




# First Responders to Child Sexual Abuse Allegations

## Top 10 Do's and Don'ts in Federal Child Sexual Abuse Cases


by:


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# Top 10 Do's and Don'ts

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1. DO NOT conduct your own investigation – notify the FBI, BIA Criminal Investigator, and the U.S. Attorney's Office IMMEDIATELY of any Indian Country child sexual abuse allegation or disclosure. DO NOT WAIT!



# Top 10 Do's and Don'ts

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2. DO NOT send the child for a local medical exam unless acute injury requires medical attention or rape/assault happened within the last 24 hours and evidence (hair, semen, etc.) will be lost.




# Top 10 Do's and Don'ts

3. AVOID detailed interview of child at initial disclosure. ONLY basics should be elicited by using non-leading questions:



- Is the child Indian?
- Is the offender Indian?
- Where did the incident occur?
- What did offender do to child?



AVOID telling victim to write out factual account. AVOID audio taping or videotaping victim's statement.



# Top 10 Do's and Don'ts

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4. Unless child is in immediate danger, try to avoid removing child from home until FBI or BIA is notified to allow chance for immediate perpetrator interview or search warrant.
    - May 'tip off' offender
    - Offender may have chance to develop alibi
    - Chance for confusion drops dramatically if offender knows child made disclosure
    - Restraining order forcing offender to leave house may protect child and be less disruptive than taking child into custody

# Top 10 Do's and Don'ts

5. Remember, all your records may be subject to discovery by offender's attorney and may be used at trial to assist in defense of accused:
- Child welfare records
  - Personal notes, files, court papers
  - Phone records
  - Medical records, notes
  - Comments about the child's behavior or demeanor

# Top 10 Do's and Don'ts


## 6. Use a Child Advocacy Center or other agency that:

- Is a safe, child-friendly environment
- Family members able to accompany child
- Allow federal victim witness coordinators to contact family and offer other assistance (counseling, info, etc.)
- Allows prosecutors to observe through a 2 way mirror during interview
- Immediate medical exam usually can be conducted if disclosure is made
- Allows creation of drawings for trial
- Avoids later need for repeat interviews
- Professional forensic interviewer may be available to assist in interview



# Top 10 Do's and Don'ts


7. AVOID sending child to a doctor who is not experienced, qualified or available to testify in court on a regular basis
  - Medical evidence is rare and may not be conclusive
  - Doctors who conduct few interviews may not be considered expert by court
  - A “WNL” (within normal limits) on a report with no detailed info will help offender
  - Doctors who conduct the detailed interviews and maintain notes may be the only witness who can testify in court to the facts of the abuse







# Top 10 Do's and Don'ts

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8. If child is in protective tribal custody while trial is pending, remember that extended family members may try to intimidate child or try to get child to recant disclosure.




# Top 10 Do's and Don'ts

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9. Remember, the child generally *must testify* in court at trial:
- It is very difficult to close the courtroom, so it will generally be open to the public
  - Unique procedures (video feed, etc.) are rarely allowed.



# Top 10 Do's and Don'ts

## 10. THE ULTIMATE GOAL:



A good interview, medical report, and confession can often result in a guilty plea by the offender, thus avoiding the stress and anxiety of trial for the victim.