his paper will address some of the practical issues facing investigators in the area of child abuse. These range from the initial investigation to the court hearing and concern not only police but other professionals working with child victims in the criminal justice system.

Research on the extent of sexual abuse occurring in the general community, clearly indicates that only a small percentage of cases are being reported. Reliable estimates suggest that one in four girls and one in ten boys will be sexually molested by an adult at some time in their childhood. Up to 80 per cent of these children will know the offender and in 50 per cent of these cases the offender will be their natural or substitute father.¹

Initial Investigations

Initial investigations of complaints of abuse can often be hampered by the investigating officer's acceptance of various community myths. For example, until recently it was accepted that children fantasise about their sexual experiences. A further myth is that children are often provocative in relation to sexual activity and are eager participants.

It is of vital importance that all professionals involved in the investigation of child abuse be specially selected for their aptitude and empathy as well as their investigative ability. Special training in the area of child development is essential for relating to and successfully interviewing children. It is also essential that all investigators operate on the premise that children are presumed to be telling the truth, and bear no responsibility for their involvement regardless of time or circumstances (Godfrey 1983, p. iv).

Multi-disciplinary training will not only provide a basis for greater understanding and awareness of child protection issues but also allow networks to be established which will considerably assist successful investigations.

Initial investigations can be likened to a jigsaw puzzle - each piece of information obtained, be it a complaint from a neighbour, a school report, a medical assessment, a
previous notification, or a social welfare record allows a clearer picture to be established with a more accurate assessment of the actual situation and the risks to the child. In many instances the approach adopted in these investigations can have critical long-term effects for the child. If the approach adopted is to accept at face value the initial complaint without any subsequent check or investigation, then the probability of ascertaining the full facts in relation to the family is severely limited.

The provision of a central register to record all reports or notifications of suspected child abuse has proved invaluable in assisting workers involved in initial investigations.

**Interviews**

One of the most critical aspects of any suspected child abuse investigation is the interview with the child victim. It is crucial that such an interview be conducted in an appropriate setting and that the interview be prepared as soon as possible. Such preparation should include the ascertaining of relevant information from parents or guardians and, if applicable, the caseworker, about the child's developmental status, age, grade, ability to write, read, tell time and remember events. The family terminology for genital areas should also be ascertained. The circumstances of the abuse should also be reviewed where previously reported by the child: what, where, when, by whom and to whom reported.

**The Interview**

*Setting*

The setting for the interview can seriously affect the outcome. Experience has shown that the more comfortable and relaxed the child, the more information they are likely to share. The child should be allowed to move around the room, explore and touch, as well as sit on the floor or on an adult's lap.

The use of drawing materials can often be very useful, as can the use of aids, such as anatomically correct dolls, which can do much to allow the child to describe fully the actual event without the embarrassment of finding words and terms to describe the activity. It is essential that all workers using such aids be instructed in the proper procedures and use of the aids prior to their use.

Interviews are very time-consuming and should be conducted free of interruptions and at the child's pace, with appropriate breaks and pauses.

The person conducting the interview should ascertain all the information required and it is imperative that the child is not subjected to further abuse from repeated interviews by a variety of professionals who may each have a legitimate interest in the case. Otherwise it is possible, that in the space of forty-eight hours, the child may have been interviewed by a teacher, community health nurse or social worker, police officers, medical personnel and welfare officers. Faced with constant re-telling of their stories, and quite possibly conflicting reactions and advice, it is not surprising that many children retreat into silence or deny their original report.

From the child's perspective, there may be a tremendous amount of fear, shame, guilt and secrecy surrounding the sexual activity between the child and the offending adult. It is customary for an offending adult to swear the child to secrecy and to transmit to the child the adult's own guilt, demonstrated by the furtive nature of the encounter, the adult's demands on the child, the use of threats or actual violence and the use of bribes. Ensuring secrecy on the part of most children is not difficult, since children are taught to respect and obey adults. How much greater then is the pressure brought to bear on a child by an adult upon whom that child has come to depend for love, affection, understanding, guidance, food, clothing and shelter? The more the child's physical and emotional security is bound up with their relationship with the adult, the greater the pressure.
Once the child has divulged the secret the pressures on them to retract the allegations are enormous. The non-offending parent or guardian is upset, disbelieving or rejecting and punitive. The alleged offender often calls the child a liar, and seeks support from other adults close to the child. The child is usually taken from the home and all that is familiar and secure. In the absence of special support for the child, it is not surprising that a retraction of the complaint sometimes follows. It is crucial that all child protection workers are aware of this possibility and take action to ensure that the child is protected and supported. The Bureau has accepted the philosophy that in intra-familial abuse, every effort is made to remove the offender from the home rather than the child. This is done by utilising arrest and/or bail conditions.

The statement obtained from the child may be either oral (tape recorded) or written. Recently, a number of attempts has been made to videorecord the child's initial complaints. Whilst as yet there has been no legislation to allow these to be used in the court system, they have proved invaluable for allowing all professionals involved in the case to see and hear at first-hand full details of the child's story, thus reducing the necessity for the child to be repeatedly interviewed.

Recently the Juvenile Aid Bureau has utilised specially designed Sexual Offence Kits, containing all requisites for a thorough forensic examination and appropriate instructions for use by the examining medical practitioner.

In our experience the child's right to protection is paramount and if there is any doubt it should be resolved in the child's favour.

### Giving Evidence

The Director of the US National Institute of Justice, James K. Stewart, (Whitcomb 1985, p. i) suggests that 90 per cent of all child abuse cases are not prosecuted. In many of these cases, the decision not to proceed is due to concern about the child's possible performance on the witness stand or the impact of the court process on the child victim's recovery. Both community members and professionals are increasingly concerned about the need to improve their effectiveness in this area.

All professionals have a fear of testifying in court. This applies to police as well as doctors, social workers, and others. For the child victim it is even more awesome. Preparation prior to the court appearance can do much to relieve this tension. The time spent in preparing the child is time well spent. Such familiarisation can include seeing the interior of the court, sitting in the witness box, reading the oath, seeing the Bible, meeting the prosecutor, and explaining where each person is placed in the court. All of this assists in removing the unknown aspects of the court.

Having a supportive adult in the court during the child's giving of evidence is also important. Recent innovations using screens to prevent a child witness being intimidated (Rockett 1987, p. 1817) are a move in the right direction whilst awaiting the court's acceptance of closed-circuit television to reduce a child's trauma.

Two further initiatives to assist professionals to better present their evidence in these cases are:

- The appointment of specially selected and trained female prosecutors attached to the Office of the Director of Prosecutions who are automatically assigned to any case where the complainant is a child. These prosecutors in many instances become involved in the initial prosecution and continue
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until to the final trial. Their sensitivity, empathy and specialist knowledge of the issues involved in child protection make this a much needed innovation.

- The use of forensic experts in child abuse cases to assist the court to understand such diverse factors as child development, and age-appropriate hand pressure.

Our experience supports the view of the Canadian Committee on Sexual Offences on Children (Badgley 1984) whose research refutes suggestions that the allegations of young sexual victims are intrinsically less trustworthy than those of older victims, and argues against the need for special corroboration requirements where young children are concerned. A fundamental change in the law is needed to permit children to speak directly for themselves at legal proceedings. Whilst recently the truthfulness of victims of sexual offences has been regarded with less scepticism than in the past, the law still regards children's evidence with suspicion. There should be no special rules with respect to the child's legal competence to give evidence in court. A child's evidence should be received and considered in the same light as that of an adult. Young children are no more prone to giving vague accounts to the police than older children and are capable of speaking effectively on their own behalf. To make a child's testimonial competency contingent upon a child's age fails to take into account the cognitive and developmental differences among children of the same age.

Conclusion

If society believes that the abuse of children is a serious crime, then special techniques must be adopted within the criminal justice system which not only encourage the cooperation of child witnesses, but at the same time acknowledge the inherent limitations of a child's performance.

It must be ensured that the criminal justice system not only provides protection for the child from abuse but also provides protection while within the system.

Endnotes

1. These general estimates are drawn from the results of five major surveys, conducted between 1940 and 1978 including: C. Landis (1940); A. Kinsey (1953); J. Landis (1956); J. Gagnon (1965) and D. Finkelhor (1978). Their findings are also supported by the experiences of the Harborview Sexual Abuse Treatment Program in San Jose, California, which, together, have treated over 10,000 sexually abused children in the past decade. Informal surveys in Canada suggest a similar incidence.

2. Some professionals have found an article by D. Carson (1984) a help in addressing these issues.

References

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Landis, C. 1940, Sex in Development, Harper and Brothers, New York.
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