

SENATE BILL REPORT

SB 6207

As Reported By Senate Committee On:
Law & Justice, January 31, 1996

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

Brief Description: Creating two pilot projects to improve investigative interviewing of child victim witnesses.

Sponsors: 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].

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 Substitute 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.

Substitute Bill Compared to Original Bill: The original bill required two three-year pilot projects in the Department of Community, Trade, and Economic Development (CTED) pertaining to child victim witness investigative interviews in sexual abuse cases.

The requirements for the pilot projects included establishing a child victim witness center or special interview setting; developing protocols for interviews; training interview specialists; requiring that comprehensive interviews be conducted by interview specialists; providing for the videotaping of interviews pursuant to protocols established by a multidisciplinary advisory committee; encouraging the requirement that interviews conducted by persons other than specialists also be on video or audio tape; establishing procedures to maintain the confidentiality of and regulate the disclosure of taped interviews; establishing teams to make recommendations on child abuse cases and the needs of child victim witnesses; developing procedures for coordination of child interviews when the child is involved in criminal, dependency, delinquency and domestic relations matters; and developing guidelines to control access to child victim witnesses in legal proceedings and for referral of such witnesses to medical examinations.

The director of CTED was required to establish a multidisciplinary advisory committee.

The Washington State Institute for Public Policy was required to evaluate the projects.

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).