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EXECUTIVE SUMMARY

The Office of the Family and Children's Ombudsman (OFCO) was established to work independently on behalf of children in need of state protection and on behalf of families and children who are involved with the state because of child abuse and neglect issues. As an independent office within the Office of the Governor it is OFCO's mission to protect children and families from potentially harmful acts or omissions by governmental agencies. It is also OFCO's mission to identify significant problems and recommend improvements in the child protection and welfare system.

The Wenatchee Investigations

Pursuant to its authority under RCW 43.06A.030, OFCO has reviewed the involvement of the state Department of Social and Health Services (DSHS), Children's Administration (CA), Division of Children and Family Services (DCFS), in the 1994-95 Wenatchee child sexual abuse investigations. The Wenatchee child sexual abuse investigations (hereafter referred to as the Wenatchee investigations) were conducted jointly by local law enforcement officials and DCFS Child Protective Service (CPS) social workers. These investigations involved allegations against more than 80 adults, and led to the prosecution of 38 people in 1994 and 1995 in Chelan and Douglas counties.

Many of the cases involved allegations that groups of adults had sexually abused their own and other people's children. Ultimately, 25 people were convicted of crimes involving sexual abuse against children. Of these, 17 defendants pled guilty and were sentenced, while eight individuals were convicted at trial. Of the remaining thirteen defendants, three were acquitted of all charges, eight had their charges dismissed, and two had their charges reduced to non-sex offenses. In addition, these investigations led to the temporary or permanent removal of at least 42 children from the care of their parents.

The Wenatchee investigations have been the focus of intense and enduring controversy. Techniques allegedly employed by law enforcement and CPS investigators in eliciting statements from suspects and alleged child victims have come under public criticism, and formed at least part of the basis for state appellate court decisions to reverse or vacate criminal convictions. Law enforcement officials and CPS social workers, however, have consistently maintained that their investigative techniques were appropriate. Some convictions have survived challenges that were based on investigators' techniques. Earlier this year, a civil jury determined that law enforcement and CPS investigators did not violate the civil rights of the children and the acquitted defendants who had filed the suit.

OFCO's Review

Consistent with its organizational mission, OFCO conducted this review for the purpose of identifying potential systemic problems with respect to:

- How CPS social workers conducted themselves in child sexual abuse interviews.
- How those interviews were documented by CPS social workers.
- The provision of state-contracted mental health services to possible child sexual abuse victims.

Specifically, OFCO sought to determine whether new or stronger safeguards are needed to protect children who are the subject of investigative interviews, and to ensure that possible child sexual abuse victims are provided with appropriate mental health services.

OFCO's review represents the first full-scale independent review of the Wenatchee investigations by a government agency. In early 1996, United States Attorney General Janet Reno declined a request by then-Governor Mike Lowry to undertake a review of the investigations for potential criminal civil rights violations. Reno said her office lacked jurisdiction because the allegations stated that psychological coercion, not actual physical force, had been used by investigators in eliciting statements.

OFCO's review commenced in April 1998 and concluded in November 1998. The scope of the Wenatchee investigations encompassed allegations involving over 80 adults and at least 55 children. While OFCO's review included the allegations involving these 135 individuals, this review pays particular attention to the 19 families documented in DCFS files who were allegedly involved in intra-familial or group sexual abuse in Wenatchee. The review also focused on allegations involving third parties, and events that allegedly occurred at a church in East Wenatchee and a foster home licensed by DCFS.

The OFCO investigative team reviewed over 60,000 pages of documents. These documents included DCFS case files; police reports, court transcripts, media materials, and other documents produced by private individuals. OFCO interviewed over 40 individuals including DCFS staff, attorneys, foster parents, state-contracted therapists, defendants, and children no longer in state custody who indicated a desire to speak with OFCO investigators. OFCO did not attempt to conduct investigative interviews of children who are still in state custody. Instead, these children were contacted by OFCO to determine whether they wished to discuss their general views and experiences regarding the child protection and welfare system. OFCO then met with those who indicated a desire to speak with OFCO staff.

OFCO investigators encountered insurmountable constraints in their attempt to establish the facts of "what happened" in Wenatchee. These constraints include issues of incomplete and missing documentation, fading memories, the reluctance of some individuals to speak to OFCO investigators, and concerns regarding ongoing litigation. In addition, some state-contracted therapists would not speak with OFCO because they were uncertain whether they could lawfully divulge confidential information about their current or former clients.

To assist in understanding the diverse and complex issues presented by the Wenatchee investigations, OFCO convened a multidisciplinary panel of professionals from Washington State and across the country. The panel helped answer OFCO's substantive questions, in addition to raising issues and providing feedback on the review and final report. The panel's role was advisory only, and intended to provide OFCO with diverse expertise and perspectives; it was not convened to help author or to endorse this report. Panel members generously volunteered their time and professional expertise to OFCO. OFCO also consulted with a child and adolescent psychiatrist, and a clinical psychologist regarding state-contracted mental health services provided to the children in Wenatchee.

Findings and Recommendations

The 1994 and 1995 Wenatchee sexual abuse investigations present a progression with regard to the kinds of allegations that are made in child sexual abuse cases. Specifically, the investigations present a progression from the types of allegations that are:

- **Common:** Abuse of a child by a single family member or friend, *to those that are*
- **Less Common:** Abuse of several children by both parents, and/or their friends, *to those that are*
- **Uncommon:** Organized and systematic abuse of many children by many community members.

It is possible that either the uncommon occurred and the events actually unfolded as alleged, or something went wrong in the child abuse investigative system resulting in factual distortions. Possibly a combination of the two occurred. Unfortunately we will never know for sure which of these possibilities is true. The investigative process was not well enough documented to allow external reviewers to ascertain whether the kinds of mistakes that can cause factual distortions occurred. Moreover, constraints encountered during the course of OFCO's review have made it impossible to establish the underlying facts with a reasonable degree of confidence. Nonetheless, OFCO has made observations, findings and recommendations on the following issues:

- Interview Documentation
- Child Interview Practices
- Cross-Discipline Collaboration

OFCO's observations consist of documented or alleged events in Wenatchee that illustrate investigative errors that experts agree can increase possibilities of factual distortion. These observations do not constitute factual findings. Rather they are a neutral presentation of events as they were documented or alleged by others. In most instances, the events are disputed by other participants or witnesses. Without attempting to resolve these factual disputes, OFCO presents these alleged events as observations because they are representative of investigative activities that were frequently documented or alleged in Wenatchee, and that experts agree can increase the possibility of factual distortion.

OFCO's findings relate to current state laws, policies and procedures. Based on these findings, OFCO is able to make recommendations about state law and CA policies and procedures which, had they been in place and followed in Wenatchee, may have minimized the possibility of factual distortion. In addition, they would likely have ensured a more complete record for making the kind of review that we have undertaken. If put in place now, these recommendations may reduce the possibility of factual distortion and create a better record in the future.

OFCO's findings and recommendations are as follows:

Interview Documentation

Research has shown that interview questions carry different risks of influencing answers. Accordingly, to assess the presence or absence of improper interview techniques and the risk of factual distortion, it is necessary to know an investigator's specific questions and children's specific responses.

OFCO has found that current law and DSHS documentation policies are not sufficient to ensure that child interviews are documented in a manner that permits meaningful external review. They do not require that interviews be documented contemporaneously or pursuant to a standard format.

OFCO recommends that CPS social workers be required to document child interviews in a verbatim or near-verbatim manner that captures which questions are asked, in what order, and the exact answers are given to the questions. The exact language is critical for effective forensic evaluation and for any external review.

Child Interview Practices

Skilled interviewing practices are critical to enhancing the accuracy and completeness of children's reports of abuse. There is widespread consensus among experts that the competent implementation of certain interview principles increases the probability of eliciting complete and accurate information from children.

OFCO has found that there is currently no requirement that every CPS social worker receive specialized or ongoing training in effective investigative and interviewing techniques. OFCO has also found that state-contracted therapists who conduct sexual abuse evaluations, or who treat sexually abused children in state care, are not required to have any specialized and/or ongoing training about sexual abuse.

OFCO recommends that specialized and on-going training in child sexual abuse investigative and interview practices be required of all CPS social workers. OFCO also recommends that the Children's Administration commission an external review of therapists' reports in child sexual abuse cases to determine whether it should require therapists to have specialized or ongoing training regarding sexual abuse. OFCO further recommends that the Children's Administration consider establishing a consultation network consisting of a core of skilled and experienced therapists who would be available to consult on difficult cases.

Cross-Discipline Collaboration

Appropriate cross-discipline collaboration can be an effective factor in reducing factual distortion in child abuse investigations. Child abuse cases involve legal, social, and psychological issues that must be addressed by a variety of professionals ranging from prosecutors and law enforcement personnel to CPS social workers, therapists and physicians. Widespread consensus exists that effectively addressing the issues of child abuse requires the efforts and coordination of many agencies and disciplines.

OFCO has found that CPS social workers are provided with minimal direction or training in effective cross-discipline collaboration. As a result, CPS workers are left to establish and work within collaborative relationships with law enforcement agencies and other disciplines without the benefit of specific guidance or formal training on the goals, expectations and limitations of cross-discipline collaboration.

OFCO recommends that local jurisdictions be required to establish cross-discipline collaborative protocols that include elements that are recognized by researchers and practitioners as being essential for effective collaboration. Mandatory elements to be included in local protocols could be developed by a state-level task force in which key disciplines are represented. OFCO also recommends that joint training opportunities on cross-discipline collaboration be enhanced for CPS social workers and professionals from other disciplines.

Section 1

OFCO'S ROLE AND REVIEW

OFCO's Statutory Role

THE WASHINGTON OFFICE OF THE FAMILY AND CHILDREN'S OMBUDSMAN (OFCO) was established in Chapter 43.06A RCW by the 1996 Washington State Legislature as an independent office within the Office of the Governor. The office was established to ensure that government agencies respond appropriately both to the needs of children in need of state protection, and families and children who are the focus of the state's attention because of child abuse and neglect issues. It is OFCO's mission to:

- Protect families and children from potentially harmful agency acts or omissions;
- Ensure that agency officials and state policy makers are aware of chronic problems in the child protection and welfare system so they can improve state services.

OFCO fulfills its mission by acting on specific complaints, and by investigating broader systemic issues of concern that relate to the provision of state child protection and welfare services. The purpose of OFCO's systemic investigations is twofold:

- Identify system-wide problems that adversely affect families and children, and;
- Recommend steps which agency officials and state policy makers can take to address these problems. OFCO's systemic investigations result in written reports that are provided to agency officials, the Governor, the Legislative Children's Oversight Committee, and the public.

OFCO's Review

OFCO director, Vickie Wallen, announced on October 23, 1997, her office would review the involvement of the state Department of Social and Health Services (DSHS), Children's Administration (CA), Division of Children and Family Services (DCFS), in the 1994-95 Wenatchee child sexual abuse investigations. This review would be pursuant to OFCO's authority under RCW 43.06A.030. The announcement came only four months after OFCO had become operational.

The Petition

OFCO's decision to conduct a preliminary review of the Wenatchee investigations was prompted by a petition received within days after the office became operational in June 1997. The petition was accompanied by letters of support from defense attorneys and an array of social services organizations, as well as by thousands of signatures of Wenatchee-area citizens. The petition alleged that state social workers, employed by DSHS, had inappropriately assisted law enforcement investigations of child sexual abuse allegations in various ways. An independent review of the actions of state social workers was requested.

Preliminary Review

OFCO concluded in its preliminary review that the allegations relating to CPS child interviews and the provision of state-contracted mental health services warranted further investigation. Of particular significance were those concerns had been raised by state-contracted mental health professionals, and by children themselves. OFCO concluded that these concerns warranted further review because systemic problems in these areas might have a serious impact on children in two ways: by endangering their safety and well being, and by undermining perceptions of their credibility.

Before deciding to proceed with a targeted review, OFCO staff spent hundreds of hours reviewing the *Wenatchee Report*,¹ and more than 3,600 pages of supporting documentation. OFCO also evaluated several internal reports provided by the DSHS Children's Administration.

Focus of the Full-Scale Review

OFCO announced that its full-scale review of the Wenatchee investigations would initially focus on the following issues regarding the conduct of state social workers:

- How interviews of possible child sex abuse victims were conducted.
- How interviews of possible child sex abuse victims were documented.
- Decisions to refer some children for admission to psychiatric hospitals.
- Decisions to terminate some children's ongoing therapeutic relationships.

The Review Process

The investigative team included a lead investigator and two additional investigators. In addition, OFCO's permanent staff contributed to the review by participating in information gathering and analysis. During the six-month full-scale review (June-November 1998) the investigative team has:

- Reviewed more than 60,000 pages of documents, including:
 - DCFS confidential family and child case files
 - CAMIS (Case and Management Information System) entries²
 - Children's Administration internal reports
 - DCFS foster parent licensing files

¹ Lyon, K., (1995), *The Wenatchee Report*.

² CAMIS is the state-wide automated case management system of the DSHS Children's Administration.

- ❑ Criminal court files
 - ❑ Police reports from Chelan and Douglas Counties
 - ❑ Depositions
 - ❑ Transcripts of trials and sentencing hearings
 - ❑ Children’s Administration operational policies and procedures
 - ❑ DCFS staff training records
 - ❑ Newspaper articles
 - ❑ Materials received from individuals OFCO interviewed
 - ❑ Professional literature on pertinent topics
- Reviewed pertinent video tapes, including tapes of:
 - ❑ Some alleged victims and abusers
 - ❑ News reports
 - ❑ Witnesses in a recent civil trial
 - Conducted over 40 interviews, including:
 - ❑ Current and former state social workers
 - ❑ Current Children’s Administration administrators
 - ❑ Foster parents
 - ❑ Children who expressed the desire to talk to OFCO investigators, and who have–
 - Reunited with their families, or
 - Aged out of the foster care system
 - ❑ Guardians ad litem³
 - ❑ Attorneys
 - ❑ Therapists
 - ❑ Defendants

Children in State Custody

Not wishing to disturb the well being of the Wenatchee children who remain in state custody, OFCO did not attempt to subject them to investigative interviews. However, in an effort to provide an opportunity that would allow these children to describe their views and experiences regarding the child protection and welfare system generally, OFCO offered to meet with children ages 11 through 17. OFCO then met with nine children who indicated a desire to speak about their experiences. The statements they made in response to OFCO’s questions are set forth at the end of this report.

Advisory Panel and Expert Consultation

To assist in understanding the diverse and complex issues presented by the Wenatchee investigations, OFCO convened a multidisciplinary panel of professionals from Washington State and across the country. *See Appendix A*. In addition to the panel, OFCO consulted with a child and adolescent psychiatrist and a child psychologist regarding state-contracted mental

³ A guardian ad litem (GAL) is an officer of the court whose role in a dependency proceeding is to represent the child’s best interests. RCW 13.34.105(1).

health services provided to children in Wenatchee. *See Appendix B.* These experts have proved to be valuable in developing OFCO's understanding of several key issues relating to mental health treatment.

Early Challenges

While conducting the preliminary review, OFCO investigators became aware that a full-scale review would require a focused and intensive effort. Additional resources would be needed to complete the review. OFCO was also concerned whether people with pertinent information would be willing to speak to its investigators.

Special Funding: A timely review of the Wenatchee investigations was beyond the existing budget and staff resources of OFCO. In March of 1998, the Legislature provided OFCO with additional travel and other investigation-related funding. Also in March of 1998, Governor Gary Locke provided OFCO's five-person office with a \$100,000 emergency fund allocation for additional investigators to help expedite the review.

The "Shield" Law: Following the preliminary review of the Wenatchee investigations it was clear that many individuals were reluctant to speak with OFCO's investigative team. OFCO determined that a "shield" law was essential to encourage people to come forward. Those with sensitive information would need to be able to speak without fear that OFCO could be legally compelled to disclose their identities. The Legislature passed the shield law in March of 1998. Governor Locke signed it in April of 1998.

Additional Challenges: OFCO's investigative team was also challenged by the task of compiling, cataloguing, and securing tens of thousands of confidential documents. CPS and police activities, prior court cases and ongoing litigation, had served to create an enormous record of events. In addition, the lead investigator for OFCO's review resigned for personal reasons in May 1998. A new lead investigator was hired and took over the task of organizing the review. Thus, OFCO's review was not able to get fully under way until the beginning of June 1998.

Constraints on the Review Process

The nature of the allegations raised by the Wenatchee investigations pose challenges for a clear and thorough analysis of events and actions by CPS. Compounding the analytical challenges are a number of factors that have served to constrain OFCO's review. Among these are:

- The complexity of events – The number of children and families involved in the joint CPS/police investigations, and the number and kinds of allegations that were made have resulted in a scenario that defies simple description.
- Insufficient documentation on critical issues – While the number of documents collected by OFCO's investigative team exceed 60,000, the contradictory and incomplete aspects of these documents often serve to obscure the facts rather than clearly define them.
- Electronic mail unavailable – OFCO requested any electronic mail pertinent to the Wenatchee investigations. However, OFCO was advised that a new e-mail system was

WENATCHEE CHILD SEXUAL ABUSE INVESTIGATIONS

implemented between the time of the Wenatchee investigations and the time of OFCO's request, making retrieval impossible.

- The passage of time – Memories have begun to fade about details surrounding the specifics of the allegations and investigations.
- Ongoing litigation – Numerous court cases have resulted in children and others being subjected to multiple interviews regarding allegations of sexual abuse, and recantations. Some individuals have made conflicting statements in the course of being interviewed multiple times.
- Individuals who are unwilling to talk to OFCO – Some individuals have indicated that they are afraid of being harassed by fellow community members who have different points of view regarding the sexual abuse allegations and investigations. Others have indicated that they are worried about possibly being involved in litigation. Some have indicated that they simply want to put the whole thing behind them.

Section 2

BACKGROUND

The Community of Wenatchee

The City of Wenatchee is located near the geographical center of the state, 135 miles east of Seattle and 165 miles west of Spokane. The current population of Wenatchee is approximately 25,000, with 5,300 people residing in the city of East Wenatchee.⁴ The Columbia River divides the two cities, as well as Chelan and Douglas Counties. Agriculture has long been the primary local industry in and around Wenatchee. In recent years, however, tourism has played a more important part in the economy of the city and the surrounding area. The ethnic composition of the city is approximately 82% white, 16% Hispanic, with the remaining 2% including Native Americans, African Americans, and others. The number of Hispanic residents rises with the influx of seasonal migrants who come to work in the local agriculture industry.⁵

The Wenatchee DCFS Office

The Wenatchee Division of Child and Family Services (DCFS) is a local office that falls under the management of the DSHS Children's Administration (CA). The CA is characterized by a decentralized organizational structure and is divided into six regions. These Regions are divided into Areas; each Area contains local DCFS offices in various cities. Each office is made up of several Units, including CPS and Child Welfare Services (CWS). The supervisors of the individual Units in a local office report to the Area Manager. The Wenatchee DCFS office is part of Region 1, which has its headquarters in Spokane, about 165 miles from Wenatchee. The Area office is located in Moses Lake, about 66 miles from Wenatchee. The Wenatchee office does not have a manager on site to whom the unit supervisors report.

The Wenatchee DCFS office was comprised of two units, CPS and CWS, and employed approximately 20 people in 1994 and 1995. Throughout most of 1994, the CPS Unit had one supervisor, four full-time social workers conducting investigations, and intake and off-hours staff. An additional person on staff acted as a foster home licensor. The CWS Unit had one supervisor and approximately four caseworkers involved in developing plans for the care and welfare of children (permanency planning), and another in adoptions.

⁴ Source: Office of Financial Management, State of Washington.

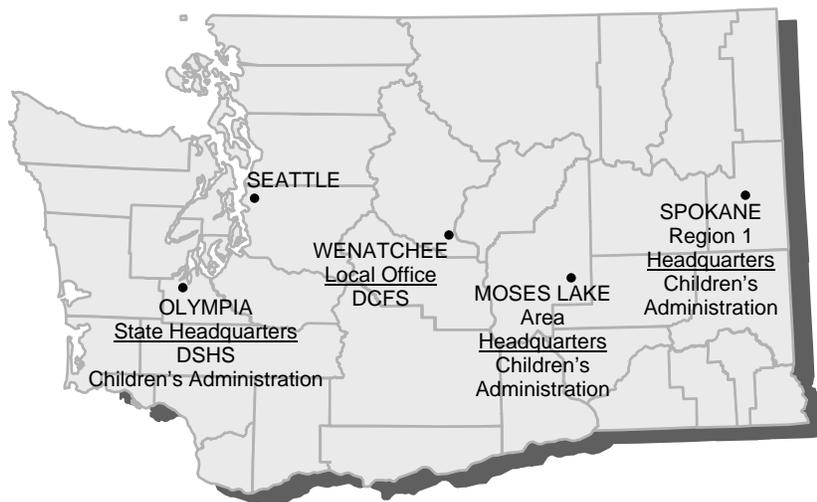
⁵ Source: The Wenatchee Chamber of Commerce.

OFFICE OF THE FAMILY AND CHILDREN'S OMBUDSMAN

It is the role of CPS to:

- Investigate allegations of child abuse and neglect
- Assess risks to children of future abuse or neglect
- Provide services to preserve family integrity, and cultural and ethnic identity

CHILDREN'S ADMINISTRATION OFFICE LOCATIONS



Of primary importance in the provision of these services are considerations of the child's safety and welfare. Cases are generally transferred from CPS to CWS after dependency is established.⁶ CWS continues to provide permanency planning and additional services to the family.

The Wenatchee Police Department

In 1994 and 1995, the Wenatchee Police Department (WPD) had 19 law enforcement positions. Of these, three officers were assigned to street crimes duty, and four officers filled detective positions. One of the four detectives was assigned "crimes against persons" duty. This duty included investigations of alleged child abuse. The department rotated patrol officers into detective positions every two years. During 1994 and 1995, the department experienced personnel shortages. Three of the 19 law enforcement officer positions were not filled on a full-time basis.

In January 1994, a patrol officer by the name of Palmer became the Crimes Against Persons detective.⁷ Officer Palmer rotated into this duty after he had been a patrol officer for several years. As the child sexual abuse investigations became more involved, another detective assisted Detective Palmer with some of the investigations.

The WPD had jurisdiction over crimes that occurred within the City of Wenatchee and investigated the vast majority of the child sexual abuse cases in 1994 and 1995. The Douglas County Sheriff's Office had jurisdiction over crimes that occurred in the city of East Wenatchee.

⁶ A dependent child is defined in RCW 13.34.030(4).

⁷ To protect the privacy of individuals involved in the investigations, pseudonyms are used in place of names.

When children and adults in Wenatchee began to make reports about sexual abuse occurring in homes and a church in East Wenatchee, the WPD investigated. Eventually, however, the WPD provided the Douglas County Sheriff's Office with information needed to conduct its own investigation of these child sexual abuse allegations in East Wenatchee.

The CPS/WPD Collaboration

Detective Palmer and the CPS social workers worked closely together and, in most cases conducted joint interviews of children. In a few cases, CPS social workers were also present at interviews in which suspects were questioned. The social workers were also present during some interviews with Douglas County Sheriff's Deputies. However, Douglas County also had its own child interview specialist who conducted interviews on her own. Douglas County also sent children to be interviewed at the Regional Center for Child Abuse and Neglect. That forensic interviewing center is located in Spokane, Washington.

When either CPS or WPD received a report of child abuse, both agencies responded. CPS social workers and WPD officers often went to homes together in anticipation of placing children into care if the police expected that the children's caretaker was going to be arrested. In addition, CPS social workers and Detective Palmer frequently shared information about their cases.

Section 3

THE WENATCHEE INVESTIGATIONS

The Wenatchee investigations, conducted jointly by local law enforcement officials and CPS workers, involved allegations against more than 80 adults and led to the prosecution of 38 people in 1994 and 1995 in Chelan and Douglas counties. Many of the cases involved allegations that groups of adults had sexually abused their own and other people’s children. Ultimately, 25 people were convicted of crimes involving sexual abuse against children. Of these, 17 defendants pled guilty, and eight were convicted at trial. Of the remaining thirteen defendants, three were acquitted of all charges, eight had their charges dismissed, and two had charges reduced to non-sex offenses. In addition, these investigations led to the temporary or permanent removal of at least 42 children from the care of their parents.

The Allegations

One of the most striking features of the Wenatchee investigations is the way the content of the children’s sexual abuse allegations changed over time.⁸ The investigations began with the kinds of allegations that are commonly handled by the child protection and criminal justice systems. Later in the investigation process allegations were of the type that are considered unusual. This section presents an overview of that progression.

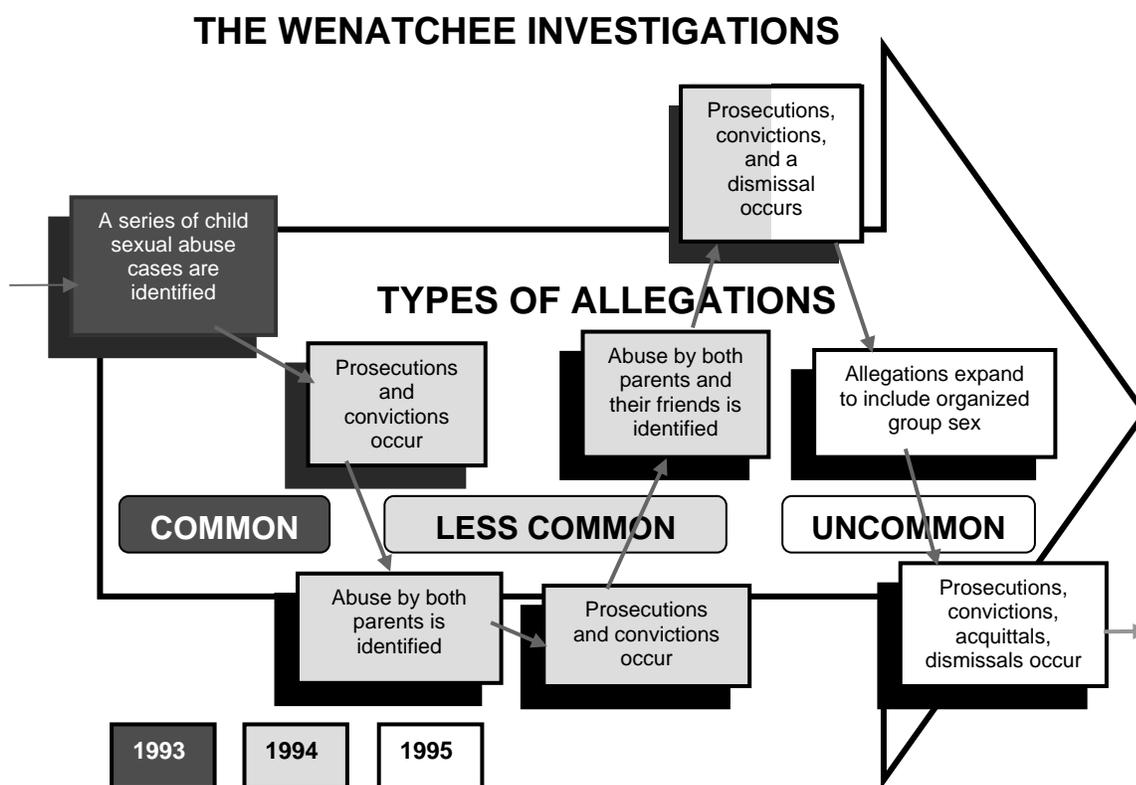
PROGRESSION OF TYPES OF ALLEGATIONS



⁸ Unlike the CPS social workers in Wenatchee that had to make decisions on the “front lines” as the events unfolded, OFCO has the advantage of viewing completed events through the lens of hindsight.

Progression of Children's Sex Abuse Allegations

The Wenatchee sexual abuse investigations present a progression over time from the types of allegations that are common in child sexual abuse cases, to those that are uncommon. This section illustrates this progression, using as examples some of the specific Wenatchee investigations. It is not our intent here to discuss every case or to fully set forth the facts of each case discussed. Nor will this section present or defend hypotheses about why this progression took place. Rather, it is our intent to present a factual overview of the progression. The facts set forth in this section are contained in police reports, DCFS files, and/or court records. To preserve the privacy of individuals and families involved in the investigations and at the same time avoid the confusion of using initials in place of names, we have chosen to use pseudonyms.



Kinds of Allegations Commonly Made in Child Sexual Abuse Cases

Prior to 1994, the kind of sexual abuse allegations that formed the basis for criminal charges and child protective actions in Wenatchee looked much like those commonly seen by child abuse investigators. These were allegations that a single person with access to a child, such as a parent or family friend, had sexually abused the child without other adults present. Examples of those kinds of allegations are as follows:

- Everson Girl: In February 1992, the 7-year-old Everson girl reported to her teacher and school counselor that her “privates” hurt. An investigation by CPS and police led to the

eventual charging and conviction of the boyfriend of the child's sister. He was sentenced to seven-and-a-half years in prison.

- Manning Girl: In March 1993, the 8-year-old Manning girl told her mother that a friend of the family had sexually molested her. In a follow-up investigation by CPS and a detective, the suspect made incriminating statements to the detective. The suspect eventually pleaded guilty. He was sentenced to five-and-a-half years in prison.
- Hull Girl: In September 1993, the 9-year-old Hull girl reported to a rape crisis worker that her father was sexually molesting her. In subsequent interviews with police and CPS, the Hull girl repeated the allegations. Mr. Hull confessed and pleaded guilty. He was sentenced to 14 years in prison.

Kinds of Allegations Less Commonly Made in Child Sexual Abuse Cases

Beginning in 1994, the kinds of sexual abuse allegations made by children changed in character. This change coincided with Detective Palmer becoming lead sex crimes detective for the Wenatchee Police Department. A pattern emerged whereby cases that came to the attention of authorities because of allegations of child sexual abuse perpetrated by a male family member or friend, later resulted in allegations by the child against the child's mother. In some instances, children alleged that their mothers were involved in trading or sharing their children for sexual activities with other adults. Convictions involving mothers and other women for child sexual abuse are relatively rare.⁹ Cases in which women in Wenatchee were charged with, and convicted of, molesting their children included:

- Tobin Family: In March 1994, the Tobin brothers (ages 11 and 14) disclosed to a rape crisis worker that their father had been sexually molesting them. Detective Palmer interviewed the boys briefly. Mr. Tobin confessed to Detective Palmer and eventually pled guilty to abusing his sons. Several days after Mr. Tobin's arrest Detective Palmer, accompanied by two CPS social workers, contacted Mrs. Tobin at her home and told her that he thought she might be involved. She confessed to Detective Palmer to abusing her sons and eventually entered an Alford plea.¹⁰ She was sentenced to almost 11 years in prison. She has not appealed her conviction.
- Carrington Family. In May 1994, a 15-year-old daughter of Mr. and Mrs. Carrington was admitted to Pine Crest Psychiatric Hospital in Idaho where she disclosed to medical staff that her father had sexually abused her. Mr. Carrington confessed to Detective Palmer that he had been molesting all four of his daughters. He eventually pled guilty. After Detective Palmer obtained the confession from Mr. Carrington, he interviewed two of the daughters who implicated Mrs. Carrington. Mrs. Carrington was then charged as an accomplice to Mr. Carrington's abuse and was convicted at trial. She was sentenced to 46.5 years in prison.

⁹ According to Bureau of Justice statistics, 97 percent of all convicted child molesters are male.

¹⁰ In an Alford plea the defendant does not admit guilt but acknowledges that there is a substantial likelihood that he or she will be found guilty and pleads guilty to take advantage of a favorable sentencing recommendation from the state. North Carolina v. Alford, 400 U.S. 25 (1970).

OFFICE OF THE FAMILY AND CHILDREN'S OMBUDSMAN

Her conviction was later overturned by the Court of Appeals on the basis that Mr. Carrington's confession had been improperly used at trial against her. The charges against her were later dismissed.

- Hull Family: Ten months after making the allegations against her father (which are referred to in the above section), the Hull girl told her foster mother that her mother, Mrs. Hull, participated in the sexual abuse. Mrs. Hull confessed to Detective Palmer and entered an Alford plea. She was sentenced to 40 years in prison. Her conviction was affirmed on appeal.
- Everson Family: Two years after making the report referred to in the above section the Everson girl, now aged 10, told Detective Palmer (who had become her foster father) that her father and mother had sexually abused her and her four siblings. This allegation was made at the Palmer home. The mother confessed to Detective Palmer in the presence of a CPS social worker, and both parents entered Alford pleas. An appellate court later allowed the Eversons to withdraw their pleas on the grounds that the investigators' interview techniques of the suspects and their children were improper. The prosecutor declined to re-file charges.
- Manning Family: A year and a half after the Manning girl reported abuse by a family friend, the Everson girl's older sister told Detective Palmer and CPS workers that Mrs. Manning was involved in group sexual activities. Mrs. Manning was arrested and charged with sexually abusing the Everson girls and her own children. She was convicted at trial and sentenced to 33 years in prison. Her conviction was later overturned by the Court of Appeals who concluded that Mrs. Manning should have been allowed to present expert testimony about why a person may give a false confession under certain circumstances. She later pled guilty to misdemeanor offenses and was released from prison.
- Bell Family: In September 1994, Ms. Bell told a CPS social worker that she was sexually abusing her 7-year-old son. The social worker interviewed the child who confirmed that his mother was abusing him. Later, Ms. Bell confessed to Detective Palmer in the presence of the social worker. She was charged and entered an Alford plea. She was sentenced to 16.5 years in prison. Her conviction was affirmed on appeal. Ms. Bell's boyfriend and a female family friend were also charged. Charges against them were dismissed after the court found the child to be an incompetent witness.
- Dodge Family: In December 1994, Mr. and Mrs. Dodge sought counseling when they found out that one of their sons had molested one of their daughters. CPS and Detective Palmer questioned the five children in the family. Four of them made allegations that they had been molested by both parents. The detective and CPS also questioned the parents, but they did not confess. They were found guilty at trial. The convictions were eventually reversed on appeal for evidentiary reasons. The Court of Appeals directed the trial court to hold a hearing on whether the state improperly influenced the children's statements and testimony. The prosecutor's appeal of this decision is still pending.

Children's allegations in 1994 also included reports that Mr. and Mrs. Hull, Mr. and Mrs. Tobin, together with another mother, Mrs. Grant, were trading or sharing their children among themselves and with others for group sexual abuse activities. Some of the reports alleged that the sexual activities had been videotaped, although no videotapes were ever located. Mrs. Grant was convicted at trial for abusing the Hull children and sentenced to 23 years in prison. Her conviction was upheld on appeal.¹¹

Kinds Of Allegations Uncommonly Made In Child Sexual Abuse Cases

In 1995, the pattern of child sexual abuse allegations in Wenatchee expanded to include the types of allegations that are not commonly made. These include allegations that previously unmentioned parents were involved in the group sexual activities that are referred to in the above section; that a foster parent and a CWS social worker were jointly sexually abusing children; and that a local church was conducting regular and organized sexual abuse of children. Most of these allegations were initiated or confirmed by the same 10-year-old Everson girl who has been referred to in earlier sections, and who by this time had been residing as a foster daughter in Detective Palmer's home for about 10 months.

- On January 20, 1995, the Everson girl reported to Detective Palmer that, in addition to molesting her and her siblings, her parents had also participated in the group sexual activities with the Hull and Tobin families. Some of the children in these families were re-interviewed by CPS social workers and Detective Palmer, and a number of them confirmed the stories of group abuse.¹²
- In January 1995, the Everson girl also reported to Detective Palmer that Mr. Duvall, her former foster father, had sexually abused her when she lived in his home.¹³ In February 1995, the Everson girl's allegations expanded and she reported that Mr. Duvall allowed other adults, including a CWS social worker, Mr. Gallagher, to have group sex with many children at her former foster home. She also alleged that Mr. Duvall and Mr. Gallagher sexually abused her at her own home before she was placed into foster care with Mr. Duvall. She said that they sexually abused her in the mornings with her parents before she went to kindergarten. These allegations were confirmed by other children and adults interviewed by investigators. Prosecutors filed additional charges against Duvall who had already been

¹¹ In addition to Mrs. Grant, three men were convicted for sexual crimes involving the Hull and Tobin children. One man pled guilty to abusing one of the Hull children and was sentenced to 16 years in prison. Another man was convicted at trial of abusing the Tobin children and was sentenced to 23 years in prison. A third man entered an Alford plea in connection with abuse of the Tobin children and was given a 6.5 year prison sentence. Their convictions were upheld by the Court of Appeals. Charges against a fourth man for allegedly abusing one of Mrs. Grant's children were dismissed.

¹² Police and DCFS records indicate that a number of the children who confirmed these group sexual abuse allegations had first reported sexual abuse to authorities in 1994 or earlier. The children at that time did not mention the group abuse now being alleged.

¹³ The Everson girl had been interviewed previously about Mr. Duvall. She was interviewed in August 1994 when another foster child of Mr. Duvall accused him of sexual abuse. The other child retracted her allegation the next day. In her August 1994 interview, the Everson girl is documented as having denied that she had been abused by Mr. Duvall or witnessing any abuse in his home. Now, months later, she was accusing Mr. Duvall of sexual abuse.

charged with sexual abuse against two other foster daughters. Eventually all sexual abuse charges against Duvall were dismissed. Mr. Gallagher was never arrested or charged with sexual abuse.

- By March 1995, the Everson girl had listed at least 22 persons as her abusers. On March 13, Detective Palmer and two CPS social workers drove the Everson child through the neighborhoods of the community for the purpose of having her identify persons and places involved in the sexual abuse of children. She identified 23 different locations where she had been sexually abused and named a number of additional people, bringing to 56 the total number of persons she accused of molesting her. Included among the accused were Pastor and Mrs. Rasmussen, who ran a local church.¹⁴ The Everson girl told Palmer and CPS social workers that group sexual activities, involving many adults and children, were occurring at the church on a regular basis. Pastor Rasmussen had been a friend of the Everson family and had been publicly critical of the actions of Wenatchee police officials and CPS social workers regarding the sex crimes investigations. Following these allegations a number of individuals were charged, and in some cases, convicted of child sexual abuse crimes. Pastor Rasmussen and his wife, and a church Sunday school teacher were charged, but acquitted at trial.

¹⁴ A police report indicates that Pastor Rasmussen was first implicated in group sexual abuse activities in a March 3, 1995 interview of another child by Detective Palmer and one of the CPS social workers.

Section 4

MAJOR FINDINGS

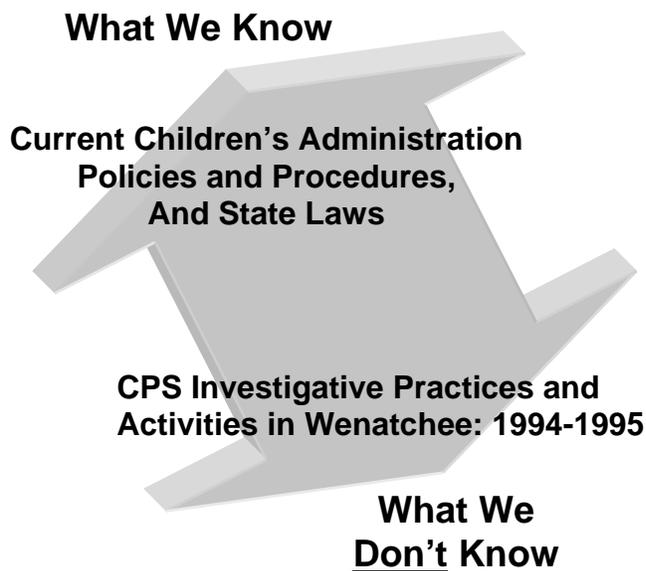
Whether the progression from common to uncommon allegations by children occurred because the events actually occurred as alleged, and/or because something went wrong in the child abuse investigative process, could not be fairly determined through this review. The investigative process was not documented well enough to allow OFCO to ascertain whether investigative mistakes occurred that led to factual distortions. Of particular significance was the lack of documentation by CPS social workers detailing how the investigative interviews of possible child sexual abuse victims were conducted. The quality of child interview documentation is essential to the ability of OFCO, or any other entity, to conduct meaningful reviews of CPS child abuse investigations. Therefore interview documentation is a major focus of this report.

The two other issues of major focus in this review are child interview practices and cross-discipline collaboration. Child abuse investigations virtually always require child interviews, and interaction among professionals from various disciplines. Researchers and practitioners agree that skilled interviewing practices and effective cross-discipline collaboration are critical to enhancing the accuracy and completeness of children's reports of abuse. They are also critical for minimizing the risk of factual distortion.¹⁵ We cannot know for sure whether CPS social workers engaged in skilled interviewing practices, or whether skillful interview practices were employed in joint CPS/police interviews. Nor can we know for sure whether workers engaged in effective cross-discipline collaboration in Wenatchee. However, because experts agree that these issues are critical to effective child abuse investigations, they also are a major focus of this report.

In this section OFCO sets forth its observations and findings on the following issues:

- Child Interview Documentation
- Child Interview Practices
- Cross-Discipline Collaboration

¹⁵ Researchers and practitioners referred to in this report include those individuals and resources identified in Appendices A through C.



Observations

OFCO's observations consist of documented or alleged events in which CPS social workers were directly involved. They also consist of events involving others who interacted with potential child sexual abuse victims. OFCO's observations do not constitute findings of any kind. Rather, they are a neutral presentation of events as they were documented or alleged by others. In most instances the events are disputed by other participants or witnesses. Without attempting to resolve these factual disputes, OFCO presents these events because they are representative of investigative activities that were frequently documented or alleged in Wenatchee, and that experts agree can increase the possibility of factual distortion.

Findings

OFCO's findings represent its independent assessment of current law and the current policies and procedures of the DSHS Children's Administration (CA) with regard to these major issues. In contrast to the disputed events in Wenatchee, state law and the CA's policies and procedures can be clearly established. Accordingly, they have been analyzed for the purpose of determining whether they are sufficient to:

- 1) Ensure that CPS child interviews are documented in a manner that permits meaningful oversight and external review.
- 2) Provide CPS social workers with specific guidance and training for implementing effective child interview practices and cross-discipline collaboration.

INTERVIEW DOCUMENTATION

Child abuse investigations depend in large part on obtaining accurate and complete information from the child. Child Protective Services (CPS) social workers must gather facts to assess the safety of children and protect them. Child interviews are virtually always necessary to gain needed information. Research has shown, however, that child interview questions carry different risks of influencing answers.¹⁶ Accordingly, to assess the presence or absence of improper interviewing techniques and the corresponding risk of factual distortion, it is necessary to know an investigator's specific questions and children's specific responses.

Observations

In 1994 and 1995, CPS social workers employed three basic methods of documenting case events, activities and contacts:

- Service Episode Record (SER): Workers recorded information on these standard forms and placed them in the child or parent file *See Appendix D*;
- Case and Management Information System (CAMIS): Workers entered information into the state-wide automated case management system of the DSHS Children's Administration; and/or
- Handwritten Notes: Workers took handwritten notes on any type of paper and placed them in the child or parent file.

Child interviews were documented using these three methods. With regard to these documentation methods, OFCO observed that:

- Interviews of Wenatchee children were never documented in a format that indicated exactly which questions were asked, in what order, and what exact answers were given to the questions.
- Interview documentation often did not indicate who asked the questions; nor did it indicate whether the child wished for a third party to be present for the interview, or whether reasonable efforts had been made to accommodate the child's wishes (these efforts are required by RCW 26.44.030(10)).
- The detail of interview documentation in Wenatchee varied widely from interview to interview and social worker to social worker. For example:
 - One SER entry consisted of only a one-sentence notation that an interview had occurred and that the child had reported sexual abuse by his parents and other third parties. While

¹⁶ Leib, Berliner & Toth, (1997), *Protocols and Training Standards: Investigating Allegations of Child Sexual Abuse*, Washington State Institute of Public Policy [hereinafter referred to as the WSIPP Report.]

in another SER, an interview was documented in a narrative format in nine pages of notes (though they did not contain any of the questions asked and neglected to name anyone present at the interview, including the note taker).

- ❑ There are no SERs or notes of the interview that the detective and CPS social workers conducted with the child who originally implicated the church pastor in sexual abuse activities at the church. The CAMIS entry contains a one-line entry that merely indicates that the social worker and the detective traveled to another city to interview the child, and that they spent the day there. There are no substantive comments about the interview itself.
- Interview documentation often did not include information about the length of the interview such as start time, stop time, and breaks.
- The documentation sometimes lacked information about who else was present in the interview.
- Documentation of pertinent interviews was sometimes missing altogether. For example, there is no CPS documentation of a particular interview conducted by Detective Palmer and a CPS social worker at the detective's home. According to a police report, the Everson girl in that interview alleged that group sexual abuse of children took place at the home of Mr. Duvall, her former foster father, and that CWS social worker Gallagher was involved.

Findings

Washington State law and the policies and procedures of the DSHS Children's Administration (CA) provide CPS social workers with little guidance on expectations and procedures for documenting child interviews. Specifically, there is no express requirement that social workers document child interviews. Nor is there any formal guidance as to the purpose, form or content of interview documentation, or whether it must occur contemporaneously with the interview. As a result, interview documentation practice varies among social workers.

Current Expectations: Washington law requires DSHS to maintain written records of reported child abuse and neglect and of child abuse and neglect investigations.¹⁷ These records are required to be accurate and reasonably complete, although those terms are not defined.¹⁸ The issue of interview documentation in child abuse and neglect investigations is not directly addressed in Washington law.

The expectations of the CA regarding interview documentation are contained in the CA *Operations Manual* and the DCFS *Cases Services Policy and Practices and Procedures Guide*. The CA Operations Manual requires "ongoing narrative" to be documented in the SER.¹⁹ For each case event, activity or contact, the SER recording must include its purpose, when and where it occurred, who was present, and a description. The SER may also include an assessment of the

¹⁷ RCW 26.44.030(12); RCW 26.44.035.

¹⁸ RCW 13.50.010(3).

¹⁹ CA Operations Manual Chapter 13512, Section B (Service Episode Record).

event, activity or contact, together with supporting facts or evidence that led to the assessment. The SER must be entered in CAMIS within a reasonable time, not to exceed 30 days. SERs may be entered into CAMIS either individually as each event occurs or as a summary of events.²⁰

Other than these general expectations, there is no specific requirement for CPS workers to document investigative interviews.²¹ Nor is there any requirement that the documentation of interviews be contemporaneous.²² The CA Operations manual does require that workers who take handwritten notes during a child or collateral interview transcribe them into CAMIS and retain the notes in the case file.²³ However, this requirement was rescinded in an October 15, 1998 directive from the CA Assistant Secretary. This directive instructed workers to discard their handwritten notes following their transcription into CAMIS. In a November 30, 1998 letter, an assistant attorney general advised the CA Assistant Secretary that child interview notes should be retained in the case file following their transcription into CAMIS. CA administrators have indicated to OFCO that they are continuing to review and clarify this policy. In the meantime, most workers have been trained to discard their handwritten child and collateral interview notes.

CA administrators and social workers interviewed by OFCO have expressed differing views of the CA's expectations with regard to interview documentation format and timing:

- A CPS social worker indicated that she understands it to be the role and responsibility of interviewers to take thorough notes during an interview, word for word if possible.
- Another CPS social worker said that verbatim or near verbatim documentation was not a requirement in 1994 or 1995 but that it is now.
- Another CPS social worker indicated that taking notes during an interview is distracting and disrespectful. Accordingly, this worker keeps note taking to a minimum during the interview and then documents the interview afterward in CAMIS.
- A CPS supervisor said that whether or not social workers are required to take notes during an interview depends upon whom you ask. This supervisor indicated that there are a variety of suggestions and guidelines about how to document interviews, and they are not consistent.
- CA administrators said social workers are required to document interviews, but that they are not required to take contemporaneous notes. According to these administrators, some

²⁰ Chapter 13100 (Case and Management Information System and Case Documentation). CA administrators report that workers have recently been trained on the new documentation expectations.

²¹ The sole interview documentation requirement appears in the DCFS *Practices and Procedures Guide* and requires workers to document when an alleged perpetrator is unavailable or unwilling to be interviewed. Chapter 2331(D)(10).

²² In fact, the CA Operations manual specifically prohibits the use of audio or video recordings in interviews. Chapter 13100(C)(1)(c).

²³ CA Operations manual, Chapter 13100(C)(1)(h).

university social work programs discourage note taking during interviews, while others training programs encourage verbatim note taking.

Although there are different views on documentation format and timing, CA administrators and social workers appear to agree on the difficulty associated with taking verbatim notes:

- One social worker said she has tried to take verbatim notes during interviews but that it is impossible. She said that she generally remembers what questions were asked when she later reviews her notes, and that she is more concerned during the interview about the child's responses.
- When asked about the interview guidelines developed by the Harborview Sexual Assault Center (SAC) in Seattle, CA administrators said that verbatim documentation is an unreasonable expectation of social workers. The SAC guidelines provide as follows: "Document accurately and completely; verbatim documentation of questions/answers regarding specific abuse questioning is desirable."²⁴

Analysis/Conclusions

Current law and CA documentation policies are not sufficient to ensure that child interviews are documented in a manner that allows for meaningful external review. They do not require that child interviews be documented contemporaneously or pursuant to a standard format. Without contemporaneous verbatim documentation of child interviews, it is not possible for external reviewers such as OFCO to assess the presence or absence of improper interviewing techniques, and the corresponding risk of factual distortion in child sexual abuse investigations. Such an assessment requires knowing exactly which questions were asked, in what order, and what exact answers were given to the questions. Because they do not contain this information, even highly detailed narrative summaries are insufficient in this regard.

Furthermore, it is difficult to ascertain how CA administrators and managers can, absent verbatim documentation, provide effective oversight and monitoring of this critical function to ensure accountability and continuous quality improvement. Earlier this year, CA administrators commissioned a comprehensive internal record review of the Wenatchee cases to identify potential practice problems. This review found no significant problems with regard to the CPS investigations. While it is laudable that this review was conducted, it is difficult to determine how the department could meaningfully assess the Wenatchee cases without knowing more about what occurred in the child interviews.

CHILD INTERVIEW PRACTICES

Skilled interviewing practices are critical to enhancing the accuracy and completeness of children's reports of abuse. Significant factual errors may occur when the interviewing consists of many risky practices. There is general agreement among researchers and practitioners that the

²⁴ Harborview Center for Sexual Assault and Traumatic Stress, Principles for Legally Sound Interviewing (August 1994).

competent implementation of certain interview principles increases the probability of eliciting complete and accurate information from children.²⁵

Proper Interview Techniques

An extensive body of research and literature exists on children's memory, suggestibility and proper interviewing techniques. In January 1997, the Washington State Institute for Public Policy (WSIPP) published a report summarizing that research and suggested practices (hereinafter referred to as the WSIPP report).²⁶ The WSIPP report indicates that a consensus exists among researchers and practitioners on general principles that investigators should apply when interviewing children. The Harborview Sexual Assault Center in Seattle summarized the main interviewing principles in the document "Principles for Legally Sound Interviewing."²⁷ As of August 1994, those principles were designated as follows:

- Specifically state:
 - 1) The importance of telling the truth
 - 2) That it's okay to say, "I don't know" and,
 - 3) That the child can ask if he or she does not understand a question.
- Elicit information in an open-ended fashion initially. (e.g. "Tell me more about that.") Proceed to more specific questioning only when the open-ended approach is no longer productive.
- Once the child has described an experience, clarify the information with the child to ensure an accurate understanding.
- Do not ask suggestive questions which contain an expected answer. (e.g. "Your dad touched your pee pee, didn't he?")
- Avoid repeated questioning when questioning is unproductive or the child is resistant or denying abuse.
- Use a non-coercive environment and approach; never pressure, intimidate, or offer rewards in order to obtain a response.
- Have no preconceived assumptions; consider and explore all possible explanations for concern about possible abuse.

²⁵ WSIPP Report, *supra*, at p. 4.

²⁶ WSIPP Report, *supra*, at p. 5-23.

²⁷ Harborview Center for Sexual Assault and Traumatic Stress, *supra*.

Managing Outside Influences

In addition to interview techniques during child interviews, there are also circumstances outside the interview room which investigators should be aware of and manage because they risk distorting the information that is provided during the formal interview.²⁸ These include:

- Role conflict: Where a person in a caretaker or trust relationship with a child attempts to determine whether sexual abuse took place (e.g., when foster parents or treating therapists assume investigative roles.)
- Cross contamination: Where witnesses to an event receive information about the event from outside sources.

Observations

The following are examples of interview errors that are either documented or alleged to have been made in the Wenatchee investigations. The interview errors fall into two categories: 1) errors of technique during the interviews themselves; and 2) errors of milieu, i.e., circumstances outside the interview room that could negatively affect the interviewing process.

Whether CPS social workers in Wenatchee actively engaged in, or observed appropriate or inappropriate interviewing practices is a matter of vociferous debate and extensive litigation. In depositions, trial testimony and interviews, the CPS social workers who were present in most of the joint interviews with Detective Palmer have maintained that they neither engaged in nor observed inappropriate leading, suggestive or coercive interviewing practices. Of further debate is whether any failures in the implementation of recommended interviewing principles produced false reports of abuse. Recent court cases have addressed these issues with varying results and we anticipate that additional court cases will also address them.

Interview Techniques

Leading and Suggestive Questioning: Questions are leading or suggestive when they imply an expected answer or introduce previously unmentioned information. Police reports and some CPS reports from the Wenatchee investigations document a great deal of leading questioning in joint interviews involving CPS social workers and Detective Palmer. Leading questioning tends to occur when investigators believe they already know, from another source, what has happened.

- According to police and CPS records, Detective Palmer asked the Hull girl in a joint police/CPS interview if she had had any problems with Mrs. Grant. When the girl did not answer, the detective told her that Mrs. Grant had already confessed to “certain things.” In a later joint interview, Detective Palmer also told the girl that other children had already talked to them about Mrs. Grant. Still later, after the Everson girl made the allegations about numerous sexual abusers throughout the city, Detective Palmer and a CPS social worker

²⁸ Lanning, K., (1996), *Criminal Investigation of Suspected Child Abuse*. American Professional Society on Abuse of Children (APSAC) Handbook, pp. 254-55; 246-64; Abstract, *Practice Parameters for the Forensic Evaluation of Children and Adolescents Who May Have Been Physically or Sexually Abused*, J. Am. Acad. Child Adolesc. Psychiatry, 36:3, p. 430 (March 1997).

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discussed a list of suspects with the Hull girl and she was told that they already knew what had happened.

- According to police and CPS records, the older sister of the Everson girl was questioned by both the detective and a CPS social worker about abuse by her parents in a joint interview. When the 11-year-old denied abuse, Detective Palmer told her that they already knew about the abuse by her parents because her sister had told them. Later in the interview, the CPS social worker asked the girl specifically if “secret touching” was going on in her home. When the child nodded yes, the social worker asked her if it was someone in her family. The notes say, “no nod.” The social worker then asked her if it was her father, her mother, or her brother. In response to each question, the child nodded, “no”.
- According to police and CPS records, the 14-year-old brother of the Everson girl denied any abuse by his parents in a joint police/CPS interview. His denial came after Detective Palmer told him that his sisters and mother had all already acknowledged that sexual abuse took place. When he was shown his mother’s confession, the boy told the detective that his mother wouldn’t have signed the confession because those things didn’t happen. He also stated that she could hardly read or write, and the statement “did not sound like her.”
- According to police and CPS records, the 9-year-old daughter of Mrs. Grant was questioned in a joint police/CPS interview. The police report indicates that Detective Palmer asked the child whether “she could tell [him] about any problems she had been having with her mother.” When the child answered that her mother spanked her, Detective Palmer told her that her brother and other children had already told him about the “touching problems” she had been experiencing with her mother.
- According to CPS records, a CPS social worker told a 12-year-old child in a joint interview with police that the social worker already knew much about what had occurred at Mr. Duvall’s foster home. She told the child that there were “no more secrets” about it. She went on to ask the child whether she ever saw anyone being touched in a sexual manner, and whether the child had ever been touched in a sexual manner while at the foster home. When the child said no to each of the questions, the social worker told her that she did not think the child was being “totally honest.” When the child did not respond, the social worker stated while “these things” were embarrassing and hard to discuss, it was important to “get up enough guts to talk about it anyway.” Later in the interview, the worker told the child that she knew from other adults and children about what happened at Mr. Duvall’s home and that it was important now for the child “to be truthful about the things that happened there.” She then asked the child if she ever went to church. The records do not indicate how the social worker introduced the topic of abuse at a church, but they do indicate that the child denied being abused or witnessing abuse at a church.
- In an interview with OFCO investigators, the son of the Dodges said that Detective Palmer and the CPS social worker assumed that he had greater knowledge about sex than he did when they interviewed him at age 14. The boy said he “didn’t have any idea about a lot of what they were saying. ... They said something about penetration. And I was, like, ‘What are you talking about?’ I don’t even know . . . I didn’t even understand what they were

saying . . . And they said, 'Partial, full,' you know... I just picked one out of the list." The boy said doing this "got me in a lot of trouble because I didn't know what I had been saying to them. And then it turns out that it was way farther than anything that had actually happened."

Repeated Questioning: Questions can be repeated within an interview or by conducting serial interviews. According to the WSIPP report, research on repeated questions within or across interviews has produced mixed results. If the original report is correct, repeated questioning can render a report more complete. On the other hand, repeated questioning can also cause error. Asking the same question more than once is a risky practice because it can communicate that previous answers are not acceptable, and children may change their answers if they assume they answered incorrectly. The WSIPP report indicates that some evidence exists that repeated questioning about events that have not occurred can lead some children to give detailed accounts of these nonevents.²⁹

Because of the aforementioned documentation problems, it is impossible to tell how many times in a given interview a particular question was asked of a particular child. However, the police records make it clear that investigators often asked questions again when children failed to disclose or denied abuse.

- According to a police report, when Detective Palmer and a CPS social worker interviewed the Everson girl's older sister about abusers other than her parents, the detective told the child that her little sister had told him that she had problems with their older half-sister. Detective Palmer asked the then 12-year-old child "if she had ever had any problems with the older half-sister and she said, I don't remember anything about [the half-sister] doing any touching to anyone." The child "then denied that [the half-sister] touched any of the other kids." His police report indicates that "at this point she hid her face behind her hands" and did not look at the detective or the social worker. The report indicates that she "just burrowed deeper behind her hands and huddled in her chair" when she was asked additional questions. The detective then asked her again if she had witnessed problems with her older half-sister and the child started to cry. The detective notes that this behavior was consistent with an earlier interview with her. Detective Palmer then told her that "her little sister ... had been able to tell what happened and was being protected."

The numbers of times particular children were interviewed varied depending on the number of times independent cases were investigated, whether the allegations of abuse expanded over time prompting additional interviews, and the number of prosecutor and defense interviews required. It is clear from police reports that children were subjected to as many as 13 investigative interviews, for example, especially as the Everson girl continued to make new abuse reports.

- At one point, a prosecutor requested that the court dismiss criminal charges against the defendant. One reason for the prosecutor's request was that one of the child witnesses had "suffered emotional distress due to the strain of the numerous interviews" and was no longer available as a witness.

²⁹ WSIPP Report, *supra*, at p.11.

Threatening, promising and coercive questioning: According to the WSIPP report, “coercive, insistent questioning or the use of bribes or threats to secure answers is never justified, no matter how strong the suspicion or how urgent the situation. Even if children are telling the truth, confidence in the results is completely undermined.”³⁰ There are many allegations of coercive questioning in the Wenatchee investigations. These allegations are disputed. Examples include:

- As mentioned earlier, the foster parent Mr. Duvall was accused by a foster daughter of sexually molesting her. The next day the foster daughter recanted her statements to Mr. Gallagher, a CWS social worker, saying that Detective Palmer had pressured her into making the allegation. According to a police report, Detective Palmer in a joint CPS/police interview later told the girl that “if the statement she had given to [him] in August was a lie, [he] would send a report to the prosecutor for him to consider the filing of charges for false reporting.” The CPS social worker who was present in this interview later testified that she did not think this statement was coercive.
- The 14-year-old Everson boy said that his interview with Detective Palmer and the social workers turned into an argument. At a court hearing, the boy testified that Palmer said, “You’re lying and I know it;” and, “We’ll put them [the parents] in prison with the others;” and “Your brothers and sisters are counting on you to back them up.”
- As described earlier, the Dodge family came to the attention of police and CPS because the parents reported that they had found out that their 14-year-old son had molested his sister. When interviewed by Detective Palmer and a CPS worker, the boy admitted the sexual contact with his sister but denied any sexual abuse by his parents. At a later time, the detective and social worker interviewed the boy again. According to the boy, they told him that his sisters had already told the detective that his parents had abused them. The boy told OFCO investigators that the detective threatened to send him to jail, accused him of lying, and scared him. He said that he thought that the interview was not going to end until he said what they wanted to hear, so he told them that his parents abused him.
- Detective Palmer and a CPS social worker then traveled to California to talk to the Dodge girls, age 16 and 14. The older girl says that she told the detective and social worker immediately that her parents had not abused her. She said the detective, in the presence of the social worker, told her, “You know your dad raped you, why don’t you admit it.” The younger girl indicates that, during her interview, she was crying most of the time and the detective kept telling her he knew what the truth was, and that everyone else had already disclosed the abuse. She indicates she was crying too hard to say anything. She says he kept saying that her parents had abused everybody and that they knew it happened. She said he told her that he had all today and all night and almost all of tomorrow to sit here and wait until she told him the truth. The detective has indicated that he did say something to that effect, but that it was intended to show that he would be patient with her.

³⁰ WSIPP Report, *supra*, at p. 14.

- In June 1996, the Everson girl's older sister ran away from her foster home to her grandparents' home. While she was on "runaway" status, she recanted all allegations of abuse that she had made against anyone. This recantation was videotaped by a reporter and the pastor who had been acquitted of criminal charges. She said she made the accusations because she had been pressured into doing so by Detective Palmer. After she recanted she was returned to the custody of the state and then retracted her recantation. However, a judge later found that her recantation was believable.

Interviewer Bias: The WSIPP report stresses the importance of the interviewer having an open mind to all possible explanations for children's reports and to exploring alternative hypotheses regardless of case circumstances. The report states, "Interviewers who have a preconceived idea of what may have happened to children can inadvertently create the conditions where children incorporate false information into their accounts or acquiesce to suggested information."³¹

In the Wenatchee investigations, there is nothing in the DCFS case files to indicate whether CPS social workers considered alternative hypotheses as to why the children were making the ever-expanding allegations, denials, and recantations. There is some documentation indicating that some CPS social workers believed that children had been abused before the children themselves had disclosed, and that other workers were explicitly not open to considering alternative hypotheses rather than abuse.

- When Mrs. Grant's eldest daughter denied abuse by her mother, her CPS social worker indicated in a SER that the child seemed "to be w/holding -- dissociating as defense." The social worker also prepared a report to the court in which she indicated that "[t]he children in these cases were coached and directed about how to perform during the sexual abuse rituals while being filmed with a video camera. [The eldest child] has yet to acknowledge that she was part of the abuses, when investigators know for a fact that she was, there is too much proof." The girl's mother was later convicted of child sexual abuse that involved neither her own children, nor videotaped or ritualistic abuse.
- One CPS social worker made documented references to individuals that did not believe the sexual abuse allegations as "non-believers" or "non-believing."
- When contacted by Detective Palmer and a CPS social worker, the eldest Dodge sister denied abuse by her parents. Shortly after her placement in foster care, in January 1995, DCFS referred her to a psychiatric hospital where she was admitted for treatment. According to hospital records, a CPS social worker contacted hospital staff to relate that the girl's younger siblings "had reported incest among siblings and guardedly were beginning to disclose incest with parents also, plus involvement in a multi-family sexual sharing group that may have all belonged to the same church." OFCO has been unable to identify any documented reports of multi-family abuse or abuse at a church by the girl's siblings.³²

³¹ WSIPP Report, *supra*, at p. 14.

³² Detective Palmer has testified that he recalls learning about possible sexual abuse at a church for the first time in a March 3, 1995 interview with a child.

An important feature of the Wenatchee investigations that may relate to the issue of interviewer bias is the fact that about 17 alleged abusers confessed to sexual abuse of children. CPS social workers were aware of these confessions at the time. Those confessions have since been the subject of extensive litigation.³³ Moreover, some of the medical examinations of children conducted at the time resulted in findings that were suggestive of sexual abuse. Some of these findings were called into question by later medical examinations that resulted in findings that were not indicative of abuse.

Outside Influences

Role Conflicts: In the investigation and management of child abuse cases, it is essential that each participant be clear about, and remain within the boundaries of his or her role. When the boundaries of these roles become confused, it can inadvertently create pressure on children and increase the risk of factual distortions.³⁴

It is the role of the police to investigate child abuse allegations for the purpose of obtaining evidence for criminal prosecution. It is the role of foster parents to nurture and care for the child. While the child may make abuse reports to a foster parent that should be communicated to law enforcement and CPS, it is exceptionally risky for the foster parent to become an investigator. Children are in a vulnerable position of feeling that they must please their caregivers. If they come to believe that their caregivers want information about abuse, the risk of factual distortion can be increased.

Likewise, the role of the *evaluating* forensic therapist is to gather and weigh information regarding possible sexual abuse. A therapist assessing possible sexual abuse interviews the child using careful questioning techniques. The role of the *treating* clinical therapist is to treat the child rather than to investigate or evaluate whether sexual abuse took place. A treating therapist might listen, reflect the child's feelings, and focus on helping the child with behavioral difficulties. After a child has disclosed abuse, a therapist might, as part of the therapeutic process, encourage the child to talk about what happened and what it meant. The role of the treating therapist is to convey to the investigator the child's statements regarding allegations, but it is not the therapist's job to elicit such statements, or to make a determination of whether the alleged abuse occurred. Children are in a trust relationship with their treating therapists. If they come to believe that their therapists want information about abuse, the risk of factual distortion can be increased.

³³ Many of the defendants, including Mrs. Hull, Mrs. Manning, Mrs. Bell, Mrs. Tobin, and the Eversons, have maintained that their confessions were coerced. They alleged that they were threatened that if they didn't confess, they would never see their children again or would spend many years in prison. Some of them (Mrs. Bell, Mrs. Everson, and Mrs. Tobin) had IQ levels below 80. Mrs. Everson's eldest son, when shown the confession, indicated that it didn't sound like his mother and that she could hardly read or write. In the Eversons' case, the state Court of Appeals recently allowed them to withdraw their guilty pleas, saying that the investigators' interview tactics were improper and undermined the reliability of the children's disclosures and of Mrs. Everson's confession. The Court of Appeals also reversed Mrs. Manning's conviction on the grounds that the trial court did not allow the defense to present expert testimony as to why a person's confession might lack credibility even if it were voluntary.

³⁴ Lanning, K., *Criminal Investigations of Suspected Child Abuse*, supra, at p. 246, 254-55.

OFCO's review has indicated that some role conflicts were documented or alleged to have occurred in the Wenatchee investigations. While we are unable to say definitively that these role conflicts did cause factual distortions, they are certainly the types of conflicts that present a risk of doing so.

Foster Parents as Investigators

The Division of Children and Family Services (DCFS) placed the 9-year-old Everson girl into the home of Detective Palmer in March 1994, three months after he became lead sex crimes detective for the city of Wenatchee. While living in the Palmer home, the Everson girl made the first allegations of abuse by her parents (September 1994), then later expanded the allegations to include additional families (the Hulls, the Tobins, and Mrs. Grant--January 1995), and then eventually further expanded the allegations to include 56 people at 23 locations and organized sexual abuse at a church (March 1995). Most of these allegations were initially made to the detective at home rather than in formal interviews.

There has been considerable litigation about the issue of whether the allegations made by the Everson girl were made either to please her foster father or to be allowed to remain in the foster home or to gain attention. In particular, interest has centered on the timing of the allegations. For example, the child made the first allegations about her parents in September 1994, a time when the court was reviewing the permanency plan to reunite her with her family. She made the allegations about the Hulls, the Tobins and Mrs. Grant at a time when the Palmers were documented as considering whether to move her temporarily to another foster home, and when the Hulls, the Tobins and Mrs. Grant were already receiving publicity for allegations that they abused their own children. The concerns that have been raised are that Detective Palmer's role conflict provided the Everson child with motive to create allegations, and made it more difficult for the detective to objectively evaluate the child's credibility.

Police reports document other instances of foster parents stepping into the investigative role. In one instance, a foster mother helped a 13-year-old child prepare a list for the police of the people who had molested her. Later the child told a detective that a couple of people on the list had *not* abused her but that she had added their names because of "the pressures of the case."

Mental Health Therapists as Investigators

DCFS records indicate that state-contracted treating therapists sometimes assumed, or were placed in the role of investigator:

- In one case, for example, a child told his therapist that he was "mad." With no apparent reason to do so, the therapist asked the child if he was mad "because they touched your private parts?" The child answered yes. The therapist then asked another "yes" or "no" question and the child identified his dad as someone who touched him.

Records also indicate that therapists sometimes did not accept children's silence about abuse, or statements that retracted or denied abuse.

- In a letter to the CWS social worker of a child who had consistently denied that he or his family had been involved in intra-familial or group sexual abuse, the child’s therapist wrote that he hoped “after the last of the sex ring cases has passed through the system that [the boy] may be better able to confront the truth of his own abuse and participation in sexual activities with adults and younger children.” The therapist indicated that if the present form of therapy did not result in the boy breaking “through this impasse that it may be necessary to adopt another form of therapy” and to pursue “a more perpetrator oriented form of therapy.”
- A therapist reported to DCFS that a child who would not talk about abuse had “suppressed most memories of sexual abuse.”
- Several children who denied abuse or said they had “blocked out” abuse or childhood memories were given dissociation and/or post traumatic stress disorder diagnoses. Based on a review of DCFS records, OFCO is concerned whether these diagnoses were clinically appropriate.

Concerns have been raised that the referrals of some children by DCFS social workers for admission to inpatient mental health treatment and the treatment provided by the staff of a psychiatric hospital in Idaho were not clinically appropriate. The concerns are that the referrals and treatment were intended to pressure children into making disclosures of sexual abuse. DCFS records indicate that the referrals for admission by DCFS social workers were clinically appropriate³⁵. OFCO investigators could not locate relevant treatment records because the Idaho hospital has since filed for bankruptcy and is no longer in operation. As a result, OFCO was unable to evaluate the appropriateness of treatment provided by hospital staff.

Cross-Contamination: Cross-contamination occurs when witnesses to an event receive information about the event from outside sources. The danger of cross-contamination is that a witness will inadvertently, or even intentionally, incorporate a third person’s information about the event into the witness’s own version, thus causing factual distortions. Experts indicate that in multiple victim and multiple perpetrator cases, it is imperative to try to control contamination and to interview potential victims as soon as possible.³⁶

In the Wenatchee cases, many of the witnesses knew each other as family members, friends, house mates, school mates, neighbors, or church members. While it is impossible to completely control for cross-contamination under such circumstances, it is still important to make an attempt. Experts suggest that special investigative techniques be used to control cross-contamination in multiple victim/multiple perpetrator cases (see section on Cross-Discipline Collaboration, below). At a minimum, witnesses can and should be advised of the importance of

³⁵ One child has alleged in a civil law suit that her admission to the Idaho hospital was not voluntary, and constituted a violation of her civil rights. This contention has been disputed by DSHS. OFCO’s evaluation did not address this issue.

³⁶ See, e.g., Lanning, K., supra, at pp. 256-66; King County Special Assault Networking Agreement Guidelines states: “Interview as many victims and witnesses as possible as close in time as possible – RUSH.”

not discussing the case with each other. Also, investigators can and should take cross-contamination into account when developing hypotheses about why a child is making abuse reports.

In the Wenatchee investigations, there is no documented evidence indicating whether police or CPS social workers attempted to control cross-contamination of witnesses. There is contrary evidence that indicates they actively participated in giving witnesses information about what other witnesses were saying (see Leading and Suggestive Questioning, above). Moreover, records indicate that children's therapists routinely brought in siblings or other family members so that one child heard the allegations of another.

- In one joint CPS/police interview, the Everson girl's older sister was interviewed while the Everson girl was present. According to CPS records, the Everson girl was "present for support."

Findings

Currently there is no statutory requirement that state professionals involved in child abuse investigations, including CPS social workers, receive specialized or on-going training in investigative and interviewing techniques. Current CA training requirements do not include specialized or ongoing child interviewing training for all social workers. This means that CPS social workers with only minimal training in investigative and interviewing techniques are allowed to perform these challenging functions.

Furthermore, there is no requirement that therapists with whom the CA contracts, including those therapists who evaluate sexual abuse allegations, have specialized or on-going training about sexual abuse issues. This means that state-contracted therapists with no or minimal training in sexual abuse issues are allowed to evaluate sexual abuse allegations, and/or treat sexually abused children.

Current Requirements: RCW 43.101 270 requires the Criminal Justice Training Center to offer a self-supporting multidisciplinary training session on investigating and prosecuting sexual assault cases each year. Other than this provision, which directs the commission to make training available, there is no statutory requirement that state professionals involved in child abuse investigations receive specialized or ongoing training. Executive Order 98-02, which was signed by Governor Gary Locke on June 11, 1998, directs the Department of Personnel to establish and implement a state investigator training program, including standards for training programs that are provided by state agencies for their own investigators. This effort is currently underway, but standards have not yet been established.

The CA requires all DCFS social workers to complete basic training provided through the CA Academy before assuming their duties. This training includes one day of general information on sexual abuse and the process of sex abuse investigations, with some information on interviewing. In September 1997, the CA implemented additional mandatory training requirements for new workers. CPS social workers hired on or after September 22, 1997 must attend two days of sex

abuse and child interview training within the first year of employment. These requirements do not apply to workers who were hired before this date.

Professionals who are involved in child sexual abuse cases agree that acquiring and maintaining the expertise necessary to conduct skilled interviews with suspected child abuse victims, as well as effective overall investigations, requires specialized training that is ongoing. According to the WSIPP report, Washington State professionals who were interviewed stressed the value of training focused on forensic interviews. In addition, because of developments in the research literature on children's memory and suggestibility, as well as effective interviewing and investigative techniques, they also emphasized the importance of advanced training.³⁷

According to the WSIPP report, effective training on child interviewing should cover research about child's memory and suggestibility, patterns of disclosure and reporting, and recommended interview techniques. In addition, it should include opportunities for students to practice interviewing skills and receive feedback from experts. Finally, training about interviewing should occur in the context of training about the overall investigation. According the WSIPP report, the CA Academy "is not considered the best place for CPS workers to absorb detailed information on sex abuse investigations and interviewing."³⁸

Like child abuse investigative and interviewing techniques, the evaluation and treatment of trauma is an emerging area of practice. However, state-contracted therapists who conduct sexual abuse evaluations for the CA or who treat sexually abused children in state care are not required to have any specialized or on-going education or training about sexual abuse.

Analysis/Conclusions

Currently there is no requirement that all CPS social workers receive specialized training on effective child sexual abuse investigations and interviews. In addition, although there are continuous additions to the research on effective investigative and interviewing techniques, there is no requirement that CPS workers receive advanced or ongoing training so they can keep abreast of new developments. Without the benefit of specialized and on-going training, social workers are at risk of making investigative and interview errors that can lead to factual distortions. Moreover, unless they are provided with such training, CPS workers cannot be reasonably or fairly held to high standards of performance.

Current contracting requirements are not adequate to ensure that children under state protection due to sexual abuse issues are being evaluated or treated by therapists with specialized training in these issues. Without specialized and on-going training, state-contracted therapists are at risk of making errors that can lead to factual distortion in the investigative and interview process.

CROSS-DISCIPLINE COLLABORATION

³⁷ WSIPP Report, *supra*, at p. 47.

³⁸ WSIPP Report, *supra*, at p. 50.

Appropriate cross-discipline collaboration can be an effective factor in reducing factual distortions in child abuse investigations. Child abuse cases involve legal, social and psychological issues that must be addressed by a variety of professionals ranging from prosecutors and law enforcement personnel to CPS workers, therapists and physicians. Widespread consensus exists that effectively addressing issues of child sexual abuse requires the efforts and coordination of many agencies and disciplines.³⁹ In their book, “Team Investigation of Child Sexual Abuse: An Uneasy Alliance”⁴⁰ Donna Pence and Charles Wilson note that cross-discipline investigations can:

- Maximize skillful interviewing
- Reduce the number of child interviews
- Eliminate duplication of efforts
- Improve evidence collection; and
- Reduce secondary trauma and inconvenience to the child and the child’s family.

Reduction of the number of times a child is interviewed, besides reducing possible trauma to the child, also reduces the risk of factual distortions that may arise from repeated interviews. Other practical advantages follow from the use of a collaborative approach:

- Collaboration may balance and offset strong personalities.
- A person from another discipline may see the “big picture” of a case or set of cases when the individual social workers and law enforcement officers may be too immersed in detail or overwhelmed by handling the investigation.
- The expertise of various disciplines can contribute to assessing the case. For example, a physician may have information on how to interpret the physical findings.

Membership and Structure

A wide variety of disciplines may be involved in the cross-discipline approach to investigations. Generally, law enforcement and child protective services as well as prosecutors are involved. Physicians, therapists and attorneys general may also be part of the collaborative team.⁴¹ Moreover, different models of cross-collaboration exist, ranging from professionals at different locations who coordinate their activities, to child advocacy centers with staff from various disciplines in the same central facility.⁴²

Critical Elements

Whatever its organizational structure, effective cross-discipline collaboration has in common certain qualities and components:

³⁹ Lanning, K., *supra*, at p. 247.

⁴⁰ Pence, D & Wilson, C. (1994) Team Investigations of Child Sexual Abuse, p. 13.

⁴¹ See the WSIPP Report at p. 27; and Pence and Wilson, *supra*, at p. 14.

⁴² See WSIPP Report, at p. 30. Most states now provide for the use of multidisciplinary teams, authorizing the formation of teams that work together, investigate jointly, and generate periodic evaluations or reports. See Child Abuse and Neglect State Statutes Series, Volume III, No. 15 Authorization for Multidisciplinary Teams (National Clearinghouse on Child Abuse and Neglect Information, <http://www.calib.com/nccanch.>)

- Diverse professional expertise
- Written protocols that set forth expectations regarding collaborative investigations, such as: who is responsible for interviewing, how investigative and case decisions are made, the extent of information that may be shared among participants, and any special types of procedures such as those involving multiple victims and perpetrators⁴³
- Documentation of collaborative activities
- Intra-agency supervision of each participant
- Clear understanding of each discipline's role, perspective, and goals
- Ability to remain within one's own professional role, and respect for the roles of others
- Good communication among collaborative participants
- A method to resolve conflicts among participants that works effectively enough to allow individual members to express disagreement without fear of retaliation
- A system for creating checks and balances on the collaborative relationship that makes participants open to external input and consultation

Multiple Victim/Perpetrator Investigations

When cases involve potential multiple victims and multiple perpetrators, experts suggest that investigators use special investigation techniques. Pence and Wilson recommend that the original team should request additional personnel as soon as the possibility of a multiple victim and multiple perpetrator case arises. They recommend that new investigators be formed into investigative teams and briefed on the case, except that the teams should divide into separate units and act as separate cells with absolutely no direct exchange of information among the different cells. Central team leaders should be assigned to coordinate the overall investigation and the work of each cell. Various jurisdictions have adopted specific protocols to address investigations of multiple victim and multiple perpetrator cases.⁴⁴

The WSIPP report also states that investigations of multiple party cases require a special response because they are they high profile, time consuming, and require quick response time. It suggests the following actions for responding to a multiple party case:⁴⁵

- Identify cases as “multiple party cases” *at the earliest possible point* in the investigation.
- Gather the investigative team and make a plan.
- Identify a prosecutor as the central coordinator at the outset.
- Ensure that more than one investigator is involved in the investigation to avoid cross contamination and tainting.
- Document interviews and investigations carefully.
- Designate a single spokesperson to communicate with the media.
- Establish a support network for suspected child victims and their families.

⁴³ Numerous jurisdictions have written protocols or agreements regarding child abuse investigations, with at least 10 states requiring or encouraging such protocols in statute. Common components of protocols include reference to applicable state law, a statement of the purpose of the protocol, descriptions of the roles of all involved agencies, guidelines regarding the formation and function of multidisciplinary teams, and procedures for forensic interviewing of children. WSIPP Report at p. 28.

⁴⁴ Pence and Wilson, *supra*, at pp. 152-55.

⁴⁵ WSIPP Report, *supra*, at p. 31.

- Smaller jurisdictions should request immediate assistance. The message that it is “okay to ask for help” needs to be disseminated.

Observations

The formal collaborative relationship that was in effect in Wenatchee in 1994-95 cannot be established.⁴⁶ In addition, because it was not consistently or completely documented by DCFS social workers, the extent and character of the cross-discipline collaboration in the Wenatchee investigations cannot be determined. However, based on our review of documents and interviews of DCFS staff, we make the following observations regarding cross-discipline collaboration in the Wenatchee investigations:

- The collaboration was primarily between CPS social workers and police investigators until later in the investigations, when prosecutors appeared to play a greater role.
- The same CPS social workers and WPD police detectives continued to investigate the cases, even as they evolved into allegations of multiple victims and multiple perpetrators at various locations. Other detectives became involved in the Douglas County investigations in late March 1995.
- Interviews with CPS social workers and CA administrators indicate that the Wenatchee investigations were not staffed by a team, either internally or externally. According to one social worker, there was some staffing of cases when a case was about ready to go to trial, after the interviews and during the trial preparation phase.
- Interviews with CPS social workers and CA administrators indicate that CPS social workers are expected to cooperate with law enforcement, and are trained not to interfere with a police investigation. According to a CPS supervisor, police investigators usually take the lead in a joint interview because they have the higher burden of proof.
- With respect to remaining in one’s professional role and respecting the role of others:
 - DCFS records document Detective Palmer’s request to a CWS social worker in October 1994 that the Everson children “stop seeing counselors at [...] immediately.” The children had been in treatment with these counselors since 1992. According to Detective Palmer, the therapists would not be “strong witnesses in court because not believing seriousness [sic] of the [sexual abuse] that was going on.” Moreover, he thought the therapists had a conflict of interest because they had treated the children’s parents in the past. A CWS supervisor instructed the social worker to terminate the services the next day “and to say that we work cooperatively with police.” The next day the social worker informed the treating therapist that the children would have to be seen by other therapists because “police requested counseling to occur elsewhere ASAP.”

⁴⁶ The joint operating agreement in effect then between the Wenatchee DCFS office and local law enforcement agencies cannot be located.

WENATCHEE CHILD SEXUAL ABUSE INVESTIGATIONS

- ❑ In January 1995, a DCFS worker documented her concerns to a CA administrator that CPS social workers were assisting law enforcement officials in investigating potential suspects “without any specific allegations of abuse let alone known child victims.” (A CA administrator told OFCO investigators that he looked into the matter and concluded that CPS assistance was appropriate.)
- ❑ According to DCFS records, a social worker complied with Detective Palmer’s instructions to warn a church pastor that the pastor would be arrested for witness tampering if he tried to contact an alleged child victim who denied being abused by his parents. The pastor was a friend of the child’s and the child’s family.
- ❑ According to DCFS records, medical staff in one psychiatric hospital honored Detective Palmer’s request that a child not be allowed to have visits from her guardian ad litem.
- ❑ According to DCFS records, a treating therapist recommended that a child not be returned to his mother’s care “because it might confuse these children and their ability to disclose further or new information.”
- ❑ According to DCFS records, a treating therapist recommended to a CWS social worker that the parents not be allowed to visit the children. She also wrote to the judge and recommended that the parents not be allowed to remain in the community pending appeal.
- Depositions, interviews, and trial testimony indicate that, while the social workers involved in most of the interviews with Detective Palmer did not have concerns about his interviewing techniques, two social workers raised concerns to their supervisors and others about his approach. One of these social workers was subsequently arrested for witness tampering, charged with obstructing a police officer, and later accused by Detective Palmer’s foster daughter and others as being a participant in group sexual abuse.
- CA administrators and CPS social workers report that some efforts were made to obtain outside expert consultation about the investigations. Documentation of those consultations is not in individual case files and may in part be protected by attorney-client privilege. Although interviewees could not specifically recall when outside consultation was sought and obtained, their general recollection was not before the Spring 1995.
- Interviews with CA administrators and CPS social workers indicate that local administrators and workers did not necessarily welcome offers of assistance or outside review. One interviewee told OFCO that there had been some discussion of assistance from another region, but that this individual did not believe that outside assistance was necessary.
- A CA administrator described the difficulty of providing CPS workers with joint training on cross-disciplinary collaboration due to the lack of resources and high staff turnover.

Findings

CPS social workers are provided with minimal direction or training in effective cross-discipline collaboration. As a result, CPS social workers are left to establish and work within collaborative relationships with law enforcement and other disciplines without the benefit of specific guidance or formal training on the goals, expectations and limitations of cross-discipline collaboration.

Current Expectations: Washington law requires DSHS and law enforcement agencies to coordinate child abuse investigations and keep each other apprised of each other's progress.⁴⁷ It also requires DCFS to establish and maintain one or more multidisciplinary teams in each region. These teams are to be available for consultation on placement issues in cases involving serious risk of harm to a child.⁴⁸ Other than these provisions, there is nothing in Washington law that addresses cross-disciplinary collaboration in child abuse investigations.

The *CA Practices and Procedures Guide* states that DCFS staff is expected to allocate time to the development and maintenance of written operating agreements and collaborative working relationships with law enforcement and other disciplines.⁴⁹ Stating that social workers "shall work cooperatively with law enforcement," the guide specifically requires each DCFS office to develop a written working agreement with each law enforcement agency in its catchment area.⁵⁰ These agreements must detail local mechanisms for handling mandated child abuse reports and criminal background checks, and for requesting law enforcement assistance.⁵¹ In addition, they may provide that someone other than the DCFS social worker interview the child or alleged perpetrator.⁵² The manual provides no further guidance on cross-disciplinary collaboration.

Cross-disciplinary training is not easily accessible by Washington professionals involved in child abuse investigations. According to the WSIPP report, more opportunities are needed within the state for comprehensive and multidisciplinary training.⁵³

Analysis/Conclusions

Current state requirements and training opportunities regarding cross-disciplinary collaboration should be upgraded to ensure that child abuse investigations are carried out in a coordinated and effective manner. Local jurisdictions are not currently required to develop written agreements or protocols. Moreover, joint operating agreements between local DCFS offices and law enforcement agencies do not necessarily contain the elements that are recognized by experts as being essential to effective cross-disciplinary collaboration. These include guidelines for the formation and function of multidisciplinary teams, procedures for forensic interviewing of children, and special procedures for multiple victim/perpetrator investigations. Without specific

⁴⁷ RCW 26.44.035.

⁴⁸ RCW 74.14B.030.

⁴⁹ Chapter 2561.

⁵⁰ The CA has recently issued a directive to local offices to update these agreements. Despite the requirement to develop joint agreements with local law enforcement agencies, a CA administrator acknowledged that it is not always possible for local DCFS offices to do so. He noted that some DCFS offices have a high number of law enforcement agencies in their catchment areas.

⁵¹ DCFS Practices and Procedures Guide, Chapter 2574 (Law Enforcement Agreement).

⁵² DCFS Practices and Procedures Guide, Chapter 2331D(2)(a); 2331D(9).

⁵³ WSIPP Report, *supra*, at p. 54.

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guidance and appropriate training in cross-discipline collaboration, CPS social workers and others professionals are deprived of important tools that experts agree can help reduce factual distortion in child abuse investigations.

Section 5

RECOMMENDATIONS

Interview Documentation

CPS social workers should be required to document interviews in a verbatim or near-verbatim manner that captures which questions are asked, in what order, and what exact answers are given to the questions. The exact language is critical for effective forensic evaluation and for any external review. Moreover, the lack of a complete record invites attacks on children's credibility in court. It also invites attacks on the credibility of CPS social workers if their conduct or the conduct of other officials is called into question.

Verbatim or near-verbatim documentation can be accomplished by note taking by an adult participant in the interview or through true verbatim transcription, e.g., audio or videotaping. The pros and cons of these methods have been debated extensively in recent years.⁵⁴ Because OFCO has not independently analyzed the strengths or weaknesses of these approaches, we do not make a recommendation as to the particular method of documentation. However, based on our interviews with CA administrators and social workers, we question whether it is reasonable or desirable to require CPS social workers to take verbatim or near-verbatim notes during interviews. Accordingly, the feasibility of this method should be studied further if state policy makers and agency officials wish to consider mandating this approach. If this method is determined not to be feasible or effective, then OFCO recommends that CPS interview documentation be accomplished through verbatim transcription.

Child Interview Practices

Specialized and on-going training in child sexual abuse investigative and interview techniques should be required for all CPS social workers. Consideration should be given to including the training components and techniques recommended in the WSIPP report. Moreover, mandatory training of workers should be reinforced with effective, ongoing supervision. Specialized and ongoing training together with close supervision will provide workers with the skills they need to achieve high standards of performance and to avoid errors that can increase the risk of factual distortion.

The Children's Administration should commission an external review of therapists' reports in DCFS child sexual abuse cases. The purpose of the review would be to ascertain whether the

⁵⁴ WSIPP Report, *supra*, at p. 55-72.

CA should require contracting therapists to have specialized training and/or on-going training about sexual abuse issues, and whether it should take other action to improve the quality of therapy services. Consideration should be given to establishing a consultation network consisting of a core of skilled and experienced therapists in this area who would be available to consult on difficult cases.

Cross-Discipline Collaboration

Local jurisdictions should be required to establish cross-discipline collaboration protocols that include elements that are recognized by researchers and practitioners as being essential for effective collaboration. Mandatory elements to be included in local protocols could be developed by a state-level task force on which key disciplines are represented. In addition, opportunities for training on cross-discipline collaboration should be enhanced for CPS social workers and professionals from other disciplines.

APPENDIX A

Wenatchee Consulting Panel

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Mediator/Arbitrator, Judicial Arbitration and Mediation Service (JAMS), Seattle Former

Judge, Washington State Court of Appeals, Division I, Seattle, WA

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APPENDIX B

ADDITIONAL EXPERTS CONSULTED

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APPENDIX C

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Pierce County Child Abuse Protocol (1993)

San Diego Regional Child Victim-Witness Task Force Child Victim-Witness Protocol (June 1998)

Yakima Indian Nation Child Abuse Notification Policy

APPENDIX E

Children's Views and Experiences

OFCO values the opinions of children. OFCO felt that this review would not be complete without providing the children who had been involved in the Wenatchee investigation with an opportunity to speak generally about their views and experiences. Nineteen children were notified about OFCO's interest in hearing their thoughts. OFCO made clear that the children would not be asked questions about specific events or abuse that may have occurred in their family. Nine children volunteered to meet with an OFCO staff member. OFCO's questions and children's statements follow:

1. How do you feel you have been treated by the state social workers? Can you give an example?

II. Child #1

"I think I was treated pretty good."

"In the beginning I didn't know what was going on and was asking people and no one gave me the answer 'til two or three months later."

"Me and all my sisters were clueless and we didn't know what was going on. First we went to the detective's office, and then the Department's office, and then a foster home. During that time they were asking all these questions and we didn't know what they were talking about."

III. Child #2

"I don't feel I've been treated great."

"Never heard a lot from the social worker and was not told what was going on."

"When I had to talk to [the detective], he pulled me out of school, he was badgering me and telling me I was lying, and making me cry. He was big and scary and telling me I was lying. It was horrible. A social worker was there and she did nothing. She did comfort me when he was screaming at me."

Child #3

"I think the social workers have been pretty nice and understanding."

"The social workers would let you call them anytime, but sometimes they wouldn't call you back, you'd have to keep calling."

"The caseworker I have now always keeps me up to date."

IV. Child #4

"I feel they have treated me with respect."

V. Child #5

"Just fine." "That they made sure I was O.K. and in a home that was safe and everything."

VI. Child #6

"[The detective] asked the same question in different words over and over again. I put one woman in prison because they asked the same question over and over again. I was trying to be smart. They tried it again with another lady I didn't even know and I just walked out. Some people were there and they sat and listened and they should have stopped it."

Child #7

"They were really there for me."

"I feel I was treated really great."

"Case workers seemed they really care for the kids."

Child #8

"Crappy."

"The social worker would change my words around about everything."

Child #9

"Fine."

"They treat us nice, buying us things."

2. Do you feel that the social workers have listened to you, about what you wanted and what your needs have been? Can you explain?

Child #1

"Yes."

"Overall, fine. Clothes vouchers, I got them pretty quick."

Child #2

"I never really talked to her. My GAL did listen and I talked to him a lot and he seemed to be looking out for what I wanted."

"I had to go to court against my caseworker because she wanted me to live with my dad and that's not what I wanted."

Child #3

"I've had three or four social workers and some have been more responsive than others."

Child #4

"Yes."

Child #5

“Yes.”

Child #6

“In ways yes, In ways no, I asked for a home in the country and they gave me that. Different clothing vouchers were denied unfairly, like asking for a suit for church and dances and special occasions.”

Child #7

“Yes.”

“I got to be treated like a normal kid.”

“Some kids can’t spend the night at friend’s houses.”

“I am happy where I am and happy for my brothers.”

“I get to see my little brothers as much as I want.”

Child #8

“No, not at all.”

“When my therapist and foster parent said I didn’t need counseling anymore, the social worker made me keep going.”

“Didn’t listen to me wanting visits.”

“I was treated like I didn’t have a say of my own.”

“Me and my brother said nothing happened but they didn’t believe us.”

“My brother was placed in foster care even though he said nothing happened.”

Child #9

“Yes.”

3. Do you think that the state’s system for protecting and caring for children has worked for you?

Child #1

“Yes.”

“When someone goes into foster care, they should be told why right away.”

Child #2

“Yes, I feel cared for and protected.”

Child #3

“I think that if kids stories are going to be on the media, I think the kids should be able to know in advance.”

“Protecting is pretty good, but caring for them, like clothes money, is not enough. A hundred dollars a year is all we get.”

Child #4

“Yes.”

Child #5

“Yes.”

“If they say something they usually do it and they are kind.”

Child #6

“In ways yes, because they got me out of the home but split up my brother and sister and me and don’t let me see my sister as often as I would like to.”

“Not enough counselors for victims.”

“Social worker doesn’t make quarterlies.”

“Social worker not trustworthy to the kids, cause they are never there to talk to them. She is always busy with other kids. She has 25 kids on her list.”

“If something really bad happened she wouldn’t be there it’s hard to do things for too many kids.”

Child #7

“Yes, because my parents haven’t gotten out yet, but other kids parents are getting out and they are scared.”

“My parents can’t get me cause they are still in there and I hope they stay there for their whole sentence.”

“People I testified against are getting out and it is quite scary. Others whose parents are out are scared to death just walking down the street.”

“They fear their parents jumping out and getting them.”

“The state people are letting them get out, attorneys not social workers.”

“Social workers have worked with us kids, they have listened.”

“[The detective] never tried to put words in my mouth. My mom was always there [when I was interviewed].”

Child #8

“Yes, kept me safe.”

Child #9

“Yes. Put them in foster [care].”

4. Do you have any thoughts or recommendations on how the system might be made better for children?

Child #1

“If they need clothes, they should get them.”

Child #2

“Maybe the social worker could pay more attention and listen.”

“They could’ve taped it [the interview] or something, so maybe he [the detective] could feel he [the detective] could get in trouble for doing that [to me] and maybe no one else would have to go through that.” (See Question 1, Child #2).

Child #3

“One problem was how we were taken out of the home, we didn’t know why and then were taken to a big office. I’m not saying this to be sexist or anything, but I would have rather had a woman with us, we had to talk to the guys and they were like huge.”

“If we could have known more about what was going on, we were there three and a half hours, til 11 at night at least.”

“They guy said your brother told us this was happening, now you have to tell us to.”

“They didn’t tell me what was happening to my brother or sisters.”

“I think I should have been more informed.”

“Scared me, I didn’t know if I did something wrong or if something was going to happen to me.”

Child #4

“No.”

Child #5

“No.”

Child #6

“Each kid should have a really nice counselor. One foster home was not supportive of counseling and the caseworker should have gotten the kid a ride to counseling.”

Social workers “should have a set limit number of kids. Ten is stretching it.”

“More stable caseworker. I have had three. You get used to one and like them, then they get switched to one I don’t know.”

Child #7

“Change some of their rules such as not being able to spend nights at friends houses.”

“The investigation should have been less publicized. The media ridiculed kids.”

“Believe the kids.”

“Wish I was called to testify in Seattle because they would have heard another child’s point of view.”

“Legal system needs to listen to kids.”

“Us kids, our rights, were violated for so many years, they aren’t looking at how the kids were violated. They worry more about parents rights being violated.”

“Caseworkers need to return phone calls quicker.”

Child #8

“I think the caseworkers should listen more. I felt like she was trying to do everything against me.”

“The state should be more careful about who they hire.”

“In foster care all I was treated with was love.”

“To follow up with what they say they are going to do. I believe they said I could go home earlier then, at the next court hearing, the caseworker changed her mind.”

Child #9

“It’s easy to get stuff.”

- 5. Is there anything else you might want to say that you feel is important for us to know regarding how children are taken care of by the state?**

Child #1

“No, I don’t think so.”

Child #2

“Nothing”

Child #3

“I’m glad I am more thankful than ever that they took me out, I just think it could be done better.”

“I think that the state should pay for us [siblings] to visit together.”

“Make it happen that siblings can see each other. My brother, I haven’t seen for three years. I just stopped asking because I never got an answer. I really do miss them and want to see them.”

“Ever since it happened our family has been messed up and I still love my siblings and want to see them.”

Child #4

“No.”

Child #5

“No.”

Child #6

“The questioning should be done by state people, not like [the detective] who kept asking the same question over and over again.”

“I know there are a lot of innocent people in prison that shouldn’t be. Like my mother, she didn’t do anything. My father, who deserves to be in prison, got [X] years, my mom, I don’t think should be there.”

“The police shouldn’t have the children in their home and he was doing the questioning. Come on, there has got to be something wrong with that.”

Child #7

“Social workers and counselors saw the pain in our face and knew we were telling the truth.”

“Always felt it was my choice to talk or not.”

Child #8

“Kids are hurt if they are misled.”

Child #9

“No.”