



*This publication was funded in part by a Writing and Dissemination Award from the Wellesley Centers for Women. The study was supported by Award No. 2014-MU-MU-0001 awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice to the University of Massachusetts Lowell. The content is solely the responsibility of the authors and does not necessarily represent the official views of the National Institute of Justice.*

Suggested Citation:

Williams, L.M., Block, S.D., Johnson, H.M., Ramsey, M.G., and Winstead, A.P. (2022, April). *Prosecution of Child Sexual Abuse: Challenges in Achieving Justice*. Wellesley, MA: Wellesley Centers for Women. [wcwonline.org/jgbvr](http://wcwonline.org/jgbvr)





## Even with the significant resources of child advocacy centers and multidisciplinary teams, there are an array of factors that can make prosecution of serious allegations of sexual assault challenging.

white paper of implications for policy and practice. We examine several stages of outcomes in the CJS. These are: (a) case closed at intake, (b) proceed to prosecutorial investigation, and (c) prosecute. Based on our findings on the case characteristics that impact these outcomes, we offer implications for policy and practice here.

### Overview of Challenges in the Prosecution of CSA

The challenges in prosecution of CSA have been emphasized by many in the field of child maltreatment,<sup>13</sup> though there have been significant advances in handling these complicated cases. Even with the significant resources of CACs and MDTs, there are an array of factors that can make prosecution of serious allegations of sexual assault challenging. The unique nature of CSA, a crime that is hidden and usually perpetrated without any outside witnesses, makes it such that evidence relies heavily on the statements of a child. Compounding this issue, offenders may target young children who do not completely understand the acts perpetrated or, as is not uncommon, groom the victim to endure the sexual abuse. As a result, children's disclosures may reflect confusion about what happened to them, reflect feelings of shame or guilt, or be delayed by fear of the consequences of a disclosure. Such fear of disclosure also may stem from threats a perpetrator made to harm the child or another family member and be especially strong if the child was threatened with dissolution of their family.

It is well known that physical or other corroborative evidence is rarely available in cases of CSA.<sup>14</sup>

forensic interview or where disclosure issues made it unlikely that the elements of a crime could be established.

## Characteristics of Cases That Go Forward to Prosecution

To begin to answer this question, we looked more deeply into the case characteristics that impacted the outcomes at each stage of decision-making. Our statistical analysis revealed several key factors that impacted the prosecutorial process and predicted case outcome, case stagnation, and case attrition. We examined how case characteristics impacted the stage that the case reached (intake only, proceed to investigation, and prosecution). Although our statistical analyses included many variables hypothesized as likely to impact decision-making (e.g., abuse included acts of sexual penetration, multiple victims, age of the victim, repeated sexual assault, and perpetrator with a known prior criminal history of sexual assault), none of these impacted the prosecutorial outcomes (see [Table 2](#)).

We examined the factors that impacted the movement of reports toward prosecution and found that cases that did not move forward were influenced by perpetrator age, several victim characteristics, support from the primary caregiver, and disclosure (column 1 in [Table 2](#)). If the victim had previously been involved in a report to CPS (n=142), was female (n=202), and evidenced willingness to proceed with the investigation and court process (n=251), the case was more likely to move forward. Those cases with problems in the disclosure (e.g., without a complete or with an inconsistent disclosure) were less likely to move forward.

## **In cases in which investigations went forward, lack of victim cooperation and disclosure issues or inconsistencies were most critical in thwarting prosecution.**

usually strangers. Such misconceptions are damaging to child credibility and may underpin jury biases. Indeed, adult defendants in CSA cases are often upstanding and trusted members of society, many with no criminal record. This may create doubt in the community that the individual is capable of such crimes. Jurors may be reluctant to believe that someone they would trust with their own child could be guilty of such a crime.

The gender of the victim (female) also predicted cases moving forward to investigation and prosecution. Other researchers have found that cases involving male victims have lower rates of prosecution<sup>17</sup> and that cases with male victims and long-term abuse experiences were associated with delays in prosecution.<sup>18</sup> This likely reflects a mistaken perception that boys can or should defend against the approaches of sex offenders and/or a mistaken assumption that males are less likely to be harmed or traumatized by the abuse. Such perceptions may impact a male victim's willingness to go forward or the assessment made by the CJS actors. Indeed, some early studies revealed that forensic interviewers found boys to be less credible than girls<sup>19</sup> and such perceptions today could influence the likelihood of a case being accepted for prosecution.

It was notable that a child's reluctance to proceed (participate in the prosecution) and disclosure issues (delayed or incomplete disclosure) did not predict the decision to investigate. It is when we examine the characteristics associated with moving forward from investigation to prosecution that the child victim's willingness to proceed and the issue of disclosure barriers are critical. Thus we found that the challenges of victim cooperation and disclosure delays or inconsistencies were most critical in thwarting prosecution in cases in which investigations went forward. While prosecutors cannot (or should not) "force" a child to testify, some believe that properly preparing a child for trial and to testify against a perpetrator can be a positive experience for a child even if the case never goes to trial. In addition, support for victims that increases capability to go forward with a case is just as likely to lead to a guilty plea as it is to lead to a trial. Cases that result in a guilty plea may be those in which the defense (and the prosecution) view the victim as receiving sufficient support to be capable of going to a trial. The support of a caregiver is critical here. Improved approaches to providing support for victims and their families may increase the likelihood that legitimate cases move out of the investigation stage to prosecution as our finding on caregiver support underlines.

Indeed, we found that the most significant contributor to outcome was the availability of victim-supportive caregivers. While such cases were more than three times as likely to proceed to investigation, they were over five times more likely to move forward to prosecution. The importance of caregiver support is a critical finding from our research and likely undergirds the other factors that impact case attrition and are amenable to change. These include victim cooperation/willingness to proceed, remediation of disclosure issues, increasing general family support, and reducing other evidentiary barriers. Below we discuss the implications for changes in how reports of CSA are approached.





To address issues of disclosure, when CSA is suspected and there is a decision made by prosecutors to investigate, children are referred for a forensic interview, often at a CAC. The forensic interviewer is trained to ask developmentally appropriate and non-leading questions to obtain information from the child. Of course, in nearly every case that goes to court a victim must testify. However, scientifically supported forensic interviews of child victims are the main (and sometimes the only) evidence available to prosecutors who then use such evidence in decision-making about prosecution as well as to inform their prosecutorial strategy for achieving justice. When there has been an incomplete or unclear disclosure by the child and there is no forensic interview (often because the child or family resists completing such an interview), there is little likelihood that the case will proceed from investigation to prosecution. A number of circumstances can surround the cases that do not go forward due to disclosure and evidentiary issues. First, it is possible that the child or family actually did not want to participate. If a report is made because a child exhibited suspicious behavior but did not make any initial disclosure to anyone, the prosecutor may not request a forensic interview because it is clear that the child does not want to discuss potential abuse. In some cases the child is too young to be interviewed or the child disclosed to a peer or other trusted individual but did not want to go “on record.” In other cases the child makes an initial disclosure but does not disclose during the forensic interview. It is also possible that a child makes a disclosure during a forensic interview but the investigation does not support the disclosure.

In some cases, children can receive more than one interview. While multiple forensic interviews with a child might result in additional information and opportunity for investigators to attempt to corroborate a child’s account,<sup>23</sup> there may be some reluctance on the part of prosecutors to utilize this approach. Some prosecutors might be hesitant to use multiple forensic interviews because of the concern that children might contradict themselves and/or recant. Education about children’s eyewitness memory and the dynamics of disclosure is important to







with families could specifically explore which concerns are most prevalent and ways to effectively address these concerns. It would also be important to understand which barriers might be related to systemic racism, so that these factors can be identified and addressed as we move towards a more just society.

*Considering the financial needs of caregivers:* Caregivers need financial resources if they are to adequately support child victims of sexual abuse. They face lost wages, transportation expenses, the cost of childcare for other children, and, for some, the challenges of attaining financial independence from an alleged perpetrator. In families in which the perpetrator is the main source of household income, dependency may be part of the reason caregivers continue to live with the perpetrator or choose not to move forward with a case. Caregivers who are dependent on their spouse or partner for financial support may find themselves in crisis when there is a CSA disclosure. After CSA is disclosed, CPS often begins with an assessment of potential harm if the child remains in the home, and this assessment includes the ability of the non-offending caregiver (NOC) to provide a safe and stable environment for their child. Caregivers need a supportive CAC and approaches that will provide the tools necessary for their participation in their child's case. These changes would involve an in-depth look at current public policy and identification of barriers to accessing services. Not only the child, but also the caregiver will likely benefit from access to trauma-informed care and services.

While some states have funds for monetary support after a crime has been committed, there are often caps on how much financial support can be provided to a family, and long wait times for receiving funds are not practical when victims and families require immediate financial support. We also have noted immigration-related barriers, especially when a caregiver is dependent upon an accused party to maintain their immigration status. While the non-immigrant U visa in the U.S. may be an avenue for service providers to use to support the caregiver, applying for a U visa is a complicated and lengthy process.<sup>33</sup> Those who provide services to child victims and their families should be familiar with this process and understand how to identify and respond to the special issues raised when dealing with reports of CSA in immigrant families. Undocumented persons may also be unwilling to take advantage of state supports due to concerns about the Public Charge Rule (which threatens to penalize folks who take advantage of government provided supports).





Effective prosecution of complex CSA cases requires resources that may exceed those required for other felonies. Investigators, forensic interviewers, victim advocates, administrative staff, and case record “reminder” filing systems are needed but may not always be available. When funding of prosecutors’ offices is limited and/or if the prosecution of these cases is not a priority for the office, there may not be support for salaries of the necessary staff or for record-keeping systems needed to respond to the ever-increasing volume of CSA cases. This may mean that some cases will occasionally “slip through the cracks.” In fact, we brought 3 such cases to the attention of the



**There is a need for increased support for prosecutors who *try* child sexual abuse cases and for efforts to overcome the barriers to prosecution by increasing the capacity for individuals, the community, and society to support the child victims and their caregivers.**

to get “lost” unless a parent is constantly calling out for prosecution. CSA is a heinous crime that most people do not want to think about, hear about, or acknowledge, but that is happening in their own communities by trusted doctors, coaches, priests, and others.

## Cultural Shifts and Changing the Culture

burdened by too many cases. Further research may be needed to learn more about the extent to which staffing/management issues impact the prosecution of cases of CSA. Staff shortages may reflect the volume of cases and limited resources available in a given jurisdiction or may be a reflection of the extent to which prosecution of cases of CSA is undervalued—perhaps due to the view that most of the crimes are not worthy of prosecution based on a mistaken notion that (with the exception of a few more sensational incidents) the children and families are not worthy of the most serious attention.

The second element found that impacts the prosecution of sexual assault reported by adult victims is cultural misconceptions about rape and sexual assault—the elements that comprise rape myths about evidence of victim injuries and victim behaviors are found to support or detract from the credibility of the alleged victims. Similarly, myths and misconceptions about CSA may play a significant role in increasing the challenges for prosecutors in cases of CSA. These may include misconceptions about the sexual abuse of children—that children’s reports are not ever reliable, that disclosure issues always reflect fabrication or that children have been coached by others in their reports of CSA. When little evidence of physical trauma from the sexual assault is found another misconception may appear—that children will be better off if we only let them forget about it. In addition there is the myth that the victim is to blame for the behaviors of the alleged perpetrators. When a community holds such misconceptions about CSA it may be more likely that jurors from that community will not believe that the crime occurred. Some prosecutors have reported a systemic misogyny which portrays CSA as a “girl” victim problem that, in most cases, is not a big concern to the state. Such misogyny is then reflected in the lack of attention given to this crime. While these concerns require systematic study, perceptions about CSA as well as availability of adequate resources—including well-trained prosecutors—may contribute to the small number of cases that move forward to prosecution.

Prosecutors and our research suggest a need to address cultural misconceptions and augment the resources devoted to investigation of cases. In addition we need a better understanding of how prosecutors view success as well as how success is viewed in the eyes of children and their caregivers. Indeed, the metric for evaluation of successful prosecution may need to shift. We continue to work on developing guidelines and suggestions for innovation in prosecuting cases of CSA and building on the partnerships formed in this research. Efforts to address these issues will require continued work of MDTs to arrive at solutions and evaluate their impact.

Despite the challenges, the prosecution of CSA serves an important purpose beyond the punishment of the crime itself. When the decision is made to prosecute acts of CSA, attorneys seek justice and safety for the victims and their families, as well as the protection of potential future victims. Each case that dohe e69p5ievd to prosecut, and

## Appendix: Tables and Figures

Variable	Frequency N (%)
----------	--------------------

**Perp age when abuse began**

16-18	61 (19)
-------	---------

19-35	95 (29)
-------	---------

More Than One DC BT11 0 0 11 367.3173 623.79



Figure 1: Case Outcomes for 325 Child Sexual Abuse Cases (Perpetrator 16+)

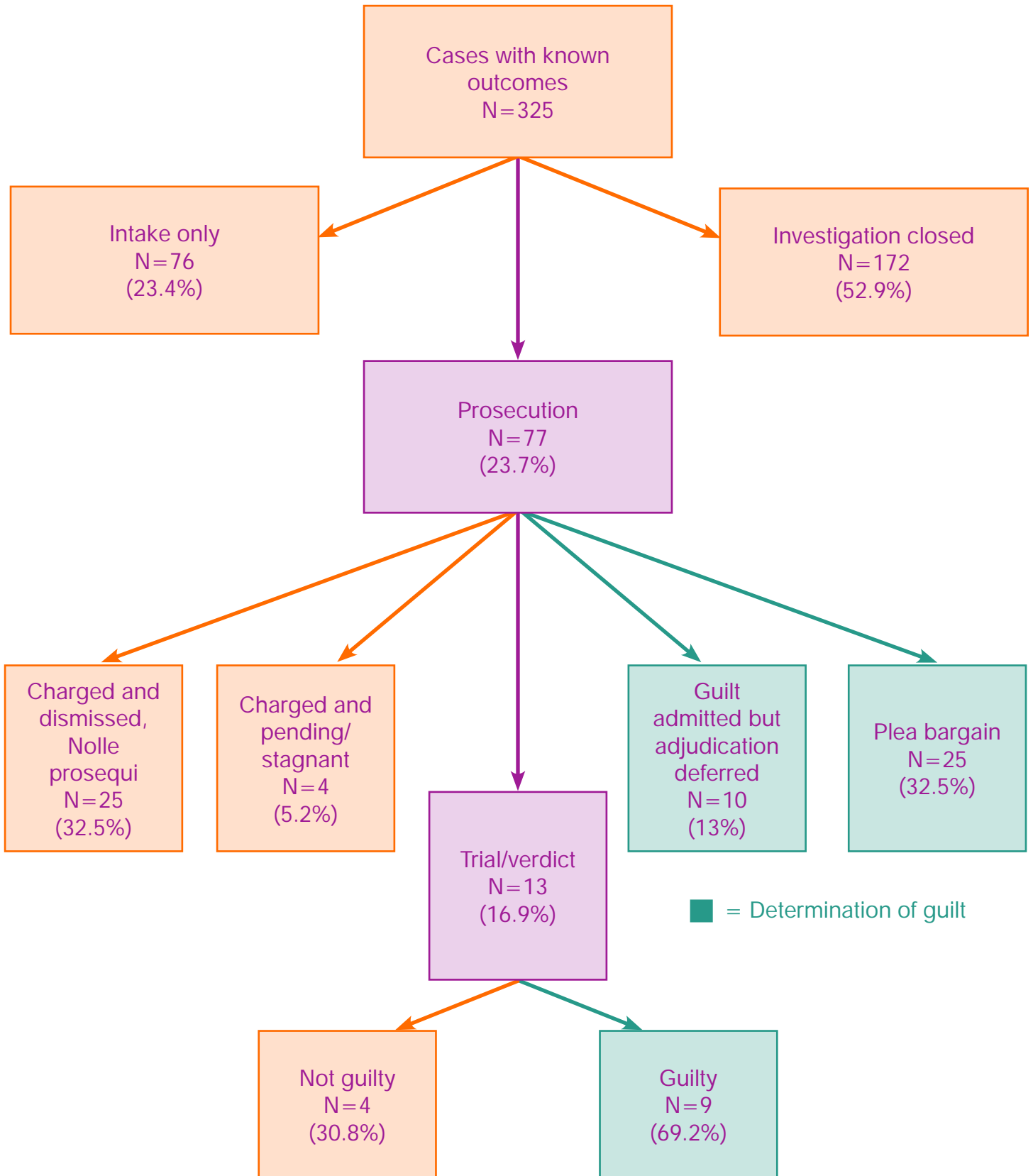


Table 2:  
Predictors of Stage of Outcome for 325 Reported Cases of Child Sexual Abuse

Predictor	Outcome		
	3-Level	Investigate	Prosecute
<b>Perpetrator characteristic</b>			
Perpetrator Age (Over 35)	***	*****	*****
<b>Victim characteristic</b>			
Victim CPS History	**	-	-
Victim Female	**	-	-
Victim Willing to Proceed	**	-	*****
<b>Support</b>			
Caregiver Support	*****	***	*****
<b>Barrier noted</b>			
Disclosure Issues	neg*	-	neg*
Family Barrier	-	-	neg*
Insufficient Evidence	-	-	neg*

*Note: Results of Reduced Set Logistic Regression Analyses for Three Outcome Variables (N=325). All significant at  $p < .05^*$*

## Endnotes

- 1 This work was, in part, supported by Award No. 2014-MU-MU-0001 funded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice: *The Prosecution of Child Sexual Abuse: A Partnership To Improve Outcomes*. The opinions, findings, and conclusions or recommendations expressed in this paper are those of the authors and do not necessarily reflect those of the Department of Justice.
- 2 Brewer, K. D., Rowe, D. M., & Brewer, D. D. (1997). Factors related to prosecution of child sexual abuse cases. *Journal of Child Sexual Abuse: Research, Treatment, & Program Innovations for Victims, Survivors, & Offenders*, 6(1), 91–111. [https://doi-org.umasslowell.idm.oclc.org/10.1300/J070v06n01\\_07](https://doi-org.umasslowell.idm.oclc.org/10.1300/J070v06n01_07). Cross, T. P., & Whitcomb, D. (2017). The practice of prosecuting child maltreatment: Results of an online survey of prosecutors. *Child Abuse & Neglect*, 69, 20–28. <https://doi-org.umasslowell.idm.oclc.org/10.1016/j.chiabu.2017.04.007>. De Jong, A. R., & Rose, M. (1989). Frequency and significance of physical evidence in legally proven cases of child sexual abuse. *Pediatrics*, 84(6), 1022. Duron, J. F. (2018). Legal decision-making in child sexual abuse investigations: A mixed-methods study of factors that influence prosecution. *Child Abuse & Neglect*, 79, 302–314. <https://doi-org.umasslowell.idm.oclc.org/10.1016/j.chiabu.2018.02.022>.
- 3 This paper will at times omit use of the term “alleged” when describing the victims and, in most instances, perpetrators. This is in recognition of the fact that until there is a jury verdict, the law recognizes the parties as “alleged victims” and “alleged perpetrators” or “alleged offenders.”
- 4 Clayton, E., Jones, C., Brown, J., & Taylor, J. (2018). The Aetiology of Child Sexual Abuse: A Critical Review of the Empirical Evidence. *Child Abuse Review*, 27(3), 181–197. <https://doi-org.umasslowell.idm.oclc.org/10.1002/car.2517>. Wekerle, C., & Black, T. (2017). Gendered violence: Advancing evidence-informed research, practice and policy in addressing sex, gender, and child sexual abuse. *Child Abuse & Neglect*, 66, 166–170. <https://doi-org.umasslowell.idm.oclc.org/10.1016/j.chiabu.2017.03.010>.
- 5 Child advocacy centers (CACs) are “one-stop shops” where, in one location, victims and non-offending family members can receive multifaceted services and participate in criminal justice system investigations.
- 6 Lamb, M., Orbach, Y., Hershkowitz, I., Esplin, P. W., & Horowitz, D. (2007). A Structured Forensic Interview Protocol Improves the Quality and Informativeness of Investigative Interviews with Children: A Review of Research Using the NICHD Investigative Interview Protocol. *Child Abuse & Neglect: The International Journal*, 31(11–12), 1201–1231. Pipe, M.E., Lamb, M. E., Orbach, Y., & Cederborg, A.C. (2007). *Child sexual abuse: Disclosure, delay, and denial*. Lawrence Erlbaum Associates Publishers.
- 7 Anderson, G. D. (2016). The Continuum of Disclosure: Exploring Factors Predicting Tentative Disclosure of Child Sexual Abuse Allegations During Forensic Interviews and the Implications for Practice, Policy, and Future Research. *Journal of Child Sexual Abuse*, 25(4), 382–402. <https://doi-org.umasslowell.idm.oclc.org/10.1080/10538712.2016.1153559>. Azzopardi, C., Eirich, R., Rash, C. L., MacDonald, S., & Madigan, S. (2019). A meta-analysis of the prevalence of child sexual abuse disclosure in forensic settings. *Child Abuse & Neglect*, 93, 291–304. <https://doi-org.umasslowell.idm.oclc.org/10.1016/j.chiabu.2018.11.020>. Cross & Whitcomb, 2017. Elmi, M. H., Daignault, I. V., & Hébert, M. (2018). Child sexual abuse victims as witnesses: The influence of testifying on their recovery. *Child Abuse & Neglect*, 86, 22–32. <https://doi.org/10.1016/j.chiabu.2018.09.001>. Goodman-Brown, T.B., Edelstein, R.S., Goodman, G.S., Jones, D.P.H., & Gordon, D.S. (2003). Why children tell: A model of children’s disclosure of sexual abuse. *Child Abuse & Neglect*, 525–540. London, K., Bruck, M., Ceci, S. J., & Shuman, D. W. (2005). Disclosure of child sexual abuse: What does the research tell us about the ways that children tell? *Psychology, Public Policy, and Law*, 11(1), 194–226. doi:10.1037/1076-8971.11.1.194



8 Block, S.D. & Williams, L.M. (2019) *The Prosecution of Child Sexual Abuse: A Partnership to Improve Outcome. Final Technical Report*. NCJRS #252768. Washington, DC: U. S. Department of Justice. <https://www.ojp.gov/pdffiles1/nij/grants/252768.pdf>. Block, S. D., Johnson, H. M., Williams, L. M., Shockley, K. L., Wang, E., & Widaman, K. F. (2022). Predictors of Prosecutorial Decisions in Reports of Child Sexual Abuse. *Child Maltreatment*. <https://doi.org/10.1177/10775595221074375>. Several academic journal articles and doctoral dissertations are under review and/or in preparation based on this work. The final report and academic papers in progress detail the research design implemented to identify problems encountered at various stages in the response to reports of CSA and include some implications for future work.

9 This research team is currently preparing reports on other case outcomes for these cases, to be available in 2022.

10 This retrospective analysis included 500 randomly selected prosecutor case records of CSA reports in 2009-2013 in four jurisdictions in one northeastern state. The protocol in this state included evaluation of all reports of CSA by the prosecutor's office. Of the 500 case files reviewed and coded, 325 cases involved allegations of abuse by perpetrators aged 16 and older at the time the abuse commenced (and thus more likely subject to criminal prosecution). We determined that outcomes for juvenile perpetrators (less than 16) should be reported separately from the adult offenders given differences in how juvenile cases are handled in criminal investigations.

11 Williams, L.M. (2004). Researcher-advocate collaborations to end violence against women: Toward liberating methodologies for action research. *Journal of Interpersonal Violence*, 19(11), 1350-1357.

12 Block et al. 2022.

13 Brewer et al., 1997; Cross & Whitcomb, 2017; De Jong & Rose, 1989; Duron, 2018.

14

20 De Jong & Rose, 1989; Walsh, W.A., Jones, L. M., Cross, T. P., Lippert, T. (2010). Prosecuting child sexual abuse: The importance of evidence type. *Crime and Delinquency*, 56(3), 436–454. <https://doi.org/10.1177/001128708320484>. Eldred, L. M., Gifford, E. J., McCutchan, S. A., & Sloan, F. A. (2016). Factors predicting prosecution of child maltreatment cases. *Children and Youth Services Review*, 70, 201–205. <https://doi->

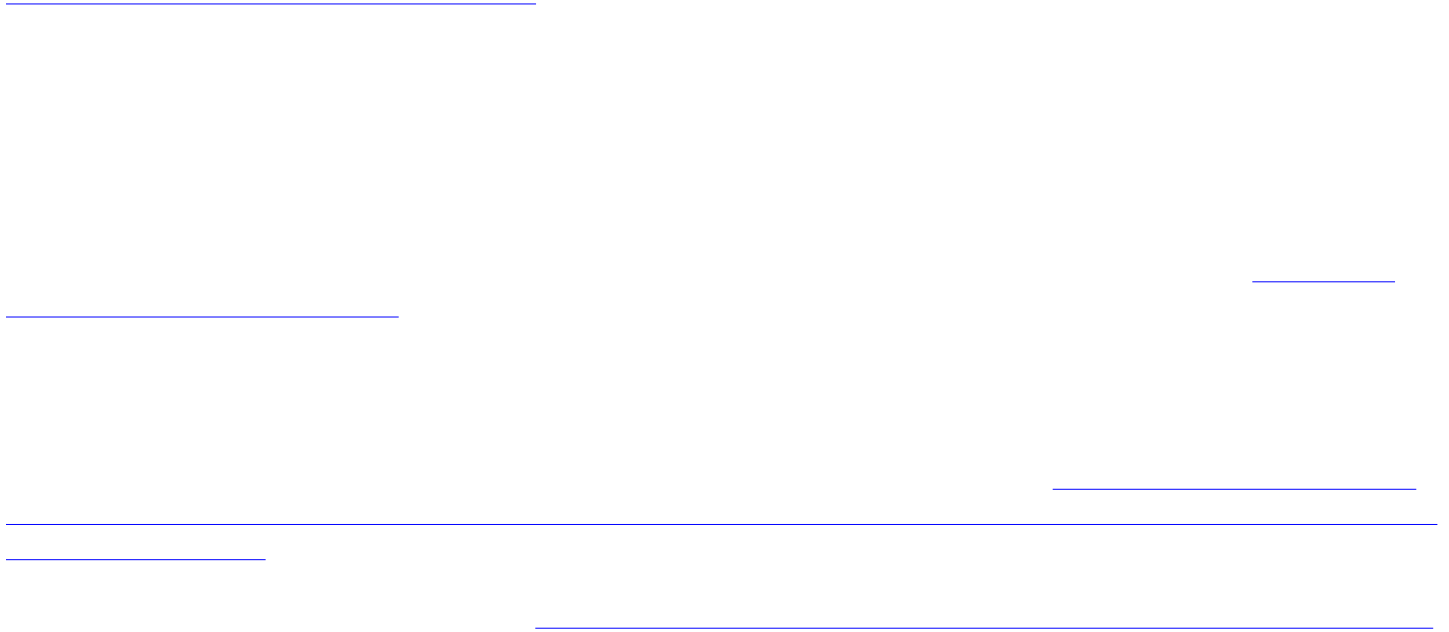
---

---

---

---

---





wellesley  
Centers for  
Women