

SENATE BILL REPORT

ESSB 6207

As Passed Senate, February 9, 1996

Title: An act relating to investigative interviews of child victim witnesses.

Brief Description: Ordering a study of the need for protocols and training standards for investigation of child sexual abuse.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators Haugen, Smith, Winsley, Hale, Long, Schow, Roach, Kohl, Prentice and Heavey).

Brief History:

Committee Activity: Law & Justice: 1/22/96, 1/31/96 [DPS].
Passed Senate, 2/9/96, 46-0.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6207 be substituted therefor, and the substitute bill do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Quigley, Roach and Schow.

Staff: Martin Lovinger (786-7443)

Background: Increasing awareness of the seriousness of the harm and the amount of child sexual abuse in our society has led to more emphasis on investigation and prosecution of allegations of such abuse. However, this generally welcome development has been accompanied by a number of high profile cases, both in Washington and in other states, in which serious questions have been raised about the way in which investigations have been conducted.

Some investigations involve a large number of interviews with child victim witnesses, which can be traumatic for the child victim and, some people believe, damage the truth-finding process.

In some cases, it appears that innocent people may have suffered considerable harm as a result of poorly conducted investigations. People wrongfully charged with child sexual abuse can lose their families, jobs, and freedom. Publicity about improper investigations of child sexual abuse allegations and wrongly-charged adults can undermine public support for law enforcement efforts to combat child sexual abuse.

It is felt that the best method to prevent child sexual abuse and protect the rights of child victims and their families, and avoid accusations against innocent adults is to improve the quality of child sexual abuse investigations. The goals of these efforts would be to improve the truth-finding process, eliminate unnecessary repetitive interviews, and increase the reliability of investigative practices and procedures.

Summary of Bill: The Washington State Institute for Public Policy is required to undertake a study of jurisdictions within and outside the state which have experience developing protocols and training standards for investigating child sexual abuse. Goals and objectives are set forth. The report must be completed by December 1, 1996, and must include model protocols and training standards for law enforcement agencies.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The interview process can affect the reliability in child sexual abuse cases. Prosecutors in some jurisdictions have had success with videotaped interviews. People wrongly accused of child abuse never fully overcome the accusation. Video or audio taping can protect the innocent while strengthening the case for the prosecution where sexual abuse has actually occurred. Lengthy and repetitive interviews can lead to unreliable evidence. Videotaping can be helpful to victims.

Testimony Against: A number of jurisdictions already have protocols and training standards, but what is needed is funding to provide necessary training. Mandatory videotaping has been tried and failed in this state. Mandatory videotaping can lead to exclusion of important evidence. Videotaping will focus too much attention on the victim and not enough on the defendant.

Testified: John Hill, Pierce Co. Assigned Counsel director (pro); John Yuille, University of British Columbia professor (pro); Keith Meizenheimer, Multnomah Co. District Attorney Chief Deputy (pro); Sverre Staurset, defense attorney (pro); Paul Glassen, former CPS employee (pro); Kathryn Lyon, defense attorney (pro); John Ladenburg, Pierce Co. prosecutor (con); Russ Hauge, Kitsap Co. prosecutor (con); Bernadean Broadus, Thurston Co. prosecutor (con); Andy Miller, Benton Co. prosecutor (con); Mary Ann Murphy, Deaconess Regional Center for Child Abuse (con); Kim Farr, Clark Co. prosecutor (con); Seth Dawson, Common Ground for Children (pro); Mike Patrick, WA State Council of Police Officers (con); Mike Kline, Adams Co. sheriff/WA Assn. of Sheriffs and Police Chiefs (con); Cynthia Vautier, researcher (pro); Deborah Ruggles, WA Coalition of Sexual Assault Programs (con); Steve Gustaveson, Attorney General's office (con).