors influencing the decision to pursue prosecution. These factors, caregiver support, details, and evidence, were integrated into the data collection instrument for Phase 2. Caregiver support was defined as a non-offending parent or guardian’s support of the child’s disclosure and the ensuing investigation. Consideration was given to parents who might be emotionally supportive of a child, but choose not to cooperate with an investigation. Therefore, statements of support had to be congruent with actions of support indicating that the child was believed and action was taken to protect the child. Details were specific to a child’s disclosure in the forensic interview. The total number of details provided by the child was used to represent the extensiveness of a child’s statement. Evidence was focused on any mention in the child’s CAC file that there was a failed polygraph, the perpetrator confessed, there was a witness, additional victims, medical findings, or media.

Phase 2

The objective of Phase 2 was to use CAC forensic interviews and case files to identify factors that predict the decision to prosecute.

Description of the Case Sample

Demographics

As shown in Table 3, the sample consisted of 100 cases, each involved an alleged child victim, in which 50 cases were prosecuted and 50 were “rejected”. The mean age for children at the time of being forensically interviewed was 11.94 years (SD=3.82) and a large majority was

female (84%). The ethnic composition of the sample was predominately Hispanic (46%), African American (27%), White (25%), and multiracial (2%). The perpetrators associated with these cases were overwhelmingly male (97%) with a mean age of 31.88 (SD=13.19). Ethnic composition was congruent with the child's ethnicity including a majority who were Hispanic (46%). Ethnicity for a few of the perpetrators was unknown (5%). The perpetrators were almost always known to the child (93%) and were more often of non-familial relation (57%). Most often this non-familial relation was to a mother's boyfriend (13%), someone the child considered a boyfriend (8%), a friend (6%) an acquaintance (5%), or a neighbor (5%). While children in the sample described 26 different relationships, only those reported most frequently are shown in table 3. When the perpetrator was a relative, the relation was most often to a stepfather (15%) or a father (8%).

Table 3. Sample Characteristics

	Entire Sample <i>N</i> =100		Prosecuted <i>n</i> =50		Rejected <i>n</i> =50	
	<i>M</i> (SD)		<i>M</i> (SD)		<i>M</i> (SD)	
Child Age (3-17 years)	11.94 (3.82)		11.20 (3.97)		12.68 (3.54)	
Perpetrator Age (17-74 years)	31.88 (13.19)		32.73 (14.21)		30.98 (12.11)	
	Frequency	%	Frequency	%	Frequency	%
Child Gender						
Female	84	84	45	90	39	78
Male	16	16	5	10	11	22
Child Ethnicity						
African American	27	27	15	30	12	24
Hispanic	46	46	20	40	26	52
White	25	25	15	30	10	20
Multiracial	2	2	0	0	2	4
Perpetrator Gender						
Female	3	3	0	0	3	6
Male	97	97	50	100	47	94

Perpetrator Ethnicity						
African American	25	25	15	30	10	20
Hispanic	46	46	22	44	24	48
White	24	24	12	24	12	24
Unknown	5	5	1	2	4	8
Relationship						
Known	93	93	46	92	47	94
Unknown	7	7	4	8	3	47
Relation of Perpetrator to Child						
Family	43	43	24	48	19	38
Non-family	57	57	26	52	31	62
Specific Relation						
Father	8	8	5	10	3	6
Stepfather	15	15	7	14	8	16
Mother's boyfriend	13	13	4	8	9	18
Cousin	6	6	2	4	4	8
Uncle	4	4	4	8	0	0
Friend	6	6	2	4	4	8
Acquaintance	5	5	1	2	4	8
Boyfriend	8	8	3	6	5	10
Neighbor	5	5	5	10	0	0

Forensic Interview

During the investigation conducted in partnership with the Children's Advocacy Center, children completed a forensic interview that ranged from 21 to 100 minutes. Table 4 shows descriptive statistics for the forensic interview. The mean length of time for these interviews was 46.67 minutes (SD=15.96). During their interviews children provided details ranging from 20 to 102 with a mean of 51.98 (SD=18.24). The majority of children (77%) transitioned from the rapport building (getting to know you) stage to a disclosure narrative after being asked to tell about the purpose of their visit. Slightly more than half of these cases (53%) involved CPS. Children were most often victims of penile penetration (32%), fondling of the genitals (30%), and/or oral sex (19%). The majority of children experienced one type of sexual abuse (58%), but

42% experienced more than one type. The mean number of sexual abuse types experienced by children was 1.70 (SD=1.02). In the child's interview or in the CAC records, 74% of all non-offending caregivers were identified as being supportive of their child's disclosure at the time of the interview.

Table 4. Forensic Interview Characteristics

	Entire Sample <i>N</i> =100		Prosecuted <i>n</i> =50		Rejected <i>n</i> =50	
	<i>M</i> (SD)		<i>M</i> (SD)		<i>M</i> (SD)	
Length of interview (21.00 to 100.24 minutes)	46.67 (15.96)		47.96 (17.51)		45.38 (14.30)	
Details (20 to 102)	51.98 (18.24)		51.94 (16.69)		52.02 (19.85)	
Total types of sexual abuse (1-6)	1.70 (1.02)		1.90 (1.07)		1.50 (.93)	
	Frequency	%	Frequency	%	Frequency	%
CPS case	53	53	25	50	28	56
Child transitions to disclosure following purpose question	77	77	35	70	42	84
Lapse from abuse to disclosure						
Immediate (up to 1 month)	43	43	24	48	19	38
Delayed (1m to years)	57	57	26	52	31	62
Severity of abuse*						
Penile penetration	32	32	15	30	17	34
Fondling of child's genitals	30	30	15	30	15	30
Fondling of child's buttocks	14	14	9	18	5	10
Oral to child	19	19	13	26	6	12
Folding of child's breasts	16	16	3	13	13	26
Digital penetration	16	16	13	26	3	6
Oral to perpetrator	12	12	11	22	1	2
Indecent exposure of perpetrator	11	11	4	8	7	14
Pornography exposure or involvement	11	11	7	14	4	8

Fondling of perpetrator's genitals	8	8	4	8	4	8
Non-offending caregiver support	74	74	44	88	30	60

* Since it is possible to have experienced more than one type of abuse, the numbers may be greater than the total number of children.

Evidence and Services

For 41% of cases, other evidence beyond the child's disclosure was available. Most often this evidence included other victims (9%), a confession (8%), and/or a failed polygraph (8%). Additionally, 43% of all children received a medical referral for a hospital exam. Children received a variety of services through the CAC including information about the case or criminal justice system including follow-up phone calls (83%), referrals or coordination of social and family services (84%), and case review team meetings (84%). Services provided ranged from 0 to 84 with a mean number of services of 17.51 (SD=15.85). Table 5 provides a description of the evidence and services received.

Description of Prosecuted and Rejected Cases

Demographics

Among the prosecuted cases, children were 60% non-Hispanic, 45% female, and had a mean age of 11.20 years (SD=3.97). Among the rejected cases, children were 52% Hispanic, 78% female, and had a mean age of 12.68 (SD=3.54). Perpetrators in prosecuted cases were 56% non-Hispanic, 100% male, and had a mean age of 32.73 years (SD=14.21). Perpetrators in rejected cases were 52% non-Hispanic, 94% male, and had a mean age of 30.98 (SD=12.11). Slightly over half of the prosecuted cases involved a non-familial relationship (52%) characterized by someone who was a neighbor (10%), the mother's boyfriend (8%), a friend (8%), or an acquaintance (8%). A majority of the rejected cases involved a non-familial

relationship (62%) characterized by someone who was the mother's boyfriend (18%) or the child's boyfriend (10%). These descriptive statistics are presented above in Table 3.

Table 5. Evidence and Services Characteristics

	Entire Sample <i>N</i> =100		Prosecuted <i>n</i> =50		Rejected <i>n</i> =50	
	<i>M</i> (SD)		<i>M</i> (SD)		<i>M</i> (SD)	
Services (0 to 84)	17.51 (15.85)		25.72 (17.41)		9.30 (8.19)	
	Frequency	%	Frequency	%	Frequency	%
Other Evidence*	41	41	25	50	6	12
Confession	8	8	8	22.9	0	0
Failed polygraph	8	8	6	17.1	2	33.3
Witness	5	5	5	14.3	0	0
Physical	4	4	2	5.7	2	33.3
Media	7	7	6	17.1	1	16.7
Other victims	9	9	8	22.9	1	16.7
Medical referral	43	43	30	60	13	26
Types of services received*						
Info regarding client's case/criminal justice system	83	83	50	100	33	66
Referral/coordination of social/family services	84	84	42	84	42	84
CRT meeting	84	84	46	92	38	76
Assist with CVC application	42	42	28	56	14	28
Court advocacy	40	40	37	74	3	6
Court accompaniment	10	10	10	20	0	0
Court orientation	11	11	11	22	0	0
Therapy	30	30	25	50	5	10
Crisis Intervention	6	6	3	6	3	6

* Since it is possible to have more than one type of evidence available for a case and for children to have received more than one service, the numbers for these variables may exceed the total number of cases.

Forensic Interview

The mean length of time for interviews in prosecuted cases was 47.96 minutes (SD=17.51). In rejected cases the mean length of time was 45.38 (SD=14.30). In their interviews, children in prosecuted cases provided a mean number of details of 51.94 (SD=16.69), which was nearly the same as the mean number of details provided in rejected cases, 52.01 (SD=19.85). CPS investigated half of the prosecuted cases and over half of the rejected cases (56%). A delayed outcry, characterized by a disclosure after 1 month to several years after the abuse first occurred, occurred more often in both prosecuted (52%) and rejected cases (62%). Children in prosecuted cases most often experienced sexual abuse by penile penetration (30%), fondling of the genitals (30%), digital penetration (26%) and oral sex (26%). Children in rejected cases most often experienced sexual abused by penile penetration (34%), fondling of the genitals (30%), fondling of the breasts (26%) and indecent exposure of the perpetrator (14%). Slightly more than half of the children in prosecuted cases (52%) described experiencing more than one type of abuse, a mean of 1.9 (SD=1.07), while the majority of rejected cases described experiencing one type of abuse (68%), a mean of 1.5 (SD=.93). The non-offending caregiver was supportive in the majority of prosecuted cases (88%) and rejected cases (60%). These descriptive statistics are presented above in Table 4.

Evidence and Services

Exactly half of the prosecuted cases (50%) had other evidence while very few of the rejected did (12%). Evidence in prosecuted cases was mostly confessions (22.9%), other victim disclosures (22.9%), failed polygraphs (17.1%), and media (17.1%). Evidence in rejected cases was mostly failed polygraphs (33.3%) and physical findings (33.3%). Medical referrals were very frequently provided in prosecuted cases (60%), but much less frequently in rejected cases

(26%). Both prosecuted and rejected cases most frequently received services including information about the case (prosecuted 100%, rejected 66%), referrals or coordination of social and family services (prosecuted 84%, rejected 84%), and were included in case review team meetings (prosecuted 92%, rejected 76%). However, prosecuted cases received a mean of 25.72 services (SD=17.41), while rejected cases received a mean of 9.30 services (SD=8.19). These descriptive statistics are presented above in Table 5.

Final Legal Outcome for Prosecuted Cases

Among the 50 cases that were prosecuted, the final legal outcome included 14 (28%) having their cases dismissed, 18 (36%) receiving state penitentiary confinement, and 18 (36%) receiving deferred adjudication. This indicates a 72% sentencing rate.

Logistic Regression Model Building

Following Hosmer and Lemeshow's (2000) model building procedures, the correlates of prosecution were identified using univariable logistic regression analyses (bivariate). All variables found to be correlated with prosecution using the value of $P < .25$ were entered as the first set of predictors with prosecution status as the outcome variable.

Correlates of Prosecution

In Table 6, the variables that are correlated to prosecution are presented. These correlates are based on the bivariate logistic regression analyses where each variable was used as a single predictor. Children whose cases were prosecuted were more likely to be younger, female, and non-Hispanic. Similarly, children in prosecuted cases were more likely to disclose abuse following the forensic interviewer using more than the first transition prompt, *tell me why you are here today*. In their disclosure narratives, children whose cases were prosecuted were more likely to describe experiencing more than one type of sexual abuse. Cases what were prosecuted

were more likely to involve children whose non-offending caregiver was supportive of the child's disclosure and the investigation process at the time of the forensic interview. Cases that were prosecuted were more likely to have received more services from the CAC, more likely to have received a medical referral, and more likely to receive therapy. Finally, cases that were prosecuted were more likely to include additional evidence beyond the forensic interview. There is a significant relationship between prosecution and non-offending caregiver support.

Table 6. Correlates of Prosecution

Variable	B	SE	p	OR	95% CI	Prosecuted cases more likely to:
Child age (continuous)	-.106	.055	.055	.90	.81 - 1.0	Be younger
Child gender	.932	.582	.109	2.54	.81 - 7.9	Be female
Hispanic	-.486	.404	.230	.61	.28 - 1.4	Be non-Hispanic
Transitioned to disclosure after asked purpose of visit	-.811	.494	.101	.44	.17 - 1.12	Disclose abuse after more than the first transition prompt (purpose of visit)
Sexual abuse (continuous, 1-6)	.419	.220	.057	1.52	.99 - 2.3	Have more experiences of different types of sexual abuse
Support	1.47	.551	.007	4.4	1.5 - 12.9	Have caregiver support
Services (continuous)	1.18	.248	.000	3.1	1.9 - 5.0	Receive more services
Medical referral	1.53	.440	.001	4.6	2.0-11.0	Have a medical referral
Other evidence	1.99	.519	.000	7.3	2.7 - 20.2	Have other evidence
Therapy	2.19	.550	.000	9.0	3.1-24.4	Receive therapy

Multivariable Model

Following entry of all of correlates of prosecution (Table 6) into the preliminary model, only variables that were statistically significant at $P < .10$ were entered into the subsequent model in order to identify the most parsimonious model. The significant variables in the logistic regression model were caregiver support, other evidence, and number of services. In the final

multivariable model ($X^2=59.05$, $df=3$, $p<.001$; Nagelkerke $R^2=.595$), these three variables accounted for 59.5% of the variances in the logistic regression model. Caregiver support (OR=5.1; 95% confidence interval [CI]=1.4-19.1) was the strongest predictor of prosecution indicating that children who have caregiver support at disclosure were 4.1 times more likely to have a case accepted for prosecution than those children who did not have caregiver support. The other predictors of prosecution included other evidence (OR=4.7; 95% confidence interval [CI]=1.4-15.4) and number of services received (OR=3.2; 95% confidence interval [CI]=1.9-5.3). The importance of each variable was verified by examining the estimated coefficients between the preliminary main effects model and baseline model. None of the estimated coefficients changed markedly in magnitude. Interactions among variables in the model were examined and were not statistically significant at $P < .05$. The likelihood ratio test was then used to compare the baseline model with the more parsimonious model. The likelihood ratio was not significant indicating that the more parsimonious main effects model should be retained (LRT $X^2=7.17$, $df=7$, $p=.42$). These results are presented in Table 7.

Table 7. Multivariable Analysis Results: Variables Predicting Prosecution

Predictors	B	SE	p	OR	95% CI	Prosecuted cases more likely to:
Caregiver Support						
Yes/no	1.62	.675	.016	5.1	1.4-19.1	Have more caregiver support
Other evidence						
Yes/no	1.55	.611	.011	4.7	1.4-15.4	Have other evidence
Number of Services						
(continuous)	1.19	.279	.000	3.2	1.9-5.7	Receive more services

$X^2(3, N=100)=59.05$, $p<.001$; Nagelkerke $R^2=.595$

Phase 3

The objective of Phase 3 was to examine the decision to prosecute in a sample of 10 prosecuted cases with prosecutors serving as the informants.

Description of the Case Sample

Informants

Participants in this sample included three female prosecutors. All participants were White and ranged in age from 30-49 years. These three prosecutors had also participated in Phase 1 of this study. One of the prosecutors discussed 2 cases she handled, one prosecutor discussed 4 cases she handled, and the last prosecutor, the chief of the division, discussed 4 cases she had consulted on or been involved in directly.

Cases

The 10 selected cases are shown in Table 8. This summary of information comes from the CAC data collected in Phase 2. The cases reviewed in interviews with the prosecutors included children with varying characteristics. Most of the children (n=9) were female and ranged in age from 4 to 16 years old. Ethnicity among children and perpetrators was identical with two cases involving AA individuals, four involving Hispanic individuals, and four involving White individuals. The relation of the perpetrator to child varied, including a friend, friend's family friend, church member, father, stepfather, grandfather, and uncle. Sexual abuse experiences ranged from a one-time exposure to digital penetration and attempted penile penetration. The time from first abuse experience to disclosure at the forensic interview ranged from the day after the abuse to 5 years later. The prosecutorial outcome included a single dismissal (following initial prosecution charges), deferred adjudication in three cases, and up to 35 years of time in the state penitentiary for 6 cases.

Table 8. Summary of Case Sample

	Child	Perpetrator	Relationship	Abuse	Disclosure	Outcome
1	13, F, AA	Over 25, M, AA	Church member	Fondling of genitals, genital contact, pornography, 1x	About 3 days; friend told child's dad	Aggravated sexual assault of a child; 18 years state penitentiary
2	9, F, White,	34, M, White	Father	Oral to AP; Exposed to pornography; several in one day	Seemed to be next day, abuse started several months before; siblings told mom she didn't have to do chores, mom asked why	Aggravated sexual assault of a child; 15 years state penitentiary
3	15, F, AA	17, M, AA	Friend	Exposure, 1x	About 3 weeks; told mom	Indecency with a child – contact, deferred adjudication
4	4, F, Hispanic	21, M, Hispanic	Uncle	Fondling of genitals, digital penetration, 1x	About 1 week; Told mom and dad	Indecency with of child – contact; deferred adjudication
5	6, F, Hispanic	49, M, Hispanic	Uncle	Digital penetration; AP oral to child, 1x	Between 6m and 1 year; told mom and dad	Aggravated sexual assault of child of a child; 15 years of state penitentiary
6	16, M, White	49, M, White	Father	Oral to child, continuous	5 years; told aunt after abuse stopped for 4 months	Continuous sexual abuse of a child; 35 years state penitentiary
7	5, F, White	35, M, White	Father	Exposure to pornography; Child mouth to AP penis, 2x	About 1 week, concern about sexualized behavior	Dismissed; unable to prove beyond a reasonable doubt
8	11, F, Hispanic	48, M, Hispanic	Friend's family friend	Fondling of genitals, 1x	Next day; told same day; texted mom	Indecency with a child – contact; 2 years state penitentiary

9	13, F, White	62, M, White	Grandfather	AP oral to child breast, fondling of breast, 2-5x	About a month; mom found a note and asked child	Indecency with a child – contact; 8 years deferred adjudication, registration as sex offender
10	12, F, Hispanic	37, M, Hispanic	Stepfather	Digital penetration; attempted penile penetration 2x	Next day; brother saw and told mom	Aggravated sexual assault of a child; 12 years state penitentiary

Emergent Themes

Four major themes emerged from the data about the elements that influence prosecution and the approach used in making prosecution decisions: 1) A child's disclosure as the primary evidence; 2) Evidence gathered through a quality investigation; 3) Caregiver support; and 4) The decision to prosecute. First, the four themes along with their corresponding final charts are presented. Last, the framework and interpretation are presented.

A Child's Disclosure as the Primary Evidence

Prosecutors described a child's disclosure as pivotal to prosecuting a case. A child's disclosure served as the basis for the investigation in all ten cases. Even when initiated by someone other than the child, the child provided a statement revealing sexual abuse experiences. In identifying the most important aspects of the disclosure elicited in the forensic interview, prosecutors outlined three underlying elements: an immediate outcry, details, and credibility. This theme is organized according to the three subthemes and is presented in Table 9.

Immediate Outcry

More than half of the cases were described as situations in which the child immediately told someone about abuse, someone witnessed the abuse and told immediately, or someone asked the child about abuse soon after. Relating timing of outcry to credibility, one prosecutor

highlighted the timing as a strength in a case, *“There was an immediate outcry. It wasn’t something that happened 2 or 3 years ago. She told the very next day. Jurors tend to find that credible. They are still unsure about delayed outcries.”* In the case of a very young child, the prosecutor noted *“she tells mom at breakfast the next day. Mom calls the police and it is investigated.”* For this case, the prosecutor stated, *“it was beneficial that there was a close outcry.”* In another case, the prosecutors described a child’s brother witnessing her abuse and as soon as she got home the *“son told mom that he saw his father touching the daughter.”* Another prosecutor described a case where soon after the abuse occurred, the *“stepgrandmother found a note in her backpack and questioned her.”* Altogether, self-disclosure or immediate questioning by a caregiver promptly initiated an investigation and forensic interview. Related to the immediacy of the outcry, one prosecutor stated, *“The length of time can also affect emotions. They may be desensitized. When it is close to the incident, emotions are raw.”* The ability to provide vivid details, particularly for cases that do not involve repeated or continuous abuse, is often related to the child telling about the abuse as close to the time of the event as possible.

Details

In descriptions about all of the children’s interviews, the prosecutors discussed how important the details were for determining what the nature of the sexual crime was and for portraying a clear chronicle of the experience. In one interview, the prosecutor shared, *“It is a factor. How are they talking about it and what kinds of details are they providing? Can they talk about sensory details – smell, taste?”* As the prosecutors view the forensic interview DVDs they often take notes. For one case, the prosecutor described, *“My general notes are about which body parts were touched. If I’m preparing for trial, I take detailed notes.”* Similarly, another prosecutor acknowledged that a child’s description is connected to the offense charged. It is

important for a child to tell about all abuse experiences. In the following case, a prosecutor distinguished that touching of a child's buttocks would have been a different level of crime than the additional vaginal touching. The prosecutor provided this description, *"She said he put his hands in her pants and touched her bottom. He touched her vagina over the panties. That's important, because touching a child's butt is a Class C misdemeanor, not a felony."* In another case, the prosecutor simply recognized, *"The child provided detailed statements."* The details provided by a child present a vivid narration answering many questions about who was involved, what they did, where the abuse occurred, and how it unfolded. Even in a situation where a child is young, the prosecutor explains, *"Details were given. It was not a great interview, but she was able to provide details. He initiated touching in the bed and then moved to the living room."* Associated with the amount of details provided by the child is the impression the child and her or his narration gives to those involved in investigating the case and potentially to any jurors involved in sentencing. This impression is directly connected to perceptions of the child's credibility.

Credibility

The prosecutor's descriptions about the child's disclosure serving as primary evidence in these cases was strongly connected to how the child's statements emerge, how the child tells of her or his experiences, and consistency. Although notions of credibility do not emerge for all interviews, there is a consistent pattern. In one case the prosecutor directly shared,

The way her outcry comes out is pretty credible. What she says happens in the evening while her brothers and sisters are in the living room. There is a complaint from the children about chores and mom questions her daughter.

In a similar manner, another prosecutor discussed the child giving enough information and stated “*It was consistent with her outcry to mom and with the CAC.*” Related to the idea of dependable accounts, another prosecutor reported that having “*two consistent statements*” strengthened a case. For other cases, believability was related the child’s reaction in disclosing abuse to the forensic interviewer or providing the first outcry to a caregiver. One prosecutor commented, “*The kid was emotional and very believable in the interview.*” Another prosecutor provided several insights related to emotion and credibility:

She was believable because of the way she described it. The emotions. Kids that are silly get scrutinized more. Does the emotion match what happened? . . . When a child is flat, it is often because of continuous abuse.

The combination of an immediate outcry, providing detailed disclosure statements, and demonstrating credibility support the child’s disclosure as the primary evidence. In sum, the emergent theme surrounding a child’s disclosure as the primary evidence reveals how a child’s statements prompt further investigation using the information a child shares to build a case.

Table 9. A Child's Disclosure

Main Theme	A child’s disclosure is the primary evidence		
Sub-theme	Immediate outcry	Details	Credibility
Case 1	<i>A few days later . . . friend was concerned and went to tell her dad</i>	<i>My general notes were about which body parts were touched. If preparing for trial, I take detailed notes.</i>	(not mentioned)
Case 2	<i>The next day . . .the kids tell (about chores). Mom asks about it.</i>	<i>A strength was the girl describing it in detail.</i>	<i>The way her outcry comes out is pretty credible. She told the next day. Jurors tend to find that credible.</i>
Case 3	<i>She runs and tell her mom</i>	<i>It is a factor – how they are talking about it and what kinds of details they are providing. Can they talk about sensory details – smell, taste.</i>	<i>She was believable because of the way she described it. The emotions.</i>

Case 4	<i>She tells mom at breakfast the next day. It was beneficial that there was a close outcry.</i>	<i>She gave enough information.</i>	<i>It was consistent with her outcry to mom and with the CAC.</i>
Case 5	(not immediate)	<i>Details were given, was not a great interview, but she was able to provide details.</i>	<i>The child had psych issues (after incident), she had panic attacks, trouble going to school.</i>
Case 6	(not immediate)	<i>The child provided detailed statements.</i>	<i>There are 2 consistent statements.</i>
Case 7	(not mentioned)	<i>Saw dad's penis. Touched sister's private. Touched brother's wiener. Saw stuff on the internet.</i>	(not mentioned)
Case 8	<i>(Night of abuse) Mom says kid texted her. Told her something was wrong.</i>	<i>Said he put his hands in her pants and touched her bottom. Touched her vagina over her panties.</i>	<i>Mom called her, the child was whispering. Daughter was crying.</i>
Case 9	(not mentioned)	<i>Touched her breast over clothes, the next day he put his mouth over her breasts</i>	(not mentioned)
Case 10	<i>The same night . . . Son told mom that he saw his father touching his daughter.</i>	<i>Brother was told to leave. . . he typed on his phone that he would buy more minutes if she let him play with her pussy. He took off her belt and took her skirt off and underwear.</i>	<i>The kid was emotional and very believable in the interview.</i>

Gathering Evidence

In the investigation of sexual abuse allegations, the prosecutors describe law enforcement building a case by using the child's statements to gather evidence. This collection of evidence begins the moment law enforcement is notified. The immediate systematic approach taken by officials determines the quality of the investigation. The statements provided directly to police and the details provided by a child are opportunities for confirming where the child was when the abuse occurred, what was observed by others – either as witness to abuse or outcry, and using all of the facts in questioning the alleged perpetrator. The process of gathering evidence is comprised of two central components: corroborating the disclosure and using the substantiated allegation to pursue a confession. This theme is presented with selected quotes in Table 10.

Corroboration

Corroboration of sexual abuse involves interviewing the individuals who were present when a child was abused (whether or not they witnessed the event); comparing the facts; completing DNA tests when appropriate; searching for media such as texts, videos, and pictures; getting statements from all children abused by the perpetrator; and requesting that the alleged perpetrator complete a polygraph. In a case of one time abuse where the perpetrator exposed himself and touched the child with his penis, the child runs away from the perpetrator and tells her mother. The prosecutor states, *“In this case, I was able to corroborate them walking together, the way she came across to her mother”*. Although the perpetrator would not admit his actions, there was enough evidence to prove that they had been walking together and the mother is able to describe how and what the child told her following the event. In another case, the police gathered statements from the parents of a child’s friend who were asleep when the child was touched. The prosecutor described, *“They heard the doorbell. He (the father) asked why it rang, who it was. The suspect said it was the kid’s mom picking her up so she could go to work.”* Additionally, the prosecutor noted, *“She (the mother) got up to check on the girls. She woke her daughter up to ask where her friend was.”* In this situation, the parents heard the doorbell, which confirms that someone had been to the house. The mother saw that her daughter’s friend had left and the perpetrator has confirmed this series of events by acknowledging that the child left the house. He later takes a polygraph and fails. In another case, the prosecutor reported having evidence of what a child told her dad, there was friend who saw a text request for a vaginal picture, and the police searched the crime scene (a local church) for the presumptive presence of semen, which was positive. In the case of a child who was given oral sex by her stepfather, the prosecutor provided this description:

The officer spoke with the big brother. His stepfather asked him to watch his brother. Everyone was away. He observed his sister's legs in the air. An officer talked to the suspect. He was willing to be interviewed. He goes into the office. He says they were sitting on the floor together. Says he pushed her over and touched her leg on her skin. He said there was a big gap under the door and so he wouldn't do anything. And right there he has admitted that it was possible for his son to see what was happening.

In a case such as this, the police have seized the opportunity to pursue questioning immediately before a suspect has an opportunity to consider his options. Although the stepfather does not initially admit sexual abuse, his initial statements and other evidence support his culpability. For each case, some additional finding is reported that supports the child's disclosure. Sometimes this additional evidence is limited to finding a note the child wrote and other times the evidence includes an additional outcry from another child or the use of a polygraph to confirm a perpetrator's statements. Altogether, prosecutors emphasized that a good investigation includes exploration of as many leads and opportunities possible for corroborating an abuse allegation. Most cases may only begin with a child's disclosure, but the gathering of any additional evidence is important for enhancing the overall strength of a case. In many instances, the collection of corroborating findings makes it incredibly difficult for a perpetrator to continue denying allegations.

Confession

In 9 of the 10 cases reviewed, prosecutors described an investigation that led to partial or full admissions of sexual abuse. Following the disclosure of two victims in a related case, the prosecutor stated, *"The defendant comes in for an interview. He starts blurting everything out. He immediately tells that he had been molesting both boys."* During the police investigation of a

separate case, one prosecutor shared that the perpetrator “*made admissions to police [and] said [that] he touched in the pants, denied digital penetration.*” Although the perpetrator does not assume wrongfulness for all of his actions, this sort of partial admission helps bolster a case’s standing. In the single case that was eventually dismissed following being charged, the prosecutor explained:

The defendant denied sexually abusing the kids. He admitted she saw porn on the computer because he forgot to take the DVD out after viewing it. He took a polygraph and failed. During the polygraph he said it was possible that her mouth touched his penis. Said maybe she did. Says he was asleep wearing open boxers. He was embarrassed that she saw it.

This admission “*substantiated what the child said*” and presented enough evidence for pursuing criminal charges, but trying the case became difficult, particularly because the child’s statements were vague. The use of a polygraph can be extremely helpful in prompting a perpetrator to reconsider his denial. In one case, the father initially denied all abuse allegations. The prosecutor described, “*He took a polygraph and failed. Then he admitted to touching his daughter on the side of her vagina.*” In two other cases, the perpetrator made an admission directly to the parent. Following being approached by a child’s father the “*defendant said what he did was wrong. He apologized. He asked for him not to call the police. He admitted he kissed her and touched her private part . . .*” Securing a confession of any level was a considerable benefit to pursuing prosecution in the cases reviewed. With efficient and expedient investigation, the combination of corroborating features enhanced the prosecution process by adding additional credibility to a child’s statement.

Table 10. Gathering Evidence

Main Theme	Gathering evidence – the quality of the investigation	
Sub-theme	<i>Corroboration</i>	<i>Confession</i>
Case 1	<i>Her friend told her dad. . . was a witness to the text message . . . numerous areas on her panties showed in the presumptive test for presence of semen.</i>	<i>Dad said defendant said what he did was wrong. Apologized. Asked him not to call police.</i>
Case 2	<i>She has to go back multiple times. There is the complaint from children about chores and mom's questions. There was also video that existed and daughter knew.</i>	<i>Dad is manipulative. Says he should just kill himself. He goes into the garage and steps on a bucket with a rope. The police come. Dad confesses to mom that he had daughter do oral sex.</i>
Case 3	<i>The details . . . I was able to corroborate them walking together, the way she came across to mother.</i>	(no confession)
Case 4	<i>She gave enough information. It was consistent with her outcry to mom and with the CAC.</i>	<i>He made admissions to police. Said he touched her in the pants, denied digital penetration.</i>
Case 5	<i>There was a polygraph. The explanation was he was drinking. It correlated with what the girl said happened. We were able to corroborate when she was not in school, where she stayed that day.</i>	<i>He made admissions.</i>
Case 6	<i>There were two victims. The defendant comes in for an interview. He starts blurting everything out.</i>	<i>He immediately told that he had been molesting both boys.</i>
Case 7	<i>There is enough there. Failing the polygraph. Admitting.</i>	<i>Admitting. His statement substantiated what the child said.</i>
Case 8	<i>Mom went to pick her up. Parents ask about doorbell. Suspect confirms child's mom picked her up. Failed polygraph.</i>	<i>Then he admitted to touching her.</i>
Case 9	<i>Stepgrandmother found a note.</i>	<i>He gave a written statement. He confessed.</i>
Case 10	<i>Son advised that he had observed his father sexually assaulting the 12 year old girl. Dad says there is a gap under door. He took a polygraph and failed.</i>	<i>He admits touching and says he didn't pull his penis out.</i>

Caregiver Support

In 8 of 10 cases, prosecutors described children having a supportive parent. In 1 case, the mother was not supportive of the child's outcry, but the child was placed with the grandfather who was protective. In another case, mom was described as having a drug problem, and while

she was not supportive, there was another supportive caregiver present. The prosecutor described their situation, *“She was with her grandma as the case was pending. Mom was supportive of dad. Grandma was very supportive. She brought her here when needed.”* Support of the child varied greatly over the course of the investigation and was expressed differently for many families. For some caregivers, support was immediate as they confronted the perpetrator and initiated an investigation. When asked about one parent’s support, the prosecutor described a case where upon learning about the abuse allegations, *“Mom confronts dad and he said he didn’t do anything . . . She lets the cops in . . . Mom got a protective order. So, yes, she was supportive. Mom completed a victim impact statement.”* Even when a parent wasn’t sure what to believe, she demonstrated support by filing a report. The prosecutor described, *“Mom was hesitant. Not sure if she should believe the child. She made the report and gave a statement to the police . . . The family had mixed feelings.”* Some parents were never skeptical of the child’s disclosure and were cooperative with the investigation from the beginning to the end. In such a case, the prosecutor provided this description: *“Mom and dad were both fantastic. Mom was very protective. She wanted him to be held accountable.”* The idea of supporting a child by holding the perpetrator accountable was expressed several times. One prosecutor said *“Mom was cooperative and wanted him to be prosecuted.”* Similarly, in another case *“Mom was cooperative and wanted him charged.”* For some cases, the entire family united to support the prosecution process. One prosecutor described a case where the family *“wanted him to be held accountable . . . The family was supportive.”* Likewise, in describing a case that affected two families, the prosecutor indicated, *“They rally the family together . . . The mother was very supportive.”* In some cases, support waivers over time. A parent may initially be supportive of a child providing a disclosure, and even cooperate with the investigation, but over time experiences a change in feelings. In the

case of the child who was grabbed and experienced exposure, the prosecutor shared, *“Initially mom was cooperative. Then, she stopped communicating . . . She wasn’t resistant at the beginning.”* In more severe cases, difficulty arises for pursuing sentencing when support is not present. A prosecutor reported this relationship in describing the final outcome of a case, *“He was given deferred probation. It was not an easy case because of all the other factors swarming around, family tension.”* Support of the child can be extremely difficult, particularly when the perpetrator is a loved one. Although support over the course of a case may change, the descriptions provided by prosecutors for these cases strongly suggest that initial support by someone serving as a caregiver is critical for the prosecution process. Table 11 summarizes important quotes reflecting the theme of caregiver support.

Table 11. Caregiver Support

Main Theme	Caregiver support
Case 1	<i>Mom and dad were both fantastic. Mom was very protective. Parents were supportive.</i>
Case 2	<i>Grandma was supportive.</i>
Case 3	<i>Initially mom was cooperative.</i>
Case 4	<i>Mom was cooperative and wanted him to be prosecuted.</i>
Case 5	<i>Mom was hesitant, not sure if she should believe the child. Made report.</i>
Case 6	<i>They rally the family together. Mother was very supportive.</i>
Case 7	<i>Mom was not supportive</i>
Case 8	<i>Mom was cooperative and wanted him charged.</i>
Case 9	<i>They wanted him to be held accountable. Family was supportive.</i>
Case 10	<i>Mom got a protective order. So, yes she was supportive.</i>

The Decision Process

In their interviews, prosecutors described the factors related to pursuing criminal charges and conviction for each case. As they described the influential factors, the prosecutors also clearly defined the process of making a decision. Decisions over the course of criminal

prosecution were strongly tied to an ongoing evaluation of the evidence. This evaluation was depicted as assessing the strength of a case and then taking a balanced approach. Table 12 summarizes important quotes reflecting the theme of the decision process.

Assessing the Strength of a Case

The first decision in the criminal prosecution process is the decision of whether or not to file charges against a perpetrator. This decision is very strictly based on the availability of evidence. As one prosecutor described,

I get the offense report, CAC file, SANE [sexual assault nurse examiner] records. We get a packet of everything that goes with a case. Except for physical evidence, we get a copy of everything, so we know that not only did she outcry, her friend saw it, dad saw it. The defendant admitted. There is a lot of corroborating evidence. So the decision is easy.

Following this same philosophy, it was also indicated that the opposite decision could be made. One prosecutor described it as: *“If I think there is not enough evidence, I will reject.”* An admission of wrongdoing by the perpetrator also made the decision to prosecute uncomplicated. Another prosecutor stated, *“It was a no brainer to get indicted. He confessed.”* As cases progressed through sentencing, the strength of the evidence is assessed to determine what offer should be made and what outcome is reasonable. In the case that was eventually dismissed, the prosecutor noted that there was *“enough to get him indicted, but not move forward.”* In describing a case involving fondling of the genitals, the prosecutor mentioned, *“the hardest part is determining if we have sufficient evidence to support proving a case.”* She described the case further as being *“very hard to prove without a confession, because it’s a weak case.”* In explaining the prosecution process, this same prosecutor stated:

We are always going to take a case forward and let the grand jury help. Even if the evidence is weak . . . If we have some doubt, we shouldn't take it to the grand jury . . . If we don't believe in a case, we shouldn't be trying to get the case indicted. For the grand jury, you are asking do you think there is sufficient evidence.

Taking a Balanced Approach

As prosecution continues beyond the initial decision to file charges, the sentencing phase becomes very complicated. Once a case is indicted, the prosecutor must determine what plea offer to give and establish how far s/he is willing to pursue charges. Considerations for justice, the best interest of the child, family considerations, perpetrator considerations, and community considerations are all deliberated upon in order to establish a course of action that is fair and reasonable. One prosecutor aptly captures the complexity of the sentencing phase with these words:

You have to assess if a case is strong enough to move forward. If there are strong charges. We want to protect children. We look at the community objective. Being focused on justice. Everyone has their own feelings about what is right and just. Over time the definition of justice changes. There is a continuum of punishment available. My recommendation might be one thing because of the trauma to the victim, the severity of a case. Many things come into play. I rarely say I don't want to pursue charges. Most often it is about not wanting to go to court.

Taking a case to court requires that the child be willing to testify. In many of the cases discussed, the prosecutor described the consideration of putting a child through the trial process. As mentioned previously, a family's perspective could also impact the decision about how to negotiate. One prosecutor noted that a child's parents "*didn't want her to testify. The defendant*

knew this from talking to the family. They shared a family.” In another case, the “daughter feared going to court” so “3 years in prison [was] a reasonable resolution to avoid trial.” In another case, the prosecutor described part of the community perspective by saying “each case has its own ick factor. A jury is going to be more affected and upset by someone being penetrated than not.” A consideration for the perpetrator was described when the prosecutor said “I considered his youth and no other felonies.” Another prosecutor shared perspectives about the community, considerations for younger perpetrators and the criminal justice process by saying:

It can be difficult, because a) you don't know if you can prove it. And are you really willing to ruin someone's life? Sometimes you have an inkling, but they are difficult to prove. One of the reasons a grand jury exists is to be the voice of the community. To listen to details and make a decision. Even if I decide it is appropriate for charges to be made, they have to review the details and make a decision.

The pursuit of criminal prosecution in child sexual abuse cases is extremely complicated and is different from case to case. In consideration for how outcomes are resolved, the best summary comes from one of the prosecutors who stated *“It's never about winning. There are no winners in these situations.”*

Table 12. Decision Process

Main Theme	Decision Process: Evaluation of evidence	
Sub-theme	<i>Assessing the strength of a case</i>	<i>Taking a balanced approach</i>
Case 1	<i>Get offense report, CAC file, SANE records. Copy of everything. Lots of corroborating evidence. So the decision is easy.</i>	<i>Severity matters, but some of that is determined by the law. Each case has its own ick factor. A jury is going to be more affected and upset by someone being penetrated than not. It happened at a church, girl with disabilities, criminal history.</i>
Case 2	<i>If there is not enough evidence, I will reject it.</i>	<i>She wasn't fragile, but she had been through a lot by the time we were ready for trial. The defendant had a criminal history. He changed his mind about trial. Mom wanted him to be put on probation. Some decisions can be really, really difficult. Evidence,</i>

		<i>child well-being, gut reaction.</i>
Case 3	<i>He had done it before. He pulled out his penis in school. He was charged with a misdemeanor for public indecency. Misdemeanor probation had been handled in the DA's office so the division was aware of it.</i>	<i>I ask: do I believe the child? I also look at what a defense attorney would look for – identify weakness. I considered his youth and no other felonies. He hadn't been through therapeutic options already. Juvenile history, sexual offense</i>
Case 4	<i>Admission, previous history of sexual offenses with children.</i>	<i>He was given deferred probation. It was not an easy case because of all the other factors swarming around, family tension. He had a propensity for trying to touch children. He was a juvenile when it first happened.</i>
Case 5	<i>Admission</i>	<i>Her parents didn't want her to testify. The defendant knew this from talking to the family – they shared a family. The family had mixed feelings. Dad made threats. The child had psych issues.</i>
Case 6	<i>AP confesses</i>	<i>Boys had a hard time talking about it with the forensic interview and with the DA. Both families were okay with trial, kids were too. They didn't want to though.</i>
Case 7	<i>Enough to get him indicted, but not move forward.</i>	<i>Took to the grand jury. Is there enough evidence that we think an offense occurred? Guardian didn't feel it should go forward because the kids were doing well. Juvenile history.</i>
Case 8	<i>This kind of case is very hard to prove without a confession because it is a weak case.</i>	<i>The daughter feared going to court. Mom was cooperative and wanted him charged. 3 years in prison is a reasonable resolution to avoid trial. Has criminal history . . . 10 years or older not going to matter much.</i>
Case 9	<i>It was a no brainer. He confessed.</i>	<i>It affected the family relationship. They wanted him to be held accountable. There was a good through investigation. Family was supportive. No criminal history.</i>
Case 10	<i>This is a very strong case with an eyewitness.</i>	<i>No criminal history. Eyewitness. The original recommendation was high at 25 years. Family dynamics may have impacted negotiation.</i>

Summarizing the Decision to Prosecute

As shown in Figure 6, interviews with prosecutors revealed through a review of 10 cases that the decision to prosecute involves 1) assessing the strength of a case and 2) taking a balanced approach. Assessing the strength of a case requires determining how much evidence exists to support criminal charges. This is a dynamic process that changes over time depending on the stage of prosecution. Based on legal standards for evidence, there may be one assessment

of how strong a case is at intake, but another in pursuing sentencing. For example, a case may be strong enough to be indicted, but may later be dismissed or pled to a lesser charge. Taking a balanced approach involves weighing considerations for justice, the child, the family, the perpetrator, and community. Balancing is a complicated process with considerations varying from case to case. At the heart of this decision appears to be deliberating what is just and in the best interest of the child.

In a case, the elements that are important for pursuing prosecution are 1) disclosure, 2) caregiver support, and 3) gathering evidence. Disclosure serves as the primary evidence and is best when children cry out immediately, provide detailed statements, and demonstrate credibility. Caregiver support reflects a parent, guardian, or other caregiver's cooperation and interest in protecting a child. Caregiver support can influence the negotiation process, with a lack of support making it difficult for a prosecutor to pursue stricter sentences. Caregiver support can also be included as statements in the gathering evidence phase of an investigation. Gathering evidence is directly related to the details provided in a child's disclosure narrative. Gathering evidence reflects the quality of an investigation in corroborating the details a child provides, using polygraphs, gathering statements from others who first learned about the abuse, collecting any physical evidence, and media (texts, videos, etc.). Gathering evidence also includes using any corroborating information to question the alleged perpetrator, which can lead to partial or complete admissions.

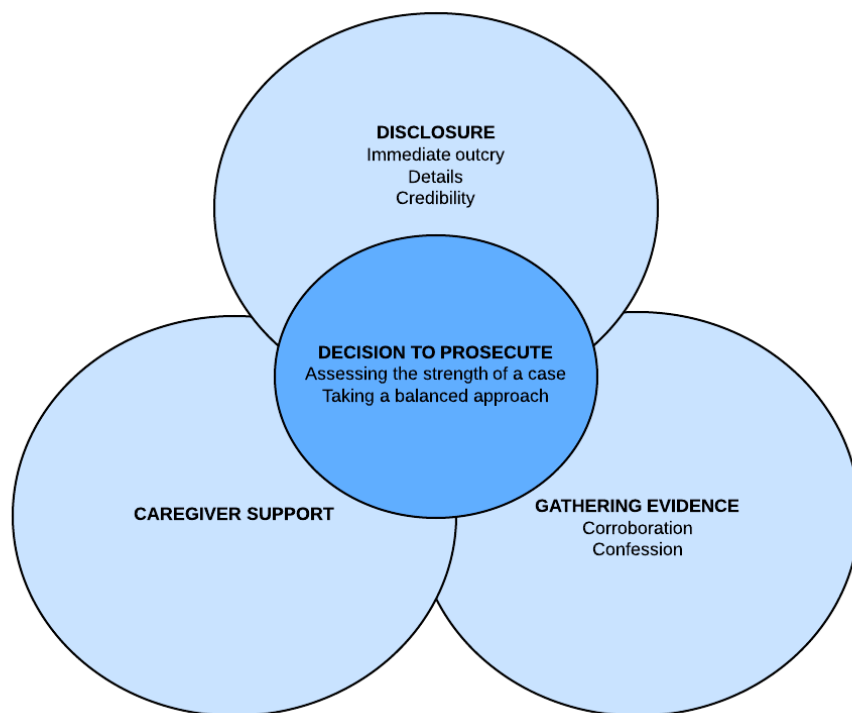


Figure 6. Framework representing the decision to prosecute

Summary of Findings

Results of each phase of the mixed-method study are presented in this chapter. Findings from Phase 1 reveal that prosecutors perceive caregiver support, additional evidence, and detailed disclosures to be the most important influencers of prosecution. Findings from Phase 2 produce a model where caregiver support, additional evidence, and a greater number of services received predict the likelihood of prosecution. Caregiver support is the strongest predictor of prosecution with cases in which a child has a supportive caregiver 5 times as likely to be prosecuted than cases where the child does not have a supportive caregiver. Findings from Phase 3 reveal an emergent framework where the decision to prosecute requires a constant evaluation of the evidence and balancing of considerations. In this framework, the child's disclosure,

availability of other evidence, and caregiver support all contribute to the potential for a case to be prosecuted. In the next chapter, these results are discussed and implications provided.

Chapter 5

DISCUSSION AND CONCLUSIONS

This chapter provides a discussion of the results of this mixed-method multiphase study whose purpose was to explore factors related to child sexual abuse cases that are associated with prosecution, a decision to pursue criminal charges. An overview of the findings and discussion is provided for each phase of research, followed by an integrated discussion. The chapter continues with limitations of the research and discussion for future research. Finally, conclusions are summarized to address practice, policy, and research implications.

Overview of Findings

Phase 1

The first question in this study sought to understand the prosecution process and explore prosecutor perspectives about the factors that influence prosecution of child sexual abuse cases. State laws dictated most of the prosecution process with allowances made for the county to determine their own policy for assigning cases. Findings from interviews revealed that prosecutors most strongly identified a child's details from her or his disclosure narrative, family support, and the availability of other evidence as the essential characteristics of a decision to prosecute. The findings suggest that the best disclosure narratives are highly descriptive presenting a graphic and comprehensive report of sexual abuse, including as many sensory features as possible. Prosecuted cases also had family support of the child's outcry. Parental support of the child was described as principal, but any family support was perceived to make a difference. A lack of family support could lead a child to question her or his disclosure and might make it very difficult to pursue prosecution. A family's belief in the child also suggested that child protection was of high priority and importance. While the child's disclosure initiates an

investigation, the availability of other evidence strongly influences prosecution. Other evidence adds credibility to the child's disclosure, making it more difficult for a perpetrator to deny fault.

Phase 2

The second question in this study sought to explore the factors associated with child sexual abuse cases investigated through a Children's Advocacy Center that led to prosecution. Phase 2 was informed by the findings of Phase 1, such that the child's details, family support, and other evidence were incorporated in defining variables included in analysis. Several correlates of prosecution were found indicating that prosecuted cases were more likely to involve children who 1) were younger, female, and non-Hispanic; 2) experienced more than one type of sexual abuse; 3) disclosed abuse in the interview following more than the first transition prompt; 4) had a supportive caregiver; 5) received more services from the CAC; 6) received a medical referral; 7) received therapy, and 8) had other evidence.

When an adolescent child was engaged in a sexual relationship with a young adult perpetrator, prosecutors found it hard to prove sexual abuse. In situations such as these, the child's consideration for the perpetrator as a "boyfriend" or an intimate partner may increase the difficulty of pursuing prosecution.

Additionally, the finding related to child ethnicity is surprising. The sample consisted of 46% Hispanic children, which was twice as high as the proportion of Hispanic individuals in the county (U.S. Census, 2012). However, it was for non-Hispanic children that a case was likely to be accepted for prosecution. Among the non-Hispanic ethnicities, the White sample was 10% lower than the county proportion, the African American sample was 6% higher, and the Asian sample was 18% lower (0 cases) than the population percentages. The overrepresentation of Hispanic children in the child welfare system has been documented in some areas of the United

States with contributing factors remaining unknown, although questions of cultural bias arise (Detlaff, 2011). Further, in this sample, cultural dynamics around sexual abuse and relationships within Hispanic families may be influencing the lack of prosecution. Concerns also emerge about the lack of sexual abuse cases for Asian children available for inclusion in the study and whether this represents a lack of a problem or a problem not reported (Cheung & LaChapelle, 2011). For some families, acknowledgement of a problem – whether abusive, mental health, or other – is challenging and unacceptable. Also depending on financial independence, families may feel pressured to prioritize a perpetrator's statements over a child's, particularly when the perpetrator is the primary provider. Several questions remain unanswered about the representation of children across ethnicities and present a potential topic for future research.

Contrary to expectations, these findings did not indicate a difference between cases prosecuted and cases rejected for the number of disclosure details provided. Similarly, the results did not support a significant relationship for disclosure following the first transition prompt. It was anticipated that older children would be more likely to have cases prosecuted and would therefore provide a greater number of details. Research connecting the forensic interview to prosecution suggested that the interviews should be detailed (Stromwall, 2010). It is possible that details influence prosecution, but not in a direct manner. Details may be more relevant to the investigation process yielding opportunities to corroborate a child's statements and gather additional evidence. Previous research on child forensic interviews has found that good techniques increased accurate details (Lamb et al., 2007; Orbach & Lamb, 2000). Perhaps the lack of a difference between prosecuted and rejected cases reflects the CAC's interview protocol, which strives to collect the most details from every interview. Good interviewing could result in consistency across cases for exploring as many questioning techniques to gain the most details

possible. Finally, child credibility was found to increase with increased detail (Sterberg et al., 1997). It is also possible that although children may have provided a disclosure to a supportive person prior to the forensic interview, it is still difficult for them to immediately begin talking about the abuse. A child's ease of transition into disclosure could also reflect family support, severity of abuse, and feelings of shame or ambivalence. This is also an area for further exploration.

The final model indicated that caregiver support was the strongest predictor of prosecution, with the availability of other evidence, and a greater number of CAC services received also serving as predictors of prosecution. In the study, caregiver support was operationalized as a non-offending caregiver believing the child, supporting the child's disclosure, reporting the abuse, and/or cooperating with the investigation at the time of the forensic interview. Support from the primary caregiver for cases that were prosecuted reflected a parent's acceptance of the child's disclosure and cooperation with the investigation. This is consistent with other literature that finds that overall, non-offending mothers tend to respond with belief and emotional support (Knott, 2012) and guardians were partially or fully supportive (Bolen, 2002). Non-support may be related to a caregiver's own personal difficulty coping with the situation or could reflect relationship dynamics. Family dynamics can influence caregiver support, with issues related to culture and family structure directly impacting whether or not a caregiver is supportive. Pressure from other family members could make it difficult for a caregiver to be supportive. Likewise, cultural and family norms about problems or sexual behaviors could be a deterrent in offering support to a child facing a sexual abuse problem. In a review of the literature, Elliot and Carnes (2001) describe inconsistent findings about parental belief, support and protection, but note that non-offending mothers are less supportive and

protective when the perpetrator is a partner. Parents may also have more blame and doubt when children are older (Walsh, Cross, & Jones, 2012).

The significance of other evidence suggests that an investigation was thorough, using as many strategies as possible for using the child's statements to collect other supportive evidence. Although the details provided by children were not related to prosecution, the details may have influenced the collection of other evidence. Information provided by the child provided clues for additional steps in the investigation ranging from interviewing other children, collecting media evidence, and confirming facts. The relationship between evidence and prosecution has been supported in earlier research (Brewer et al., 1997; Cross et al., 1994).

As a standard of practice, most cases receive basic services such as initial information and referrals. However, prosecution was predicted by cases where families received more services. Families who are receiving more social services were engaged in the investigative process to a greater extent than others. Their engagement may reflect continuation of support, but it also shows cooperation. The lack of interaction among the predictors suggests that it is possible to focus on each of the predictors separately to increase the likelihood of prosecution.

Phase 3

The objective of Phase 3 was to identify the specific characteristics of selected prosecuted cases to better understand the factors associated with prosecution. This phase of research incorporated findings from Phase 2 about the presence of caregiver support and evidence for each case. The more in-depth review of selected cases allowed the results of Phase 2 to be confirmed and expanded upon for a more comprehensive understanding of prosecution. In describing the elements influencing each case, prosecutors described the process of making decisions. Very early in the process, when a case is first referred to prosecutors, the decision is

strictly about having enough evidence to support filing criminal charges. Stronger cases have more evidence to support the allegation. As a case moved forward in the charging process, the decision about final outcome involves balancing the assessment of evidence with many considerations. These considerations are objective and subjective appraisals of what justice requires, what is in the best interest of the child, what the crime was and who the perpetrator is (including criminal history), how supportive the family is in the criminal proceeding process, and what community members such as the jurors will think of the case and evidence. These final considerations reflect many of the essential factors influencing a case outcome.

Prosecutors described a child's immediate outcry as important for helping the child provide a disclosure that is as descriptive as possible. This reflects the increase in accuracy for memories that are immediately recalled. It also indicates that credibility diminishes when memories deteriorate. In particular, better disclosure narratives were clear and provided many details, establishing credibility. This coincides with what Sterberg et al. (1997) found in their research demonstrating that credibility was improved when a child could provide more detailed information about the abuse. Moreover, the literature on delayed outcries indicates that timing of a delay can vary greatly. London, Bruck, Wright, and Ceci (2008) describe how delayed outcomes are common in child sexual abuse disclosure, but the timing varies across studies with some describing children who tell within a month and others describing children waiting a year or longer. The lack of a standard definition for when a delayed outcry begins makes it difficult to classify whether a child's disclosure is immediate or delayed. That is, it is conceivable that over a few days would be considered delayed. In this study, no support was found for prosecution and disclosure timing (immediate/delayed) across a range of different timing groupings. However, prosecutor input suggests that the criminal justice system views an outcry as delayed if it is more

than a couple of days from the incident. While disclosure timing and credibility have been researched in other literature, additional explorations of timing and disclosure along with prosecution are warranted.

Caregiver support again emerged as being critical the most influential to the prosecution process. Caregivers demonstrate support in a variety of ways and are important because they often initiate an investigation and provide emotional support once an investigation begins. In the case reviews, caregiver support was described as support of disclosure, confrontation of the perpetrator, filing a report, and wanting the perpetrator to be held accountable. The cases reflect the view that support means believing a child and taking action to protect her or him. Most of the caregivers described were parents, but in the case that a parent was not supportive and was not the primary caregiver, support from the primary caregiver would be essential for serving the same purpose. Ongoing support was also a main aspect for retaining as many negotiation options as possible during the sentencing phase. It would be difficult to take a perpetrator to trial if the caregiver did not support a child's participation in providing testimony. Finally, the quality of an investigation was of high priority for confirming details provided by the child and for furthering questions when interviewing the perpetrator. Finding supportive evidence could also greatly increase the prospect of obtaining a partial or full confession.

Integration of Findings

This study sought to learn about the factors characterizing prosecution of sexual abuse cases. This mixed-method study sequentially connected phases of quantitative and qualitative data in order to provide a much richer understanding of the decision to prosecute in child sexual abuse cases. This is the first study that integrates a mixed-method approach for reviewing CAC forensic interview data and prosecutor input. A summary of the results from each phase is

presented in Table 13. A review of the similarities and differences between results reveals the consistent influence of caregiver support and other evidence on prosecution decision.

In the quantitative phase, providing services to support the child and her or his family is found to be influential to prosecution decision, which highlights the role of the Children's Advocacy Center in engaging families in the investigation process. While this may reflect family interest and motivation to better support a child, it also represents a reciprocal relationship and an opportunity for the CAC to potentially increase parent (or caregiver) participation in the process. The number of services received was not intentionally included in this study as a potential predictor. Originally, the objective for quantifying the number of services received was to descriptively portray the range of interaction between the CAC and families. However, in the process of reviewing services notes, it became apparent that services reflected a family's level of engagement in the investigative process. A family's engagement may also reflect family and community support provided for the child and criminal proceedings. This is a factor that has not been previously connected to prosecution. This finding presents many opportunities for strengthening the investigative process.

In the final qualitative phase, the case reviews again present the prosecutors' perspective that the child's disclosure details are central to the case. The qualitative data in this phase also uncovers that a child's case may be more likely to be prosecuted when the disclosure is made immediately. Finally, the combination of what the child says and when she or he says it impacts perceptions of credibility. Although there was no difference in the number of details provided by children in the quantitative phase, it may be that the details do not directly influence prosecution, but rather, influence the investigation. Further, the number of details was nearly identical suggesting that children equally provided a similar number of details, possibly a result of the

standardized protocol. Additionally, children in the rejected group were slightly older and better able to communicate in a descriptive manner, so it is possible that this influenced the lack of differentiation between details provided by children in prosecuted cases and details provided by children in rejected cases. Overall, the emergence of details in the final phase of research suggests that details are strongly influential to the prosecution process. Despite not being a predictor, details clearly guide the entire investigation process. This finding suggests that some variables are complex and require measurement using several methods in order to adequately capture the essence of their influence.

The qualitative data also provides additional insight beyond the factors that influence the decision to prosecute and illustrates the process of deliberating upon these factors. As reflected in prior research, prosecution of child sexual abuse is affected by the availability and quality of evidence which is at the crux of the initial charging decision (Chin, 2010; Cole, 1970).

Table 13. Summary of Findings

	Phase 1	Phase 2	Phase 3
Qualitative	1. Details		1. Disclosure <ul style="list-style-type: none"> • Immediate outcry • Details • Credibility
	2. Support		2. Caregiver support
	3. Other evidence		3. Gathering evidence <ul style="list-style-type: none"> • Corroboration • Confession
			4. Decision to prosecute <ul style="list-style-type: none"> • Assessing the strength of a case • Taking a balanced approach

Quantitative	1. Caregiver support
	2. Other evidence
	3. Social services

This research broadens the understanding of prosecutor decision-making, by revealing a shift in roles once a decision to prosecute is made. The prosecutor transitions from a role that is primarily an evaluator of evidence to one that is an advocate of justice. Prosecutors use a framework of balanced justice in their discretion to prosecute child sexual abuse cases. There is no universal standard; rather, every case presents a unique combination of circumstances and characteristics to be considered.

Within the context of Ecological Theory, this research supports an integrated approach across systems for better protecting children. The complex interaction of child, family, and community within a society necessitates an equally involved response from a multidisciplinary team of professionals seeking to restore safety and improve child protection for child sexual abuse victims. The combined efforts of the societal response and community response strengthen child abuse prevention efforts than either system could accomplish alone.

In consideration of Prospect Theory, this research supports the idea that prosecutors are more willing to take a risk to avoid suffering a loss. However, the loss is not fundamentally a professional or judicial loss, but rather, a loss for the child and child protection. The pursuit of prosecution is often about balancing what is more risky between 1) a decision to charge a case or a decision to reject a case and 2) a decision to offer a lesser sentence or greater sentence. In situations where the child was touched on her breasts over clothes and who had a parent who was not supportive, the burden of pursuing charges may not be in the best interest of the child or the

criminal justice system. In consideration for what level of conviction to seek once a decision to charge is made, prosecutors may consider the extent to which advancing in the process would cause undue difficulty for the child and family. Evidentiary limitations and considerations for the community also help manage potential losses in the deliberation of charges. The evidence in many ways determines the strength of a case and the jurors' response to a case at indictment represents the community perspective. A perpetrator facing his first offense for fondling may more reasonably be pursued for deferred adjudication than confinement; the pursuit of the lesser sentence could be perceived as less risky and still a gain. In other cases, the risk of pursuing the most stringent conviction may be justified in an effort to meet the best interest of the community, serving justice, and protecting children. In such a case, a serial perpetrator or perpetrator who committed continuous abuse may alter the perception of risk such that not pursuing charges or pursuing a lesser charge is considered a loss that should be avoided. Prosecutors are less willing to take a risk on experiencing a gain when justice, child safety, and perpetrator accountability can be accomplished with undue burden.

Implications

The findings of this study have a number of implications for social work education, future research, practice, and policy. These implications outline manageable and realistic approaches for supporting child sexual abuse prevention.

Social Work Education

Social workers are often called to provide professional services in multidisciplinary teams. As such, it is important for social work curriculum to provide training for working between and among systems such as social services, law enforcement, and the courts. Child welfare education should include specific content informing students about the investigation of

child sexual abuse, the forensic interview process, family dynamics, cultural interaction, and criminal proceedings. These findings also suggest that students learn how to integrate both micro and macro advocacy in practice and develop skills for working across the ecological model of systems. Content and skills in these areas may help strengthen students' involvement in providing evidence-based practices.

Future Research

This study has presented many opportunities for continuing the exploration of child sexual abuse prosecution. First, future research may better account for the nuances between systems by integrating mixed-method approaches to studying phenomenon of interest. Additional work incorporating the perspectives of prosecutors and other child abuse professionals can inform the field's understanding of the continuum of services and child protection measures implemented from investigation to legal proceedings. Second, the finding that services predicted prosecution presents an opportunity to research further the role of family engagement in child welfare services in holding perpetrators accountable. Third, the lack of findings distinguishing details provided in cases that were prosecuted compared to cases that were not leaves many questions about how details relate to prosecution. Further work might explore details as a moderator between other evidence and prosecution. Similarly, future research might explore the interview questions or prompts that are most useful for helping children transition into disclosure. Fourth, caregiver support is a complicated, fluctuating relationship that warrants additional research to better understand the resources and system support caregivers need to be supportive of a child's disclosure and child sexual abuse investigation. Opportunities exist for also exploring caregiver support in relation to family dynamics and culture. Fifth, research with stakeholders is important and requires building a relationship that demonstrates

respect and sincere interest in the work of others. In this study, prosecutors grew to know the principal investigator and the research intentions through meetings and interaction before recruitment. Prosecutors were also provided an opportunity to act as educators and advocates when explaining the prosecution process during interviews. This opportunity to lead the conversation was critically important for establishing rapport and minimizing perceptions that professional identities or professional decisions were being scrutinized. Finally, research focused solely on cases rejected for prosecution might further illuminate differences in the factors associated with a decision to pursue prosecution or not in child sexual abuse cases.

Practice

This research informs social work practice of professionals serving Children's Advocacy Centers and working in the child welfare system. Forensic interviewing following a structured protocol is important for helping children provide detailed disclosures. Social work professionals also have opportunities to focus on helping families engage in the process by encouraging service utilization, providing education on criminal proceedings, and assisting with access to resources a family might need to cope with the trauma of child sexual abuse. While these may be current objectives of professionals in this field, creativity may be needed to develop new strategies to enhance service objectives around family engagement and support. Collectively, the entire multidisciplinary team can work together to incorporate these findings for conducting thorough investigations that seek to gather as much evidence as possible. The value of evidence suggests law enforcement has a critical role in using the child's disclosure to corroborate abuse. The investigative process presents a valuable opportunity for using what a child has stated to gather additional evidence. Ongoing training and support for investigative personnel could help maintain quality investigations integrating the best strategic skills.

Policy

Understanding the factors influencing prosecution of child sexual abuse cases and the process of deliberating provides several policy implications. Within an overburdened system, it is impossible to prosecute every single case. Further, not every child sexual abuse case merits prosecution. Discerning which cases should be prosecuted and how they should be prosecuted is aided by an aggregation of clear disclosures, caregiver support, evidence, social services, and balancing all interests. These findings clarify potential obstacles that could be improved by multidisciplinary collaboration and support. The representation of a mostly female sample and concerns around disproportionate reporting of some ethnicities are also areas for further policy review. Furthermore, the application of criminal justice proceedings is an important component of holistic child sexual abuse prevention efforts. Campaigns to bolster community awareness about the importance and relevance of child sexual abuse investigations and prosecution might increase community responses for accountability and child protection. Children also need to be educated on how to identify sexual abuse and disclose abuse. Families can also be supported by educational campaigns and programs that help them learn to talk to children about body protection and encourage disclosure. Additionally, new approaches may be required to intervene when criminal prosecution is not justified in order to help perpetrators end inappropriate behaviors. In some situations, mandates by CPS can provide the necessary support. In other situations, where CPS is not involved, programs and policies may be needed to engage perpetrators in developing skills around varying cognitive or psychological concerns.

Limitations

Due to the sensitive nature of child sexual abuse, this research used available data from a confidential collection of child sexual abuse investigations. The variables of interest were

limited to the data that had been collected in these investigations. As the selection of cases was derived from convenience sampling, generalizability is limited. The sample of prosecutors was limited to the small group of current professionals employed by the county. This sample may not generalize to other Children Advocacy Centers or District Attorney offices. The difficulty faced in identifying a sample of rejected cases may also reflect a higher rate of acceptance for this county compared to others. Response bias was possible during the case review with prosecutors as they might have felt a need to justify decisions and proceedings for each case. In order to address threats to validity, data was used from multiple sources using multiple methods in order to improve accuracy of representation. Although the sample was small, efforts were made to reduce the number of categories entered in the analysis. Additionally, the model building procedure can be considered exploratory, a step for later conducting similar research with a larger sample. Finally, threats to analysis and interpretation of qualitative data were minimized using two analysts and following thematic approaches to identify major themes.

Conclusions

The major findings of this research demonstrate the complexity of investigating and prosecuting child sexual abuse cases. Findings most strongly illustrate the influence of caregiver support and evidence on the decision to prosecute. As explained by prosecutors, the crux of the investigation lies in the child's disclosure. Detailed statements enable law enforcement to search for supportive evidence. Caregivers play a dynamic role in supporting the child's disclosure, cooperating with the investigation, and impacting sentencing options. Prosecutors deliberate on all of these factors in order to pursue a course of action that is just. Further, the potential to engage families in increased levels of social services is an immediate opportunity for

strengthening Child Advocacy Center support for both the families served and the pursuit of child protection through the prosecution process.

The intention of this research was to explore the factors related to child sexual abuse cases that influence the decision to prosecute. It is essential to point out that the central philosophy underlying this research was that sexual abuse is a criminal offense that impacts children, families, and communities everywhere. A community's response to this criminal offense is one part of a cohesive child abuse prevention approach. The social service and criminal justice response is completed in the sake of promoting justice. Most importantly, all investigative proceedings are about promoting child safety and sexual abuse prevention. All cases of sexual abuse may not warrant prosecution. However, in cases where child sexual abuse was egregious or the perpetrator possesses a greater risk when not held accountable, it is helpful for the multidisciplinary team of professionals to know the factors associated with prosecution. Identifying these cases can help the multidisciplinary team respond in supportive ways that also seek to promote advocacy. Counter to cases accepted are the cases rejected where children and families may also require support and advocacy to a different degree. As described in the cases used for this study, the pursuit of justice is not easy. There are no clearly defined standards for making decisions and no one leaves the situation a winner. Difficult decisions are made in order to best protect children and communities from the threat of child sexual abuse.

Appendixes

APPENDIX A

Email Recruitment for Phase 1

1st email to all Child Abuse Division Prosecutors: Study Announcement for Participation of Phase 1

Dear Mr./Ms. _____,

My name is Jacquelynn Duron and I am PhD candidate at the Graduate College of Social Work. I would like to invite you to participate in a research study I am conducting on factors that affect the prosecution of child sexual abuse cases. As you know, the legal investigation of child sexual abuse is often a complicated process. I am very interested in learning about this process and case outcomes so as to help improve child protection efforts. I am seeking to conduct individual interviews with as many current Child Abuse Division prosecutors as possible.

These interviews will be confidential and no identifiers will be linked to responses. Responses will be recorded using a tape recorder or pen and paper. One-on-one interviews will be conducted in a CAC meeting/conference room, court building meeting room, or a public space of your choice. Interviews should last approximately 30 minutes to 1 hour. I recognize that you may have many client or court appointments and hope to arrange your interview at a time and place that is most convenient for you.

The University of Houston Committee for the Protection of Human Subjects (CPHS) has approved this project. Mr. X.X., District Attorney, has also reviewed and approved this study. His letter of support is attached.

If you are willing to participate in this study, I am asking that you email me so that we can discuss an interview date and time that is best for you. If you have any questions, please feel free to email me at jfduron@uh.edu or call at (713) XXX-XXXX.

ANY QUESTIONS REGARDING YOUR RIGHTS AS A RESEARCH SUBJECT MAY BE ADDRESSED TO THE UNIVERSITY OF HOUSTON COMMITTEE FOR THE PROTECTION OF HUMAN SUBJECTS (713-743-9204).

I thank you for your time and consideration.

Sincerely,
Jacquelynn Duron

2nd email/phone script: Reminder of Invitation to Participate in a Research Study

Dear Mr./Ms. _____,

I wanted to remind you that I am currently conducting a study on faculty perceptions of teaching in social work education. Participation involves completion of a 1-hour one-on-one interview that is strictly confidential. No identifiers will be connected to your responses. Your responses will be recorded using a tape recorder or pen and paper. Interviews may be scheduled at a time that is convenient to you and will be conducted at the CAC, court building, or public space of your choice.

ANY QUESTIONS REGARDING YOUR RIGHTS AS A RESEARCH SUBJECT MAY BE ADDRESSED TO THE UNIVERSITY OF HOUSTON COMMITTEE FOR THE PROTECTION OF HUMAN SUBJECTS (713-743-9204).

If you are willing to participate, please send me an email so that we can discuss arranging an interview time. Thank you for your time and consideration.

Sincerely,
Jacquelynn Duron

APPENDIX B

Demographic Questionnaire

Subject ID: _____

1. Gender: 1 Female 2 Male
2. Age range: 1 (20-29) 2 (30-39) 3 (40-49) 4 (50-59) 5 (60-69) 6 (70-79)
3. Ethnicity: 1 White 2 Black 3 Hispanic 4 Asian 5 Other: _____
4. Years spent working in law (overall): _____
5. Years spent working on child sexual abuse cases: _____
8. Years spent working in Child Abuse Division: _____

APPENDIX C

Phase 1 Interview Guide

1. How long have you worked in the Child Abuse Division?
2. Are you assigned particular cases? (Which cases?)
3. What are the steps you take to arrive at a final legal decision for each case?
4. What is a successful outcome for you in these cases?
5. When you think about all of the cases you have handled, what are some of the issues, the most common obstacles, you have faced in pursuing prosecution?
6. How do you resolve your concerns about a case? (How do you pursue prosecution when facing the issues you mentioned?)
7. What parts of the forensic interview are most important to your case?
8. What could some of the other professions serving as part of the multi disciplinary team do to help with the prosecution process?
9. With all of the stress and demand involved in prosecuting cases, what do you do to take care of yourself so you can continue working these cases?

APPENDIX D

University of Houston Graduate College of Social Work Coding Instrument for CAC Study

1. Research Case Number: _____ Video Number: _____

Date: _____

For all variables, circle the appropriate data or enter the proper response.

CHILD INFORMATION:

2. AGE: _____

3. GENDER: 1 Female 2 Male 99 Missing

4. RACE: 1 AA 2 Asian 3 Hispanic 4 White 5 Other: _____ 99 Missing

5. COUNTY: 1 Selected County 2 TX, outside selected county 3 Outside TX 99 Missing

6. PRIMARY ALLEGATION: 1 Sexual Abuse 2 Physical Abuse 3 Sexual and Physical Abuse
4 Neglect 5 Child witness 6 Child at risk 99 Missing

PERPETRATOR INFORMATION:

7. NUMBER OF PERPETRATORS FOR THIS CASE: 1 One 2 Two 99 Missing

8. PERPETRATOR: 1 Family 2 Non-family, Known 3 Non-family, Unknown 99 Missing

9. GENDER: 1 Female 2 Male 99 Missing

10. AGE: _____

11. Actual DOB provided: 1 Yes 2 No

12. RACE: 1 AA 2 Asian 3 Hispanic 4 White 5 Other: _____ 98 Unknown 99 Missing

13. RELATION TO CHILD: 1 Father 2 Mother 3 Step-father 4 Step-mother 5 Brother 6 Sister
7 Step-brother 8 Step-sister 9 Cousin 10 Uncle 11 Aunt 12 Grandfather 13 Grandmother
14 Mother's Boyfriend 15 Father's girlfriend 16 Guardian 17 Other: _____ 98 Unknown

LEGAL OUTCOME:

14. CHARGES: _____

15. ATTORNEY: _____

16. SENTENCE/OUTCOME: _____

17. SECOND PERPETRATOR: 1 Family 2 Non-family, Known 3 Non-family, Unknown 97 NA 99 Missing

18. GENDER: 1 Female 2 Male 97 NA 99 Missing

19. AGE: _____ 97 NA

20. Actual DOB provided: 1 Yes 2 No 97 NA

21. RACE: 1 AA 2 Asian 3 Hispanic 4 White 5 Other: _____ 98 Unknown 99 Missing

22. RELATION TO CHILD: 1 Father 2 Mother 3 Step-father 4 Step-mother 5 Brother 6 Sister
7 Step-brother 8 Step-sister 9 Cousin 10 Uncle 11 Aunt 12 Grandfather 13 Grandmother
14 Mother's Boyfriend 15 Father's girlfriend 16 Guardian 97 NA 98 Unknown 99 Missing

LEGAL OUTCOME:

23. CHARGES: _____

24. ATTORNEY: _____

25. SENTENCE/OUTCOME: _____

INVESTIGATION:

26. VIDEO LENGTH IN MINUTES: _____

27. INTERVIEWER: _____ 1 Interviewer 1,XX 2 Interviewer 2, XX 3 Interviewer 3, XX

28. CHILD DISCLOSED: 1 Yes 2 No 3 Denied 99 Missing

29. CPS CASE: 1 Yes 2 No 99 Missing

30. PRIORITY: 1 One 2 Two 3 Three 97 NA 99 Missing

31. CHILD AT RISK: 1 Yes 2 No 99 Missing

OTHER EVIDENCE:

32. IS THERE OTHER EVIDENCE: 1 Yes 2 No 99 Missing

33. TYPE OF EVIDENCE AVAILABLE: _____

34. IS NON-OFFENDING PARENT SUPPORTIVE OF CHILD: 1 Yes 2 No 99 Missing

ABUSE DETAILS:

32. FONDLING OF CHILD'S GENITALS: 1 Over clothes 2 Under clothes 3 Attempted 4 No 99 Missing

Note: _____

33. FONDLING OF CHILD'S BUTTOCKS: 1 Over clothes 2 Under clothes 3 Attempted 4 No 99 Missing

Note: _____

34. DIGITAL PENETRATION: 1 Genitals 2 Anus 3 Attempted 4 No 99 Missing

Note: _____

35. GENITAL CONTACT: 1 Breasts 2 Genitals 3 Anus 4 Over clothes
5 Under clothes 6 Attempted 7 No 99 Missing

Note: _____

36. PENILE PENETRATION: 1 Genitals 2 Anus 3 Attempted 4 No 99 Missing

Note: _____

37. PENETRATION WITH OBJECT: 1 Genitals 2 Anus 3 Mouth 4 Attempted 5 No 99 Missing

Note: _____

38. INDECENT EXPOSURE OF AP: 1 Genitals 2 Anus 3 Mouth 4 Attempted 5 No 99 Missing

39. AP ORAL TO CHILD: 1 Genitals 2 Anus 3 Breast 4 Attempted 5 No 99 Missing

40. FONDLING OF AP'S GENITALS: 1 Over clothes 2 Under clothes 3 Attempted 4 No 99 Missing

41. FONDLING OF AP'S BUTTOCKS: 1 Over clothes 2 Under clothes 3 Attempted 4 No 99 Missing

42. AP FONDLING OF CHILD'S BREASTS: 1 Over clothes 2 Under clothes 3 Attempted 4 No 99 Missing

Note: _____

43. FONDLING OF AP'S BREASTS: 1 Over clothes 2 Under clothes 3 Attempted 4 No 99 Missing

44. CHILD ORAL TO AP: 1 Genital 2 Anus 3 Breasts 4 Attempted 5 No 99 Missing

45. VOYEURISM: 1 Yes 2 No 9 Missing

46. PORNOGRAPHY: 1 Exposed to 2 Participated in 3 No 99 Missing

47. TYPE OF PORNOGRAPHY: 1 Computer 2 Movies 3 Magazines 4 Pictures 5 No 99 Missing

SUMMARY OF TYPES OF SEXUAL CONTACT

VAR035:

First type of sexual contact

- 1 fondling of child's genitals
- 2 fondling of child's buttocks
- 3 digital penetration
- 4 penile penetration
- 5 penetration with object
- 6 indecent exposure of AP
- 7 AP oral to child
- 8 fondling of AP's genitals

- 9 fondling of AP's buttocks
- 10 AP fondling of child's breasts
- 11 fondling of AP's breasts
- 12 child oral to AP
- 13 voyeurism
- 14 pornography
- 15 none reported
- 97 NA

VAR036:	Second type of sexual contact 1 fondling of child's genitals 2 fondling of child's buttocks 3 digital penetration 4 penile penetration 5 penetration with object 6 indecent exposure of AP 7 AP oral to child 8 fondling of AP's genitals	9 fondling of AP's buttocks 10 AP fondling of child's breasts 11 fondling of AP's breasts 12 child oral to AP 13 voyeurism 14 pornography 15 none reported 97 NA
VAR037:	Third type of sexual contact 1 fondling of child's genitals 2 fondling of child's buttocks 3 digital penetration 4 penile penetration 5 penetration with object 6 indecent exposure of AP 7 AP oral to child 8 fondling of AP's genitals	9 fondling of AP's buttocks 10 AP fondling of child's breasts 11 fondling of AP's breasts 12 child oral to AP 13 voyeurism 14 pornography 15 none reported 97 NA
VAR038:	Fourth type of sexual contact 1 fondling of child's genitals 2 fondling of child's buttocks 3 digital penetration 4 penile penetration 5 penetration with object 6 indecent exposure of AP 7 AP oral to child 8 fondling of AP's genitals	9 fondling of AP's buttocks 10 AP fondling of child's breasts 11 fondling of AP's breasts 12 child oral to AP 13 voyeurism 14 pornography 15 none reported 97 NA
VAR039:	Fifth type of sexual contact 1 fondling of child's genitals 2 fondling of child's buttocks 3 digital penetration 4 penile penetration 5 penetration with object 6 indecent exposure of AP 7 AP oral to child 8 fondling of AP's genitals	9 fondling of AP's buttocks 10 AP fondling of child's breasts 11 fondling of AP's breasts 12 child oral to AP 13 voyeurism 14 pornography 15 none reported 97 NA
VAR040:	Number of types of sexual contact: _____	

VAR041 NUMBER OF INCIDENTS: _____ 97 NA 98 Unknown 99 Missing

VAR042 DURATION OF ABUSE: _____ 97 NA 98 Unknown 99 Missing

FORENSIC INTERVIEW:

RAPPORT

43. TOTAL TIME FOR RAPPORT BUILDING: _____	TIME START:	TIME END:		
44. INTRODUCTION OF INTERVIEWER		1 Yes 2 No	97 NA	
45. INTRODUCTION OF CHILD		1 Yes 2 No	97 NA	
46. ASSESS COMPETENCY TO ANSWER 4WH (DEVELOPMENTAL ASSESSMENT – QUESTIONS ABOUT SCHOOL, GRADE, SUBJECT LIKED, ABC'S COUNTING, COLORS, ETC):		1 Yes 2 No	97 NA	
47. EVENT NARRATIVE PRACTICE:		1 Yes 2 No	97 NA	

48.	QUESTIONS ABOUT FAMILY (WHO LIVES IN HOUSE)	1 Yes	2 No	97 NA
49.	QUESTIONS ABOUT PETS	1 Yes	2 No	97 NA

NOTES:

GROUND RULES				
50.	IMPORTANCE OF TRUTH:	1 Yes	2 No	97 NA
51.	DIFFERENTIATE BETWEEN TRUTH AND LIE:	1 Yes	2 No	97 NA
52.	CHILD PROVIDES DEFINITIONS OF TRUTH AND LIE:	1 Yes	2 No	97 NA
53.	PROVIDES EXAMPLES	1 Yes	2 No	97 NA
54.	USE THIRD PERSON APPROACH:	1 Yes	2 No	97 NA
55.	DISCUSSES CONSEQUENCES	1 Yes	2 No	97 NA
56.	OBTAIN PROMISE TO TELL TRUTH:	1 Yes	2 No	97 NA
57.	DISCUSS "I DON'T KNOW," "I DON'T UNDERSTAND"	1 Yes	2 No	97 NA

NOTES:

FREE NARRATIVE TRANSITIONS ASKED BY INTERVIEWER: INTRODUCTION TO TOPIC OF CONCERN				
58.	ASKED ABOUT THE PURPOSE OF THE VISIT:	1 Yes	2 No	
59.	ASKED WHO BROUGHT CHILD TO CENTER:	1 Yes	2 No	97 NA
60.	ASKED WHAT PERSON TOLD THEM ABOUT VISIT:	1 Yes	2 No	97 NA
61.	EXPLAINS ROLE OF INTERVIEWER:	1 Yes	2 No	97 NA
62.	ASKS ABOUT BODY PARTS WHERE CHILD SHOULD NOT BE TOUCHED:	1 Yes	2 No	97 NA
63.	ASKS IF CHILD HAS BEEN TOUCHED ON ANY OF PRIVATE PARTS:	1 Yes	2 No	97 NA
64.	INTERVIEWER USED DETAILS FROM REPORT TO PROMPT CHILD	1 Yes	2 No	97 NA
65.	CHILD TRANSITIONS INTO NARRATIVE:	1 Yes	2 No	97 NA
66.	USES DRAWING:	1 Yes	2 No	97 NA
67.	USES DOLLS:	1 Yes	2 No	97 NA

NOTES:

DISCLOSURE				
68.	APPROXIMATE LAPSE SINCE LAST ABUSE AND OUTCRY (DAYS):	_____		
69.	DESCRIPTION OF PERPETRATOR (WHO) :			
70.	QUALITY OF DESCRIPTION	1 Highly descriptive	2 Clear, adequate description	3 Ambiguous
71.	DESCRIPTION OF WHAT HAPPENED:		1 Yes 2 No	97 NA
72.	DESCRIPTION OF WHERE HAPPENED (LOTATION):		1 Yes 2 No	97 NA
73.	DESCRIPTION OF WHEN:		1 Yes 2 No	97 NA

74.	DESCRIPTION OF HOW INCIDENT(S) OCCURRED	1 Yes	2 No	97 NA
75.	QUESTIONS ABOUT CLOTHES – ON/OFF; HOW THEY CAME OFF	1 Yes	2 No	97 NA
76.	BODY POSITION QUESTIONS	1 Yes	2 No	97 NA
77.	USE OF MATERIALS (CONDOMS, LUBRICANT, TOWEL TO CLEAN UP, ETC.)	1 Yes	2 No	97 NA
78.	DESCRIPTION OF MATERIALS (WHAT LOOKED LIKE AND WHERE PLACED – STORAGE)	1 Yes	2 No	97 NA
79.	ASKED ABOUT # OF TIMES	1 Yes	2 No	97 NA
80.	ASKED CHILD TO PROVIDE CHRONOLOGICAL NARRATIVE OF EACH EVENT:	1 Yes	2 No	97 NA
81.	CLARIFY CHILD’S TERMINOLOGY FOR PRIVATE PARTS:	1 Yes	2 No	97 NA

NOTES:

82.	CLARIFY CHILD’S TERMINOLOGY FOR SEXUAL ACTS:	1 Yes	2 No	97 NA
83.	USE CHILD’S TERMINOLOGY TO ASK FURTHER QUESTIONS:	1 Yes	2 No	97 NA

SENSORY DETAIL QUESTIONS:

84.	ASKED WHAT AP’S GENITALS LOOKED LIKE	1 Yes	2 No	97 NA
85.	CHILD DESCRIBED WHAT AP’S GENITALS LOOKED LIKE	1 Yes	2 No	97 NA
86.	ASKED ABOUT SMELL	1 Yes	2 No	97 NA
87.	CHILD DESCRIBED SMELL	1 Yes	2 No	97 NA
88.	ASKED ABOUT TASTE (PENIS, SEMEN, ETC.)	1 Yes	2 No	97 NA
89.	CHILD DESCRIBED TASTE	1 Yes	2 No	97 NA
90.	ASKED ABOUT HOW MADE CHILD’S BODY FEEL	1 Yes	2 No	97 NA
91.	CHILD DESCRIBED HOW SEXUAL ACTION MADE CHILD’S BODY FEEL	1 Yes	2 No	97 NA
92.	ASKED ABOUT SOUND	1 Yes	2 No	97 NA
93.	CHILD DESCRIBED SOUND	1 Yes	2 No	97 NA
94.	ASKED ABOUT WITNESSES	1 Yes	2 No	97 NA
95.	WAS THERE A WITNESS	1 Yes	2 No	97 NA
96.	WHO WAS FIRST PERSON TOLD:	1 Yes	2 No	97 NA
97.	WHAT MADE CHILD DECIDE TO REPORT:	1 Yes	2 No	97 NA

NOTES DESCRIBING CHILD’S DISCLOSURE STATEMENTS:

SERVICES:

VAR098 Case Manager: _____ 2 None assigned

48. COURT SCHOOL/TRIAL ORIENTATION:	1 Yes	2 No	99 Missing	
49. ASSISTANCE WITH CVC APPLICATION:	1 Yes	2 No	99 Missing	# of times provided: _____
50. COURT ACCOMPANIMENT:	1 Yes	2 No	99 Missing	
51. INFO REGARDING CLIENT'S CASE/CRIMINAL JUSTICE SYSTEM:	1 Yes	2 No	99 Missing	# of times provided: _____
52. TRANSPORTATION PROVIDED:	1 Yes	2 No	99 Missing	
53. MEDICAL/HOSPITAL ACCOMPANIMENT:	1 Yes	2 No	99 Missing	
54. RAINBOW ROOM TYPE SERVICES:	1 Yes	2 No	99 Missing	
55. REFERRAL/COORDINATION OF SOCIAL/FAMILY SERVICES: Note: _____	1 Yes	2 No	99 Missing	# of times provided: _____
56. SUPERVISED VISITATION:	1 Yes	2 No	99 Missing	
57. NON-FORENSIC MED EXAMS, ASSESSMENTS, CONSULTS AND/OR TREATMENT:	1 Yes	2 No	99 Missing	
58. CFRT:	1 Yes	2 No	99 Missing	
59. DEC TEAM:	1 Yes	2 No	99 Missing	
60. CRT:	1 Yes	2 No	99 Missing	# of times provided: _____

Therapy:

61. THERAPY RECEIVED AT CAC:	1 Yes	2 No	99 Missing	
62. TYPE OF THERAPY:	1 Individual	2 Group treatment/support	3 Family	4 Crisis counseling
	5 None	97 NA	99 Missing	
63. NUMBER OF THERAPY SESSIONS _____		97 NA		

SUMMARY OF TYPES OF SERVICES PROVIDED

VAR099	First service provided:	
	1 court school/trial orientation	8 supervised visitation
	2 assistance with CVC application	9 non-forensic med exams/assessments, consults and/or treatment
	3 court accompaniment	10 CFRT
	4 info regarding client's case/criminal justice system	11 DEC team
	5 transportation provided	12 CRT
	6 medical/hospital accompaniment	13 Therapy
	7 referral/coordination of social/family services	97 NA

VAR100	<p>Second service provided:</p> <p>1 court school/trial orientation</p> <p>2 assistance with CVC application</p> <p>3 court accompaniment</p> <p>4 info regarding client's case/criminal justice system</p> <p>5 transportation provided</p> <p>6 medical/hospital accompaniment</p> <p>7 referral/coordination of social/family services</p>	<p>8 supervised visitation</p> <p>9 non-forensic med exams/assessments, consults and/or treatment</p> <p>10 CFRT</p> <p>11 DEC team</p> <p>12 CRT</p> <p>13 Therapy</p> <p>97 NA</p>
VAR101	<p>Third service provided:</p> <p>1 court school/trial orientation</p> <p>2 assistance with CVC application</p> <p>3 court accompaniment</p> <p>4 info regarding client's case/criminal justice system</p> <p>5 transportation provided</p> <p>6 medical/hospital accompaniment</p> <p>7 referral/coordination of social/family services</p>	<p>8 supervised visitation</p> <p>9 non-forensic med exams/assessments, consults and/or treatment</p> <p>10 CFRT</p> <p>11 DEC team</p> <p>12 CRT</p> <p>13 Therapy</p> <p>97 NA</p>
VAR102	<p>Fourth service provided:</p> <p>1 court school/trial orientation</p> <p>2 assistance with CVC application</p> <p>3 court accompaniment</p> <p>4 info regarding client's case/criminal justice system</p> <p>5 transportation provided</p> <p>6 medical/hospital accompaniment</p> <p>7 referral/coordination of social/family services</p>	<p>8 supervised visitation</p> <p>9 non-forensic med exams/assessments, consults and/or treatment</p> <p>10 CFRT</p> <p>11 DEC team</p> <p>12 CRT</p> <p>13 Therapy</p> <p>97 NA</p>
VAR103	<p>Fifth service provided:</p> <p>1 court school/trial orientation</p> <p>2 assistance with CVC application</p> <p>3 court accompaniment</p> <p>4 info regarding client's case/criminal justice system</p> <p>5 transportation provided</p> <p>6 medical/hospital accompaniment</p> <p>7 referral/coordination of social/family services</p>	<p>8 supervised visitation</p> <p>9 non-forensic med exams/assessments, consults and/or treatment</p> <p>10 CFRT</p> <p>11 DEC team</p> <p>12 CRT</p> <p>13 Therapy</p> <p>97 NA</p>
VAR104	Number of services provided (including multiple services on the same day, excluding interview): _____	
VAR105 MDT:	1 Yes	2 No
		99 Missing
VAR106 NUMBER OF MEETINGS:	_____	99 Missing

APPENDIX E

Recruitment Script and Emails for Continued Participation in Phase 3

Following completion of the Phase 1 interview, each prosecutor will hear the following script: *Thank you for participating in this interview. Your feedback is very valuable in ensuring that all aspects of the child sexual abuse investigation process are explored. As I mentioned briefly at the beginning of our interview, this is one of several phases of my research. The final phase of research will explore specific child cases with documented legal outcomes as noted in the CAC database. If you are willing to participate in that phase of the research, in about 3 months I will provide a list of 2-6 cases that you handled for you to review. The total number will depend on how many prosecutors participate. In pairs of no more than 2 cases per session, I will ask you to meet with me for additional interviews in which you will provide a case synopsis and answer several questions about the issues you faced in pursuing criminal prosecution and describe how the case was ultimately resolved. These interviews will be recorded using a tape recorder or pen and paper and should last about 1 hour. Again, no identifying information about you or the case will be linked to any responses you provide. The interviews can be covered at a time and place that is convenient to you and upholds the Child Abuse Division's policies regarding privacy of records [the prosecutor may review the file as needed while the interview is occurring – the investigator will not have access to the prosecutor's records; this may limit the setting to a CAC meeting/conference space or court building space not including other public spaces]. Do you think this is something you would be willing to do? [If yes, the researcher will note on the consent form that the participant is willing to continue participation]. Thank you for your help. I will send you an email in about 3 months and we can begin to arrange your interview times. Please email or call me if you have any questions.*

1st email to Child Abuse Division Prosecutors: Study Announcement for Participation of Phase 3

Dear Mr./Ms. _____,

I am happy to announce that I am ready to proceed to the next stage of my research. I would like to explore the particular issues you faced and how prosecution was resolved in a sample of cases you handled. If you are still willing to participate, please email me to confirm participation. Once I have received confirmation of interest from all willing prosecutors, I will email you to indicate how many cases I would like to ask you to review.

These interviews will be confidential and no identifiers will be linked to responses. Responses will be recorded using a tape recorder or pen and paper. One-on-one interviews will be conducted in a CAC meeting/conference room, or court building meeting room. Interviews should last approximately 1 hour.

Just as a reminder, I want to let you know that the University of Houston Committee for the Protection of Human Subjects (CPHS) has approved this project.

I thank you for your time and consideration.

Sincerely,
Jacquelynn Duron

2nd email: Number of cases to be reviewed

Dear Mr./Ms. _____,

I have received confirmation of interest from all prosecutors who are willing to participate in the next stage of my research study. I would like to ask you to review X (number) of cases. I will provide a written list of the names and research numbers for the cases you will review. In order to maintain the privacy of each case, I will ask that you refer only to the research number when we meet. You will keep the research list, which may be files with the Child Abuse Division records. Please email me with your preferred date and time for our first interview. Please let me know if you have any questions.

Sincerely,
Jacquelynn Duron

APPENDIX F

UH –Case Review List

This list will only be completed when the PRINCIPAL INVESTIGATOR is ready to provide a list of cases for review to the prosecutor who handled the case. The list will be handwritten.

Section A will be kept by the prosecutor/DA office and Section B will be kept by the principal investigator. No electronic records of Section A will be maintained. Research codes will correspond to the Coding Instrument for CAC Study records associated with each case.

Date: _____

Prosecutor: _____

Section A:

	Research Code	Date of CAC Interview	Child's Name	Child's DOB
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

UH Case Review List

Date: _____

Participant Code (prosecutor): _____

Section B:

	Research Code
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

APPENDIX G

Phase 3 Interview Guide

1. Let's begin with an overview of the case. Please describe what the allegations were and who was involved. You can describe ages, race, relationships, and abuse details.
2. What steps did you take for this case in pursuing criminal charges from intake moving forward?
3. Was other evidence available?
4. Was the family supportive?
5. What do you think were the factors that ultimately affected the final charges?

APPENDIX H

Request for post-interview follow-up

Email providing an opportunity for fact checking of selected quotes:

Dear _____,

Thank you for your participation in the research project, Legal Decision-Making in Child Sexual Abuse Investigations: Factors that Influence Prosecution. Data analysis of all collected interviews has been completed and at least one quote from your interview responses has been chosen to be included in the written manuscript. To ensure fidelity to your words and intention, I would like the opportunity to talk to you either by phone or in person to review the selected quote(s). I anticipate that this should take approximately 15-30 minutes. Please email me your preferred mode of contact. You may also email me to decline. No quotes will be submitted by email to maintain confidentiality. Thank you for your consideration.

Sincerely,
Jacquelynn Duron

Reminder about post-interview follow-up request

Dear _____,

This is a reminder of my request to contact you for follow-up to the research project, Legal Decision-Making in Child Sexual Abuse Investigations: Factors that Influence Prosecution. Data analysis of all collected interviews has been completed and at least one quote from your interview responses has been chosen to be included in the written manuscript. To ensure fidelity to your words and intention, I would like the opportunity to talk to you either by phone or in person to review the selected quote(s). I anticipate that this should take approximately 15-30 minutes. Please email me your preferred mode of contact. You may also email me to decline. No quotes will be submitted by email to maintain confidentiality. Thank you for your consideration.

Sincerely,
Jacquelynn Duron

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