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**PROGRAM REVIEW OF
THE CHILD VICTIM-WITNESS
SUPPORT PROJECT**

Campbell Research Associates
Social Data Research Limited

June 1992

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SUPPORT PROJECT**

**Campbell Research Associates
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*The present study was funded by the Research Section,
Department of Justice Canada. The views expressed herein are solely those
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APPENDICES

NOTE: *The following is a list of the Appendices contained in the original version of this Report. To save duplicating expenses, Appendices A to T have not been reproduced in the present published version. Complete copies of all the Appendices are available from the Department of Justice Canada on request.*

- Appendix A** Terms of Reference
- Appendix B** Member Organizations of the Metropolitan Toronto Special Committee on Child Abuse
- Appendix C** Inventory of Issues Facing Child Victim-Witnesses
- Appendix D** Series Curriculum Outlines
- Appendix E** Referral Criteria as Understood by Children's Aid Societies' Workers and Police Officers - Verbatims from the Interview Surveys
- Appendix F** Suggestions of Support Adult Program Participants for Improvements to CVWSP - Verbatims from the Interviews with Support Adults
- Appendix G** Benefits of CVWSP Identified by Children's Aid Societies' Workers, Police Officers and Assistant Crown Attorneys - Verbatims from the Interview Surveys
- Appendix H** Strengths and Weaknesses of the CVWSP Identified by Children's Aid Societies' Workers, Police Officers and Assistant Crown Attorneys - Verbatims from the Interview Surveys
- Appendix I** Suggestions for Improvements to CVWSP made by Children's Aid Societies' Workers, Police Officers, and Assistant Crown Attorneys - Verbatims from the Interview Surveys

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- Appendix J** Post-Program Questionnaire for Child Participants
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- Appendix L Post-Court Questionnaire for Support Adults
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- Appendix P Police Occurrence Coding Form
- Appendix Q Program Participant Database Coding Form
- Appendix R Police File Disposition Coding Form
- Appendix S Court Records Coding Form
- Appendix T Court Observation Schedule

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EXECUTIVE SUMMARY

Campbell Research Associates and Social Data Research were contracted by the Department of Justice Canada to assess the Child Victim-Witness Support Project, operated by the Metro Toronto Special Committee on Child Abuse, and to track cases of child sexual abuse through the child welfare and justice systems in this same jurisdiction. The Child Victim-Witness Support Project [CVWSP] prepares children who face the prospect of testifying in court through four one-and-a-half-hour group sessions carried out on a weekly basis, every other month. This demonstration project was funded in the amount of \$260,000 over a three-year period by the Department of Justice Canada and Health and Welfare Canada.

Several research activities were carried out to track cases through the child welfare and justice systems and to review the CVWSP:

- data collection from police occurrence reports, police disposition records, CVWSP program records, and court records in six courts in Metro Toronto;
- telephone interviews with a sample of 45 police officers, 44 Children's Aid Society [CAS] workers, and 19 assistant crown attorneys;
- personal interviews with 40 children (those who attended five of the total of 14 CVWSP series) and 40 adults who had attended the program, carried out immediately following the program;
- telephone or personal interviews with 18 of these same adults following the court case;
- telephone interviews with 25 adults (or their referring CAS workers) who had not followed through on program attendance;
- observations in court of 29 children as they testified;
- interviews with program staff, representatives of justice and child welfare systems.

The accompanying report details the research issues, methodologies, constraints and limitations of the study. The major findings of the tracking research and program review are outlined below according to the section of the report in which they are discussed.

6.0 TRACKING CHILD SEXUAL ABUSE CASES THROUGH THE CHILD WELFARE AND CRIMINAL JUSTICE SYSTEMS

6.1 Handling of Child Sexual Abuse Cases by the Child Welfare System

- In one 12-month period (September 1987 to August 1988) 535 files were opened or reclassified as cases of child sexual abuse by the two major CASs in Metro Toronto.
- Approximately two-thirds of cases opened or reclassified by the MCAS were extra-familial sexual abuse.
- The CASs receive reports of child sexual abuse primarily from schools, police, health and social services.
- According to the survey, CAS workers interview the victim in all cases as well as the victim's parents. In two-thirds of cases, teachers and neighbours are interviewed and in one-half of cases a medical examination of the child victim takes place.
- For CAS workers, the most important factors in substantiating cases of child sexual abuse are corroborating evidence or witnesses, injuries and the age of the child who discloses.

6.2 Handling of Child Sexual Abuse Cases by the Metropolitan Toronto Police Force

- During the 12-month period from September 1987 to August 1988, 821 cases of child sexual abuse were reported to the MTPF. Of these, 692 (84.3 per cent) were substantiated and 129 (15.7 per cent) were not.
- Arrests were made and charges laid in 434 (62.7 per cent) of cases reported to police.
- In the 692 cases substantiated by police, one-third of victims were under seven years, one-third were between eight and 12 years, and one-third were aged 13 to 17. The majority of victims were female.
- One-third of the cases substantiated by police were intra-familial with children under five years being victims of family members to a greater extent than older children.

- Just over one-fifth of alleged offenders in cases substantiated by police were young offenders from 12 to 17 years of age.
- Most offenses substantiated by police involved fondling and touching (87.4 per cent) followed by vaginal penetration (19.8 per cent).
- Charges were less likely to be laid where the child was under eight years, where the alleged offender was neither a family member nor a young offender, where the offense was of lesser severity, and where there was a single offense determined to have occurred on the reported occasion.
- In substantiating a case of child sexual abuse, police officers reported that they looked for corroborating evidence or witnesses, physical injuries, identity of the offender being known to the complainant, older age of the child, multiple forms of abuse, and a close relationship between victim and offender.
- Crown attorneys placed importance on two factors in determining whether the case proceeds: ability of the child to testify in court and corroborating evidence.

6.3 Handling of Child Sexual Abuse Cases by the Courts

- Only one charge was laid in 70.7 per cent of 434 cases charged and two charges were laid in 20.0 per cent of cases.
- The charge of sexual assault (C.C. 246.1) was laid in 92.6 per cent of the 434 cases followed by sexual interference (C.C. 140) in 10.8 per cent.
- Of the 434 cases charged, 291 (or 67.1 per cent) were known to have proceeded to court. Cases which proceeded were more likely to involve: victims aged six to 12 years, extra-familial accused, offenses of fondling and touching followed by fellatio-cunnilingus.
- Of 291 cases proceeding to court, we were able to track 246 accused through the court system. Of these, 120 accused had their cases tried in Provincial Court, 76 in District Court and 69 in Youth Court.
- A judicial interim release ('bail') hearing was held for most of the 120 accused whose cases were heard in Provincial Court.
- Almost one-half were required to post bail, most amounts falling between \$500 and \$2000. Another 10 per cent were detained without bail and 15 per cent were required to sign undertakings only.

- For almost all accused conditions were attached to the bail releases and to the undertakings. These specified no contact with children (56 cases) and/or no contact with the victim (28 cases).
- Guilty pleas were entered at some point by approximately 40 per cent of accused. Over one-half of the accused in District Court pleaded guilty.
- More of the accused with multiple charges had charges withdrawn than did those with only one initial charge.
- Of 246 accused proceeding to court, 32.2 per cent had charges dismissed or withdrawn; 40.7 per cent pleaded guilty; 18.3 per cent were convicted and 6.5 per cent were acquitted.
- Of 137 accused (out of 145 accused pleading guilty or convicted), for whom sentence was passed and information obtained, 41.6 per cent were given custody ranging from one to 72 months with the highest average length of 17.5 months being given in cases heard in District Court.
- Eighty-five per cent of accused who were sentenced were given probation, either in combination with custody or alone. Probation terms ranged from four to 36 months with the average being highest in District Court and lowest in Young Offenders Courts.
- The average number of court dates ranged from 7.8 for accused whose cases were completed in Provincial Court to 10.4 for cases concluding in District Court. The average time was also longest in District Court cases at 15.8 months from bail hearing to disposition.

6.4 Court Preparation

- Children may have to tell their story at least four, and often more, times in the criminal justice process.
- One-half of crown attorneys surveyed for this study responded that they interview the child within one week of the court appearance. The remainder reported seeing the child earlier than this.
- Crown attorneys say that they typically explain the proceedings to the child to prepare them for court. One-half take the child to a court room and one-third explain the questions they should anticipate, and the oath.

6.5 Tracking of Young Offenders Through the Criminal Justice System

- Of the 149 (or 21.5 per cent of) substantiated police cases involving young offenders for which information was available, 71.1 per cent were arrested and 48.3 per cent proceeded to court. These are higher rates than those for older-aged offenders.
- One-fifth of young offenders pleaded guilty and 10 per cent were convicted.

7.0 PROGRAM PROCESS ISSUES

7.1 Referrals to the CVWSP

Referral guidelines specify that the child should be expected to testify in court, be from eight to 16 years of age, and be involved with the criminal justice system or a child welfare organization within the jurisdiction of Metropolitan Toronto.

- Not all children are being referred to the project who could be. It is estimated that anywhere from 50 to 250 children annually may be proceeding to court in child sexual abuse cases that are not being referred to the CVWSP.
- A substantial proportion of children (17.0 per cent) below the target age for the program are being referred. The CVWSP has been providing individual preparation for these children rather than deny them service.
- Police tend to refer children over six years old in greater proportion than those under this age as well as children whose offenders were related to them. Police in Districts 1 (Parkdale) and 3 (North York) referred to the CVWSP at a higher rate than did other Districts.
- Children are being referred who are rated by the CAS workers and police as poor prospects for testifying. The CVWSP does not refuse service to this group.
- Understanding of the referral criteria by police and CAS workers appears to be adequate. It is important, however, to continue active promotion and explanation of the program to these groups. Their ability to assess appropriate candidates and to be able to explain the program to prospective referrals will assist the project staff. The choice to participate in the CVWSP by support adults and children should be presented to these individuals with a full explanation of the commitment that is expected of them.

- Some who did not maintain attendance through the four CVWSP sessions encountered practical difficulties in obtaining transportation or baby-sitters. Others appear to have had a low level of commitment to the program from the outset although they understood its intent. This reinforces the importance of having referral sources clearly understand the project and provide their clients with an explanation of what will be expected of them in participating so that they can make a fully informed decision about attending.
- Age was the only factor clearly related to the continued attendance of children to the third and/or fourth program session. Eleven-12-year-olds, followed by those seven or younger maintained higher attendance levels than those over 12 years old.

7.2 Addressing the Needs of Children

- Although the published materials available to the project have some shortcomings, the children enjoy these books and feel that they are learning something from them, especially a more realistic view of the court process.
- The most difficult concept for the children to grasp, particularly the pre-adolescent children, is that of "not guilty".
- The group sessions, games, and other teaching materials clearly appeal to children who enjoy the interaction with others in the same situation.
- Overall, child participants are learning useful information about the court process and what to expect. More than this, children seem to leave the program with a sense of confidence resulting from a reduction of the unknown factors facing them in court. Whether this can be attributed to the program, or is the result of other factors in their environment at the same time, has not been determined here.
- Children both enjoy the group environment and find some support from their peers through it.
- Although adolescents and pre-adolescents found that different aspects appealed to them, each group was positive in its assessment of the group sessions.
- Most child participants felt prepared to face court when they left the program and two-thirds reported a reduction in their fears at the point at which they were interviewed. We cannot determine, however, whether this represents a true change from their previous feelings and is a result of the program itself as opposed to other factors in their environment at the time.

7.3 Assisting Adults to Provide Support for the Child

- Participating adults found the CVWSP a source of both information about the court process and emotional support.
- A majority of adults rated themselves as very well prepared for the court process but only one-quarter rated their child as being very well prepared for court by the conclusion of the CVWSP series.
- Most adults reported that the child had met the crown attorney between one and seven days prior to court. Only one-quarter said that the crown attorney had first met with the child on the same day as the court hearing or trial.
- Half of the adults interviewed following court said that the amount of contact with the crown attorney had been adequate.
- Following court, most adults felt that the program had successfully enabled them to assist their child through the ordeal.
- Participation in the program, as well as the nature of their contacts with police and crown attorneys, was for many adults a positive aspect of the entire process.
- Most of the adults interviewed post-court said that the child had received counselling after court. Some of the difficulties experienced by the support adults after the program's completion suggests that further follow-up would be helpful for them and for the child.

7.4 Other Supports Provided by the CVWSP

- The most problematic support which staff arranges for program participants is transportation. Arrangements with the CAS frequently break down and the CVWSP itself does not provide transportation for participants as a program benefit.
- The existing facility in which the CVWSP is carried on has some shortcomings, particularly a lack of adequate space for several groups simultaneously and few appropriate furnishings for children.

7.5 Project Resources

- The addition of an internship program has proven to be a valuable resource for the CVWSP as well as a means of disseminating the program's information and experience among the community of professionals working with sexually abused children.
- The CVWSP has had difficulty in locating and recruiting staff among persons of other cultures. Efforts to do so continue.
- Increased budget allocations for materials and supplies, professional development of staff and group leaders, and emergency transportation for participants should be considered.

7.6 Monitoring and Evaluation Activities

- Staff assess the group series and the needs of children in each series through meetings after each session and a half-day review at the conclusion of the series.
- While adults are asked to rate the sessions which they attend, children are not asked to do so.
- No systematic measurement of results of the program for participants or post-court follow-up for outcomes is carried out.

8.0 PROGRAM OUTCOME ISSUES

8.1 Do Cases Proceed and Do Children Testify?

- Almost two-thirds of children in cases known to proceed actually testified in court.
- Children who had disclosed intentionally were much more likely to testify than those who had not disclosed intentionally.
- Younger children, i.e., those under seven years, were less likely to testify than those over this age.

8.2 Performance of the Children in Court

- The youngest child in the program to testify in court was four years old. This case resulted in a conviction.
- Most of the 29 children observed for this study were composed in court and communicated well when on the stand. The most frequent request of judges was for the child to speak louder.
- The most common fear expressed by children was confronting the accused in court.
- Two-thirds of the children's support adults interviewed felt that the court process had resulted only in negative impacts for the child.

8.3 Promotion of the CVWSP and Production of Education Materials

- Staff promote the program actively to CAS workers and police.
- Almost three-quarters of the CAS workers and police interviewed reported seeing CVWSP publicity or fliers.
- A significant minority of CAS workers and police officers said that they had received no explanation of referral criteria for the program.
- CVWSP staff have also: spoken to judges' conferences, participated in the development of a publication for children with the Ontario Ministry of the Attorney General, collaborated with the Canadian Paediatrics Society to produce an educational pamphlet for judges, and designed and produced an innovative court preparation kit for professionals working with sexually abused children.

9.0 EFFECTS OF THE CHILD VICTIM-WITNESS SUPPORT PROJECT

9.1 Influence of the CVWSP on the Work of Crowns, CAS and Police

- Approximately three-quarters of CAS workers interviewed, one-half of police officers and one-third of crown attorneys reported that the CVWSP had influenced how they now deal with child sexual abuse cases.

- Some of the effects of the CVWSP mentioned by CAS workers, police, or crowns included: relieving them of the necessity to prepare children for court, allowing them to focus on other aspects of the welfare of the child, enabling them to spend more time on investigation of cases, increasing the likelihood of successful prosecutions, encouraging the appearance of younger children in court, sensitizing them to the situation of these children, facilitating more effective prosecutions.

9.2 Influence of the CVWSP on the Courts

- Over one-half of CAS workers and 40 per cent of police interviewed thought that the CVWSP had influenced the way in which the courts now deal with child sexual abuse cases.
- From one-third to one-half of crown attorneys interviewed responded that each of the following impacts had resulted from the work of the CVWSP: improvements in the quality of children's testimony, increases in the number of children testifying, decreases in the ages of children testifying, increases in the number of cases being prosecuted, and changes in the disposition of these cases.

9.3 Benefits and Drawbacks of the Program for the Child Welfare and Criminal Justice Systems

- Most police, CAS workers and crown attorneys surveyed were able to name specific benefits of the CVWSP for the child welfare and criminal justice systems.
- Only a small number of CAS workers, police, and crown attorneys who were interviewed for this study described any negative impacts of the CVWSP for the criminal justice system.

9.4 Crowns', Police and CAS Workers' Perceptions of Strengths and Weaknesses of the CVWSP and Suggestions for Improvements

- Those CAS workers, police officers and crown attorneys interviewed saw significant strengths as well as weaknesses in the CVWSP.
- Participating adults, child welfare and criminal justice system representatives interviewed for this study offered a variety of suggestions for improving the CVWSP.

10.0 CHANGES SINCE BILL C-15

10.1 Crown Attorneys' Perceptions of Changes in the Handling of Child Sexual Abuse Cases Since Bill C-15

- The most commonly implemented provision of Bill C-15 is the use of screens to block the child's view of the accused.
- Other assists to the child which are frequently requested in court and granted include: ban on publication of the child's identity, ban on witness/spectators in the court room, use of microphones, and allowing the child to testify turned away from the accused.
- Judges most often ask children to speak louder when testifying. Very few courts are equipped with amplifying microphones.
- Crown attorneys would make use of booster seats, putting the accused at the back of the court room, blocking the child's view of the accused, and closed circuit television for the child's testimony if these became available.
- Crown attorneys reported seeing very little change in the ages of children testifying, the nature of offenses charged, or the means by which the credibility of the child is assessed.

10.2 Treatment of the Child in Court

- In 29 observed cases, judges' questioning of children regarding the oath most often focused on "telling the truth" followed by questions concerning the meaning of the oath.
- The most common issues raised by the defense in the 29 observed cases were: that the allegation had been fabricated, that the child's current testimony was inconsistent with previous statements, that the child had been "coached" by the CVWSP, police or crown attorney, that the child's reputation or past sexual experience mitigated the allegations, or that the child had misinterpreted the nature of the contact with the accused.
- Screens, microphones and booster seats were used in a handful of the 29 cases observed.

- In most of the 29 observed cases, bans were allowed on the publication of the child's testimony or identity and on the presence of spectators/witnesses in the court room. Support adults were almost always allowed to remain.

11.0 CONCLUSIONS

1. Both the child welfare and criminal justice systems lack adequate and readily accessible data which could provide a rational basis for planning programs and services or for identifying necessary modifications to these systems.
2. The implementation of those Bill C-15 changes to the Canada Evidence Act facilitating children's testimony in court will inevitably lead to an increase in the number of children who are called to the stand and found capable of testifying either as sworn or unsworn witnesses.
3. There will be a concomitant need for the criminal justice system (police, prosecution, defense and courts) and the child welfare system to be better prepared for dealing with child witnesses.
4. Current levels of resources allocated to implementing Bill C-15 and preparing children for the application of its provisions are inadequate.
5. The Child Victim-Witness Support Project faces a dilemma in continuing to carry out its intended functions: education activities aimed at justice system members will create a level of demand for the preparation of children which the CVWSP cannot meet within its existing resources.

A major question for the criminal justice system is whether efforts to increase the feasibility of prosecuting child sexual abuse cases serve the best interests of either the children involved or of the criminal justice system itself without a concerted effort to better accommodate and prepare children for the ordeal of testifying.

1.0 INTRODUCTION

Campbell Research Associates and Social Data Research Limited were contracted by the Department of Justice Canada to undertake an assessment of an innovative project designed to prepare child victims of sexual abuse for court. The project had been developed by the Metropolitan Toronto Special Committee on Child Abuse [referred to hereafter as the "Special Committee"] and began its first group series in September 1987 after a five-month implementation period.

Sections 1.1 and 1.2 below describe the background to the study and the organization of this report.

1.1 Background to the Review of the Child Victim-Witness Support Project

The Child Victim-Witness Support Project [CVWSP] received funding from the Department of Justice Canada for a two-year demonstration period from April 1, 1987, to March 31, 1989. One of the requirements of this funding was that an evaluation would be carried out. Although CVWSP project funding commenced on schedule, the evaluation was not contracted until September 1988. In addition to the project assessment, the Department of Justice Canada requested a research component to track child sexual abuse cases through the criminal justice system to determine how these cases are processed and to identify the results of Bill C-15. Bill C-15, which revised the Criminal Code of Canada and the Canada Evidence Act, had come into force in January 1988, changing both the types of offences involving children and the rules of evidence regarding the testimony of children in court.

The Terms of Reference asked for:

- "1) a description and review of the program's operation and a thorough documentation of how cases of child sexual abuse are handled by both the Social Service and the Criminal Justice Systems in Metropolitan Toronto."
- "2) an assessment of the extent to which the objectives of the Victim-Witness Support Project have been met."
- "3) an assessment of the impact of the program on both the clients of the program and on the criminal justice and social service systems."

The study was divided into two phases: an evaluability feasibility assessment and the evaluation/tracking research itself. During the evaluability assessment we met with key individuals on the Project Advisory Committee and in the relevant organizations dealing with children who have been sexually abused. These included the Metropolitan

Toronto Children's Aid Society [MCAS], the Catholic Children's Aid Society [CCAS], the Metropolitan Toronto Police Force [MTPF], the Ministry of the Attorney General Victim-Witness Assistance Program, and the Judicial District of York crown attorneys. Altogether, 15 individuals in addition to project staff were interviewed, some on more than one occasion, in the process of identifying the potential data available and the accessibility requirements.

The level of interest in the issue of child sexual abuse and in the project was very high. As a result, most of those to whom we spoke offered assistance and cooperation in carrying out the evaluation and tracking. The primary obstacles which we identified at that point were either institutional constraints on accessibility to existing data or an absence of the types of data which would have been useful to the study.

The evaluability feasibility assessment concluded that a true evaluation of project outcomes and impacts was not appropriate for the CVWSP because of its developmental nature and the lack of a proper control group. This was accepted by the Research Advisory Committee who determined that a program review would be undertaken instead. This review would focus on process aspects of the project, including a thorough project description, a profile of its child participants, and determination of the perceptions held by members of the child welfare, justice and law enforcement organizations with which the project has had contact.

The Phase I Report was submitted in December 1988 to the Research Advisory Committee and the second phase commenced in early 1989, almost 18 months after the CVWSP had begun preparing children for court and just three months before their initial funding was to expire. The Special Committee negotiated with Health and Welfare Canada for "bridge" funding to carry it through the review period whereupon it was hoped that alternative permanent project resources could be obtained.

The study organization proposed in the Phase I Report consisted of two distinct pieces of research: the tracking of cases from entry to conclusion in the criminal justice system, focussing on the "drop-off" rates and delays at different stages as cases are "funnelled" through the system, and the program review of the Child Victim-Witness Support Project. As a result, we have approached the two aspects as separate undertakings in carrying out the research and in reporting the results here.

1.2 Organization of This Report

The next section of this report (Section 2.0) sets the stage for the reader by outlining the "typical" processing of cases through the child welfare and criminal justice systems. We also point out some characteristics which make the criminal justice system in Metropolitan Toronto atypical of the justice process in comparison with smaller

jurisdictions. These differences have implications for the CVWSP as well as for the program review and tracking study.

Section 3.0 describes the Child Victim-Witness Support Project and its role in the justice process. The CVWSP intervenes at the point of "case processing" just prior to the case proceeding to trial. The study objectives, both for reviewing the program and tracking cases through the justice system, are presented in Section 4.0 along with a discussion of constraints shaping the research design.

The various tracking and program review methodologies and their limitations are described in Section 5.0.

The findings of the tracking study and program review are presented in Sections 6.0 to 10.0. These cover the various issues defined in Section 4.0 and bring together under these headings the data collected throughout the several research activities carried on over a 12-month period.

Section 11.0 summarizes the conclusions based on the research results.

2.0 PROCESSING OF CHILD SEXUAL ABUSE CASES THROUGH THE CHILD WELFARE AND JUSTICE SYSTEMS IN METROPOLITAN TORONTO

A suspected incident of child sexual abuse is reported either to the police or to one of the Children's Aid Societies. As outlined in the "Child Sexual Abuse Protocol",¹ police and CAS agencies are obligated to inform each other of a possible offence. All CAS² staff to whom we spoke insisted that this requirement of the protocol is consistently followed.

2.1 Processing Through the Criminal Justice System

When an incident is reported to the police, an officer either makes an arrest or completes an occurrence report on the offence. If an arrest is made immediately, no occurrence report is made out. Instead, a record of arrest accompanied by information on the supplementary form is prepared. In the absence of an arrest, the police complete an occurrence report, make an investigation into the case and an occurrence number is assigned. At this point, several possibilities may occur, for example:

- charges may be laid;
- a summons (warrant) may be issued;
- the accused may be a Young Offender who may or may not be charged or who may be subject to other noncriminal proceedings;

¹ The "Child Sexual Abuse Protocol" was prepared in 1983 for the Special Committee and was revised in 1986. It clarifies and codifies the preferred practices of the child welfare and criminal justice systems in responding to disclosures of child sexual abuse. The protocol was signed by representatives of the MTPF, CCAS, MCAS, Jewish Family and Child Service, Ministry of the Attorney General, Ministry of Correctional Services and the Special Committee.

² MCAS, CCAS and JFCS refer to the specific organizations designated by these initials. CAS is used as a generic term when speaking of both MCAS and CCAS child welfare agencies or either agency in general.

- the case may be unfounded or unsubstantiated³ and a decision is made not to proceed;
- the suspect may be unknown and therefore no arrest or charges follow (i.e., "no action taken").
- Once a warrant is issued or an arrest is made by the MTPF, a file is opened on the accused. A copy of the occurrence report or record of arrest is placed in this file. As well, information on the accused is entered into a computer file and is identified by a MTPF number.
- Following an arrest, a bail hearing is held within 24 hours before a Justice of the Peace or a Provincial Court Judge.
- A court date is set for first appearance.
- A crown envelope is prepared by MTPF for each offender. Placed in the crown's envelope are the following: dope sheets,⁴ occurrence reports,⁵ record of arrest, criminal record, Victim Impact Statement, photographs, and property receipts of property involved in the offence. A sticker is put on the outside of the envelope to alert the crown attorney to a child sexual abuse case.
- The crown attorney receives the crown envelope, opens a crown file, and assigns a crown attorney to the case. Copies of the information⁶ are made available to the assigned crown attorney for child sexual abuse cases in each of the court offices

³ i.e., either no evidence can be obtained upon which to proceed or available evidence leads to the conclusion that no abuse occurred.

⁴ "Dope sheets" is a colloquial term for the record of the case as it proceeds.

⁵ Occurrence reports are the forms on which the first report of the incident is recorded with the details about the victim, accused, alleged offence and action taken at that point.

⁶ "Information" is the abbreviated term for the form on which the charge is sworn before a Justice of the Peace. It begins with the words "Information of [police officer's name]. The informant says that he has reasonable and probable grounds to believe and does believe" that a particular offence (which is described) has occurred.

and to the Victim Witness Assistance Coordinator (VWAP) in the Etobicoke Court.⁷

- The crown attorney contacts the officer in charge of the case to receive a synopsis of the case and arrange an interview with the child.
- Victims may be prepared for court by the crown attorney, the police and/or VWAP.
- The crown attorney assigns the charges.
- The crown attorney is required to decide whether to proceed summarily or by indictment if the accused is charged with a hybrid offence. Summary offences proceed automatically in Provincial Court. Indictable offences are considered more serious and can proceed in a variety of ways at the choice of the accused.
- At any point in the justice process up to the actual judgement the Attorney General may decide to stay the proceedings, although this is rarely done. The crown attorney may also decide to withdraw any or all charges to which the accused has pleaded not guilty at any point up to a change of plea or judgement. This is often done, especially where the plea is "bargained", i.e., the accused agrees to plead guilty to some charges in exchange for withdrawal of others by the crown attorney.
- The accused charged with an indictable offence generally has an election as to how he/she will proceed. He/she can elect to be tried immediately in the Provincial Court (Criminal Division) by a judge. Alternatively, he/she can elect to be tried at the District Court level by a District Court judge alone or by a District Court judge and jury.

The accused who elects to proceed in District Court has the right to a preliminary inquiry before a Provincial Court judge. The purpose of this hearing is to determine if the crown attorney has sufficient evidence to proceed to trial. Otherwise, the accused will be discharged immediately. With the consent of the crown attorney, the accused can waive his right to hear evidence at the preliminary hearing and be committed for trial directly.

- On the date of the preliminary hearing, the accused can make a choice as to how he/she will treat this day in court.

⁷ Formerly, the North York Court had also had a Victim Witness Coordinator. However, this position has not been filled since January 1989.

Depending on defence assessment of the judge and crown attorney, the accused may enter a plea before the Provincial Court judge. If a guilty plea is entered at this point, the agreed-upon facts can be read into the record and sentencing will take place immediately. If the plea is not guilty, a trial before the Provincial Court judge will proceed. If the election is to proceed before a judge and jury or before a judge in District Court, the preliminary hearing will go ahead before the Provincial Court. The accused has the option to waive the evidence at the preliminary hearing and let the matter be referred directly to the District Court for trial.

- The child victim may be required to testify at either the preliminary hearing, the trial, or both.
- If a trial occurs, the accused may be acquitted, found guilty, or found not guilty by reason of insanity.
- Where the verdict is guilty or if the offender pleads guilty, a presentence report is prepared.
- The crown attorney returns to court for the sentencing and the victim may also attend the sentencing hearing.
- At sentencing, the decision is made about whether to enter a conviction. If no conviction is entered, the offender may be granted an absolute discharge or a conditional discharge accompanied by probation. If a conviction is entered, the offender may be fined, receive a suspended sentence, probation, or a jail term.
- Crown envelopes are completed with court information including the case disposition. Envelopes are stored at the District Court (Clerks Office) or the Provincial Court (Clerk of the Peace Office) for about six months.

2.2 Processing Through the Child Welfare System

- The Children's Aid Societies open a case on the reported incident, carry out an investigation (often along with the MTPF), and complete an intake form.
- Some of the information from the intake form is entered into a computerized database by both CASs.
- Following investigation, a decision is made by the case worker to open or close the case depending upon whether the incident is validated or the child is otherwise at risk. A report to the Child Abuse Registry may also be submitted at

this point. However, those key informants interviewed suggested that this typically happens, if at all, at a later date (i.e., after a guilty plea or verdict in criminal court).

- If the case is one of extra-familial abuse, the MCAS does not open a file unless there are other conditions which put the child at risk. The CCAS usually opens a file on extra-familial cases. However, their ongoing involvement may not be as great as with intra-familial cases of child sexual abuse.
- Service is provided by both CASs for the child victim of sexual abuse. This may include:
 - child welfare proceedings in Family Court for protective custody;
 - supervision by the Society of the child at home;
 - sexual abuse treatment (individual therapy, family therapy, group therapy);
 - support services.
- The CAS may also refer these children to external resources such as the Child Victim-Witness Support Project.
- The CCAS has a Child Abuse Treatment Information Form. Case workers are asked to complete a form for each child who has been sexually abused. This information is computerized and service statistics are prepared each year. Analysis of this information was undertaken by the CCAS for 1987. This analysis indicates that only 156 of 255 substantiated incidents were entered on this database.
- The MCAS maintains information on treatment and service only on paper in a case file.

2.3 Local Factors Influencing Handling of Child Sexual Abuse Cases by the Child Welfare and Justice Systems in Metropolitan Toronto

Because of the size and population of the Metropolitan Toronto area, many justice and social services are decentralized. They may be accountable, though, at the Metropolitan level (CASs and police) or at the provincial level (courts).

Two of the three Children's Aid Societies, the MCAS and CCAS, provide their services from five and six branch offices respectively within the Metro area. These offices deal with cases within their area of geographical jurisdiction and maintain their own files. The number of staff who may deal with sexually abused children in each of

the two CAS organizations as a whole number from 80 or more when including intake workers, family service workers and specialized child sexual abuse workers.

The Metro Toronto Police Force has both a district and a divisional structure with Youth Bureau Officers located in each of the 17 divisions across Metro.⁸ When an occurrence is reported, the case is assigned to an officer in the specific division covering the area in which the child victim lives. Because officers supervise their own cases, most paperwork remains in the division until the case is completed in court. There are several dozen Youth Bureau Officers on the force.

Courts are also decentralized. There are seven Provincial Court (Criminal Division) locations of which five hear cases requiring judges, four Provincial Court (Family Division) locations in which Young Offenders cases may be heard, and one District Court. Crown attorneys are attached to the courts and prosecute cases that, for the most part, have occurred within the geographical area served by that court. Information concerning case investigations, evidence, witnesses and offenders is usually held by the police officer involved (or at least in his/her division) and is sent to the crown attorneys' office just prior to the court date. Once the crown attorney has dealt with that court appearance the information (brought together in "crown envelopes") is returned to the police divisions involved. There are close to 100 crown attorneys working out of the Provincial and District Courts in Metropolitan Toronto.

The courts face a continuous backlog of cases. Appearances are scheduled weeks, if not months, ahead and, once the day arrives, they are frequently adjourned to another date. Adjournments are granted for a number of reasons: there is a lack of court space on the scheduled date; any one of the parties (police officer, defence counsel, crown attorney, witness, offender) does not show up; defence counsel or crown attorney requires more time to prepare the case; the judge is on vacation or one is unavailable; etc. As a consequence, cases very often take anywhere from six months up to two years to complete. Once the case has been completed, by withdrawal of charges, dismissal, stay, guilty plea, conviction or acquittal, and the sentence is handed down, the case information is filed with the particular court in which it was concluded.

In addition to the number of locations in which child sexual abuse cases are handled by CAS, police and courts, there are the complicating factors of turnover of personnel and heavy workloads. Annual turnover among CAS workers and crown

⁸ At the outset of this study, police officers dealing with children were under the authority of the Family and Youth Services Bureau of the MTPF. Subsequent reorganization of the police force put these officers under Community Programs. The number of divisions, which was 18 throughout the duration of our study, was also reduced to 17.

attorneys is relatively high. Because child sexual abuse cases can typically take from six to 18 months to disposition, continuity of CAS and crown attorneys on a case is difficult to achieve. The result is that the child will usually have contact with several persons in the child welfare and criminal justice systems throughout the progress of the case.

In designing the tracking study, the various points of contact and the trail of documentation were identified in order to capture the data required. Sections 4.0 and 5.0 describe the implications of this decentralized system for the research reported here.

3.0 THE CHILD VICTIM-WITNESS SUPPORT PROJECT AND ITS ROLE IN THE CRIMINAL JUSTICE SYSTEM

In this section we detail the operation and structure of the Child Victim-Witness Support Project. Reporting of findings is postponed for subsequent sections while the organization and typical operation of the project are emphasized here. Much of the description below relies on materials prepared by project staff and interviews with these individuals.

3.1 Rationale and Development

The Child Victim-Witness Support Project is one program within a larger effort by the Metropolitan Toronto Special Committee on Child Abuse to address the problem of child sexual abuse. The Committee itself was established in 1981 by the Municipality of Metropolitan Toronto as the Metropolitan Chairman's Special Committee on Child Abuse. From its inception, the Committee has had a membership consisting of the primary child welfare agencies, child health and medical organizations, law enforcement and justice representatives. In 1984, the Committee was permanently founded as a nonprofit organization with core funding from Metropolitan Toronto.

The Statement of Principles of the Committee define its philosophy as according primacy to the needs of the sexually abused child and to meeting these needs through the effective coordination of existing systems, including the CAS, police, crown attorneys, probation and parole, and school boards. The Committee is not a direct service organization. Direct service components are only developed if there is a gap in a service and that gap cannot be addressed by any one system.

A major target of the Committee is to reduce the incidence of child sexual abuse through protection to the child, prevention, early detection and prosecution. An integrated model for developing a comprehensive response to child sexual abuse was developed. The model addresses case identification needs, needs of the child for protection, and needs of the child for support.

The Child Victim-Witness Support Project is one component of this effort. It was preceded in 1983 by the development of the "Child Sexual Abuse Protocol" which defined the guidelines and procedures for child welfare, health and legal system handling of such cases. The objective of the Child Sexual Abuse Protocol was to provide a coordinated response which would reduce service duplication, eliminate service gaps and minimize the trauma to the child.

The Child Victim-Witness Support Project was developed to provide support to sexually abused children who were expected to testify in criminal court proceedings. In its funding proposal, the rationale is described thus:

Significant progress has been made in the areas of early detection, reporting, investigation and crisis management. Beyond this initial stage, however, children are not yet ensured of consistent support despite the best efforts of many. The absence of such support presents a particularly critical problem for children who face the prospect of testifying in court against their offenders.

As the proposal points out, "at various times in Metropolitan Toronto, support for the child at court has been delegated to a variety of agencies for a variety of purposes." No one system, however, is in a position to provide consistent support to children facing court. Child protection organizations assume the primary role in cases of intra-familial abuse. For extra-familial cases of child sexual abuse, the police are the only available resource for case continuity throughout the prosecution process. Police are not the appropriate body, though, for providing a court support program. Crown attorneys become involved in cases at too late a point to take on effective support and preparation of children. No single organization, therefore, has either the mandate, expertise or resources to assume this role as a consistently provided service.

Coincident with the development of the CVWSP, the Federal Government proclaimed Bill C-15 which relaxed several requirements for the acceptance of the testimony of child victims. The Bill came into force in January 1988 and, if its provisions are used, should lead to an increased willingness to have children testify in court. A court support program for children was seen by the Special Committee to be necessary to promote the use of the criminal justice system for cases of child sexual abuse. Police, crown attorneys and child victims with their supporting adults were expected to be encouraged by the successful prosecution of cases. This would be a much more likely outcome if these children and adults could be educated about and supported throughout the process. Providing support to the child victim-witness to testify in court was one way of increasing the rate of prosecutions as well as of assisting the victimized child to regain some control over his or her situation.

The Child Victim-Witness Support Project was therefore designed to assist children who face the prospect of testifying and to facilitate the child's competence as a witness. Child welfare agencies, police and crown attorneys can refer children who are expected to appear in court. These children participate with others of their age in four weekly group sessions which help them deal with their fears and educate them about the justice process, including trial procedures. One of the sessions offers child victim-witnesses the opportunity to role-play the trial in an actual court room setting with crown attorneys taking them through a mock direct and cross-examination.

An important component of the project is the inclusion of those adults identified as the significant source of support to the child. These persons go through a concurrent four-week series of sessions which focus on strengthening their ability to provide support to the child. This is done through educating them about the justice system and providing them with a resource network for additional help if required.

Over the three-year period of demonstration funding 16 group series were conducted in which more than 400 children participated. The following sections describe specific aspects of the CVWSP in greater detail.

3.2 Project Objectives

The proposal for Department of Justice Canada funding was initially submitted in December 1985 and revised for submission in October 1986. As the list of objectives indicates, the actual activities anticipated by the Child Victim-Witness Support Project extend beyond immediate work with child victims to attempts to influence the practices of individuals and systems dealing with sexually abused children.

Child Victim-Witness Support Project Objectives:

1. To provide a four-week group for sexually abused children, aged eight to 12, who may be required to testify in court as victim-witnesses.
2. To provide a four-week group for sexually abused children, aged 13 to 16, who may be required to testify in court as victim-witnesses.
3. To provide a four-week group for adults who will be providing support to child victim-witnesses.
4. To assess the impact of the groups upon participants' attitudes toward their involvement in the legal process.
5. To develop recommendations for policy development and professional practice aimed at responding to the needs and capacities of child victim-witnesses.
6. To provide information relevant for distribution to other communities which are responding to the needs of child victim-witnesses.

Objectives one to three above describe the service development intentions of the project. Objective four is an evaluation activity which had originally been expected could be addressed by an external evaluation. Objectives five and six indicate the intent to

affect the broader child welfare and legal environment in which child sexual abuse cases are processed.

3.3 Project Funding and Budget

The project budget over the three years of the demonstration period is broken down on the accompanying page.⁹ Approximately 17 per cent of the total expenditure of \$262,120 was accounted for by in-kind contributions from the Special Committee on Child Abuse in whose premises the program is located. The remaining 83 per cent was directly funded by the Department of Justice Canada for the first two years and Health and Welfare Canada for the third year.

Salaries, group leaders' compensation and professional fees accounted for almost 79 per cent of the total three-year budget.

First-year expenditures were less than budget by approximately 20 per cent. This resulted from a later start than anticipated and was therefore realized primarily from savings in fees-for-service and in clerical costs. Professional consultation was not used for curriculum development to the extent originally projected. However, costs for travel significantly exceeded the budgeted amount. The need for a full-time project assistant was identified during the first year. This position was accommodated through applying unused first year funds in the amount of \$12,260 for a .5 person-year project assistant in the second year and including this as a budgeted position for a full-time assistant in the third year.

Expenditures for consultants (lawyer and psychologist) have been less than expected because these resources were not used as much as initially planned for designing curricula or for reviewing program forms for legal requirements. Directly incurred operating expenses decreased after the first year during which materials were being developed and initially produced.

⁹ The reader should note that Table 3-1 represents the budgeted amounts, not the actual expenditures. Hence the discrepancy between the totals in Table 3-1 and those cited below. The figures given in the following paragraph are actual expenditures provided to the consultant by the agencies involved. No independent scrutiny of these figures was undertaken.

Table 3-1 Project Budget

	Year One	Year Two (revised)	Year Three (revised)
Salaries:			
Project Coordinator (.8 py)	\$ 27,480	\$ 31,135	\$ 33,360
Project Secretary (.5 py)	18,130	11,670	
Project Assistant		12,260	27,620
Benefits @ 7%	4,561	3,800	4,270
Sub-total	\$ 50,171	\$ 58,865	\$ 65,250
Fees for Services:			
Group Leaders	\$ 6,200	\$ 7,700	\$ 6,700
Legal Consultation Professional Consultation	5,040	3,500	
Secretarial Support	3,500		
Sub-total	\$ 14,740	\$ 12,190	\$ 9,690
Operating Expenses:			
a) Directly Funded			
Office Supplies/postage	\$ 1,400	\$ 684	\$ 600
Printing/publishing	2,000	500	550
Mileage/travel	600	1,100	1,300
Group Supplies/materials	2,200	1,370	1,400
Sub-total	\$ 6,240	\$ 3,654	\$ 3,850
b) In-Kind Contributions			
Occupancy Costs (15% share)	\$ 5,250	\$ 5,513	\$ 5,730
Furniture/equipment	2,200	2,310	2,400
Telephone	440	462	480
Executive Director's Time (.1 py)	6,000	6,300	6,550
Consultants' Time			
Sub-total	\$ 13,890	\$ 14,585	\$ 15,160
TOTAL BUDGETED AMOUNTS	\$ 85,041	\$ 89,294	\$ 93,950

3.4 Structure and Staffing

3.4.1 Organizational Structure

As Section 3.1 has described, the Child Victim-Witness Support Project is one of several activities developed and managed by the Metropolitan Toronto Special Committee on Child Abuse. The committee itself consists of a 19-member board, 10 permanent staff, and 20 contract staff headed by an executive director. Six staff positions have direct program responsibility. The remaining four staff fill secretarial or accounting positions. The CVWSP has a volunteer Project Advisory Committee comprising organizations which are directly related to the program's objectives or clientele. This Project Advisory Committee provides guidance to the coordinator on an ongoing basis and recommends methods for establishing support mechanisms for child victim-witnesses.

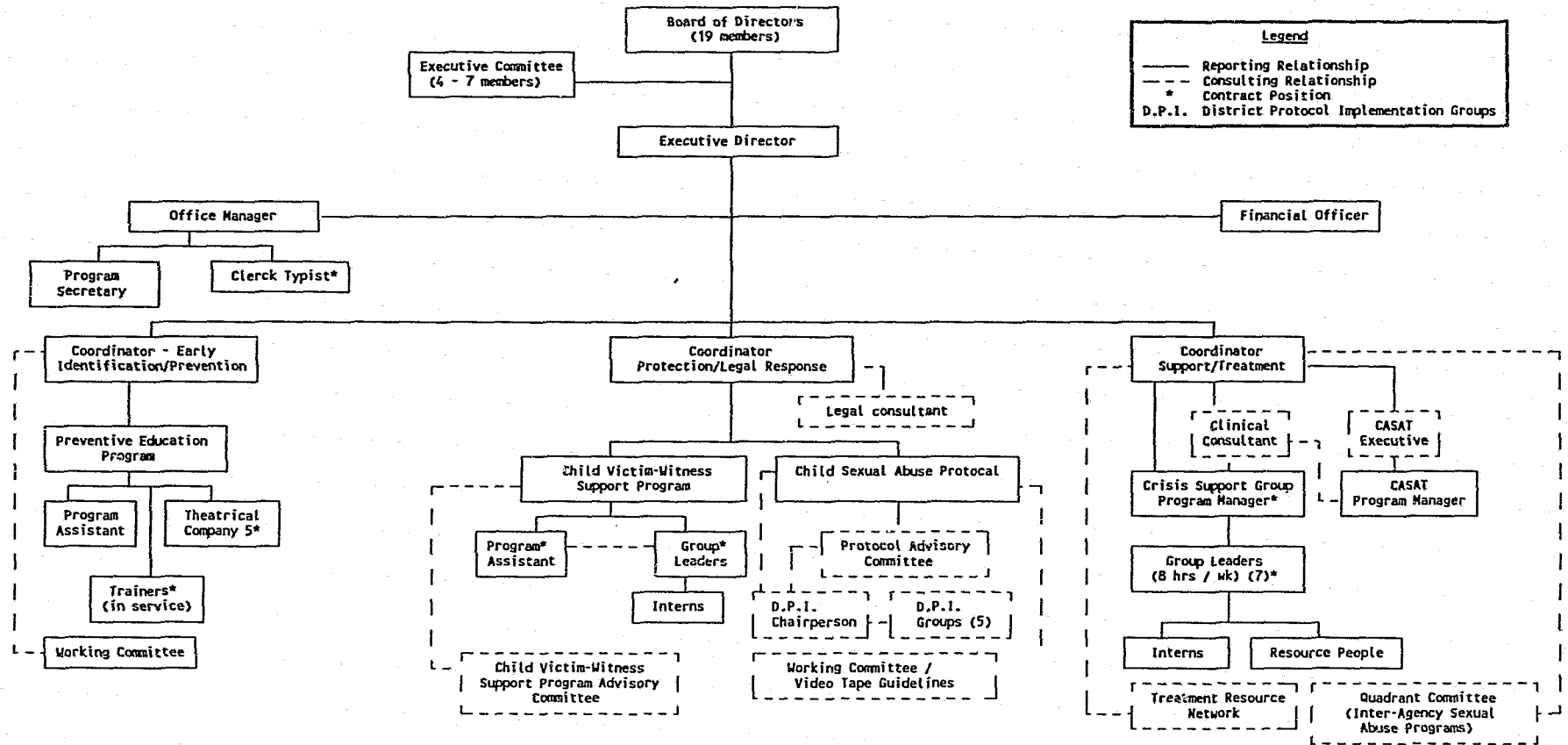
Member organizations of the Project Advisory Committee include:

- Ministry of the Attorney General;
- Judicial District of York Crown Attorney;
- Provincial Office of the Official Guardian;
- Metropolitan Toronto Police Force;
- Metropolitan Toronto Children's Aid Society;
- Catholic Children's Aid Society;
- Jewish Family and Child Service;
- Department of Justice Canada Research Section;
- Health and Welfare Canada;
- Executive Director of the Metropolitan Toronto Special Committee on Child Abuse.

The overall organizational structure is outlined on the accompanying diagram (Figure 3-1).

The accountability structure for the project runs from the Special Committee board and its executive committee through the executive director, who has responsibility for general project management, and then to the project coordinator. The Project Advisory Committee has no direct line authority or management responsibilities. However, it is regarded by project staff as a critical body to be consulted in all areas touching on the CVWSP's service to children. Financial and program progress reports have been submitted quarterly to the Department of Justice Canada and to Health and Welfare Canada during their respective funding periods.

Figure 3-1 Metropolitan Toronto Special Committee on Child Abuse — Organizational Chart



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3.4.2 Staffing

Since October 1988, the Child Victim-Witness Support Project has had one full-time staff attached to it in the position of project assistant. The project coordinator has a .8 person year commitment to the CVWSP, while three group leaders are on fee-for-service contracts for 24 hours during each four-week series (plus about five hours per month in those months when groups are not held). In addition to these individuals, the executive director provides consultation to the project as required. Her commitment to the CVWSP is estimated at approximately 10 per cent of her annual time. Legal consultation and the services of a psychologist are available. A secretary is provided to the project from the Special Committee staff on an as-needed basis.

Below are brief outlines of their responsibilities and functions.

Project Coordinator:

- responsible for ongoing daily operation of the program
- selection and supervision of group leaders
- development of other resources for program consultation and advice
- receives and follows up referrals to the program
- maintains documentation on project activities, on referrals, on program participants, and other as required for accountability and reporting
- education and outreach with agencies and individuals having contact with sexually abused children
- outreach to interns

Project Assistant:

- assistant to the project coordinator
- assists with receiving, processing and monitoring of referrals
- assists with interviews of children prior to the program
- leads a child victim-witness group
- provides individual support prior to or in court as required
- assists with program administration and conduct of meetings of project staff
- assists in maintaining client-related and program/funding required reports
- assists in developing curriculum materials for distribution to other communities

Group Leaders:

- facilitate departure and arrival of participants as required for each of the evenings when group sessions are being held
- plan delivery and content of group meetings
- lead Child Victim-Witness Support group meetings for each series
- attend meetings, maintain attendance records, prepare series reports

Job qualifications for the project assistant include a child care or social service certificate at the community college or university level. Group leaders are selected more for their familiarity with the criminal justice system and their group facilitation skills than on formal qualifications alone. The group leaders selected include two child care workers, one social worker and one lawyer. No special training beyond project orientation is provided by the CVWSP.

3.5 Project Eligibility Criteria and Referral Sources

3.5.1 Project Eligibility Criteria

Originally several criteria for acceptance into the project were defined. These were promoted to the most likely sources from which referrals were anticipated. Cases referred to the project should:

- a) be sexually abused children
- b) be aged eight up to 16 years
- c) be expected to testify in criminal court proceedings
- d) either live within the boundaries of Metropolitan Toronto or, at least, have had some contact with the MTPF or one of the Metro Toronto CASs
- e) have been referred by either the MTPF or a CAS (or possibly a Metro crown attorney)
- f) participate voluntarily.

The intent of the CVWSP is to meet the needs of those children who must go to court by preparing them for this experience. The project does not attempt to provide therapeutic intervention for children or for supporting adults who may be suffering severe emotional trauma. As a result, a further project preference, although not an eligibility criterion, for accepting child victim-witnesses is that they should have previously had whatever professional treatment may have been necessary.

Where children or adults appear to require (or request) additional counselling support, project staff inform the referring CAS worker of this need. In cases where there is no CAS worker involved, staff attempt to link the participant with other support services.

In the past, children below the age of eight have not frequently been called to testify. The developmental stage of much younger children would also have introduced specific needs in the design of a group court-support program beyond the intended scope of the project. Therefore, underage children who are referred with their support adults are offered one or more sessions on an individual basis. Others given individual assistance include those whose case will proceed to court before the series to which they have been referred is completed and male victims if there are not enough of these for a separate group.

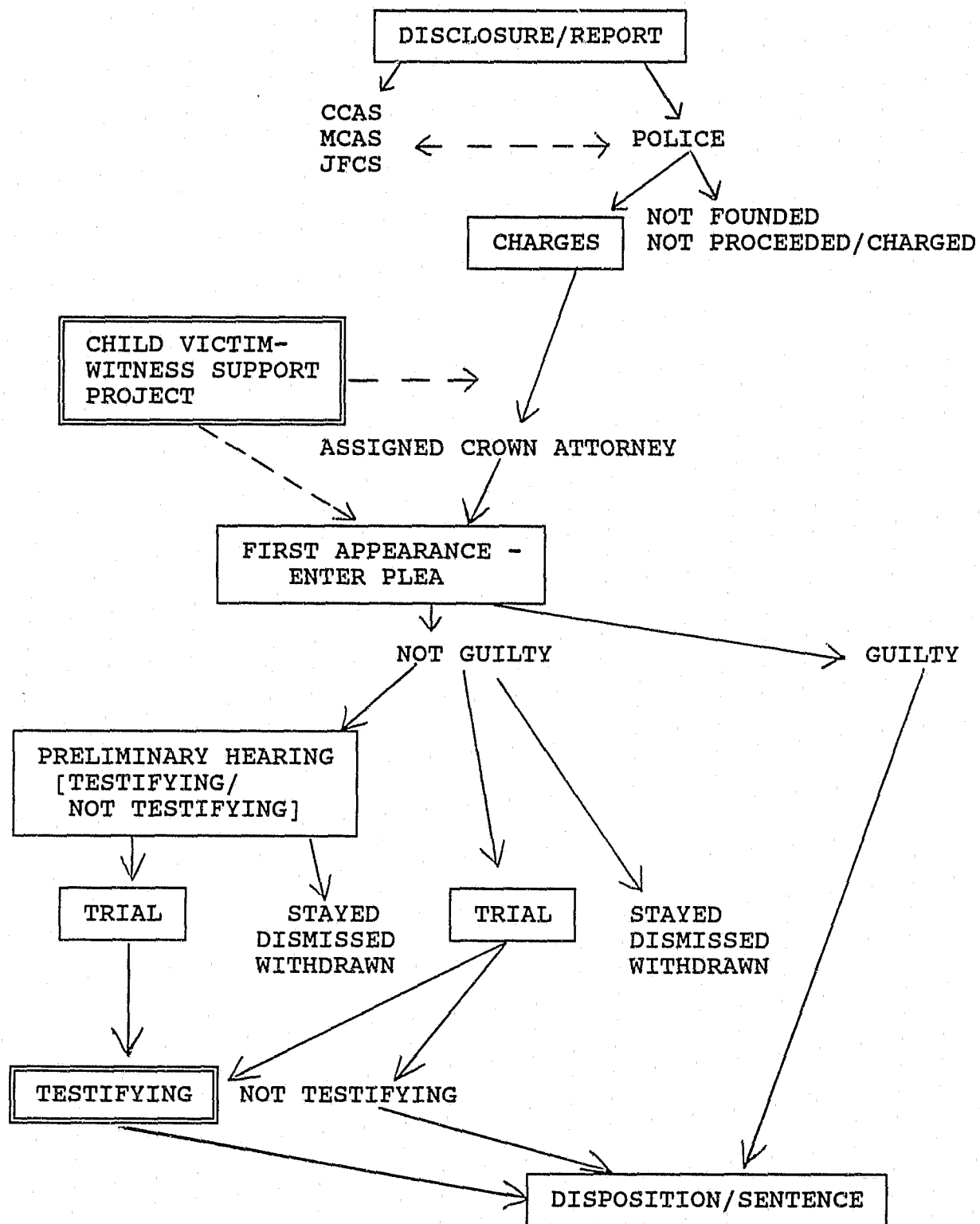
The CVWSP prefers to have an adult support person, who will ultimately accompany the child to court, participate in the program. Adolescents, especially, are more likely to arrive without adult supports. If children are referred without a support adult, the project coordinator asks the referring CAS worker or police officer to identify an individual who is willing to help the child until the conclusion of the court case. As a result, the adult groups have included CAS workers, other social workers, foster home staff, group home workers, grandmothers and sisters of the child victims.

3.5.2 Referral Sources and Process

In the original project proposal two major referral sources were anticipated: child protection agencies (CASs and the JFCS) and the police force. These organizations receive the initial reports of child sexual abuse. CASs have a responsibility to advise the police of cases disclosed to them. Police, also, have a duty to report to the Societies cases of child sexual abuse. The CVWSP did not expect that crown attorneys would be a referral source because they have little contact with the child until shortly before court. This results in crown attorneys not having enough advance time to refer a child to the program and have that child participate in the project series (see Figure 3-2 following).

Once a referral to the CVWSP has been made, the project coordinator obtains whatever information is available from the source of the referral and completes the 'Program Referral Form'. One important piece of information is the court date for the preliminary hearing or trial since the child should be able to complete the series prior to, but not too far ahead of, the anticipated date. The project coordinator or project assistant then follows up the referral with a preseries interview with the child and nonoffending parent(s), usually conducted in the local CAS office.

Figure 3-2 The Child Victim-Witness Project in the Criminal Justice System



The preseries interview provides an opportunity for determining the appropriate group as well as for explaining the program to the child, reducing the child's anxiety, clarifying transportation arrangements, and encouraging participation.

Before a project assistant was obtained, the coordinator found it possible only to follow up approximately one-half the referrals in the month between referral and program series start. Since series seven, however, these two staff members have been able to carry out preseries interviews with all prospective participants.

3.6 Group Preparation of Children for Court

During the period of the program review (up to December 1989), two groups for girls and one for adults were conducted concurrently once a week for four weeks over 14 program series. Because of the very different maturity levels and problems experienced, child participants are divided into two groups by age - one for eight to 12-year-olds and one for 13 up to 16 years. The age boundary between the groups is not rigid, however, since adolescent children can range widely in their degree of maturity.

The third group consisted of those adults, whether natural parents, social workers, group home workers, or foster parents, who would provide the ongoing support for the child throughout her ordeal.

The primary emphasis of the project is on the use of group sessions to prepare children for court. This is not only an efficient delivery structure but is also believed to be beneficial to the child in overcoming her sense of isolation and in providing an opportunity to develop mutually supportive contacts with others of her age who have been through the same ordeal.

Despite this emphasis, the project has found it necessary to offer occasional individual support for a number of reasons, e.g., referrals of younger children, of child victim-witnesses whose court case would occur in the middle of the next series (i.e., a late referral), or of male victims if there are too few for a separate group.

A curriculum for each of the three groups was developed prior to the program series start and has been refined on the basis of experience. A review of the literature on sexually abused children and child victim-witnesses indicated to the project framers that these children had specific needs which would have to be met if they were to be competent and effective witnesses in court. An "Inventory of Issues Facing Child Victim-Witnesses" was created and the curriculum was developed in response to this. The program content is thus a deliberate attempt to address these specific needs.

3.6.1 Groups for Child Victim-Witnesses Aged Eight to 12 Years

The pre-adolescent group has ranged in size from two to 11 over 14 series to December 1989. The group leader judges eight to be the optimal size for running an effective group with children of this age with the assistance of an intern.

The content of this group series is outlined in the curriculum. According to the leader, several aspects of the preparation are particularly important for this age:

- explaining to them that the purpose of the group is to talk about the court process and not about what happened to them;
- their understanding of the oath and what it means to be sworn;
- their fears and concerns;
- their understanding of the individual players in the court and their roles;
- their understanding of the possible reasons for adjournments and that these or other delays are not the result of anything that the child has or has not done;
- explaining the concept of "not guilty", which rests on the determination of guilt "beyond a reasonable doubt"; this is very difficult as most children interpret acquittal to mean that the accused did nothing or that they themselves are to blame;
- having the child make a decision about who they most want to have accompany them to court and whether they want to have this individual (or anyone else) in the court room while they testify.

A number of aids are used by the group leader in presenting this information to the children. These teaching aids include:

- the book entitled "So You Have to Go to Court" which each child receives;
- children's preparation of lists to which they can later refer for "before and after" comparisons: list of fears, list of feelings about the accused;
- drawings, some completed individually and others done as a group: what they think the court looks like;
- a workbook to be completed by the child and to be retained and shown to the crown attorney if the child wishes;

- use of hand puppets to demonstrate roles of court officials;
- reproduction of a court room (approximately 4'x3'x1') with miniature figures that can be manipulated;
- word games such as jumbles in which the words are related to court or the justice process as well as puzzles based on the same theme.

Children are given several tips about how to make themselves more comfortable on those days they spend either waiting to appear in court or on the stand, e.g., such as taking something to eat, having games or other amusements, having lots of tissue, how to ask to go to the bathroom, having a favourite toy with them, etc. They are also taught various techniques to enable them to focus on the crown attorney and to maintain their composure. Among these are specific relaxation exercises (breathing, muscle tension and release).

Between the third and fourth weeks of the series, the assistant project coordinator contacts the police officer involved to ascertain whether a crown attorney has been assigned and, if so, who. This also serves as a reminder to officers to ensure that the child has contact with a crown attorney prior to their appearance in court.

3.6.2 Groups for Child Victim-Witnesses Aged 13 to 16 Years

During the 14 group series examined for this program review, the size of the adolescent group has also varied from two to 11. This group has a group leader together with an assistant or intern.

The group process for adolescents covers the same content as the younger group, however, there are some significant differences. These are evident in both the emphasis accorded to certain aspects of content and in the nature of the groups themselves:

- leaders focus more on the feelings experienced by the adolescents in reaction to both their situation and the prospect of court than on the technical details of the justice process;
- the development of a mutual support network among the participants is emphasized and this occurs fairly quickly as the adolescents see others in their peer group who have undergone the same experience;
- this age group engages in much more discussion about their situation and about the anticipated trial;

- leaders deal with the issue of potential defence tactics if these are raised by the child participants; concerns may be expressed about depicting the victims as somehow responsible for the assault, i.e., portraying girls as "provocative", "asking for it", or being sexually experienced; the objective is both to prepare these victim-witnesses and to counteract inferences of guilt on their part;
- leaders emphasize to these adolescents that they must project a vision of their life beyond the court process - what will life be like for them after this is completed and what aspirations do they have for this subsequent period?
- the adolescent girls tend to be self-conscious and are often somewhat reluctant to engage in role playing during the court-room visit.

Teaching aids for this group include:

- lists of fears and of feelings about various aspects of the court experience;
- drawings;
- a choice of books - "So You have to Go to Court" and "After Sexual Assault ...".

3.7 Strengthening the Child's Supports through Group Preparation of Adults

The adult group has had two leaders because of the high level of group interaction, the more complex information needs of adults, and the larger numbers in this group. The groups themselves have ranged in size from six participants to 23. Their social and demographic composition has varied widely. Participants have included social workers, group home workers, biological mothers and fathers, foster mothers, a grandmother, and sisters of the child victims.

Again, while covering a similar basic content, the leaders focus on particular issues in response to the needs of this age group:

- leaders emphasize that the purpose of the program is primarily to provide information about the justice process and not to provide therapy although it will offer support where needed; adults are made aware of other resources to which they can turn for additional help;
- participants are warned that the justice system may, in fact, not give them the results and answers they are seeking; the reasons for not proceeding with a case

or not obtaining a conviction are explained so that the adults will realize how legal decisions are made;

- the adults express a great deal of anger about the rights they perceive as being available to the accused but not to the victim; group leaders attempt to defuse this anger and help them place the rights of the accused in an appropriate context;
- leaders prepare the adult supports for the possible reactions that they might have to their child testifying and revealing things that they may not have known about or that they may not condone; the importance of their being nonjudgmental and consistently supportive is emphasized;
- the adult participants are instructed that it is their responsibility to make clear to the assigned crown attorney who the child wants to have in court and to insist that this wish of the child be accommodated wherever possible;
- it is also suggested to the support adults that they permit the child to determine special activities to do on the day(s) in which they must attend court, e.g., a special "treat" afterwards or a particular place they would like to go.

In working with adult participants the leaders use lists (of fears, of concerns about court, of their expectations) and two handbooks which are provided to each adult, "So You Have to Go to Court" and "After Sexual Assault...". This latter book has been prepared by the Department of Justice Canada for adult victims of sexual assault and it addresses the stages involved in the criminal justice process.

The foregoing description of the CVWSP has provided a detailed outline of the program's group support model as well as of its "typical" process in dealing with the three groups. Approximately one-third of the children referred have been offered individual court preparation because program staff felt that they should not be denied the service. These participants were either under eight years of age, facing an imminent court date or involved in a case along with several other children. This activity was not included in the program review. There is neither a standardized teaching approach nor a predictable schedule for these cases.

Before presenting the results of the tracking study and program review, we discuss in Section 4.0 the specific issues which were addressed and in Section 5.0 the methodologies that were employed.

4.0 STUDY OBJECTIVES

The research ultimately evolved into two relatively discrete components: the profile and program review of the Child Victim-Witness Support Project and the tracking of cases disclosed to the police and child protection agencies.

Section 4.1 below outlines the objectives and issues pertaining to the tracking study which were addressed in the course of the work. Section 4.2 describes the objectives and issues defined for the program review of the CVWSP. In 4.3 the parameters of the study and the constraints affecting our ability to address the issues are discussed.

Because the child welfare and criminal justice systems form the context within which the CVWSP operates, we present the issues related to the tracking study first. For the same reason, Section 6.0 reports the findings of this aspect of the research ahead of the presentation of the program review results. This provides the reader with an understanding of the background and criminal justice environment of the CVWSP.

4.1 Issues Addressed in Tracking Child Sexual Abuse Cases Through the Child Welfare and Criminal Justice Systems

The study Terms of Reference asked for child sexual abuse cases to be tracked through the child welfare system, the police, and the courts. Of particular concern was the "funneling" of cases, i.e., cases dropping out at various points as they proceed through the system.

The funneling of cases through the child welfare and justice systems is very complex. Key points at which cases may fall out of the system include:

- i) when a case is not substantiated during the police investigation;
- ii) when a case is substantiated but the suspect unknown;
- iii) when a case is substantiated but no charges are laid;
- iv) when charges are laid and later dropped;
- v) when a guilty plea is entered;
- vi) where not enough evidence to proceed and the case is therefore dropped at the preliminary inquiry;

- vii) where there is a not guilty verdict at the trial;
- viii) where the accused is found guilty and is sentenced.

All substantiated occurrences of child sexual abuse reported to the MTPF over the 12-month period of September 1, 1987, to August 31, 1988, were identified from police occurrence reports and were subsequently tracked to their conclusion in court.

The following specific issues were identified in the Terms of Reference as questions to be answered in the tracking study.

4.1.1 Issues Addressed in Tracking Cases from the Child Welfare System

- How many occurrences of child sexual abuse are reported to the Children's Aid Societies?
- What are the characteristics of substantiated cases of child sexual abuse which come to the attention of the child welfare system, the police, and ultimately the courts?
- What are the major factors that determine that a case will not proceed through the child welfare system? What decisions are made, and for what reasons?

4.1.2 Issues Addressed in Tracking Cases from the Police and Courts

- How many occurrences of child sexual abuse are reported to the police?
- What are the characteristics of substantiated cases of child sexual abuse which come to the attention of the child welfare system, the police, and ultimately the courts?
- How are cases of child sexual abuse funnelled through the justice system? In particular, what proportion of cases:
 - a) are not substantiated;
 - b) are substantiated with no charges;
 - c) result in criminal charges being laid;
 - d) involve a preliminary hearing;
 - e) have charges dismissed at the preliminary hearing;
 - f) have proceedings stayed;
 - g) proceed summarily;

- h) proceed by indictment;
- i) proceed to provincial court;
- j) proceed to district court;
- k) result in a guilty plea;
- l) have children testify;
- m) result in a not guilty verdict;
- n) result in a guilty verdict.

- What are the major factors that determine that a case will not proceed through the criminal justice system? What decisions are made, and for what reasons?
- What are the characteristics of cases which come to court? How do these cases differ from those cases which do not reach court?
- What is the nature of the criminal process and what are the current practices after charges have been laid?
- What happens to children in the court process with regard to opportunities for court preparation? How many times do they have to repeat their story?
- What is the prevalence of various judicial outcomes? Are judicial outcomes related to offence characteristics or certain demographic factors?

4.2 Issues Addressed in Reviewing the Child Victim-Witness Support Project

4.2.1 Program Process Dimensions

- Are there children who meet the program criteria but who are not being referred? If so, why not? (incorporates project objectives 1 and 2 as described in Section 3.2)
- Are the children who are referred meeting the criteria established for participation in the program? (Objectives 1 and 2)
- Are there systematic differences between those referred to the program but who do not attend and those who are referred and maintain attendance? (Objectives 1 and 2)
- How does the program address the needs of children for testifying in court? (Objectives 1, 2 and 3)

- Does the program assist adults to provide support to the child victim? (Objective 3)

4.2.2 Program Outcome Issues

- Is there a relationship between program involvement and a) the case proceeding through prosecution to outcome b) the child actually testifying in court either at the preliminary hearing or at trial? (Objectives 1, 2 and 3)
- How does the child actually perform in court? (Objective 4)
- To what extent is information produced for distribution to other communities and to what extent is such information requested? (Objective 6)

4.2.3 Program Impact Issues

- Has the program influenced practices and procedures of the child welfare/criminal justice system in dealing with sexually assaulted children? (Objective 5)

4.3 Bill C-15 Issues

- What types of questions are asked by the crown attorney and the defence counsel?
- Taking into consideration the recent changes to the Criminal Code and to the Canada Evidence Act brought about by Bill C-15, how is the credibility of the complainant being assessed? What types of evidence are introduced? Are the hearsay rules being relaxed? Is corroboration of evidence still being required?
- Is videotaped evidence being introduced?
- Are the rules of evidence applied differently when the offender is under the age of 16? Are court procedures the same?

4.4 Parameters of the Evaluation

Before describing the methodologies used to address the above issues, we outline below the constraints that influenced our decisions regarding both research design and methodologies.

4.4.1 Availability of and Access to CAS Files

Originally, we proposed to undertake a file review of intake forms for child sexual abuse cases in each of the three CASs for the same period over which data was to be collected from police occurrence reports. The extent to which such information is computerized by the CASs varies. The CCAS enters most data concerning child sexual abuse cases once these are substantiated and opened as cases. Unfortunately, this data does not include all reported cases. Reports are investigated to some extent before a decision is made to open a case and then only those that are proceeded with are entered in the CCAS database. The MCAS does not have a computerized information system for case data. Their files are available in written form only.

Although we were willing to assign staff to a file review of the cases identified by the two CASs, a further consideration ruled this out in the view of the Societies. Confidentiality of such information is essential and the Ministry of Community and Social Services¹⁰ policy at the time of the research required that any information concerning an individual could only be obtained with the written consent of that person. This would have necessitated all CAS workers involved with the reported child sexual abuse cases contacting these individuals and requesting their consent by means of a signed form before we could have any access to their files.

This was clearly a task of major proportions for already overworked CAS staff. Moreover, since many of these cases had been either closed already or had not proceeded past an initial investigation, CAS workers would have had no contact with these families for a considerable period. Simply locating them would have taken a substantial amount of time and effort. For these reasons, a file review was not pursued and we relied instead upon whatever data the CAS organizations were able to provide from their computer or other aggregate reporting systems. This data was supplemented by interviews with 44 CAS workers from the CCAS and MCAS various offices who worked with child sexual abuse cases.

¹⁰ This Ministry is responsible for the welfare of children and, therefore, for the operations of the CASs, under the Child and Family Services Act, 1984.

Because we could not review CAS files, it was difficult to ascertain whether there were children in contact with these agencies who were candidates for the program but had not been referred. Since the CASs were the most common referral source, this was a distinct drawback. We had only the cases identified from police occurrence reports to determine those eligible for the project but not referred. These were identified and comparisons made with the referred group in order to determine whether there were systematic differences between the two groups. In addition, police, CAS workers and crown attorneys were asked about referrals to the program and the basis upon which they decided to send sexually abused children to the CVWSP.

4.4.2 Availability of and Access to Police and Court Data

The former Family and Youth Services Unit of MTPF reported that they had kept copies of occurrence reports on child abuse cases from September of 1987, the beginning of the operational phase of the CVWSP. Because we wanted to link cases reported to the police with cases referred to and participating in the CVWSP, it was desirable to have occurrence information for a period overlapping with the program operation. On the other hand, to follow cases through the court meant that a reasonable length of time had to have elapsed since the first report in order to allow at least six months for these cases to have reached that point.

We decided that the 12-month period from September 1, 1987, to August 31, 1988, would permit us to identify those cases which were referred to the program and those which could have been referred but were not, as well as to track these cases to their conclusion in court. As it turned out, at least 15 per cent of the 434 occurrences resulting in arrest or charges were still not concluded by the end of 1989.

When examining the feasibility of answering the tracking questions, we found that documented information concerning child sexual abuse cases was available at several points in the justice system process: occurrence and investigation (former MTPF Family and Youth Services Unit); crown envelopes with police investigation information at the crown-assignment point in each court; court proceedings' results with the assigned crown attorney at the completion of each court date and, subsequently, back to the specific police division from which the case was being handled; disposition information at the Police Records Unit when the case was concluded; and informations at the different courts once the court case had been terminated, either by sentencing or otherwise.

Since the (former) Family and Youth Services Unit had stored copies of the occurrence reports, these, at least, were at a central location. Once the case starts through the court process the occurrence reports, supplementary reports (investigation information) and crown envelopes remain with the arresting officer at any one of 18 police divisions (now reduced to 17) across the metropolitan area. When a court date

comes up, these are forwarded to the Police Bureau at one of the eight possible court locations where they are held until required by the crown attorney. At the point at which charges are laid, the deputy crown attorney heading each crown attorney's office has the envelope so that the case can be assigned to an assistant crown attorney for prosecution.

Court process and disposition information was maintained by the MTPF but was only easily available from Records Unit once the case was completed and this information entered into the MIS database.

Ultimately, to track the funnelling of cases we tapped into the system at three points and gathered data at these junctures, matching individual case information at each point:

- data from the occurrence reports following the police investigation - provided by the (former) MTPF Family and Youth Services Bureau;
- data from the files held by MTPF Records Unit;
- data from the informations filed in Provincial and District Courts following conclusion of the court case - coded by the consultants for the provincial courts and provided by the assistant crown attorney for the District Court.

Data was therefore available to us to identify the proportions of cases funnelled out at various points, to determine some of the characteristics of cases coming to court, to carry out the comparison of cases proceeding and not proceeding, to describe the charges and nature of the criminal process, and the prevalence of various outcomes. Opportunities for children to be prepared for court and the number of times they may have to repeat their story was ascertained partly from the documentary data and partly from the interviews carried out with police officers from all divisions and with crown attorneys in each of the courts. These interviews also addressed the question of current practices in the handling of child sexual abuse cases by the criminal justice system.

The major factors determining that a case will not proceed could only be examined for those cases that had originally been substantiated by the police as a result of investigation. The MTPF would not permit any coded data concerning nonsubstantiated cases to be provided arguing that, in fact, these cases were not actually occurrences of child sexual abuse because no incident was clearly determined to have happened. Again, interviews with police officers and crown attorneys included questions related to this issue.

4.4.3 Constraints Resulting from the CVWSP Design

In its initial development the CVWSP had decided that random assignment would not be an acceptable basis for entry to the program. The project felt that denial of service to a child facing court would be contrary to its philosophy. This precluded the conduct of a true outcome evaluation of the effectiveness of the project in preparing children for court. We therefore emphasized a review of process factors and a qualitative assessment of project appropriateness and usefulness based on the perceptions of project participants and of members of the justice and child welfare systems.

The impacts anticipated by the project included changes to court outcomes and sentences in cases where children did testify as well as changes to the processing of child sexual abuse cases by the child welfare and criminal justice systems. Because of the problems just discussed in being unable to clearly attribute changes to the project, we chose instead to focus on addressing the question of whether practitioners in these two systems could themselves identify any influences that the project or information generated by it may have had on their activities.

The ability to identify changes in practices and procedures as a result of the Child Victim-Witness Support Project therefore depended upon the perceptions of those officials who work with sexually abused children throughout the criminal justice process. These included police in the Family and Youth Services Unit, MCAS and CCAS workers, and crown attorneys. These individuals were not able, of course, to identify differences in treatment of children who had participated in the program in comparison to the treatment of other children. However, they could comment on changes or adjustments in their procedures compared with their former usual practices and could assess the impact of the project on their having adopted these changes.

The CVWSP was also concerned that observation by an outsider of a single group session out of the four in the series would be unnecessarily intrusive for the participants. However, resources did not permit us to observe an entire series of four sessions which would have been an acceptable alternative to the CVWSP. This constrained our ability to assess the sessions themselves and we have had to rely instead upon an examination of the materials and written curricula, interviews with project staff and the perceptions of child and adult participants, CAS workers, police and crown attorneys.

A profile of cases involving children referred to the program was available from project records. These records included information about the children, about the incident of abuse, about the offender and about the criminal case to date. There was no recorded information about the specific nature of the abuse other than the charges which had been brought.

The program maintained attendance records as well so that those referred but not attending could be identified. Interviews with support adults who had not attended or who had dropped out were planned. However, many of these individuals proved difficult to locate and we were forced to interview the original referral source to find out what had happened to these cases and why they had not continued in the project.

4.4.4 Logistics Involved in Observing Children in Court

The only source from which we could identify both project and non-project participants whose cases proceeded to court was from the tracking research starting with police occurrences and ending with the informations filed in court records. However, there was no information from these sources with respect to whether the child had actually testified in court. From the project staff we were able to determine how many child participants ultimately testified but there was no comparative data to indicate whether this was an effect of the program.

An assessment of the child's effectiveness and composure in court was carried out by using an observation checklist that conformed to the content of the court preparation program. Because of the unpredictability of the child's appearance in court, a systematic series of observations was very difficult to achieve. The court observer depended upon project staff for advance notification of court dates. Some observation checklists were completed by the project staff who attended court on the child's behalf while others were completed by the consultant's staff. Although we recognized that having project staff complete these checklists introduced potential bias, these individuals were the most likely persons to be in contact with the children and have knowledge of the court dates. In addition, they were often in attendance at court as part of their usual responsibilities. The primary difficulty was to cover six courts, sometimes with very little notice and quite often without the case being heard on the scheduled day. On many occasions an observer attended court all day only to have the child's case be adjourned to another date.

In the end, 29 court observations were completed, some of these consisting of the same child on more than one occasion. The objective was to assess difficulties faced by the child and strengths demonstrated by him or her. The court observations were supplemented by information from interviews with support adults who could comment on the child's experience in court.

It was not possible to do an analysis of whether recent changes to the Criminal Code and to the Canada Evidence Act brought about by Bill C-15 have changed the court proceedings as there is no data readily available on court room proceedings prior to Bill C-15 for comparison. The descriptive information provided by the court observations was used to identify those aspects of Bill C-15 which had been implemented

and interviews with crown attorneys also addressed their perceptions of changes introduced through Bill C-15. These could have included the use of videotape evidence, screens, and closed circuit television, allowing children to testify without being sworn and having younger children testify as a result.

The court observers used the same observation checklist mentioned above for coding Bill C-15-related behaviours and activities in court on the part of the child, the crown attorney, the defence counsel, and the judge.

5.0 METHODOLOGIES AND ACTIVITIES

This section describes the methodologies used to address the issues outlined in preceding sections. The program review and the tracking of cases through the child welfare and justice systems have been treated as two distinct research components. They are, however, related to the extent that some of the same research activities addressed the information needs of both.

5.1 Methodologies for Tracking Cases through the Child Welfare and Criminal Justice Systems

Tracking cases of child sexual abuse through the justice system required data collection from three sources: MTPF occurrence reports, MTPF disposition records, and court informations on which the charges and court processing were outlined. Data from each source pertaining to the same case was linked through a common identification number for analysis of a 12-month population of substantiated cases of child sexual abuse occurring in Metropolitan Toronto. The 12-month period which was determined to be most appropriate was from September 1, 1987, to August 31, 1988. This was based on the advice of police and crown representatives who felt that this period would provide a long enough interval for the majority of cases to have been completed in the court.

5.1.1 Data Collection From Police Occurrence Reports

Information from occurrence reports was coded by a sergeant in the (former) Family and Youth Services Unit. A coding form was drawn up by the consultants and piloted prior to this activity. Six hundred and ninety-two (692) occurrences over the period from September 1, 1987, to August 31, 1988, were coded. In addition, 129 unsubstantiated cases of child sexual abuse were also reported. These were not coded.

This data was entered into a computerized database and analyzed with SPSS. Data from the occurrence reports was used to address most of the tracking issues.

5.1.2 Data Collection from Police Disposition Records

MTPF Records Bureau retrieved all files pertaining to those offenders identified in the coded occurrences and made these available to the consultants' staff at police headquarters. Information related to charges, outcomes and sentences was coded from these files. The sentencing data available from this source was critical for identifying and obtaining the required information from court records. Two hundred and ninety-one

(291) disposition records were coded, i.e., all cases of child sexual abuse which had proceeded to court.

5.1.3 Data Collection from Informations Filed with the Courts

Permission to review informations filed in each of the five provincial courts was obtained from the Regional Court Administrator. Court staffs were very helpful. They pulled the informations from their files and provided the researchers with a desk from which to work. Approximately a day was spent in each court to code the data concerning charges, court dates, the nature of each proceeding, the outcome of each proceeding, bails set, bans imposed on proceedings and the dispositions of each case.

One hundred and sixty-seven offenders were identified as having had their court cases completed in provincial court. Of these only 120 were eventually located and coded. Young Offenders were not included on this list. Disposition information for 69 Young Offenders was obtained from police disposition records.

Seventy-six cases proceeded through District Court. Fifty-seven of these files were located, pulled and coded by an assistant crown attorney at District Court.

5.1.4 Interview Surveys with Selected Groups

Child welfare workers who had referred children to the project as well as those who had not were interviewed by telephone about the major factors that determine whether a case will proceed through the child welfare system.

MCAS and CCAS members of the Research Advisory Committee identified workers in each of their 12 area offices who were in a position to have possibly dealt with child sexual abuse cases. The names were distributed approximately equally between the two organizations and across their metro locations. Forty-four child welfare workers were interviewed. These individuals proved hard to reach as they spend much of their time in the field. Once reached, the interviews ranged from approximately 20 to 30 minutes.

Police officers in the (former) Family and Youth Services Unit in each of the then 18 police divisions were also interviewed by telephone. The interviews addressed questions related to the major factors that determine whether a case will proceed through the criminal justice system.

The (former) Family and Youth Services Unit Inspector at police headquarters supplied us with a list of all such officers in each division in the metropolitan area.

Officers were chosen randomly but with a relatively equal number from each division. Forty-five police officers were interviewed with a questionnaire similar to that used for the child welfare workers.

Interviews by telephone were carried out with crown attorneys who frequently prosecute child sexual abuse cases. These interviews included questions on the nature of the criminal process and current practices after charges are laid; what happens to children in the court process with regard to opportunities for court preparation; the types of questions asked by the crown attorney and defence counsel; the number of times a child victim has to repeat their story; and the effects of Bill C-15.

5.2 Program Review Methodologies

As was already mentioned, some of the methodologies and data sources employed in the tracking study were the same as for the program review component of the research. However, we have detailed these again below to the extent that they apply to this aspect of the study.

5.2.1 Data Collection from CVWSP Documents

The 'Program Referral Forms' and 'Post-referral Notes' completed by project staff contained information about the offence and about the child victim. This information was coded for each child referred to the CVWSP since the first series in September 1987 and was entered as a database which included all project participants to the end of December 1989. Three hundred and twenty-three children were identified for this database.

Other information recorded by project staff was also coded and integrated with the same database on program child participants. This included the 'Central Referral Form' and 'Central Attendance Record'.

5.2.2 Assessment of Program Materials, Teaching Aids and Curriculum

Project resource materials, teaching aids and group curricula were reviewed by a child and adolescent psychologist for their appropriateness and usefulness. Project staff and group leaders were also interviewed about the applications and uses made of these materials.

5.2.3 Data Collection from Police Occurrence Reports

Children who had been referred to the project were identified in the 12 months of police occurrence data by linking identification numbers between the databases. This provided information concerning offences, charges, and police activity.

5.2.4 Observation of Cases of Child Sexual Abuse in the Courts

Child program participants whose case came up in court from June 1989 to December 1989 were observed by the consultants' staff and the project assistant coordinator wherever possible. An observation checklist was used for coding behaviours in court on the part of the child, the crown attorney, the defence counsel, and judge. Out of over 125 court cases involving program participants, 29 observations of children who testified were completed over this period. Approximately 290 hours of court observation were required to produce these 29 coded cases.

Because of the small number of cases an SPSS file was not created for the 20-page observation form. Instead, a hand count was taken of the indicated behaviours and court activities.

5.2.5 Interview Surveys with Selected Groups

Interviews with CAS workers, police and crown attorneys (as described above) also included questions about their knowledge of the project, referrals to the CVWSP, and their assessment of the benefits and drawbacks of the project for children, for support adults and for the child welfare and justice systems.

5.2.6 Interviews with Support Adults Referred to the Project but Who did not Attend or Attended only One or Two Sessions

The population of cases referred to the CVWSP but who did not eventually attend or who did not maintain attendance through at least three sessions was defined for Series 10 to 14. This totalled 30 persons. Prior to speaking with these individuals directly, we asked the referring worker to obtain the consent to contact the support adult. In most cases the referral source was a CAS worker. Many of these support adults had moved or the case had been closed by the CAS, making it very difficult to locate them. It was also difficult to contact the CAS worker and many messages were left that were never returned.

Eventually, only nine support adults could be contacted and interviewed. As an alternative, we interviewed 17 referral sources or CAS workers involved with the case. We hoped to determine the reasons for these support adults not following through with the program and the outcomes of these cases. All interviews with support adults and referring workers were carried out by telephone.

5.2.7 Interviews with Project Staff and Group Leaders

Interviews were carried out with project staff at two points - once early in the evaluation to obtain information concerning various process, content, and support issues and again towards the conclusion to ascertain whether changes or adjustments had been made in response to specific needs arising throughout the course of the project.

Group leaders were interviewed at the outset about their use of the curricula and teaching materials. They were also asked about ways in which the children and adults had responded to the information and to the delivery styles. The adolescent and pre-adolescent group leaders were interviewed at the conclusion of the research to determine whether changes had been made.

5.2.8 Interviews with Adult Program Participants Post-Program and Post-Court

Adult participants who participated in at least three of the four group meetings of series 10 to 14 (inclusive) were asked by the project or consultants' staff for their consent to an interview. The social workers carrying out these interviews attended the final session in each series (although they were not permitted to sit in on the session itself) to meet the adults and children following the group session. They then arranged a time and location for the interviews. Most adults (and children) were interviewed in their home by the social workers within a few days up to three weeks following the last of the four meetings.

The interviews at that point focussed on the CVWSP and the participants' assessments of it. Sometimes, however, the adult and child had already gone to court by the time this interview was held. This timing was not ideal for the research but we could do little to control this.

The "post-court" interview was carried out after an interval of several weeks or months, when the case had been concluded in court. These were conducted over the telephone where possible or in person, if necessary, by the same social workers. Only the adults were interviewed at this stage to examine their perceptions of the effectiveness of the program in enabling them to assist the child through the criminal justice process.

Timing was a problem here, too, because not all of the cases we wanted to contact had been concluded by the end of the data collection period for the research. We decided to proceed with interviews even if only one court appearance had occurred as long as the child had testified. The basis for this decision was that the CVWSP had been put to the test at least to some degree by the fact that even one appearance had been required.

Of 72 referrals to the five series included in the research, 40 adults attended three or four sessions. Thirty-seven adults were interviewed out of these 40 participants and 18 of these were followed up after court.

5.2.9 Interviews with Child Participants

Child victim-witnesses in the program were interviewed following their participation to obtain their assessment of the program and their perceptions of the appropriateness of content and delivery. Project staff obtained some consents for such interviews when they initially interviewed children and parents prior to program involvement and the consultants' staff obtained the remainder when they first met parents at the last session of each series.

We felt that it was important that the reason for these interviews be explained to project participants and that they be prepared well in advance for the interviews. The project staff took on this responsibility. Seventy-two children were referred to the five series included in the research. Interviews were carried out with 40 children out of the 43 who attended three or four sessions.

6.0 TRACKING CHILD SEXUAL ABUSE CASES THROUGH THE CHILD WELFARE AND CRIMINAL JUSTICE SYSTEMS

In this section we examine the handling of child sexual abuse cases by the police, the child welfare system and the courts. The data reported below were collected from police occurrence reports, disposition records, provincial and district court records and interviews with police officers, CAS workers and crown attorneys.

6.1 Handling of Child Sexual Abuse Cases by the Child Welfare System

6.1.1 Occurrences of Child Sexual Abuse Reported to the Child Welfare System

During the period September 1, 1987, to August 31, 1988, approximately 535 cases of child sexual abuse were opened or reclassified as child sexual abuse by the MCAS and the CCAS. There were more cases of child sexual abuse reported to the CASs, but they do not necessarily open a file on each case reported.¹¹

The information on opened or reclassified cases provided by the CCAS was not classified into intra-familial or extra-familial cases. The data from the MCAS was, however. It shows that slightly fewer than two-thirds of the sexual abuse cases opened (61.5 per cent) were extra-familial (see Table 6-1).

The CASs also provided us with information on the sources of referral for cases of child sexual abuse (see Table 6-2). Although data between the two CASs are not strictly comparable,¹² we have grouped them together to give an indication of referral sources.

¹¹ Information given by the three child welfare organizations to the Special Committee provides an estimate of 1001 reported cases in calendar year 1987. This represented an increase of 216 per cent over 1983 reports.

¹² The data from the MCAS refers to cases opened or reclassified from September 1, 1987, to August 31, 1988, while that from the CCAS refers only to active child abuse cases as of December 31, 1987.

Table 6-1 **Number of Child Sexual Abuse Cases Opened or Reclassified by the Children's Aid Society of Metropolitan Toronto and the Catholic Children's Aid Society, September 1, 1987 - August 31, 1988**

	Intra-Familial	Extra-Familial	Total
Children's Aid Society of Metropolitan Toronto			
Total cases opened as child sexual abuse	49	67	116
Total cases reclassified as child sexual abuse	51	93	144
Total cases opened or reclassified as child sexual abuse	100	160	260
Catholic Children's Aid Society*			
Total cases opened as child sexual abuse			264
Total cases reclassified as child sexual abuse			11
Total cases opened or reclassified as child sexual abuse			275
TOTAL (Both Children's Aid Societies)			535

* The number of child sexual abuse cases is estimated to be 59.9 per cent of the total number of child abuse openings and reclassifications.

Data on the number of intrafamilial and extrafamilial cases of child sexual abuse was not available from the Catholic Children's Aid Society.

Columns may not sum to table totals due to missing data.

Table 6-2 Referral Sources of Child Sexual Abuse Cases to the Children's Aid Societies

	Children's Aid Society of Metro Toronto*		Catholic Children's Aid Society**		Total	
	N	%	N	%	N	%
Self	30	11.5	19	9.0	49	10.4
Relative	5	1.9	5	2.4	10	2.1
Community source	25	9.6	12	5.7	37	7.9
Police/law enforcement	60	23.1	33	15.7	93	19.7
Health services	50	19.2	26	12.3	76	16.1
Social services	29	11.2	23	10.9	52	11.0
Other CAS	-	-	25	11.8	25	5.3
Educational services	46	17.7	55	26.1	101	21.4
Other	15	5.8	13	6.2	28	6.0
TOTAL	260	100.0	211	100.1***	471	99.9***

* The data from the Children's Aid Society of Metro Toronto refer to sexual abuse cases opened or reclassified September 1, 1987 to August 31, 1988.

** The data from the Catholic Children's Aid Society refer to active child abuse cases on December 31, 1987. In personal correspondence, the CCAS estimated the number of child sexual abuse cases to be 59.9 per cent of the total number of child abuse openings and reclassifications. We have used this figure to estimate the number and percentage from each referral source.

*** Numbers do not total 100.0 per cent due to rounding.

Table 6-2 shows that the largest single source of referrals for cases of child sexual abuse was the educational system (21.4 per cent), followed closely by the police (19.7 per cent), health services (16.1 per cent), and social services (11.0 per cent). A low percentage of cases are either self-reported (10.4 per cent), reported by relatives (2.1 per cent), or by another community source such as friends or neighbours (7.9 per cent). The MCAS appears to have more cases of child sexual abuse reported to them by the police, health services or a community source, while the CCAS would seem to have more cases referred from other children's aid societies and educational services.

Once a child sexual abuse case is referred to either CAS, an intake worker completes a form to open the case, a child welfare worker is assigned to the case, and an investigation is initiated within twenty-four hours of the original complaint.

In an interview with child welfare workers from both CASs, 45 workers were asked, "typically, what steps are taken in an investigation?". The findings indicate that, in virtually all investigations, the victim is interviewed and contact is made with both the parent(s) and the police to notify them of the sexual abuse. In about two-thirds of the investigations, interviews are conducted with teachers and/or neighbours and, in over one-half of the investigations, the child is taken by the child welfare worker for a medical examination (see Table 6.1.3 in the Technical Appendix).

6.1.2 Factors that Determine Whether or Not a Case Will Proceed Through the Child Welfare System

To answer the question, "What are the major factors that determine whether or not a case will proceed through the child welfare system?", we asked child welfare workers from the CASs to indicate how important each of a number of factors is to the substantiation of an incident of child sexual abuse. Over two-thirds of child welfare workers thought that the following factors were "very important" or "important":

- the occurrence of multiple forms of abuse (89.7 per cent);
- corroborating evidence or witness to the sexual abuse (82.1 per cent);
- injuries sustained by the victim (82.1 per cent);
- the relationship between the victim and the alleged offender (76.9 per cent);
- the involvement of a known offender (74.4 per cent);
- the type of sexual abuse (71.8 per cent); and,
- the duration of sexual abuse (69.2 per cent).

When asked, "Which three factors are most important in determining whether a case is substantiated or not?", child welfare workers listed corroborating evidence or witness to sexual abuse, injuries sustained by the victim, and the age of the child (Table 6.1.5 in the Technical Appendix).

Child welfare workers were also asked, "What, in your opinion, are the major factors that determine if a child sexual abuse case will proceed through the child welfare system?". Of the 10 factors that were presented to the respondents, no single one was clearly identified as a determining factor (Table 6.1.6 in the Technical Appendix).

Summary

- In one 12-month period (September 1987 to August 1988) 535 files were opened or reclassified as cases of child sexual abuse by the two major CASs in Metro Toronto.
- Approximately two-thirds of the cases opened or reclassified by the MCAS were extra-familial sexual abuse.
- The CASs receive reports of child sexual abuse primarily from schools, police, health and social services.
- According to the survey, CAS workers interview the victim in all cases as well as the victim's parents. In two-thirds of cases, teachers and neighbours are interviewed and in one-half of cases a medical examination of the child victim takes place.
- For CAS workers, the most important factors in substantiating cases of child sexual abuse are corroborating evidence or witnesses, injuries and the age of the child who discloses.

6.2 Handling of Child Sexual Abuse Cases by the Metropolitan Toronto Police Force

6.2.1 Number of Occurrences of Child Sexual Abuse Reported to the Metropolitan Toronto Police

During the period from September 1, 1987, to August 31, 1988, 821 occurrences¹³ of child sexual abuse were reported to the Metropolitan Toronto Police Force. This represented 3.2 per cent of all offences (N=26,060) against the person (including first and second degree murder, attempted murder, manslaughter, sexual assault, other assaults and robbery) that were reported to the police in the same period.

¹³ Occurrences are incidents reported to the police. The police fill out an "occurrence report" for each complaint reported to them. There is a separate occurrence report for each victim in offences where there are multiple victims and one accused.

Police investigation substantiated¹⁴ 692 or 84.3 per cent of these child sexual abuse reports (Figure 6-1). Of the substantiated occurrences:

- charges were laid and an arrest was made in 62.7 per cent (N=434);
- charges were laid and a warrant for an arrest was issued in .7 per cent (N=5);
- no action was taken in 32.9 per cent (N=228); and,
- no information about how the case was resolved is available for 3.6 per cent (N=25).

6.2.2 Characteristics of Substantiated Cases of Child Sexual Abuse Reported to the Metro Toronto Police

Table 6-3 shows the characteristics of the 692 substantiated cases of child sexual abuse that came to the attention of the MTPF between September 1, 1987, and August 31, 1988. The data show that 35.0 per cent of the victims were between the ages of eight and 12 at the time of the report, followed by 32.2 per cent who were between the ages of 13 and 17. These two age groups are targeted by the CVWSP. Occurrences involving children under the age of seven were 31.2 per cent of the total substantiated. A small percentage of occurrences involved persons over 17 (1.6 per cent) who reported sexual abuse experienced as a child.

Just over 80 per cent of child sexual abuse victims were female children (80.8 per cent).

One-third of child sexual abuse was intra-familial (33.5 per cent), the accused being either a parent, step- or foster parent, sibling or other relative. Only 18.8 per cent of the accused were strangers while the remaining were friends of the family (47.3 per cent).

There was a pattern of association between the age of the child and the relationship of the accused to the victim. Children under the age of five were more likely than older children to be sexually abused by their biological parent and children aged eight to 16 were more likely to be abused by a stranger (Table 6.2.2 in Technical Appendix).

¹⁴ "Substantiated" means that, after an investigation of the complaint, the police believe the instances were actual cases of child sexual abuse.

Figure 6-1

Tracking Results for Victims of Child Sexual Abuse September 1, 1987 - August 31, 1988

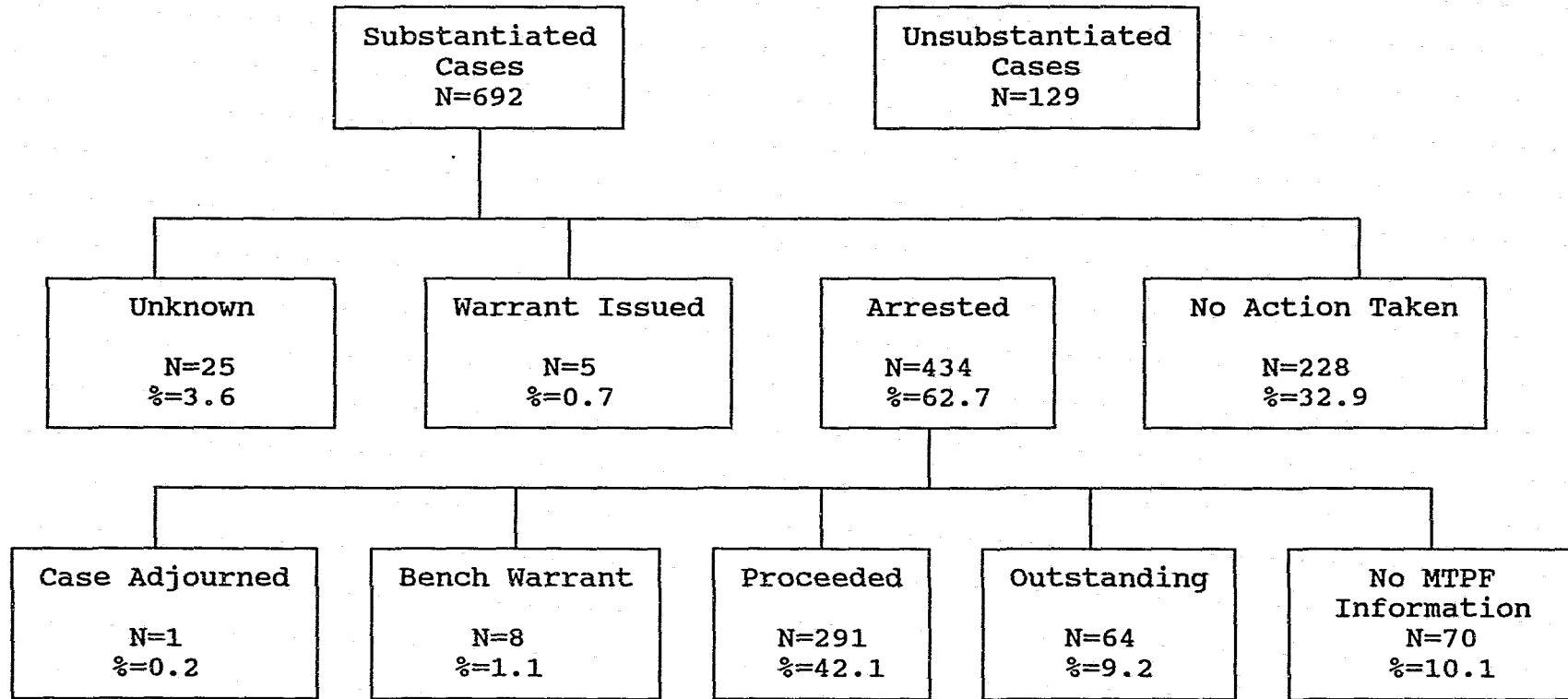


Table 6-3 Characteristics of Substantiated Cases of Child Sexual Abuse that Came to the Attention of the Metropolitan Toronto Police, September 1, 1987 - August 31, 1988

TOTAL	N=692	100.0%
<u>Age of Victim</u>		
4 years or less	85	12.3
5 - 7	131	18.9
8 - 10	133	19.2
11 - 12	109	15.8
13 - 14	137	19.8
15 - 16	86	12.4
17 +	11	1.6
<u>Sex of Victim</u>		
Male	132	19.1
Female	559	80.8
Unknown	1	0.1
<u>Relationship of Alleged Offender to the Victim</u>		
Biological parent	82	11.8
Step parent/foster parent	54	7.8
Other relative	63	9.1
Sibling	33	4.8
Friend	327	47.3
Stranger	130	18.8
Unknown	3	0.4
<u>Sex of Alleged Offender</u>		
Male	675	97.5
Female	13	1.9
Unknown	4	0.6

Table 6-3 (cont'd)

TOTAL	N= 692	100.0%
<u>Age of Alleged Offender</u>		
< 18	150	21.7
18 - 24	107	15.4
25 - 34	137	19.8
35 - 44	153	22.1
45 +	130	18.8
Unknown	15	2.2
<u>Alleged Offender Known - No Action Taken</u>		
Yes	101	14.6
No	583	84.2
Unknown	8	1.2
<u>Use of Weapon</u>		
Yes	14	2.0
No	676	97.7
Unknown	2	0.3
<u>Multiple Offences</u>		
Yes	103	14.9
No	564	81.5
Unknown	25	3.6
<u>Repeat Occurrences</u>		
Yes	377	54.5
No	260	37.6
Unknown	55	7.9

Table 6-3 (cont'd)

TOTAL	N=692	100.0%
<u>Vaginal Penetration</u>		
Yes	137	19.8
No	555	80.2
<u>Anal Penetration</u>		
Yes	32	4.6
No	660	95.4
<u>Attempted Penetration</u>		
Yes	64	9.2
No	628	90.8
<u>Fellatio-Cunnilingus</u>		
Yes	168	24.3
No	524	75.7
<u>Fondling-Touching</u>		
Yes	605	87.4
No	87	12.6
<u>Indecent Exposure</u>		
Yes	91	13.2
No	601	86.8

The vast majority of accused were male (97.5 per cent) and just over one-fifth were young offenders (21.7 per cent). The remaining accused were evenly spread over the age ranges of 18 to 45 years and over. The age of the offender is an important factor in child sexual abuse. Under the Young Offenders Act, an offender 12 to 17 years of age will have a hearing in Youth Court where the maximum sentence for any crime is three years. A child under 12 years of age may not be held criminally responsible for his

or her actions. A judge in Youth Court may decide to send a case involving an accused under the age of 18 to "adult" court because the youth had previously been found guilty of other crimes or because of the seriousness of the offence. The type of court in which the offence is heard (adult versus juvenile) will place a constraint on the maximum sentence delivered for sexual abuse charges tried as indictable offences.

In 14.6 per cent of the occurrences, the identity of the accused was known to the complainant who reported this to the police, but no subsequent action was taken. In 2.0 per cent of the occurrences; a weapon was used; 14.9 per cent involved multiple offences at the time; and 54.5 per cent were repeat occurrences.

Data from the occurrence reports indicate that most child sexual abuse cases involved fondling and touching (87.4 per cent); 19.8 per cent involved vaginal penetration; 9.2 per cent attempted penetration; and 4.6 per cent anal penetration. Another 24.3 per cent involved fellatio-cunnilingus and 13.2 per cent indecent exposure. The type of child sexual abuse varied by the age of the child. Children 13 to 16 years of age were significantly more likely than younger children to be subjected to vaginal penetration. Children less than five years of age were more likely than children five and over to be subjected to fellatio-cunnilingus.

6.2.3 Major Factors that Determine Whether or Not a Case Will Proceed Through the Criminal Justice System

To answer the questions, "What are the major factors that determine whether or not a case will proceed through the criminal justice system?", and, "What decisions are made and for what reasons?", two sources of data were used — a comparison of the characteristics of cases that proceed through the criminal justice system with those that do not proceed and interviews with police officers.

Tracking Data

As noted previously, from September 1, 1987, to August 31, 1988, there were 692 substantiated occurrences of child sexual abuse. Of these, 62.7 per cent (N=434) resulted in an arrest and 42.1 per cent (N=291) proceeded to court (Figure 6-1). What characteristics, if any, distinguish those cases which proceeded through the criminal justice system from those in which no action was taken or charges were laid but the case did not proceed to court?

Table 6-4 compares the characteristics of cases where no action was taken with those where charges were laid but the case did not proceed and with cases which proceeded to court.

The data indicate that police were less likely to lay charges for cases involving young children. One-half (53.6 per cent or 45) of substantiated sexual abuse cases to a child under the age of five did not result in a charge as compared to 35.9 per cent (47) of those involving children five to seven, 30.6 per cent (74) of those eight to 12 and 28.7 per cent (64) of those 13 to 16 years of age.

Child sexual abuse cases were more likely to proceed if the alleged offender was a sibling (63.6 per cent) or step- or foster parent (50.0 per cent) and least likely to proceed if the alleged offender was another relative (34.9 per cent). It is interesting to note that child sexual abuse involving a stranger (34.6 per cent) was as equally likely to proceed as that involving relatives other than parents or siblings (34.9 per cent).

Police were more likely to lay charges if the alleged offender was a young offender (71.8 per cent) as opposed to an offender over 17 years, and young offender cases were also more likely to proceed to court (48.3 per cent).

Child sexual abuse involving multiple offences were more likely to proceed to court than were single offences (63.1 per cent versus 38.2 per cent). There was no difference, however, in the percentage of cases which proceeded to court when there were repeated occurrences compared with cases in which there were no repeated occurrences.

Table 6-4 Factors Related to the Processing of Cases Through the Criminal Justice System

	No Action Taken	Charges Laid/ Did Not Proceed	Proceeded	Total %*	Total	Chi-Sq	Sig.
TOTAL	38.3	20.3	41.4	100.0	692		
Age of Victim							
<5	53.6	19.0	27.4	100.0	84		
5 - 7	35.9	26.0	38.2	100.0	131	18.1	< .01
8 - 12	30.6	26.4	43.0	100.0	242		
13 - 16	28.7	26.9	44.4	100.0	223		
Unknown N=12							
Sex of Victim							
Male	36.4	15.9	47.7	100.0	132	3.4	NS
Female	39.5	20.9	39.5	100.0	559		
Unknown N=1							

Table 6-4 (Cont'd)

	No Action Taken	Charges Laid/ Did Not Proceed	Proceeded	Total %*	Total	Chi-Sq	Sig.
TOTAL	38.3	20.3	41.4	100.0	692		
<u>Relationship of Alleged Offender to Victim</u>							
Biological parent	36.6	22.0	41.5	100.0	82	19.8	< .05
Step parent/ foster parent	35.2	14.8	50.0	100.0	54		
Other relative	44.4	20.6	34.9	100.0	63		
Sibling	15.2	21.2	63.6	100.0	33		
Friend	37.0	21.7	41.3	100.0	327		
Stranger	50.0	15.4	34.6	100.0	130		
Unknown N=3							
<u>Sex of Alleged Offender</u>							
Male	39.0	20.3	40.7	100.0	675		
Female	30.8	15.4	53.8	100.0	13	.9	NS
Unknown N=4							
<u>Age of Alleged Offender</u>							
< 18	28.2	23.5	48.3	100.0	149	19.1	< .05
18 - 24	40.2	18.7	41.1	100.0	107		
25 - 34	48.2	17.5	34.3	100.0	137		
35 - 44	43.1	21.6	35.3	100.0	153		
45+	30.8	19.2	50.0	100.0	130		
Unknown N=16							
<u>Alleged Offender Known - No Action Taken</u>							
Yes	74.3	25.7	0.0	100.0	101	88.4	< .001
No	33.1	18.5	48.4	100.0	583		
Unknown N=8							

Table 6-4 (Cont'd)

	No Action Taken	Charges Laid/ Did Not Proceed	Proceeded	Total %*	Total	Chi-Sq	Sig.
TOTAL	38.3	20.3	41.4	100.0	692		
<u>Use of Weapon</u>							
Yes	57.1	14.3	28.6	100.0	14	2.0	NS
No	38.5	20.1	41.4	100.0	676		
Unknown N=2							
<u>Multiple Offences</u>							
Yes	14.6	22.3	63.1	100.0	103	30.8	< .001
No	42.3	19.5	38.2	100.0	565		
Unknown N=2							
<u>Repeat Occurrence</u>							
Yes	35.3	21.3	43.2	100.0	377	8.2	NS
No	41.2	18.1	40.8	100.0	260		
<u>Vaginal Penetration</u>							
Yes	29.2	24.8	46.0	100.0	137	7.0	< .05
No	41.3	18.9	39.8	100.0	555		
<u>Anal Penetration</u>							
Yes	25.0	18.8	56.3	100.0	32	3.5	NS
No	39.5	20.2	40.3	100.0	660		
<u>Attempted Penetration</u>							
Yes	35.9	15.6	48.4	100.0	64	1.8	NS
No	39.2	20.5	40.3	100.0	628		
<u>Fellatio-Cunnilingus</u>							
Yes	23.2	22.6	54.2	100.0	168	24.0	< .001
No	43.9	19.3	36.8	100.0	524		

Table 6-4 (Cont'd)

	No Action Taken	Charges Laid/ Did Not Proceed	Proceeded	Total %*	Total	Chi-Sq	Sig.
TOTAL	38.3	20.3	41.4	100.0	692		
<u>Fondling-Touching</u>							
Yes	40.0	19.2	40.8	100.0	605	3.6	NS
No	31.0	26.4	42.5	100.0	87		
<u>Indecent Exposure</u>							
Yes	37.4	22.0	40.7	100.0	91	.3	NS
No	39.1	19.8	41.1	100.0	601		

* Rows may not sum to 100.0 per cent due to rounding errors.

Source: Occurrence Reports, Disposition from Police Records

There was some variation by the type of offence in whether a case proceeded through the criminal justice system. In general, more serious child sexual abuse cases appeared more likely to proceed to court, including those characterized by vaginal penetration (46.0 per cent), fellatio-cunnilingus (54.2 per cent), anal penetration (56.3 per cent) or attempted penetration (48.4 per cent). Those less likely to proceed were cases involving fondling and touching (40.8 per cent) and indecent exposure (40.7 per cent).

Interviews With Police and Crown Attorneys

A telephone interview was conducted with 45 police officers who handled child sexual abuse cases. These officers were asked about the steps they took in investigating occurrences of child sexual abuse, their opinions about the factors that determine whether or not a case is substantiated, and the importance of factors that determine whether a case will or will not proceed through the criminal justice system. An analysis of this data provides background concerning the reasons for some cases being more likely to proceed than others.

Police officers were first asked, "Typically, what steps are taken in an investigation?". In virtually all cases of child sexual abuse, the victim is interviewed by the police officer (93.3 per cent) and, where appropriate, contact is made with one of the CASs (75.6 per cent). Contact with the CAS would not be appropriate, for example, if the victim is aged 16 or over. Fifty-eight per cent (57.8 per cent) of the officers indicated that they

contact parents. Forty-four per cent (44.4 per cent) interview neighbours and 48.9 per cent interview teachers. Forty per cent of the officers indicated that they take the child for a medical examination (Table 6.2.4 in the Technical Appendix).

Police officers were asked, "What factors determine whether or not a case is substantiated?". They were read a list of 11 factors and asked to indicate how important each item is to substantiation of the incident. Over two-thirds of the 45 officers indicated the following factors to be either "very important" or "important" (Table 6.2.5 in the Technical Appendix):

- corroborating evidence or witness to the sexual abuse (95.5 per cent);
- injuries sustained by the victim (88.8 per cent);
- involvement of a known offender (77.7 per cent);
- the age of the child (73.3 per cent);
- the occurrence of multiple forms of abuse (71.1 per cent);
- the relationship between the victim and the alleged offender (68.9 per cent).

When asked, "Which three factors are most important in determining whether a case is substantiated or not?", police officers identified corroborating evidence, injuries sustained by the victim and the age of the child as the three most important factors to substantiation of the incident (Table 6.2.6 in the Technical Appendix).

Finally, police officers were asked, "What, in your opinion, are the major factors that determine if a child sexual abuse case will proceed through the criminal justice system?". From a list of 10 factors, the police respondents identified three as more important than the others. These were corroborating evidence (62.2 per cent), the age of the child (55.6 per cent) and the ability of the child to testify (55.6 per cent) (see Table 6.2.7 in the Technical Appendix).

In an interview, 19 crown attorneys who were identified as among those crown attorneys who prosecute child sexual abuse offences were asked, "What in your opinion are the major factors that determine if a child sexual abuse case will proceed to court once a charge has been laid?" These crown attorneys identified two factors as important — the ability of the child to testify (52.6 per cent) and corroborating evidence (31.5 per cent) (see Table 6.2.8 in the Technical Appendix).

6.2.4 Discussion of Issues Relating to the Handling of Child Sexual Abuse Cases by the Metro Toronto Police Force

As noted previously, the "Child Sexual Abuse Protocol" for Metropolitan Toronto specifies that when a suspected incident of child sexual abuse is reported either to the police or to one of the CASs, the agency to which the report is made is obliged to

inform the other agency of a possible offence. While we were not able to determine whether CAS staff consistently follow this requirement, comparison of the number of occurrences of child sexual abuse cases reported to the police and estimates of reports to the CAS indicates that not all of the occurrences of child sexual abuse of children under the age of 16 are being reported between the two organizations. The CASs report that the police are their referral source for approximately 20 per cent of cases. The number of occurrences reported to the police in the one-year period was 821 compared to over 1000 reported to the three CASs. While the figure for the Societies is an estimate and the figure for the police does include approximately 50 cases where the victim was 16 years of age or over, there remains a significant difference between the two organizations in the number of cases reported.

Mid way through the tracking period in January 1988, Bill C-15 was proclaimed law. The provisions of Bill C-15 amended the laws of evidence to deal with the admissibility of children's evidence and to provide procedures for obtaining their evidence. These amendments included the provision for: acceptance of sworn evidence if the child witness understands the nature of the oath and is able to communicate; acceptance of unsworn evidence if the child is able to communicate the evidence; acceptance of uncorroborated evidence; allowance for child witnesses to testify outside the courtroom; use of other devices that would shield the victim's view of the accused. The amendments were put into place to make it easier for children, especially younger children, to testify in court and to increase the number of child sexual abuse cases dealt with by the courts.

The police, crown attorneys and child welfare workers all indicated that, in their opinions, the corroboration of evidence, having a witness to the sexual abuse and the age of the child are important factors determining whether a case is substantiated. Information from the tracking of cases that proceeded through the criminal justice system also demonstrated that cases were less likely to proceed if the child was seven years of age or less.

Findings from the interviews with police, child welfare workers and crown attorneys suggest that several provisions under Bill C-15 may not be fully implemented.

Summary

- During the 12-month period from September 1987 to August 1988, 821 cases of child sexual abuse were reported to the MTPF. Of these, 692 (84.3 per cent) were substantiated and 129 (15.7 per cent) were not.
- Arrests were made and charges laid in 434 (62.7 per cent) of substantiated cases.

- In the 692 substantiated cases, one-third of victims were under seven years, one-third were between eight and 12 years, and one-third were aged 13 to 17. The majority of victims were female.
- One-third of the cases substantiated by police were intra-familial with children under five years being victims of family members to a greater extent than older children.
- Just over one-fifth of alleged offenders were young offenders from 12 to 17 years of age.
- Most offences substantiated by police involved fondling and touching (87.4 per cent) followed by vaginal penetration (19.8 per cent).
- Charges were less likely to be laid where the child was under eight years, where the alleged offender was neither a family member nor a young offender, where the offence was of lesser severity, and where there was a single offence determined to have occurred on the reported occasion.
- In substantiating a case of child sexual abuse, police officers reported that they looked for corroborating evidence or witnesses, physical injuries, identity of the offender being known to the complainant, older age of the child, multiple forms of abuse, and a close relationship between the victim and offender.
- Crown attorneys placed importance on two factors in determining whether the case proceeds: ability of the child to testify in court and corroborating evidence.

6.3 Handling of Child Sexual Abuse Cases by the Courts

6.3.1 Charges Laid

Table 6-5 shows that charges were laid and an arrest made in 434 of the 692 substantiated cases of child sexual abuse. In virtually all cases where a charge was laid, an arrest was also made. In 70.7 per cent of these 434 cases only one charge was laid while 20.0 per cent involved two charges and 9.3 per cent involved three or more.

Of the 434 cases in which an arrest was made, 291 proceeded to court. Cases which proceeded to court were slightly more likely to involve more than one charge and virtually all of these cases involved at least one charge of sexual assault.

During the tracking period, the laws concerning sexual offences in Canada were in a state of flux. Because Bill C-15 was proclaimed in January 1988, the charges laid during September 1, 1987, to August 31, 1988, were a mixture of "old" and "new" charges.

The most common charge laid was that of sexual assault. Sexual assault pre-dates Bill C-15 and is one of a hierarchy of offences created by the amendments to the Criminal Code in January 1983. These offences replaced the crimes of rape and indecent assault which were repealed at that time. This hierarchy includes: (i) sexual assault, a hybrid offence punishable by indictment with a maximum of 10 years imprisonment or by summary conviction; (ii) sexual assault with a weapon, threats to a third party or causing bodily harm which is indictable, subject to 14 years maximum incarceration, and (iii) aggravated sexual assault where "in committing a sexual assault, the accused wounds, maims, disfigures or endangers the life of the complainant". This is an indictable offence liable to life imprisonment.

As shown in Table 6-5, the most frequent charge laid was sexual assault followed by sexual interference, gross indecency, sexual intercourse with a female under 14, indecent assault, and incest.

6.3.2 Characteristics of Cases Which Come to Court

Table 6-6 shows the characteristics of cases which proceeded to court (N=291). These cases were more likely to involve children between the ages of six and 12 (44.7 per cent) followed by those between the ages of 13 and 17 (34.4 per cent). Only 16.1 per cent of the cases that proceeded to court involved a child under the age of six. Over three-quarters of the court cases involved a female victim (76.0 per cent).

Nearly two-thirds of all child sexual abuse cases that came to court involved extra-familial child sexual abuse — 46.4 per cent with a friend and 15.4 per cent with a stranger. In the vast majority of cases the accused was a male (94.5 per cent). One-quarter of cases proceeding to court involved a young offender (24.7 per cent).

A weapon was used in 1.4 per cent of the court cases; 22.3 per cent involved multiple offences; and 56.4 per cent were repeated occurrences.

Most of the cases which came to court involved fondling and touching (84.8 per cent) and a smaller percentage also involved fellatio-cunnilingus (31.3 per cent), vaginal penetration (21.7 per cent) or attempted penetration (10.7 per cent), anal penetration (6.2 per cent) or indecent exposure (12.7 per cent).

Table 6-5 Type and Number of Charges Laid

TOTAL	Charges Laid		Charges Proceeded	
	N=434	100.0%	N=291	100.0%
Number of Charges Laid				
One	307	70.7	185	63.6
Two	87	20.0	73	25.1
Three or more	40	9.3	33	11.3
Charges Laid	Charge 1 N	Charge 2 N	Charge 3 N	Total N
246.1 sexual assault	347	43	12	402
246.2 sexual assault with a weapon	2	0	0	2
140 sexual interference	22	22	3	47
141 invitation to sexual touching	3	4	1	8
141.1 indecent assault	9	4	2	15
146 sexual exploitation	2	0	1	3
146.1 sexual intercourse with female <14	8	9	2	19
149 indecent assault on a female	1	0	0	1
150 incest	5	8	2	15
151 seduction of a female between 16 and 18	1	1	0	2
154 anal intercourse	0	0	3	3
155 buggery	5	3	1	9
157 gross indecency	5	18	3	26
169 indecent act	7	3	1	11
Other sexual assault including 156, 149, 153.1, 154	6	0	2	8
Other non-sexual assault including 247, 245, 195, 133, 423.1	11	12	7	30
TOTAL	434	127	40	601

Source: Occurrence Reports and Disposition Information from Police Records

Table 6-6 Characteristics of Cases Which Proceeded to Court

TOTAL	N=291	100.0%
<u>Age of Victim</u>		
< 6	47	16.1
6 - 12	130	44.7
13 - 17	100	34.4
18+	4	1.4
Unknown	10	3.4
<u>Sex of Victim</u>		
Male	63	21.6
Female	221	76.0
Unknown	7	2.4
<u>Relationship of Alleged Offender to Victim</u>		
Biological parent	34	11.7
Step parent/foster parent	27	9.3
Other relative	22	7.6
Sibling	21	7.2
Friend	135	46.4
Stranger	45	15.4
Unknown	7	2.4
<u>Sex of Alleged Offender</u>		
Male	275	94.5
Female	7	2.4
Unknown	9	3.1
<u>Age of Alleged Offender</u>		
< 18	72	24.7
18 - 24	44	15.1
25 - 34	47	16.2
35 - 44	54	18.6
45+	65	22.3
Unknown	9	3.1
<u>Use of Weapon</u>		
Yes	4	1.4
No	280	96.2
Unknown	7	2.4

Table 6-6 (Cont'd)

<u>TOTAL</u>	<u>N=291</u>	<u>100.0%</u>
<u>Multiple Offences</u>		
Yes	65	22.3
No	216	74.3
Unknown	10	3.4
<u>Repeat Occurrence</u>		
Yes	163	56.0
No	106	36.4
Unknown	22	7.6
<u>Vaginal Penetration</u>		
Yes	63	21.7
No	221	75.9
Unknown	7	2.4
<u>Anal Penetration</u>		
Yes	18	6.2
No	266	91.4
Unknown	7	2.4
<u>Attempted Penetration</u>		
Yes	31	10.7
No	253	86.9
Unknown	7	2.4
<u>Fellatio-Cunnilingus</u>		
Yes	91	31.3
No	193	66.3
Unknown	7	2.4
<u>Fondling-Touching</u>		
Yes	247	84.8
No	37	12.8
Unknown	7	2.4
<u>Indecent Exposure</u>		
Yes	37	12.7
No	247	84.9
Unknown	7	2.4

Table 6-6 (Cont'd)

TOTAL	N=291	100.0%
<u>Police Division</u>		
1	54	18.5
2	54	18.5
3	69	23.6
4	68	23.6
5	45	15.5
Unknown	1	.3

Source: Occurrence Reports, Dispositions from Police Records

6.3.3 Court Process

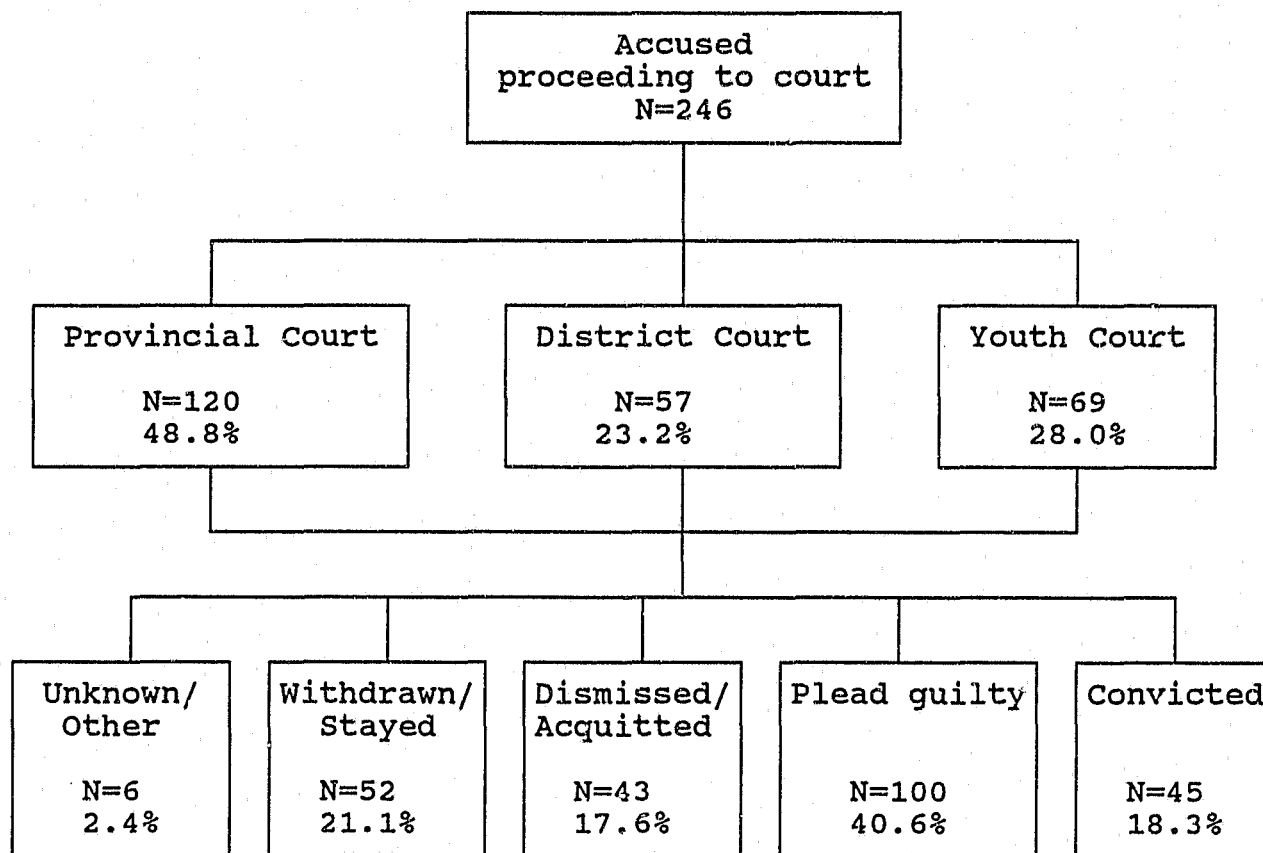
In the court system, the tracking followed alleged offenders rather than victims since court records are filed by the accused's name. A number of alleged offenders were charged with sexual offences against more than one victim. Hence the number of alleged offenders was somewhat less than the number of victims. As well, there were a number of cases not yet concluded and some court records were not located. We were able to obtain the court records of 120 accused from Provincial Court and 57 accused from District Court. We were unable to obtain the court records for young offenders but some information from the police files was available for 69 accused proceeding to Youth Court (see Figure 6-2). In total, information on the court process, disposition and sentencing was obtained for 246 accused. The number of accused does not equal the number of victims (cases) for two reasons. First, a number of accused had multiple victims (N=35) and second, no information was available on some of the accused (N=10). The following analysis tracks the disposition for the first charge. In all cases, if the accused was charged with sexual assault, this was coded as the first charge.

Charges Proceeding through the Courts

Table 6-7 shows that, of the 246 accused we were able to track through Provincial, District and Youth Court, 85.0 per cent were charged with sexual assault. One per cent were charged with sexual assault with a weapon and no charges of aggravated sexual assault were laid.

Other pre-Bill C-15 charges laid included: sexual intercourse with a female under 14; indecent assault on a male; indecent assault on a female; gross indecency; and incest.

Figure 6-2 Tracking Results of Court Outcomes for Accused of Child Sexual Abuse who have been Charged and Proceeded to Court September 1, 1987 - August 31, 1988



Note: The court outcomes of young offenders of child sexual assault victims come from police records of victims. As such there may be some double counting of accused.

Table 6-7 Processing of Accused Through the Court

	Provincial Court		District Court		Youth Court		Total	
	N	%	N	%	N	%	N	%
TOTAL	120	100.0*	57	100.0*	69	100.0*	246	100.0*
Charge								
246.1 sexual assault	95	79.2	57	100.0	57	82.6	209	85.0
246.2 sexual assault with a weapon	2	1.7	-	-	-	-	2	.8
140 sexual interference	6	5.0	-	-	7	10.1	13	5.0
146 (1) sexual intercourse with female < 14	2	1.7	-	-	-	-	2	.8
141 (1) indecent assault	2	1.7	-	-	-	-	2	.8
141 invitation to sexual touching	1	.8	-	-	-	-	1	.4
150 incest	2	1.7	-	-	-	-	2	.8
156/149 indecent assault on male or female	2	1.7	-	-	-	-	2	.8
157 gross indecency	2	1.7	-	-	-	-	2	.8
169 indecent act	2	1.7	-	-	-	-	2	.8
Other **	4	3.2	-	-	5	7.2	9	3.7
Proceeded								
Summarily	83	69.2	-	-	16	23.2	99	40.2
Indictment	30	25.0	57	100.0	7	10.1	94	38.2
Unknown	7	5.8	-	-	46	66.7	53	21.5
Disposition								
Withdrawn/stayed	33	27.5	2	3.5	17	24.6	52	21.1
Dismissed	17	14.2	3	5.3	7	10.1	27	11.1
Acquitted	2	1.7	13	22.8	1	1.4	16	6.5
Guilty plea, orig. charge	33	27.5	30	52.6	26	37.7	89	36.2
Guilty plea, lesser charge	8	6.7	0	0	3	4.3	11	4.5
Convicted, original charge	21	17.5	8	14.0	10	14.5	39	15.9
Convicted, lesser charge	1	.8	0	0	5	7.2	6	2.4
Other/unknown	2	1.6	1	1.8	0	0	3	1.2
Move to district court	3	2.5	0	0	0	0	3	1.2

* Columns may not sum to 100.0 per cent due to rounding.

** Includes criminal codes 144, 98.1, 133, 245, 155

Source: Provincial, District Court - Court Records; Youth court - Police Disposition Records

There were a few Bill C-15 charges. They included: sexual interference (a hybrid offence with a maximum penalty of 10 years) and invitation to sexual touching (a hybrid offence with a maximum penalty of 10 years).

Bail

Once charges are laid and an arrest made, the accused may be released from custody immediately or detained in custody for a "show cause" or "bail hearing" before a Justice of the Peace or a Provincial Court judge. At the bail hearing, the onus is on the crown attorney to show that the accused should be detained for the protection of the public or to ensure his subsequent appearance in court. In most cases the accused is released on his own recognizance, sometimes with a security bond ("surety") to be posted. When the crown attorney shows cause that conditions of release are required conditions normally are attached.

We were able to track the results of the bail hearing for the 120 accused in Provincial Court only (see Table 6.3.4 in Technical Appendix). Of these, 10.0 per cent had their release denied; 4.2 per cent had undertakings without conditions and 11.7 per cent had undertaking with conditions; 4.2 per cent were released on their own recognizance with no sureties or conditions; 45.0 per cent were released on their own recognizance with conditions or sureties. We did not find information on the results of their judicial interim release hearings for 25.0 per cent of the accused.

The bail conditions set for these accused included either no contact with the victim or no contact with children under a specified age unless accompanied by an adult.

Summary and Indictable Offences

Summary offences proceed automatically in Provincial Court (Criminal Division), the lowest level of criminal courts. The maximum penalty for a summary offence is incarceration for six months. Indictable offences are considered more serious, have the potential for long-term jail sentences, and can proceed in a variety of ways at the choice of the accused. Some offences (e.g., sexual assault) are hybrid offences in that the crown attorney has a choice, proceed in summary fashion or as an indictable offence, depending on the facts in the individual case.

The accused charged with an indictable offence has an election as to how she/he will proceed. She/he can elect to be tried immediately in the Provincial Court or she/he can elect to be tried at the District Court level, by a District Court judge alone or by a District Court judge and jury.

Of the 246 accused, 40.2 per cent proceeded summarily, 38.2 per cent proceeded by indictment and we were unable to determine how 18.6 per cent of the offences (mostly those in Youth Court) proceeded.

Of those accused aged 18 and over (N=177) whose case proceeded by indictment (N=87), over one-third elected to be tried in Provincial Court.

Plea

There are a number of stages in which an accused may enter a plea, including at the bail hearing, the 'set date' for trial, the preliminary hearing or at the trial. When a plea will be entered is a decision for the accused and his/her counsel and depends on several factors. In serious sexual assault cases, it is uncommon for the accused to enter a plea prior to the date set for a preliminary hearing. Normally, the preliminary proceeds and a plea is entered after the accused has been committed for trial. Alternatively, the evidence at the preliminary is waived and the accused enters a plea at the set trial date appearance. Where the accused proceeds in Provincial Court alone, the plea is usually entered on the set date appearance.

Plea discussions between the crown attorney and defence counsel go on continuously, from the earliest stages to the trial date. The crown attorney may be prepared to withdraw some of several multiple charges, proceed only on a lesser offence, or ask for a non-custodial or reduced sentence in return for a guilty plea.

Of the 246 accused, 36.2 per cent pleaded guilty to the original charge and 4.5 per cent pleaded guilty to a lesser charge. The proportion of guilty pleas was highest in District Court where 52.6 per cent of the accused pleaded guilty.

Of those with multiple charges, disproportionately more accused had their second or third charges withdrawn, dismissed or resulting in acquittals than was the case for the first charge. This is most likely result of plea bargaining.

Disposition

Charges were withdrawn or dismissed for 32.2 per cent of the 246 accused. Since indictable charges often involve preliminary hearings at Provincial Court, and charges may be withdrawn/stayed or dismissed for lack of evidence at the preliminary hearing, few accused heard in District Court drew this disposition on their charges.

As noted earlier: 36.2 per cent of the accused pleaded guilty to the original charge; 4.5 per cent pleaded guilty to a lesser charge; 15.9 per cent were convicted on the original charge; 2.4 per cent were convicted on a lesser charge; and 6.5 per cent were acquitted.

6.3.4 Sentencing

In total, 145 of the 246 accused either pleaded guilty or were convicted on their original or lesser charges. Of these, 41.6 per cent were sentenced to remain in custody. There was substantial variation in the length of custody, ranging from 6.6 months on average in Youth Court to 12.9 months in Provincial Court and to 17.5 months for offenders whose trial was held in District Court (Table 6-8).

Nearly 85 per cent (84.7 per cent) of those convicted or who pleaded guilty were given probation. Again, the number of months varied by court type, from an average of 12.9 months in Youth Court to 21.2 months in Provincial Court to 29.2 months in District Court.

A variety of other sentences was also given to a small number of offenders, including those of counselling and community service.

It is of interest to note that one-third of the young offenders received community service, whereas very few of the adult offenders did. As well, the adult offenders tried in District Court were more likely to receive counselling than those adult offenders tried in Provincial or accused under 18 years tried in Youth Court. Over five per cent (5.8 per cent) of offenders received a suspended sentence and another 5.8 per cent were given a conditional discharge.

6.3.5 Time Taken

The average number of court dates varied by court type with accused in Provincial Court having 7.8 court dates from show cause to sentencing and accused in District Court having 10.4 court dates. In Provincial Court it took, on average, 9.4 months to process a case from the first court date to the final disposition. In District Court cases averaged 15.8 months. Youth Court cases took an average of 8.2 months to conclude (Table 6-9).

**Table 6-8 Sentence for Accused Convicted or Pleading Guilty to Child Sexual Abuse
— Provincial, District and Youth Court**

	Provincial Court		District Court		Youth Court		Total	
	N	%	N	%	N	%	N	%
TOTAL	63	100.0*	38	100.0*	36	100.0*	137	100.0*
<u>Months in Custody</u>								
None	37	58.7	17	44.7	26	72.2	80	58.4
Custody	26	41.3	21	55.3	10	27.8	57	41.6
Range - months		1-60		3-72		1-18		
Mode - months		6		9		4		
Average - months		12.9		17.5		6.6		
<u>Months of Probation</u>								
None	8	12.7	8	21.0	4	11.1	20	14.6
Probation	54	85.7	30	78.9	32	88.9	116	84.7
Missing	1	1.4	-	-	-	-	1	.7
Range - months		12-36		18-36		4-24		
Mode - months		12		36		12		
Average - months		21.2		29.2		12.9		
<u>Number With Other Sentence**</u>								
Suspended	7	11.1	1	2.6	1	2.7	8	5.8
Community service	3	4.8	0	0	12	33.3	15	10.9
Counselling	10	15.9	12	31.6	0	0	22	16.1
Fine	2	3.2	0	0	2	0	4	2.9
Absolute discharge	0	0	0	0	1	0	1	.7
Conditional discharge	8	12.7	0	0	0	0	8	5.8

* Percentages may not sum to 100.0 per cent due to rounding.

** Percentage of all cases proceeded through court.

Source: Provincial, District Court - Court Records, Youth Court - Police Disposition

Table 6-9 Processing of Cases Through the Courts

	Provincial Court	District Court	Youth Court	Total		
TOTAL	120	57	69	246		
Average Number of						
Show cause dates	2.0	1.5	-	-		
Set dates	2.8	6.5	-	-		
Trial dates	1.7	1.4	-	-		
Sentence dates	1.3	1.3	-	-		
TOTAL COURT DATES	7.8	10.4	-	-		
Months from First Court Date to Disposition						
	N	%	N	%	N	%
1 - 6 months	37	30.8	2	3.5	32	46.4
7 - 12 months	57	47.5	15	26.3	25	36.2
13 - 18 months	23	19.2	26	45.6	7	10.1
19 - 20 months	3	2.4	14	24.5	5	7.2
Average months	9.4		15.8		8.2	

Note: "-" = unknown

Source: Provincial, District Court - Court Records, Youth Court - Police Dispositions

Summary

- There were 434 cases which resulted in the laying of a charge.
- The charge of sexual assault (C.C. 246.1) was laid in 92.6 per cent of the 434 cases followed by sexual interference (C.C. 140) in 10.8 per cent.
- Of the 434 cases charged, 291 (or 67.1 per cent) were known to have proceeded to court. Cases which proceeded were more likely to involve: victims aged six to 12 years, extra-familial accused, offences of fondling and touching followed by fellatio-cunnilingus.

- Of 291 cases proceeding to court, we were able to track 246 accused through the court system. Of these, 120 accused had their cases tried in Provincial court, 76 in District court and 69 in Youth court.
- A judicial interim release ('bail') hearing was held for most of the 120 accused whose cases were heard in Provincial Court.
- Almost one-half were required to post bail, most amounts falling between \$500 and \$2000. Another 10 per cent were detained without bail and 15 per cent were required to sign undertakings only.
- For almost all accused conditions were attached to the bail releases and to the undertakings. These specified no contact with children (56 cases) and/or no contact with the victim (28 cases).
- Guilty pleas were entered at some point by approximately 40 per cent of accused. Over one-half of the accused in District Court pleaded guilty.
- More of the accused with multiple charges had charges withdrawn than did those with only one initial charge.
- Of 246 accused proceeding to court, 32.2 per cent had charges dismissed or withdrawn; 40.7 per cent pleaded guilty; 18.3 per cent were convicted and 6.5 per cent were acquitted.
- Of 137 accused (out of 145 accused pleading guilty or convicted) for whom sentence was passed and this information obtained, 41.6 per cent were given custody ranging from one to 72 months with the highest average length of 17.5 months being given in cases heard in District Court.
- Eighty-five per cent of accused were given probation, either in combination with custody or alone. Probation terms ranged from four to 36 months with the average being highest in District Court and lowest in Young Offenders Courts.
- The average number of court dates ranged from 7.8 for accused whose cases were completed in Provincial Court to 10.4 for cases concluding in District Court. The average time was also longest in District Court cases at 15.8 months from bail hearing to disposition.

6.4 Court Preparation

Children are being required to testify in court. While we only have information on 57 cases which proceeded through District Court during our tracking, we note that 64.9 per cent had the child appear as a witness.¹⁵

Crown attorneys were asked a series of questions relating to their preparation of the child to testify in court including the number of days before the preliminary hearing or trial they see the child, the opportunities children are given for court preparation and how they typically prepare child witnesses for testifying in court.

Over one-half of the crown attorneys reported that they saw the child within the week prior to the preliminary hearing or trial (52.6 per cent). Another 10.5 per cent said two weeks prior and 15.8 per cent said one month prior. The remaining 21.0 per cent did not know or said it varied.

In terms of the opportunities available to the child for court preparation:

- 78.9 per cent of the crown attorneys said they meet with the child;
- 42.1 per cent said that children meet with either police or workers from the CASs;
- 31.6 per cent said that children attend the CVWSP;
- 21.1 per cent of the crown attorneys said children meet with a Victim-Witness Assistance Worker; and,
- 21.1 per cent mentioned other court-related "programs".

Crown attorneys were asked how they typically prepare child witnesses for testifying in court. Most crown attorneys said they explain the proceedings (84.2 per cent). Less than one-half (47.4 per cent) show the child the court room. Less than one-third explain the type of questions asked by the crown attorney (31.6 per cent) or by the defence counsel (31.6 per cent) or explain the oath (26.6 per cent) (Table 6.4.1 in Technical Appendix).

Finally, the crown attorneys were asked, "How many times, on average, would a child victim-witness of sexual abuse be required to repeat their story after charges are laid?". The data for crown attorneys, as well as answers given when a similar question was asked of child welfare workers and police, indicate that children are being asked to repeat their story numerous times to each source. Ultimately, they could tell their story at least four times and, for some, many more (see Table 6.4.2 in Technical Appendix).

¹⁵ Our sources of data for the 120 Provincial Court cases did not indicate whether the child had testified.

Summary

- Children may have to tell their story at least four, and often more, times in the criminal justice process.
- One-half of crown attorneys surveyed for this study responded that they interview the child within one week of the court appearance. The remainder reported seeing the child earlier than this.
- Crown attorneys say that they typically explain the proceedings to the child to prepare them for court. One-half take the child to a court room and one-third explain the questions they should anticipate and the oath.

6.5 Tracking of Young Offenders Through the Criminal Justice System

Figure 6-3 shows the tracking results for children who were sexually abused by alleged offenders under the age of 18.

There were 149 substantiated police cases of child sexual abuse where the accused was under the age of 18. Of these, 106 or 71.1 per cent of the accused were arrested and 72 or 48.3 per cent of the cases proceeded to Youth Court. This was 67.9 per cent of cases where an arrest was made.

Comparisons with the tracking results for all occurrences indicates that the proportion of occurrences where an arrest was made and the proportion of occurrences which proceeded to court was higher for those involving young offenders.

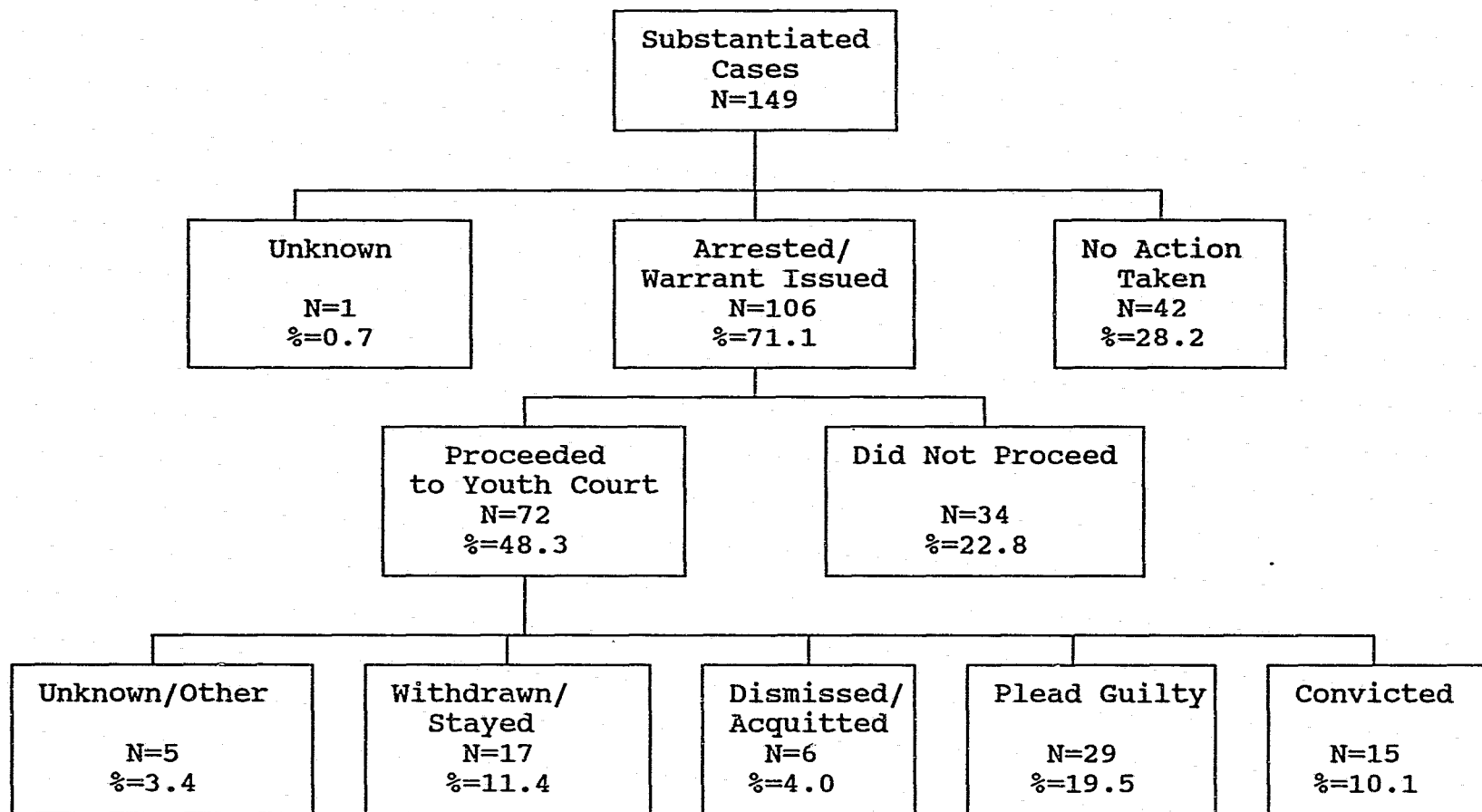
Turning to court outcomes, we find that, of the total substantiated cases (N=149), 19.5 per cent resulted in a guilty plea and 10.1 per cent were convicted. Of those proceeding to Youth Court (N=72), 40.3 per cent pleaded guilty and 20.8 per cent were convicted. These figures are similar to those for all occurrences.

Summary

- Of the 149 (or 21.5 per cent of) substantiated police cases involving young offenders for which information was available, 71.1 per cent were arrested and 48.3 per cent proceeded to court. These are higher rates than those for older-aged offenders.
- One-fifth of young offenders pleaded guilty and 10 per cent were convicted.

Figure 6-3

Tracking Results for Children Who Have Been Sexually Abused by Youths Under Age 18



Note: The court outcomes for child sexual assault victims whose accused were less than 18, come from police records of victims. As such, there may be some double counting of accused.

7.0 PROGRAM PROCESS ISSUES

In examining program process issues we focussed on three aspects in particular: referrals to the CVWSP, the preparation of children for court, and the preparation of adults for supporting children through the court process.

7.1 Referrals to the CVWSP

7.1.1 Profile of Children Referred to the CVWSP

A total of 323 children were referred to the project over the period from August 1987 to December 1989. The referrals have been overwhelmingly made by the two Children's Aid Societies in Metropolitan Toronto - the MCAS and CCAS. Approximately three-quarters of all children referred were sent to the project by these organizations - 33.7 per cent from the CCAS and 40.2 per cent from the MCAS (Table 7.1.1 in Technical Appendix). Police have referred another 18.9 per cent. The remaining 7.2 per cent were referred by the Jewish Family and Child Service or by crown attorneys.

The following profile of sexually abused children and alleged offenders should not be accepted as typical of these groups as a whole. The statistics below are based only on cases in which: charges had been laid, where there was a high probability of proceeding to court, where the child was likely to be called to testify and where a referral had been made to the CVWSP (Table 7-1). For these reasons it is not appropriate to compare child sexual abuse cases referred to the program with those reported to the police.

Over the study period, three-quarters of the children referred to the CVWSP were between eight and 16 years of age but another 17 per cent, or 55 children, were under eight years old. Eighty per cent of referrals were female.

When referred, two-thirds of the children were living in their own home and nine per cent were in a foster home. Others were either with a friend or relative, in a group home, a receiving home or another location (not recorded by CVWSP staff).

There is no information regarding the specific nature of the abuse involved because this is not maintained by the program. Instead, the charges laid against the accused are noted on the 'Program Referral Form'. In approximately six per cent of cases (N=20) at least three charges were brought. In just over one-quarter of the cases (N=91) two charges were laid and two-thirds of the cases referred involved only one charge. The majority of charges brought against accused were C.C. 246.1 or the first level of sexual assault. The next most frequent charge was C.C. 140 (under the 1988 Bill C-15 revisions) for sexual interference.

Table 7-1

Characteristics of Child Victims and Cases Referred to CVWSP Group Series and Individual Preparation

Characteristic	Group		Individual		Total	
	N	%	N	%	N	%
<u>Age of Child</u>						
4 years and less	-	-	10	8.3	10	3.1
5 to 7 years	7	3.9	34	28.3	45	13.9
8 to 12 years	73	41.0	41	34.1	122	37.8
13 to 16 years	89	50.0	27	22.6	124	38.4
17 years and up	3	1.7	6	4.9	12	3.7
Unknown	6	3.4	2	1.7	10	3.1
TOTAL	178	100.0	120	99.9	323	100.0
<u>Gender of Child</u>						
Male	15	8.4	36	30.0	62	19.2
Female	163	91.6	82	68.3	258	79.9
Unknown	-	-	2	1.7	3	.9
TOTAL	178	100.0	120	100.0	323	100.0
<u>Child's Residence</u>						
Own home	116	65.2	81	67.5	218	67.5
Receiving home	6	3.4	2	1.7	8	2.5
Foster home	19	10.7	10	8.3	29	9.0
Relative/friend	10	5.6	5	4.2	17	5.3
Group home	8	4.5	6	5.0	14	4.3
Other	5	2.8	5	4.2	10	3.1
Unknown	14	7.9	11	9.2	27	8.4
TOTAL	178	100.1	120	100.1	323	100.1
<u>Offender's Age</u>						
13 to 16 years	9	5.1	15	12.5	24	7.4
17 to 19 years	10	5.6	8	6.7	18	5.6
20 to 29 years	20	11.2	10	8.3	36	11.1
30 to 39 years	21	11.8	14	11.7	35	10.8
40 to 49 years	20	11.2	12	10.0	39	12.1
50 years and up	21	11.8	13	10.8	35	10.8
Unknown	77	43.3	48	40.0	136	42.1
TOTAL	178	100.0	120	100.0	323	99.9

Table 7-1

Characteristics of Child Victims and Cases Referred to CVWSP Group Series and Individual Preparation

Characteristic	Group		Individual		Total	
	N	%	N	%	N	%
<u>Age of Child</u>						
4 years and less	-	-	10	8.3	10	3.1
5 to 7 years	7	3.9	34	28.3	45	13.9
8 to 12 years	73	41.0	41	34.1	122	37.8
13 to 16 years	89	50.0	27	22.6	124	38.4
17 years and up	3	1.7	6	4.9	12	3.7
Unknown	6	3.4	2	1.7	10	3.1
TOTAL	178	100.0	120	99.9	323	100.0
<u>Gender of Child</u>						
Male	15	8.4	36	30.0	62	19.2
Female	163	91.6	82	68.3	258	79.9
Unknown	-	-	2	1.7	3	.9
TOTAL	178	100.0	120	100.0	323	100.0
<u>Child's Residence</u>						
Own home	116	65.2	81	67.5	218	67.5
Receiving home	6	3.4	2	1.7	8	2.5
Foster home	19	10.7	10	8.3	29	9.0
Relative/friend	10	5.6	5	4.2	17	5.3
Group home	8	4.5	6	5.0	14	4.3
Other	5	2.8	5	4.2	10	3.1
Unknown	14	7.9	11	9.2	27	8.4
TOTAL	178	100.1	120	100.1	323	100.1
<u>Offender's Age</u>						
13 to 16 years	9	5.1	15	12.5	24	7.4
17 to 19 years	10	5.6	8	6.7	18	5.6
20 to 29 years	20	11.2	10	8.3	36	11.1
30 to 39 years	21	11.8	14	11.7	35	10.8
40 to 49 years	20	11.2	12	10.0	39	12.1
50 years and up	21	11.8	13	10.8	35	10.8
Unknown	77	43.3	48	40.0	136	42.1
TOTAL	178	100.0	120	100.0	323	99.9

Table 7-1 (Cont'd)

Characteristic	Group		Individual		Total	
	N	%	N	%	N	%
<u>Offender's Gender</u>						
Male	171	96.1	115	95.8	309	95.7
Female	6	3.4	5	4.2	11	3.4
Unknown	1	.6	-	-	3	.9
TOTAL	178	100.1	120	100.0	323	100.0
<u>Offender's Relation to Child</u>						
Biological father	28	15.7	16	13.3	49	15.2
Step/foster/common-law father	36	20.2	13	10.8	56	17.3
Other relative	35	19.7	29	24.2	67	20.7
Adult acquaintance	66	37.1	50	41.7	122	37.8
Peer friend	7	3.9	7	5.8	14	4.3
Stranger	2	1.1	4	3.3	6	1.9
Multiple offenders	2	1.1	1	.8	3	.9
Unknown	2	1.1	-	-	6	1.9
TOTAL	178	99.9	120	99.9	323	100.0
<u>Charge # 1</u>						
246.1	119	66.9	82	68.3	214	66.3
246.2/3 years	3	1.7	2	1.7	7	2.2
140	5	2.8	16	13.3	24	7.4
146	-	-	-	-	-	-
146 (1)	7	3.9	2	1.7	9	2.8
146 (2)	-	-	-	-	-	-
141	2	1.1	1	.8	3	.9
244	4	2.2	3	2.5	7	2.2
150	3	1.7	2	1.7	5	1.5
154	-	-	-	-	-	-
155	1	.6	-	-	1	.3
157	7	3.9	2	1.7	12	3.7
169	4	2.2	-	-	4	1.2
Other summary	4	2.2	-	-	5	1.5
Other hybrid	1	.6	-	-	2	.6
Other indictable	5	2.8	4	3.3	9	2.8
Unknown	13	7.3	6	5.0	21	6.5
TOTAL	178	99.9	120	100.0	323	99.9

Table 7-1 (Cont'd)

Characteristic	Group		Individual		Total	
	N	%	N	%	N	%
Charge # 2						
246.1	18	10.1	7	5.8	30	9.3
246.2/3	-	-	-	-	-	-
140	16	9.0	19	15.8	40	12.4
146	-	-	2	1.7	3	.9
146 (1)	1	.6	-	-	1	.3
146 (2)	2	1.1	-	-	2	.6
141	1	.6	3	2.5	4	1.2
244	-	-	-	-	1	.3
150	3	1.7	-	-	3	.9
154	-	-	3	2.5	4	1.2
155	-	-	-	-	-	-
157	-	-	-	-	-	-
169	-	-	-	-	-	-
Other summary	2	1.1	1	.8	3	.9
Other hybrid	8	4.5	9	7.5	18	5.6
Other indictable	-	-	1	.8	1	.3
Unknown	1	.6	-	-	1	.3
Not applicable	126	70.8	75	62.5	212	65.6
TOTAL	178	100.1	120	99.9	323	99.8
Charge # 3						
246.1	1	.6	-	-	2	.6
246.2/3	-	-	-	-	-	-
140	1	.6	1	.8	2	.6
146	-	-	-	-	-	-
146 (1)	-	-	-	-	-	-
146 (2)	-	-	-	-	-	-
141	1	.6	3	2.5	5	1.5
244	1	.6	-	-	1	.3
150	-	-	-	-	-	-
154	-	-	-	-	1	.3
155	-	-	-	-	-	-
157	-	-	-	-	-	-
169	-	-	-	-	-	-
Other summary	-	-	-	-	-	-
Other hybrid	2	1.1	1	.8	4	1.2
Other indictable	-	-	-	-	-	-
Other	5	2.8	-	-	5	1.5

Table 7-1 (Cont'd)

Characteristic	Group		Individual		Total	
	N	%	N	%	N	%
Charge # 3 (Cont'd)						
Unknown	-	-	-	-	-	-
Not applicable	167	93.8	115	95.8	303	93.8
TOTAL	178	100.0	120	99.9	323	93.8
Accompanied by Physical Force						
Yes	41	23.0	20	16.7	69	21.4
No	121	68.0	85	70.8	221	68.4
Unknown	16	9.0	15	12.5	33	10.2
TOTAL	178	100.0	120	100.0	323	100.0
Accompanied by Threats to Child						
Yes	40	22.5	15	12.5	60	18.6
No	113	63.5	85	70.8	216	66.9
Unknown	25	14.0	20	16.7	47	14.5
TOTAL	178	100.0	120	100.0	323	100.0
Duration of Abuse						
One incident only	48	27.0	46	38.3	96	29.7
Less than 1 month	14	7.9	4	3.3	18	5.6
1 to 12 months	27	15.2	14	11.7	44	13.6
1 to 2 years	19	10.7	11	9.2	32	9.9
2 to 5 years	12	6.7	11	9.2	27	8.4
More than 5 years	11	6.2	2	1.7	14	4.3
Unknown/other	47	26.4	32	26.7	92	28.5
TOTAL	178	100.1	120	100.1	323	100.0
Frequency of Abuse						
One incident only	46	25.8	48	40.0	96	29.7
Several isolated incidents	38	21.3	23	19.2	63	19.5
2 to 4 times/month	22	12.4	9	7.5	31	9.6
5 to 14 times/month	11	6.2	8	6.7	22	6.8
15+ times/month	2	1.1	3	2.5	5	1.5
Unknown/other	59	33.1	29	24.2	106	32.8
TOTAL	178	99.9	120	100.1	323	99.9

Table 7-1 (Cont'd)

Characteristic	Group		Individual		Total	
	N	%	N	%	N	%
<u>Nature of Case</u>						
Single victim/offender	104	58.4	70	58.3	178	55.1
Multiple victims/single offender	56	31.5	45	37.5	116	35.9
Other	12	6.7	4	3.3	19	5.9
Unknown	6	3.4	1	.8	10	3.1
TOTAL	178	100.0	120	99.9	323	100.0
<u>Type of Next Proceeding</u>						
Set date	3	1.7	5	4.2	11	3.4
Preliminary hearing	46	25.8	28	23.3	86	26.6
Provincial trial	20	11.2	16	13.3	36	11.1
District trial	5	2.8	5	4.2	15	4.6
Youth court trial	3	1.7	5	4.2	8	2.5
Other	3	1.7	5	4.2	3	.9
Unknown	98	55.1	56	46.7	164	50.8
TOTAL	178	100.0	120	100.1	323	99.9
<u>Child Protection Proceedings</u>						
Yes	32	18.0	25	20.8	60	18.6
No	133	74.7	88	73.3	239	74.0
Unknown	13	7.3	7	5.8	24	7.4
TOTAL	178	100.0	120	99.9	323	100.0
<u>Nature of Disclosure</u>						
Purposeful by child	129	72.5	101	84.2	240	74.3
Accidental by child	27	15.2	12	10.0	44	13.6
By another person	12	6.7	6	5.0	22	6.8
Unknown	10	5.6	1	.8	17	5.2
TOTAL	178	100.0	120	100.0	323	99.9
<u>Appearance at Court was Discussed with Child</u>						
Yes	128	71.9	63	52.5	205	63.5
No	21	11.8	25	20.8	48	14.8
Unknown	29	16.3	32	26.7	70	21.7
TOTAL	178	100.0	120	100.0	323	100.1

Table 7-1 (Cont'd)

Characteristic	Group		Individual		Total	
	N	%	N	%	N	%
Assessed Ability of Child to Testify						
Very questionable	16	9.0	11	9.2	28	8.7
Somewhat questionable	51	28.7	32	26.7	89	27.6
Fair	47	26.4	35	29.2	92	28.5
Good	34	19.1	17	14.2	52	16.1
Unknown	30	16.9	25	20.8	62	19.2
TOTAL	178	100.1	120	100.1	323	100.1
Child Testified						
Yes	73	41.0	50	41.7	128	39.6
No	41	23.0	33	27.5	80	24.8
Unknown	32	18.0	14	11.7	52	16.1
Not applicable	32	18.0	23	19.2	63	19.5
TOTAL	178	100.0	120	100.1	323	100.0
Child was Sworn						
Yes	68	38.2	41	34.2	114	35.3
No	44	24.7	41	34.2	90	27.9
Unknown	34	19.1	15	12.5	56	17.3
Not applicable	32	18.0	23	19.2	63	19.5
TOTAL	178	100.0	120	100.1	323	100.0

Physical force and threats to the child occurred in a minority of cases; approximately one-fifth of children experienced each of these. About 30 per cent of children referred to the CVWSP experienced one incident of sexual abuse only but one-quarter are known to have endured the sexual abuse for a period of one year or more (either of these estimates may be understated because of the high proportion of cases for which this information was not available).

Over one-half of the cases involved one victim and one offender while one-third were characterized by one offender with multiple victims. Ninety-six per cent of alleged offenders were male. The age of the accused was recorded in 60 per cent of cases. They ranged from 13 to over 70 years old. Most were between 20 and 50 years. Twenty-four accused, or 7.4 per cent, were young offenders. The majority of alleged offenders were divided among biological fathers to the child, step/foster fathers or mothers' common-law partners, other relatives and adult acquaintances.

At the time of referral, less than 10 per cent of children did not have a support adult identified who would go to court with them (Table 7-2). Just over half of the support adults were the child's mother. In another 11 per cent of cases, the father, stepparent or foster parent would accompany the child. For the same percentage of children, the support person identified was their social worker. One-third of children referred had a second support adult available, primarily their father or a social worker.

7.1.2 Number and Appropriateness of Referrals to the CVWSP

The CVWSP staff had several concerns about referrals. A primary concern was whether all children who required preparation for court and were eligible for the program were, in fact, being referred (see eligibility criteria outlined in Section 3.5.1). Secondly, were project resources being utilized where they were most needed by working with appropriate referrals? The third question regarding referrals was whether there were any systematic differences between those who continued participation in the project and those who dropped out. These concerns point to the importance of appropriate referrals and the understanding that referring sources have of the program.

Are All Children being Referred Who Could Be and are Referrals to the CVWSP Appropriate?

Interviews with CAS workers, police and crown attorneys indicate that CAS staff working with sexually abused children are most familiar with the program and crown attorneys are least familiar (Table 7.1.4 in Technical Appendix). Since crown attorneys see the child at a point very close to the court date, the CVWSP has not expected them to refer children to the project. A large proportion of police officers (71.1 per cent) report having referred to the program but it is not clear that they are familiar enough with the CVWSP to differentiate it from the many other programs to which they make referrals. This is based on the finding that the number of children in the program actually referred by officers is just one-fifth of the total. Police officers may require more information from the CVWSP about the program and the process of referral expected. Officers may be informing the parents of children about the project while not realizing that the CVWSP also expects them to alert the project about those individuals who might benefit from it.

All three groups involved with child sexual abuse cases maintain that they are aware of children who, although they would benefit from the project, are not being referred (Table 7-3). The natural question is "why are they not referring these children"? There was no clear pattern to the responses when police, CAS workers and crown attorneys were asked this.

Table 7-2 Relationship of Support Adults who will Attend Court with Child

Who Will Attend Court with Child	First Named Support	Second Named Support	Third Named Support
	N=323 %	N=323 %	N=323 %
Mother	54.2	2.2	-
Father	5.3	10.5	-
Foster parent	5.6	1.9	-
Stepmother/stepfather	.3	1.9	-
Grandparent	2.2	.9	.3
Aunt/uncle	1.2	.9	.3
Sibling	1.5	.3	.3
Group home worker	2.2	.6	-
Social worker	11.5	13.0	3.1
Adult friend	.3	-	-
Other	.3	1.9	1.9
None named	8.4	65.6	94.1
No answer	7.1	.3	-
TOTAL	100.1*	100.0	100.0

* Adds to more than 100.0 per cent because of rounding.

Table 7-3 Are There Children Who Meet the Criteria Who are not Being Referred?

	CAS	Police	Crown Attorneys
	N=44 %	N=45 %	N=19 %
Yes	34.1	24.4	26.3
No	59.1	55.6	15.8
Do not know / Not applicable	6.8	20.0	57.9
TOTAL	100.0	100.0	100.0

Police responses included: use of the Victim/Witness Assistance Worker instead; they themselves prepared children; children did not want to go; courses are not well-timed prior to court dates. More CAS workers than police reported that parents or children did not want to attend the project. In addition, some CAS respondents replied that their own staff was just as effective or that the program's location was too distant from families who probably should attend. Few crown attorneys had an answer for the above question — one said that no one knew to whom the children could be referred.

Another stated that the "program has a limit to just serious cases", and a third admitted that "I don't have enough time to investigate how the family as a whole is doing".

It is clear therefore that not all those children known to be eligible are being referred to the CVWSP court preparation program. The primary referral sources are not sending all cases because of logistical difficulties or families not wanting to participate. We can only estimate the number of children who are not being sent to the program based on all cases reported to the police over one 12-month period while the program was operating. In the period from September 1987 (when the CVWSP first accepted referrals) to August 1988, police brought charges in 434 cases of child sexual abuse. If all of these cases proceeded to court and if the child victims were expected to testify in all of these cases, this would constitute the target population for the program. We know, however, that many cases result in guilty pleas early in the process and that crown attorneys do not consider all children to be potentially competent witnesses.

During this same 12-month period the CVWSP had 97 referrals. This rate increased after the first program year as more police and CAS workers became aware of it. In the second year, approximately 150 children were referred, a more realistic annual rate. This leaves a gap of possibly up to 300 children involved in cases in which charges were laid. Perhaps one-half to two-thirds of these might have proceeded to trial (two-thirds of the 434 charged cases proceeded to some stage of court in the previous year - see Figure 6-1). This suggests a rough estimate of a potential number of program referrals ranging from 200-400 cases in the second 12-month period of program operations. The actual number referred was 150, indicating that the program is not reaching anywhere from 50 to 250 children annually.

On the other hand, not all children who are being referred meet the criteria established by the program. The CVWSP expects children to be involved in cases which will proceed to court with a high likelihood that children will testify; that children will be between the ages of eight and 16 years; that they will reside in, or their case will be heard in, the Metropolitan Toronto area, and that they are participating voluntarily in the program. An examination of the characteristics of referred children in the light of these criteria suggests that the CVWSP may not be committing its resources according to its own established priorities.

In only one-half of the cases was the type of next court date recorded on the referral form. Of these one-half of the children were facing a preliminary hearing and another one-fifth were to proceed to Provincial Court. Approximately 10 per cent of cases were scheduled for District Court (Table 7-1).

At the point of referral the referring person assesses whether children will be able to testify in court and whether there is a likelihood that they will recant. For roughly one-third of the children the ability to testify is deemed "questionable". The prospects

for another 28.5 per cent are rated as "fair". The assessed ability to testify is "good" for only 16.1 per cent of children (Table 7-1). Only eight per cent of children referred are described as being likely to recant (although no assessment of this likelihood is provided on the referral form for 20 per cent of referrals — Table 7.1.6 in Technical Appendix). Only 5.6 per cent of children are known to have had previous court experience when referred to the project (Table 7.1.7 in Technical Appendix).

Other evidence is available to the court in some cases. Twenty per cent of cases are reported as having other eyewitness evidence available and in 12.1 per cent of referred cases there is medical or forensic evidence for the prosecution (Table 7.1.8 in Technical Appendix).

The above noted factors suggest that the CVWSP may be expending its already over-stretched resources on cases that may not proceed or on those cases that may be less in need of assistance than others. However, according to CVWSP staff, the unpredictability of the court process and the possibility of significant changes to the child's emotional state as the case progresses make it very difficult to apply rigid criteria to decisions about accepting children into the program.

A range of impediments to the child's actually proceeding to testify may arise at any point. These have been recorded by staff based on the assessment provided by the referral source. Thirty-five specific impediments were identified (Table 7-4). The most common one was that the "child has withdrawn", followed by the age and by the fearful state of the child.

Even where the child may be assessed as being likely to recant or otherwise not a good prospect for testifying, court preparation serves a purpose in educating the child about the process and reducing his or her fears. Crown attorneys are likely, however, to rely on the ability of the child to provide testimony as the most compelling reason for proceeding with the prosecution.

The group program was not designed to deal with children under eight years but a sizeable proportion of referrals are younger than this. These children are usually prepared individually for court, a process that requires greater staff time. Thirty-seven per cent of all referrals, or 120 children, were prepared for court on an individual basis either because of their age or because their court dates did not permit them to wait until the next scheduled group program (Table 7-5).

Table 7-4 Specific Impediments to Child's Testifying (N = 323)

Obstacles	%
Child withdrawn	11.1
Age, fear	7.7
Language problem	3.1
Learning disability	2.8
Child afraid	1.2
Runs away, steals, lies	.9
Poor recall	.9
Nervous, home flack	.9
No attention to question	.9
Child suicidal	.9
Child afraid of mother	.9
Child quiet in court	.6
Extended family are alien	.6
Emotional problems	.6
Child hyperactive	.6
Fears family breakup	.6
Physical abuse history	.6
Mom told child to recant	.6
Child in hospital - adjourned	.3
Child shaky	.3
Initially child refused to testify	.3
No support	.3
Vacation for a month	.3
Child does what wants	.3
Child wants to return home	.3
Peer's treatment	.3
Mom suicidal	.3
Afraid to see accused	.3
Inconsistent	.3
Child out of control	.3
Boyfriend	.3
Loss visit dad	.3
Behaviourial problem	.3
Parent will not go to court	.3
Step-family pressure	.3
No answer	3.7
Not applicable	53.9
TOTAL	100.0

Table 7-5 Type of Service Scheduled by CVWSP for Referred Children

Type of Service	% of Children	# of Children
Pre-adolescent group	24.5	79
Adolescent group	30.7	99
Individual preparation	37.2	120
Other	7.7	25
TOTAL	100.1	323

Police, CAS workers and crown attorneys were asked about their understanding of referral criteria for the CVWSP. Two-thirds of police and CAS workers reported that they had received an explanation of the referral criteria but no crown attorney remembered having had this explained to them (Table 7.1.11 in Technical Appendix). The program has not been heavily promoted to crown attorneys because they customarily see the child at a point very close to the court case, too late for a referral to the four-week program. Where the criteria were explained, in most cases the information was given by the CVWSP coordinator. Sixteen per cent of police officers learned of it from other officers and almost the same percentage of CAS workers say that they received their information from their peers. Police officers also report being informed about the CVWSP by CAS workers. There remain significant proportions of CAS workers and police who have yet to be reached by the project.

Since at least some of each of these groups have referred children to the project, they had to apply some criteria in deciding to do so. We asked them what these criteria were (Table 7-6). Over half of police officers and CAS workers interviewed say that the age of the child and the fact that a court date has been set are criteria for their referrals. CAS staff are also very likely to take into consideration interest on the part of a support adult (61.4 per cent) as well as the child's interest (59.1 per cent) in participating. Police apply these criteria much less often (42.2 per cent and 31.1 per cent respectively). This may account for fewer of their referrals apparently showing up at the project. The gender of the child is not a concern for many out of each group interviewed.

In addition to the age of the child, crown attorneys are more likely than police or CAS workers to report that they apply no specific criteria but refer based on the nature of the case, i.e., that it is a sexual abuse case.

A range of other criteria was mentioned by each of the respondent groups. The reported categories are not mutually exclusive. They are included in the table presented so that project staff can assess whether the understanding of the CVWSP is appropriate in their view. The verbatim answers to this question are appended for the same purpose (Appendix E).

Table 7-6 Criteria Used by CAS Workers, Police and Crown attorneys When Making Referrals to the CVWSP

	CAS	Police	Crown Attorneys
	N=44 %	N=45 %	N=19 %
Support adult is interested	61.4	42.2	10.5
Court date set	59.1	51.1	10.5
Child is interested	59.1	31.1	10.5
Court date likely	54.5	24.4	10.5
Age of child	52.3	53.3	21.1
Support adult available	34.1	22.2	10.5
Gender of child	6.8	2.2	10.5
Other criteria mentioned:	39.3	60.7	10.5
Child's maturity	-	6.7	10.5
Type/seriousness	-	4.4	-
Child understanding	-	2.2	-
Family emotions	-	2.2	-
Court prep required	4.5	6.7	-
If asked by other	-	2.2	-
If close to trial	-	4.4	-
If need counselling	4.5	-	10.6
Geographical	2.3	-	-
Would not force	2.3	-	-
Ask Victim Support Project	4.6	-	-
Victim's needs	-	-	5.3
Criminal charges	2.3	-	-
Child's evidence	-	-	5.3
All sexual abuse cases / No criteria	6.7	2.2	21.1
Not applicable/Never referred	2.3	6.7	15.8

To further explore the basis upon which children are referred to the program and the extent to which there are eligible children who are not being referred, we identified the referral status of children included in the police occurrences of child sexual abuse over the period from September 1987 to August 1988. Of the 439 cases in which charges were laid (defined here as "arrests or warrant issued"), 74 or 16.9 per cent were referred to the project and a referral form completed for them. Our question was what differences are apparent between those cases reported to the police that are subsequently referred (and actually contact the project) and those that are not referred?

This comparison can shed some light on the referral criteria that appear to be applied. We cannot tell from this data (i.e., collected from the police occurrence reports) just who made the decision to refer. It may be that some of the children identified as not having been referred were, in fact, referred but did not follow through by contacting the CVWSP.

We tested the relationship between referral to the project and several variables describing the offence, the action taken by police, and the characteristics of the child (Table 7-7). We found no relationship between the case being referred to the CVWSP and:

- the nature of the offence, i.e., fondling, fondling accompanied by attempted penetration, fondling accompanied by penetration, or other
- the gender of the child
- the age of the child
- the relationship of victim and accused
- whether this was a repeat occurrence
- whether there had been multiple offenders
- whether a weapon had been used (only 14 cases - none of which were referred)
- the gender or age of the suspect
- the type of charges laid

Table 7-7 Relationship between Specific Case Characteristics and whether Cases Recorded in Police Occurrence Database are Referred to CVWSP Program (N = 439)

Characteristics	Not Referred	Referred	Total	Total	
	%	%	%	N	
<u>Nature of Offence</u>					
Fondling only	81.5	18.5	100.0	173	
Fondling/Attempted penetration	78.3	21.7	100.0	23	
Fondling/Other offences	81.8	18.2	100.0	181	ns
Other offences only	93.5	6.5	100.0	62	
<u>Repeat Occurrence</u>					
Yes	81.6	18.4	100.0	250	ns
No	86.0	14.0	100.0	164	
					(Missing = 25)
<u>Gender of Child</u>					
Male	90.7	9.3	100.0	86	ns
Female	81.5	18.5	100.0	352	
					(Missing = 1)
<u>Age of Child</u>					
Under 6 years	91.7	8.3	100.0	48	
6 to 12 years	82.3	17.7	100.0	226	ns
13 to 17 years	80.8	19.2	100.0	156	
					(Missing = 9)
<u>Relationship of Child/ Accused</u>					
Intra-familial	78.3	21.7	100.0	152	ns
Extra-familial	85.7	14.3	100.0	286	
					(Missing = 1)
<u>Use of Weapon</u>					
Yes	100.0	-	100.0	6	ns
No	82.9	17.1	100.0	433	
<u>Sex of Suspect</u>					
Male	82.9	17.1	100.0	428	ns
Female	88.9	11.1	100.0	9	
					(Missing = 2)

Table 7-7 (Cont'd)

Characteristics	Not Referred	Referred	Total	Total	
	%	%	%	N	
<u>Age of Suspect</u>					
Under 18 years	86.8	13.2	100.0	106	ns
18 to 24 years	88.4	11.6	100.0	69	
25 to 34 years	81.3	18.7	100.0	75	
35 to 44 years	82.6	17.4	100.0	92	
45 years and over	76.6	23.4	100.0	94	
					(Missing = 3)
<u>Multiple Offenders</u>					
Yes	77.8	22.2	100.0	81	ns
No	84.1	15.9	100.0	352	
					(Missing = 6)
<u>Suspect Known - No Action Taken</u>					
No action	100.0	-	100.0	27	ns
Action taken	82.0	18.0	100.0	412	
<u>Charge #1 is 246.1</u>					
Yes - 246.1	80.7	19.3	100.0	322	ns
No - Other charge	85.0	15.0	100.0	80	
					(Missing = 37)
<u>Police District</u>					
1 - Downtown West	73.2	26.8	100.0	71	$\chi^2 = 18.37$ sig. = .001
2 - Etobicoke	88.0	12.0	100.0	75	
3 - North York	70.8	29.2	100.0	65	
4 - Scarborough	91.7	8.3	100.0	108	
5 - Downtown East	78.0	22.0	100.0	82	
					(Missing = 38)

Table 7-7 (Cont'd)

Characteristics	Not Referred	Referred	Total	Total	
	%	%	%	N	
<u>Whether Case Proceeded</u>					
No action taken	100.0	-	100.0	37	$\chi^2 = 13.73$ $df = 2$ $sig. = .001$
Action taken but did not proceed	88.1	11.9	100.0	126	
Action taken and did proceed	78.6	21.4	100.0	276	

Statistically significant relationships¹⁶ did obtain between being referred and:

- whether an arrest or warrant was the immediate action taken by police
- the specific police district involved.

The table indicates certain relationships of interest which characterize the cases charged in this 12-month period:

- A higher proportion of cases involving children over six years of age were referred to the CVWSP.
- The closer the relationship (defined as "family", "friend" or "stranger"), the more likely was the case to be referred.
- Multiple offender incidents were referred more often than single offender cases.
- Cases in which an arrest or warrant followed immediately after report were referred to a greater extent than cases in which no immediate action followed.

¹⁶ A statistically significant relationship as measured by the chi-square statistic indicates only that the two variables in question are not independent of one another. It does not measure either the direction or the strength of this relationship. The direction of the relationships in this particular group of cases is seen from the percentage differences in the tables. The cases analyzed include all of those occurring over a twelve-month period and the description of the relationships applies to this group of cases only.

- When no immediate action was taken by police, although the culprit was known, children were not referred to the program.
- Some police districts referred children to a much greater extent than others, particularly Districts 1 (Parkdale) and 3 (North York).

Summary

- Not all children are being referred to the project who could be. It is estimated that anywhere from 50 to 250 children annually may be proceeding to court in child sexual abuse cases that are not being referred to the CVWSP.
- A substantial proportion of children (17.0 per cent) below the target age for the program are being referred. The CVWSP has been providing individual preparation for these children rather than deny them service.
- Police tend to refer children over six years old in greater proportion than those under this age as well as children whose offenders were related to them. Police in Districts 1 (Parkdale) and 3 (North York) also referred to the CVWSP at a higher rate than did other Districts.
- Children are being referred who are rated by the CAS workers and police as poor prospects for testifying. The CVWSP does not refuse service to this group.
- Understanding of the referral criteria by police and CAS workers appears to be adequate. It is important, however, to continue active promotion and explanation of the program to these groups. Their ability to assess appropriate candidates and to be able to explain the program to prospective referrals will assist the project staff. The choice to participate in the CVWSP by support adults and children should be presented to these individuals with a full explanation of the commitment that is expected of them.

Are There Systematic Differences between Those Who Maintain Attendance in the Project and Those Who Drop Out?

Why some referred children and support adults do not attend the program or attend and then drop out was naturally an issue of interest. A related issue was whether there were differences between these two groups which could be identified. We have only the limited survey of non-attending adults and drop-outs to answer the first question. Altogether, we were able to identify from the attendance records 13 children out of 174 (7.5 per cent) who were referred for the group series who attended no

sessions and another 35 (19.8 per cent) who attended one to two group sessions without returning to complete the third and fourth weeks (Table 7-8). This differs from the program's calculations at the end of each series, which suggest that approximately 25 referred children never attended and 40 attended one or two sessions. Other children and adults who were referred also did not follow through but these were not identified in the project records as prospects specifically for the group series.

In following up the non-completion cases, contact and interviews were successful with only nine parents out of 30 identified in series 10 to 14. The remaining 17 completed interviews were conducted with CAS workers who had referred these cases in the first place. Where they had had a fair amount of contact with the family or where they were still working with them, the workers were able to offer some information regarding the reasons for these families leaving the program.

Nine of these 25 support adults or referring workers reported that the program had been explained to them and only one felt that she had not understood it very well. Seven understood the purpose to be to expose the child to court and inform them about court procedures (Table 7.1.15 in Technical Appendix).

Table 7-8 Total Sessions Attended by Children in Group Series (N=174)

Number of Sessions	% of Cases
Attended no sessions	7.5
Attended 1 session	2.9
Attended 2 sessions	16.7
Attended 3 sessions	25.9
Attended 4 sessions	39.7
Unknown	7.5
TOTAL	100.2*

* Totals more than 100.0% because of rounding.

Sixteen of those interviewed had not attended any sessions while the remainder (N=9) attended one or two sessions before dropping out. Eleven of the 16 not attending had seriously considered the program but for several reasons did not follow through (Table 7.1.16 in Technical Appendix). Among these reasons the single most common one (reported by 4/11) was simply attributing their non-attendance to "nothing concrete" or "various unimportant reasons". Another individual reported not being involved in the child's life. These reasons could be readily interpreted as a lack of strong commitment

on the adult's part to the child's welfare. This could also be said for the adults who did not seriously consider the project, except for that individual who reported a language problem.

For two support adults, problems of time, travel and babysitting prevented them from participating. This is an area that requires additional planning by project staff since there are several reported problems with the logistics of obtaining transportation through the CAS and the CAS arrangements are not always reliable.

According to the project's attendance records, there is a gradual drop-off in attendance from session one to session four (Table 7-9). Three-quarters of those registered attend the first night but by week four only half are in attendance. The records also show that 2.3 per cent of those in the program have had court appearances by session three and 7.5 per cent by session four. This may account for some of the drop-off in attendance as the perceived need for preparation would likely decrease after the court appearance.

Table 7-9 Attendance at Each CVWSP Group Session Across 14 Series from September 1987 to November 1989 (N=174)

Attendance	Session 1	Session 2	Session 3	Session 4
Attended	75.9	74.7	69.5	52.4
Absent	16.7	17.8	20.7	32.2
Had court appearance	-	-	2.3	7.5
Unknown	7.5	7.5	7.5	8.0
TOTAL	100.1*	100.0	100.0	100.1*

* Adds to more than 100.0 per cent because of rounding.

The nine persons who had attended one to two group sessions were asked about their assessment of various features of the project and its usefulness to them and to the child to the extent that they had participated (Table 7-10). They were divided more or less evenly on the extent to which it was difficult or easy to attend the project at night as well as on travelling to the program at its particular location. Although the number of individuals interviewed was very small, it is interesting to compare this assessment with that offered by support adults who completed the program. Only nine (or one-quarter) of 37 attending adults rated the convenience of the location as just "fair" or even "poor" and seven felt that the hours at which the program was held were "fair" or "poor" (see Table 7-24 in Section 7.3).

These differences suggest two possible explanations. These factors may present real obstacles for some parents who dropped out or they may represent only a rationalization for a lower level of commitment on their part. Unfortunately, we cannot discern which is the more valid explanation from the data available to us.

When asked directly why they had stopped attending, these support adults offered a range of reasons:

- 3 stated that the court appearance had taken place before the completion of the series.
- 2 said that they were not required to because they were social workers.
- 1 adult said that one of the sessions had been cancelled for a long weekend and she missed another one.
- 1 person had to work shifts which interfered with attending.
- 1 woman had to be "home for her husband".
- 1 individual reported having attended all the sessions although attendance records did not confirm this.

The assessments of the program given by these nine support adults who had attended one or two sessions were uniformly positive (Table 7-10) with all reporting that they found it helpful and seven saying that the sessions increased their knowledge of the court system. The participating adults also reported that the child found those one or two sessions helpful as well (Table 7-11).

Table 7-10 Assessment of Program by Support Adults Attending 1 or 2 Sessions

Number Attending 1 or 2 sessions	N=9 # Mentioning
<u>Found session(s) helpful</u>	9
Prepared her for court/felt more comfortable	4
Had opportunity to express feelings and know she is not alone	2
Got support/realized there was source of help	2
Helped deal with pain	1

Table 7-10 (Cont'd)

<u>Increased respondent's knowledge of court system</u>	7
Information about court process	
Learned about plea bargaining - it stinks	3
Got help for child	2
Child learned what to expect	1
Learned I would need legal representation	1
My view versus court	1
	1
Did not increase my knowledge of court system	2

Table 7-11 Assessment of Sessions' Value to Child by Adults Attending 1 or 2 Sessions

	N=27 # Mentioning
<u>Child found session(s) helpful:</u>	<u>11</u>
Gave child confidence	6
Learned about court process	2
Learned about court consequences-raise conflicts within child because mother was accused	1
Realized she was not as bad off as other girls	1
Support counsellors very caring	1
Does not know whether helpful for child	1
Not applicable	15

The relationship between characteristics of the child victims or of their case and their maintenance of program attendance for three or four sessions was examined (Table 7-12). The only statistically significant relationship between the selected characteristics and children's program attendance was found between the age of the child and attendance. For the cases examined here, comprising most of those attending the CVWSP group program (i.e., all those for whom the necessary information was available) from September 1987 to December 1989, the proportion maintaining attendance to three

or four sessions decreased with age. This was not a linear drop, however, as the percentage of eight- to 10-year-olds attending this many sessions was lower than either the younger age group or the 11- to 12-years group.

The characteristics of the offence, relationship to the offender, assessed potential of the mother to support the child, child's anticipated ability to testify and availability of other evidence in the case all demonstrated no relationship to the child's attendance at the program.

Table 7-12 Children's Group Program Attendance by Characteristics of Child and of Case

Characteristics	Attended Only 1, 2 or none %	Attended 3 or 4 %	Total %	Total N=161
<u>Age of Child</u>				
7 years and less	12.5	87.5	100.0	8
8 to 10 years	33.3	66.7	100.0	30
11 to 12 years	10.8	89.2	100.0	37 $\chi^2=10.72$
13 to 14 years	28.6	71.4	100.0	42 $df=4$
15 to 16 years	42.9	57.1	100.0	35 $sig=.03$
				(Missing = 9)
<u>Offender's Relation to Child</u>				
Intra-familial				
Extra-familial	31.9	68.1	100.0	94 ns
	27.9	72.1	100.0	61
				(Missing = 6)
<u>Number of Victims/Offenders</u>				
Single victim/offender	29.2	70.8	100.0	42
Multiple victims/ one offender	33.3	66.7	100.0	106 ns
				(Missing = 13)

Table 7-12 (Cont'd)

Characteristics	Attended Only 1, 2 or none %	Attended 3 or 4 %	Total %	Total N=161
<u>Disclosure was Intentional by Child</u>				
Yes	28.8	71.2	100.0	118 ns
No	35.1	64.9	100.0	37
				(Missing = 6)
<u>Referral Source</u>				
Police	40.9	59.1	100.0	22 ns
MCAS	27.3	72.7	100.0	77
CCAS	24.1	75.9	100.0	54
				(Missing = 8)
<u>Mother's Potential to Support</u>				
Questionable or worse	31.3	68.8	100.0	64 ns
Good	24.2	75.8	100.0	66
				(Missing = 31)
<u>Assessed Ability of Child to Testify</u>				
Somewhat questionable	24.6	75.4	100.0	65 ns
Fair	28.9	71.1	100.0	38
Good	41.4	58.6	100.0	29
				(Missing = 29)
<u>Others have Discussed Court with the Child</u>				
Yes	33.0	67.0	100.0	115 ns
No	25.0	75.0	100.0	20
				(Missing = 26)

Table 7-12 (Cont'd)

Characteristics	Attended Only 1, 2 or none	Attended 3 or 4	Total	Total
	%	%	%	N=161
<u>Availability of Other Evidence</u>				
Eyewitness	23.3	76.7	100.0	30 ns
No eyewitness	29.4	70.6	100.0	126
				(Missing = 5)
Medical/Forensic	25.0	75.0	100.0	16 ns
No Medical/Forensic	28.6	71.4	100.0	140
				(Missing = 5)
<u>Child Protection Proceedings</u>				
Yes	24.1	75.9	100.0	29 ns
No	28.5	71.5	100.0	123
				(Missing = 5)

Summary

- Some who did not maintain attendance through the four CVWSP sessions encountered practical difficulties in obtaining transportation or baby-sitters. Others appear to have had a low level of commitment to the program from the outset although they understood its intent. This reinforces the importance of having referral sources clearly understand the project and provide their clients with an explanation of what will be expected of them in participating so that they can make a fully informed decision about attending.
- Age was the only factor clearly related to the continued attendance of children to the third and/or fourth program session. Eleven-12-year-olds, followed by those seven or younger maintained higher attendance levels than those over 12 years old.

7.2 Addressing the Needs of Children

In assessing the extent to which the program addresses the needs of children who will likely testify in court we looked at two aspects of the program: the content of the group sessions, including teaching materials and curricula and, secondly, the process of the group program in bringing children together, providing the support of a group leader and identifying a supporting adult to attend court with the child.

7.2.1 Pre-adolescent and Adolescent Groups - Content

The literature identifies the following as needs which should be met by programs that prepare children to testify in court:

- reduce stress for the child - provide ongoing support;
- "legal process trauma" - prepare the child with knowledge of the legal process, the actors, their roles, the court process, steps involved in the case to its conclusion, i.e., "demystify the courtroom";
- increase the level of confidence of the child ("children are susceptible to leading questions if they lack confidence concerning the event");
- increase the ability of the child to control or, at least, feel in control of the process;
- increase the child's sense of familiarity with the courtroom, process and actors;
- increase predictability of the process and the child's knowledge of the process, i.e., OK to say they "don't know" or "can't remember";
- empower the child in the context of the process and the courtroom.

The Child Victim-Witness Support Project addresses these needs of children in a number of ways. The accompanying table (7-13) outlines the linkages between project activities and child victim-witness needs. Many of these activities are, of course, not mutually exclusive as they address several needs simultaneously. This outline is a simplified presentation of these activities.

In assessing the content conveyed during the project's sessions to each age group, a number of dimensions are important:

- integration of above aspects into the program curricula;
- consistency of delivery of this content;
- content and delivery that attempts to reduce the "victim" definition of the child;
- engagement of participants in the learning process as opposed to emphasis upon didactic delivery;
- imparting active techniques for control of situation versus teaching passive information;
- use of actual courtroom in which child will appear;
- availability of court staff (including crown attorneys and judge) to meet program participants.

Our ability to comment on the actual conduct of sessions is limited by the fact that we did not observe any sessions while they were being conducted. Instead, we have relied upon an independent review by a psychologist of curricula and materials used and the perceptions of child participants in the program.

Forty children were interviewed about their perceptions of the program following the last session of the series which they had attended. Twenty of these had participated in the preadolescent group and 20 in the adolescent group. We offer the following results of these interviews with a cautionary note. Both adults and children were interviewed after they had participated in at least three of the four program sessions. However, some of our questions referred to their feelings or actions after they had only attended one session. The ability to project oneself backward in time to identify and articulate how one felt at that point is difficult for most of us. We cannot be sure that children were successfully able to reconstruct themselves and their feelings when asked about these. Their responses may reflect their current state of mind and not their earlier feelings.

Table 7-13 Needs of Children in Coping with Court Process and CVWSP Activities Targeted to these Needs

Need	Activity Addressing this Need
"Legal process trauma"/Predictability/Familiarity/ Control	<ul style="list-style-type: none"> ● Knowledge of justice personnel and roles ● Trial process/Court day ● Oath/truth-telling ● Charges/Pleas/Judgements/Sentencing ● Adjournments ● Publication ban/Exclusion of public
Confidence/Predictability	<ul style="list-style-type: none"> ● Link with support adult ● Positive reasons for disclosure ● Anticipating cross-examination
Comfort/Familiarity/Predictability	<ul style="list-style-type: none"> ● Support systems of program coordinator, support adult ● Visit to court ● Role-playing in court ● Relaxation techniques ● Practice session
Empowerment/Control	<ul style="list-style-type: none"> ● Child's rights in court ● Ways to ask for needs ● Understanding which decisions/Actions have nothing to do with their behaviour; relieving "blame" and guilt ● Anticipating post-court problems and sources of help ● Preparation for possibility of "not guilty" verdict
Support of significant adult	<ul style="list-style-type: none"> ● Communicate child's wishes to crown attorney re: who child wants in court with them ● Knowledge of justice process ● Provide explanations/Encouragement to child, reinforce positive ● Identify needs of child and obtain appropriate help

Most (two-thirds) of the children interviewed had found out about the program from a CAS or other (unidentified) social worker. Seventy per cent said that they wanted to come on the first night primarily to learn about court and to reduce their fears about it (Tables 7.2.2 and 7.2.3 in Technical Appendix). Their understanding of, and expectations for, the CVWSP appear to have been quite appropriate (however, these interpretations have been offered by the children after they had already attended three or four sessions).

Children mentioned a variety of things that they liked best on the first night (Table 7-14). These included:

- the snacks and the games - 20.0 per cent
- the orientation and meeting the people involved - 17.5 per cent
- the leaders - 15.0 per cent
- everything - 12.5 per cent
- talking to others - 10.0 per cent
- who's who in court - 7.5 per cent.

Table 7-14 What Children Liked Best About Program on First Night (N=40)

Liked Best	% Mentioning
The orientation/meeting people/ filling out forms/felt comfortable	17.5
The leaders	15.0
Everything	12.5
Talking to others	10.0
Who's who in court	7.5
Knew someone there	5.0
Small group - easier to talk	2.5
Other, e.g., snacks, drawing, games	20.0
Nothing really	2.5
Can't remember	7.5
TOTAL	100.0

Children felt more comfortable once the unknown elements became known. It is important for the program to quickly make the children feel comfortable and to engage them in enjoyable activities so that they are motivated to maintain attendance over the four-week series.

Children were also asked whether there were things that they did not like about the program during their first time there. Three-quarters could not think of anything they did not like. The adolescents were almost unanimously positive but half of the preadolescents mentioned something they did not like on the first night. These ranged from feeling uncomfortable because they were late (program hours are from 6:30 p.m. to 8:00 p.m.) to wanting their mother to the fact that everything was very new to them. Nonetheless, 38 of the 40 children interviewed said that, based on their experience of the first time, they wanted to go back to the program.

There has been relatively little appropriate material produced to date for preparing children from a young age through to adolescence for court. The available material relevant to Canadian and Ontario jurisdictions did not offer a wide range of selection for the CVWSP's use. Both books described below are provided to the adolescents in the program and only the second one ("So You Have to Go to Court") was available for the younger children during the period of the program review. The two books offered by the project to child and adult participants differ markedly in their approach (much of the following discussion is taken from the assessment of materials prepared by F. Mathews, Ph.D.).

"After Sexual Assault: Your Guide to the Criminal Justice System" is excellent for preparing the adult witness but is less suitable for adolescents. Some of the illustrations are sombre and might even be intimidating to a younger adolescent. While the book is considered to fall short of meeting the emotional needs of adolescents the group leaders redress this with other activities and approaches. The language is non-sexist but many illustrations tend to reinforce sex-role stereotyping in that females are pictured more in supportive roles and males in positions of power. Program staff, however, feel that this is an appropriate depiction of the reality of the courts and justice system for the child. The publication also has some shortcomings in its explanations of the concepts of "acquittal", "beyond a reasonable doubt", and "plea bargaining".

To assess how effective the presentation of information was for children in the program, they were asked to define some of the most common legal terms. The interviewers recorded their answers and they were then marked as correct, somewhat correct, or entirely incorrect. The best understood concept was the oath, followed by the action of testifying (Table 7-15). The least well understood legal concept was a "not guilty" verdict. This is not surprising for these children since most adults probably do not fully grasp the legal meaning of being determined not guilty. It is, however, a very

important one for sexually abused children to understand because it has implications for their own sense of guilt and responsibility for the incident.

Table 7-15 Children's Understanding of Legal Concepts as Result of Program (N=40)

	Understand Completely %	Understand Somewhat %	Do Not Understand %	Do not Know %	No Answer %
Oath	72.5	5.0	10.0	12.5	-
What crown attorney does	42.5	35.0	12.5	7.5	2.5
Not guilty verdict	30.0	35.0	25.0	10.0	-
Testifying	65.0	12.5	2.5	7.5	12.5
TOTAL	100.0	100.0	100.0	100.0	100.0

"So You have to Go to Court" is given to preadolescents in the program. It is well-written for this age group with reassuring but direct language. Emotional issues are dealt with as well as practical suggestions for making the court experience more comfortable for these children. This is likely to be more useful to them than the cognitively more complex legal terms and concepts. Preadolescent children would benefit most from this book if an adult were encouraged to read it with them a little at a time. One of the functions of group leaders working with the support adults is to show them ways such as this in which they can assist the child through the court process.

One oversight in the book is the failure to address the possible situation of an accused dismissing his/her counsel and acting in his/her own defence (an issue which the book's author has herself raised as requiring some explanation to children involved in these cases).

When asked about the terms to which they had been introduced, the preadolescent children reported a great deal more difficulty with the concept of "not guilty" than did the adolescents. These younger children were also less likely to understand the meaning of testifying. While 18 of 20 adolescents could satisfactorily explain this term only eight of the 20 preadolescents responded as well and four either

said they did not know what it meant or else offered an incorrect explanation of the concept.

The major strengths of both books is that they address the legal process issues and do not delve into the abuse experience itself. They are well-written, simplify legal concepts and terms concretely and give practical advice to witnesses. Their availability in other languages would be very useful.

We wanted to find out how children felt about the books they were given and the games, puzzles and other materials used. Most children (87.5 per cent) liked the book(s) (Table 7-16). A somewhat smaller percentage (70.0 per cent) reported that they were very or fairly easy to read. A few admitted that they had not read the book (three adolescents and two preadolescents). More in the younger age group found the books difficult. A couple of the preadolescents had their parents read it to them.

The children were asked to describe what they had learned from these books. A range of responses was given and these are listed in Table 7-17. The single largest group of answers centred on gaining a realistic view of the court process, i.e., what can happen, what can and cannot be said. Responses to this question may have come from the information presented generally throughout the sessions and not just from the books. Most answers indicate that children have learned useful attitudes as opposed to specific practical information about the legal process. Some of these attitudes and perspectives suggest a reassuring level of confidence on the part of these children.

The assessment of the curricula used for preadolescents and adolescents points to a number of issues when dealing with these age groups. It is difficult to maintain a boundary around the content and process of the group program for informing children about the justice system and what might constitute 'therapy'. The group leaders are very aware of this and make it clear to participants that the group does not take the place of therapy nor is it a forum for talking about the abuse. Group leaders attempt to overcome this by setting out "rules" for children on the first night, one of these being that "Here, we do not talk about what happened to us".

Table 7-16 Children's Assessment of the Book(s) They Were Given by the Program

	N=40 % of Children
<u>Did You Like the Book?</u>	
Read the book:	
Yes. very much	37.5
Yes. it was OK	50.0
No. not really	2.5
Did not read the book	10.0
TOTAL	100.0

<u>Was it Easy or Difficult to Read?</u>	
Read the book themselves:	
Very easy	37.5
Fairly easy	32.5
A little difficult	12.5
Parent read book to them	5.0
Did not read the book	12.5
TOTAL	100.0

Table 7-17 What Children Say They Learned from Books Offered in Program

What was Learned	N=40 % Mentioning*
Learned about the process/realistic view/what can happen/can and can't be said	27.5
Court etiquette-how to dress, protocol, importance of self-restraint	15.0
What to expect-questions, will see accused, cross examination	12.5
Courtroom layout	12.5
Understanding of judges' roles and peoples' roles	10.0

Table 7-17 (Cont'd)

What was Learned	N=40 % Mentioning*
Important to tell the truth/the oath	10.0
Speak clearly/Relax/Control fears	7.5
Child's rights/Can ask for breaks/to have questions repeated	5.0
Not my fault/Not alone/People on my side	5.0
Court is hard for children	2.5
What can happen to the accused/Possible outcomes	2.5
Don't tell your friends-they may laugh at you	2.5
Can talk to a trusted adult	2.5
Screens available/Someone can stay in court with you	2.5
Accused can't hurt me in court	2.5
Hard for young kids who have been abused	2.5
Police are on my side	2.5
Not as scary as I thought	2.5
Can say "no"	2.5
Other	5.0
Nothing	7.5
Do not know	10.0
Says did not read	15.0

* Adds to more than 100.0 per cent because of multiple responses.

Other challenges faced by leaders revolve around the enormous differences between children. Literacy levels, language, culture, levels of ego strength and functioning, availability of other supports and differing developmental stage are among these. The program has only its four weekly sessions in which to determine the needs of specific children and to attempt to provide other sources of assistance.

The written curricula cover the basic elements of the trial process and the issues identified in the literature. Although not indicated in the curricula themselves, leaders report that they have a sense of the "must cover" issues and those of lesser priority.

The games, word puzzles and use of puppets and other props are very useful learning tools for the preadolescents and allow them to manipulate and feel some mastery over the prospective environment of court and the process involved. When children were asked about the sessions and the activities taking place there, most preadolescents reported that they enjoyed the games and puzzles and 19 out of 20 said that these puzzles helped them to learn (Table 7-18).

Most adolescents said that they did not do any games. However, some appear to have interpreted teaching aids, such as lists, as games and generally were positive about these. Emphasis in the adolescent group is appropriately placed by the leader on emotional expression and normalizing their feelings of fear and anxiety.

This is likely to be as important for them as learning the legal concepts involved in the trial process.

Overall, almost three-quarters of the children found that it was "pretty easy" or "really easy" to learn the new things that the program presented. There was little difference between the younger and older children in this respect. One-quarter of the kids said that learning was "a little hard".

Table 7-18 Children's Assessments of Puzzles and Games used in CVWSP Group Program (N=20)

	Preadolescent %	Adolescent %
<u>Did you like the puzzles and games played in the group sessions?</u>		
Yes, a lot	95.0	5.0
Yes, somewhat	5.0	25.0
Did not do any	-	70.0
TOTAL	100.0	100.0

The most common new thing that children said they learned was how to control their fears. Thirty-eight per cent said that "speaking clearly/relaxing/controlling their fears" was what they learned at the program (Table 7-19). Preadolescents emphasized this to a greater extent than adolescents (10 versus four responses respectively). The next most frequently mentioned item was an understanding of everyone's roles in court. The responses of the older children tended to be concentrated in three categories: understanding roles, learning a realistic view of the legal process, and understanding their rights in court, i.e., to ask for breaks, have questions repeated, etc. Young children

focussed on controlling their fears and learning about the court room layout. The possibility of meeting the crown attorney and police before court was also a "new" and, one suspects, reassuring piece of information for preadolescents. Again, children appear to be leaving the program with helpful attitudes and a sense of control and confidence.

Only one child reported not visiting the court as part of the program (Table 7.2.10 in Technical Appendix). Over 90 per cent took the witness stand while there and role-played the part of giving their evidence. Three-quarters said that they had met a crown attorney.

Table 7-19 New Things Children Mentioned that They Learned About the Legal Process and Court

New Thing Learned	N=40 % Mentioning*
How to speak clearly/relax/control my fears	37.5
Understanding judge's roles/people's roles/everyone's positions	27.5
Learned process in general/realistic view/legal aspects	22.5
Child's rights: can ask for breaks, to repeat questions	22.5
Courtroom layout	20.5
What to expect/questions/will see accused/cross-examination	17.5
Court etiquette: need for self-restraint, dressing properly, protocol	15.0
Important to tell the truth/the oath	12.5
Not my fault/not alone/people on my side	10.0
Can meet crown attorney/police before court/importance of this	10.0
Who has access to my file	2.5
You can only have one support person in court when you testify	2.5
Easier in court/more helpful for court's treatment of kids	2.5
Screens available/people allowed in court	2.5
You are not called into the court until you are needed	2.5
Not as scary as I thought it would be	2.5
Other (not as relevant)	12.5
Learned nothing	2.5
Do not know	5.0

* Adds to more than 100.0 per cent because of multiple responses.

Summary

- Although the published materials available to the project have some shortcomings, the children enjoy these books and feel that they are learning something from them, especially a more realistic view of the court process.
- The most difficult concept for the children to grasp, particularly the preadolescent children, is that of "not guilty".
- The group sessions, games, and other teaching materials clearly appeal to children who enjoy the interaction with others in the same situation.
- Overall, child participants are learning useful information about the court process and what to expect. More than this, children seem to leave the program with a sense of confidence resulting from a reduction of the unknown factors facing them in court. Whether this can be attributed to the program, or is the result of other factors in their environment at the same time, has not been determined here.

7.2.2 Group Process Factors

Among the process factors in providing support and information to child victim-witnesses, we looked at the following:

- interval between program and trial date
- continuity of individual(s) dealing with the child throughout program
- ability of program participants to have input to the program content and procedures
- group versus individual preparation
- hours when the program is provided.

The scheduling of the group sessions is once a week for four consecutive weeks every other month. Because court dates are generally set for weeks, or even months, into the future, there is usually an adequate interval for a police officer or social worker to arrange a child's attendance at the project prior to court. This depends, however, upon the referral source contacting the project at the earliest notice so that the pre-series interview can be carried out and the most suitable series close to the court date identified. Completion of the program much before the trial date would probably result in erosion of the benefits experienced by child participants.

In many cases, the first court appearance scheduled will end with an adjournment and another date will be set. There can be several adjournments before the child is actually required to appear. Thus, if a child completes the program and court is

continually adjourned, the interval grows and the information acquired becomes less salient for the child. On the other hand, if the court date has been set for a point during the conduct of a series, there is no guarantee that an adjournment will in fact result and the child may have to appear before he or she has had the opportunity to move through all the stages of information presented in the four sessions. The drop-off in attendance after session two (see Section 7.1.2) is partly attributable to this unpredictability in determining the dates of court appearances.

There has been a high degree of continuity of group leaders since the project's start. Only one turnover in the adolescent and adult groups has occurred in the three-year period. Both adolescent and preadolescent group leaders attend court with the child if there is no supporting adult available. Since the preadolescent leader is also the assistant project coordinator, she is usually able to go to court when needed. The other group leaders work for the project only during those evenings that they lead groups. They have a great deal more difficulty attending court as a result.

Less than 10 per cent of the children referred to the project lack a support adult to attend court with them (Table 7-2). These support adults range from parents to grandparents, aunts, uncles, siblings, and social workers. Where no family support is available or is questionable, the CVWSP asks the referring CAS worker to be prepared to participate in the project and support the child in court. Almost 15 per cent of first-named supporting adults were social or group home workers.

Leaders describe the nature of the group process for children as being interactive and participatory. Children who were interviewed for the evaluation were questioned about whether they remember being asked by the leader for their suggestions about doing things in the groups. One-half of the children said that they had been asked. These were primarily adolescent participants (Table 7.2.11 in Technical Appendix). The younger children were more likely to report that they had not been asked. Among the suggestions that children remembered making were: to talk about possible questions the defence counsel might ask, to engage in general conversation, and to discuss ways in which one could protect oneself.

In addition to information about court and the justice system, leaders also teach children how to relax with some techniques for doing this. Sixty per cent of the children interviewed said that they were told how to relax and control their fears (Table 7.2.12 in Technical Appendix). Thirty per cent reported that they were not shown how to relax. Most described the "technique" they were shown as simply to "remain calm" or "be cool". Many other tricks for relaxing were cited: take deep breaths, don't look at the accused, ask if you don't understand questions, wear nice clothes.

Almost all the children liked the group program. They gave a variety of reasons for feeling this way (Table 7-20). It helped overcome their sense of isolation to see others in the same situation. They met new people, had fun, and some found that they developed peer supports in the group. The only negative feeling was expressed by a young boy who did not feel comfortable in the group with all girls.

Peer supports and finding themselves with others in the same situation was mentioned more by adolescents than by younger participants as a positive feature of the group program. The latter liked the group primarily because it was fun and they "joked around", they had a friend in the group or met other new kids. Adolescents were more likely to see other participants outside of the group sessions between meetings. Eight of the 20 said that they had (Table 7.2.14 in Technical Appendix). Of course, this age group probably has more freedom to move about on their own and thus are able to maintain new contacts once made.

Most kids found it very easy to go to a night program and to reach that location (Table 7.2.15 in Technical Appendix). Because they were brought (in most cases) by family members, this was not a real problem for them. One measure of the extent to which children enjoyed the group sessions is the fact that 95.0 per cent of those interviewed thought the sessions were either just the right length or even too short.

Table 7-20 **Reasons Given by Children for Liking/Not Liking Group Sessions**

Reasons Mentioned	N=40 % Mentioning*
Others in same situation/not alone	22.5
Met new people	17.5
It was fun/joked around/played	17.5
Social support/peer support/made things easier/felt comfortable	15.0
Exchanged ideas/feelings/someone to talk to	10.0
Had friend in group/made new friends	10.0
Questions asked I didn't think of	5.0
Understanding/friendly	5.0
Got information/answered my questions	5.0
See other perspectives/got feedback	5.0
Others were same age	2.5
Only boy in group	2.5
Other reasons	5.0
None given/do not know	2.5

* Adds to more than 100.0 per cent because of multiple responses.

Child participants were asked what they liked best about the CVWSP (Table 7-21). Preadolescents (N=20) liked learning about the roles of people in court (5/20), playing games (5/20), the refreshments (4/20), the leaders and the court room visit (3/20 each). Adolescents (N=20) stressed the social support and getting help in dealing with their feelings (5/20 each), followed by the leaders and the visit to court (4/20 each). What children did not like about the program was primarily that there were too few sessions (Table 7.2.17 in Technical Appendix).

Table 7-21 What Children Liked Best about the CVWSP

	N=20* Preadolescent	N=20* Adolescent
Playing the games, puzzles, fun	7	1
Going to the courtroom	3	4
The leaders	3	4
Peer support/sharing/the group	1	5
Learning about the court process/the justice system	3	3
How to deal with feelings/know you are not alone	-	5
The refreshments	4	1
Role playing/learning people's roles/puppets	5	-
The information given	1	3
It helped in general/Not to worry so much	1	1
Meeting new people	-	1
Not having to tell story	1	1
What to expect in court as witness	-	1
Learned every case/person different	-	1
Small groups made it easier to talk	-	1
Got to meet the crown attorney	2	-
Everything	-	1
Nothing	-	-

* Adds to more than 20 because of multiple responses.

Children by and large did feel well prepared for court by the time that they had finished the program (Table 7.2.18 in Technical Appendix). They felt that the program would help them to testify and that they understood what would happen in court much better than they did before. Two-thirds of the children interviewed felt less worried about court than previously but one-third did not have their fears reduced. One-third thought that they would "definitely" do a good job of telling their story in court while almost half thought possibly they would but were not as confident (Table 7-22). There was no difference between the adolescents and the preadolescents in this expression of confidence regarding the prospect of testifying.

Table 7-22 Children's Expression of Confidence re: Going to Court

	N=40 % of Children
<u>Are you Going to do a Good Job of Telling Your Story in Court?</u>	
Definitely yes	35.0
Yes, not sure	47.5
Do not know	12.5
Not applicable	5.0
TOTAL	100.0

Summary

- Children both enjoy the group environment and find some support from their peers through it.
- Although adolescents and preadolescents found that different aspects appealed to them, each group was positive in its assessment of the group sessions.
- Most child participants felt prepared to face court when they left the program and two-thirds reported a reduction in their fears at the point at which they were interviewed. We cannot determine, however, whether this represents a true change from their previous feelings and is a result of the program itself as opposed to other factors in their environment at the time.

7.3 Assisting Adults to Provide Support for the Child

We interviewed 37 of the 40 adults who had participated in three-four sessions of the group series 10 to 14. This represents approximately 40 per cent of all adults who ever attended the group program for at least three sessions. Because we entered the project after several series had already been completed, we only had the opportunity to include participants of series 10 to 14. This reduced the number of adults who could have potentially been involved in the assessment. We did, however, successfully complete interviews within one to three weeks following each series with almost all adults in the five series occurring during the review period.

Adults were asked who had referred them to the CVWSP. Their responses paralleled the distribution of referral sources as defined for all participants from program records in that three-quarters were referred by a CAS worker (Table 7.3.1 in Technical Appendix). At the time of referral, 73.0 per cent had received an explanation of the project and 89.2 per cent of these felt that they understood its purpose.

The reported understandings of the project's intent are largely consistent with the actual project aims (Table 7.3.2 in Technical Appendix). Three-fourths of those who could explain a purpose described it as being to prepare the child for testifying in court.

There were a number of reasons why these adults decided to participate in the CVWSP (Table 7-23). These were primarily to obtain help in their role as supports to the child and to learn about the court process. Most of the various motivations cited appear to be appropriate to the project's expectations for support persons.

Table 7-23 Why Support Adults Decided to Participate in Program

Reason	N=37 % Mentioning*
To support child/get help in support role	40.5
To learn about court process	21.6
To prepare child for court/lesses fears	18.9
To prepare support person/family for court	13.5
Good for support person/family	13.5
Good for child - fun to go/get help/meet people	10.8
Wife wanted him to go	5.4
It's the only program of its kind	5.4
To learn about abuse	2.7
Positive experience with other support groups	2.7
To help child and self talk about rights in being protected and respected	2.7
Other	13.5

* Adds to more than 100.0 per cent because of multiple responses.

Only 5.4 per cent of the adults interviewed said that they were somewhat negative about returning to the project after the first night and the same percentage claimed that their child was negative (Table 7.3.4 in Technical Appendix).

Support adults were asked about specific aspects of the program and then to assess its overall usefulness to them. Most, 89.2 per cent, felt that they had had the opportunity to provide input to the sessions through being asked by group leaders what they wanted to include. The content of the sessions, topics and information covered, was rated as being "good" or "very good" by 97.3 per cent of these respondents (Table 7-24). The ways in which leaders presented the information was also highly rated by support adults. Approximately 20 to 25 per cent felt that the hours and the location of the program were only "fair" or "poor". The lowest rating, however, was accorded to the physical setting in which the sessions were conducted.

Most adults found that the length of the individual sessions was "just right" or even "too short" (Table 7-25). The number of sessions, i.e., four, was seen as appropriate with almost one-third of the respondents saying that this was too few. The information given about the court process was adequate and easy to understand for 95 per cent or more of the adults interviewed.

Table 7-24 Support Adults' Ratings of Various Aspects of CVWSP

	Very Good %	Good %	Fair %	Poor %	N=37 %
Content - topics and information covered	81.1	16.2	2.7	-	100.0
Ways in which the leaders presented this information	78.4	18.9	2.7	-	100.0
Leader's relationship with the participants	78.4	18.9	2.7	-	100.0
Participant's relationships with each other	32.4	48.6	16.2	2.7	99.9
Physical setting for the group meetings	27.0	37.8	18.9	16.2	99.9
Convenience of the location for travel and access	29.7	45.9	13.5	10.8	99.9
Convenience of the day of the week and hour of the day that the groups were held	37.8	43.2	16.2	2.7	99.9

Table 7-25 Support Adult's Assessment of Program Aspects

	N=37 % of Adults	N=37 Total %
<u>Length of meetings</u>		
Too long	2.7	
Just right	70.3	
Too short	27.0	100.0
<u>Number of sessions</u>		
Too few	29.7	
Right number	62.2	
Too many	2.7	
Depend on group size	2.7	
Do not know	2.7	100.0

Table 7-25 (Cont'd)

	N=37 % of Adults	N=37 Total %
<u>Easy to understand information</u>		
Very easy	78.4	
Somewhat easy	18.4	
Somewhat difficult	2.7	99.5
<u>Given adequate information about court process</u>		
Yes	94.6	
No	5.4	100.0
<u>Given too much information re: court process</u>		
Yes	16.2	
No	81.1	
Can't remember	2.7	100.0

Almost all the adults visited the court room with the child as part of the program (Table 7.3.7 in Technical Appendix). They had met a crown attorney but no support adult reported meeting a judge. The program maintains that the involvement of the Metro Toronto or York District judiciary would not be appropriate since any of the children that the CVWSP prepares may appear before these very same judges.

Adults were asked to assess the usefulness of the CVWSP on several dimensions (Table 7-26). Almost everyone felt that it had been "very" or "somewhat helpful" in increasing their knowledge of the court system and their understanding of the child's needs. Two-thirds reported that they felt very well prepared for court but only one-quarter felt that their child was very well prepared by the time that the series had ended. Two-thirds also told the interviewers following the program and prior to court that they felt "very" or "fairly comfortable" about the prospect of going to court. Ninety-five per cent said that their questions had been answered in the program and the only thing mentioned by one respondent as remaining unclear was the treatment of young offenders.

Table 7-26 Support Adults' Assessments of Usefulness of Program

	% of Adults	N=37 Total %
<u>Increasing understanding of child's needs</u>		
Very helpful	67.6	
Somewhat helpful	27.0	
Not too helpful	2.7	
Not at all helpful	2.7	100.0
<u>Increasing knowledge of court system</u>		
Very helpful	75.7	
Somewhat helpful	21.6	
Not too helpful	-	
Not at all helpful	2.7	100.0
<u>Preparation of child to go through court</u>		
Very well prepared	64.9	
Somewhat prepared	29.7	
Not very prepared	-	
Do not know	-	
Not applicable	5.4	100.0
<u>Preparation of child to go to court</u>		
Very well prepared	27.0	
Somewhat prepared	56.8	
Not very prepared	2.7	
Do not know	8.1	
Not applicable	5.4	100.0
<u>Feeling about going to court</u>		
Very comfortable	24.3	
Fairly comfortable	37.8	
Not too comfortable	27.0	
Very uncomfortable	5.4	
Not applicable	5.4	99.9*

* Does not add to 100.0 per cent because of rounding.

Perhaps the ultimate test of the program for these adults is the fact that 70.3 per cent were very confident about being able to provide the required supports for their child throughout the court process and the remainder "thought" they would be able to.

The support adults to whom we spoke said that they had learned a number of new things about the court process from the CVWSP (Table 7-27). The most common one mentioned was gaining an appreciation of what can happen in reality as the case proceeds, a "realistic view of the system". The most useful feature of the program for one-third of adults attending was the visit to a court room, followed by the information received about the court process (Table 7.3.10 in Technical Appendix). When asked about the least useful aspect of the program, 70 per cent could think of nothing (Table 7.3.11 in Technical Appendix). Those who mentioned something saw the court visit and the location of the program as the "least useful" features. Most adults perceived the group basis of the program as being an advantage (Table 7-28). It gave them the sense that they were not alone and it also meant that a wide range of issues were discussed because others raised questions that they themselves did not think of at the time. Eleven of 19 crown attorneys interviewed could point to some benefit of the program for support adults, primarily in terms of familiarizing them with what to expect from the legal process.

Table 7-27 What Support Adults Learned About the Court Process or Justice System

	N=37 % Mentioning
<u>Learned new things:</u>	<u>91.9</u>
Learned realistic view of system/what can happen	51.3*
Screens available/who can be in court	24.3*
What to expect/questions/situation/will see accused in courtroom	21.6*
Can meet crown attorney/police before court/ importance of this	18.9*
Courtroom layout	18.9*
Understand judges' role/others' roles	16.1*
Possible outcomes/alternatives	13.5*
Court hard on children/need a lot of support	10.8*
Child's rights - can ask for breaks	10.8*
Difference between preliminary and court hearing	8.1*
Court hard on families/stressful	8.1*

Table 7-27 (Cont'd)

	N=37 % Mentioning
How to treat kids	8.1*
Can be exercise in futility	5.4*
Young offenders' trial process	5.4*
Lawyers can be threatening	5.4*
Helped me to prepare child	5.4*
Important to tell the truth	2.7*
How kids can use court as a positive tool	2.7*
Accused has rights - can ask for new judge	2.7*
Everything was new	5.4*
Other responses	2.7*
Did not learn anything new	8.1
TOTAL	100.0

* Adds to more than percentage "Learned new things" because of multiple responses.

Table 7-28 Advantages of Group Format for Support Adults

	N=37 % Mentioning
<u>Being part of a group was an advantage</u>	
<u>Advantages mentioned</u>	<u>94.6</u>
Others in same situation/not alone	43.2*
Questions were asked that I didn't think of	35.1*
See perspectives of others/get feedback/input	24.3*
Obtain social support/peer support/felt more comfortable	21.6*
Get exchange of ideas/feelings/someone to talk to	18.9*
Sensitizes you to others' problems	13.5*
Answered my questions about court	2.7*
Able to ask questions honestly without fear of child's feelings	2.7*
Able to air frustrations	2.7*

Table 7-28 (Cont'd)

	N=37 % Mentioning
<u>Being part of a group was a disadvantage</u>	<u>2.7</u>
Getting drawn into other people's crises	2.7
<u>Was both an advantage and a disadvantage</u>	<u>2.7</u>
Am a loner/not part of a social group	2.7
TOTAL	100.0

* Adds to more than subtotal percentage "Being part of a group was an advantage" because of multiple responses.

One-third of crown attorneys and 20 per cent of CAS workers saw some negative effects of the program for adults (Table 7-29). Both groups interpreted these negative effects as being primarily emotional or psychological. Crown attorneys also felt that the parents faced possible time and cost difficulties in participating in the CVWSP.

The support adults offered a range of suggestions for improving the program (see Appendix F for their verbatim answers). Some of these referred to improving the facility, changing the location or providing the program in several locations, changing the hour of the meeting, having more sessions or longer sessions as too much was packed into a short period, including defence counsel, and having post-court follow-up contact with program staff.

When these adult participants were interviewed, from a few days to three weeks following the program, they were asked whether they had yet met the crown attorney on the case. Only eight of 37 had. Following the court process, 18 of these support adults were interviewed again. At that time, they were asked further details about the court case. Four of the 18 (22.2 per cent) reported that the child had met the crown attorney on the same day as the case was to be heard and seven others said that they had met the crown attorney one or two days prior to court (Table 7-30). The longest interval between meeting the crown attorney and the actual court appearance was one week and that was reported by four of the 18 adults interviewed.

Table 7-29 Negative Effects of CVWSP for Support Adults as Perceived by CAS, Police and Crown attorneys

	N=44 CAS %	N=45 Police %	N=19 Crown Attorneys %
Types of Negative Effects			
No negative effects	68.2	60.0	31.6
Some negative effects	20.4	8.9	31.5
Adult can't understand legal system	- *	4.4*	- *
Traumatic/stressful	11.4*	2.2*	- *
Frightening to see so many others	- *	2.2*	- *
Treatment could lead to denial of offence	2.3*	- *	- *
Apprehension about questions asked in court	2.3*	- *	- *
Loss of privacy	2.3*	- *	5.3*
Takes time, travel, babysitting, expense	2.3*	- *	15.8*
Have to relive trauma - depressing/pressure	- *	- *	10.5*
DNK/no Answer/not applicable	11.4	31.1	36.9
TOTAL	100.0	100.0	100.0

* Does not add to percentage "Some negative effects" because of rounding.

Table 7-30 Post-Court — When Child Met Crown Attorney Prior to First Appearance

	# Reporting
Same day	4
One day	2
Two days	5
Three days	1
Five days	1
One week	4
Do not know	1
TOTAL	N=18

Most report having had only one contact with the crown attorney between the program and the preliminary hearing and between the preliminary and the trial or prior to the trial where no preliminary hearing was held (Table 7.3.15 in Technical Appendix). These support adults were divided about whether the child had had adequate contact with the crown attorney (Table 7-31). Seven regarded it as adequate or more than adequate while another seven felt that there had not been enough contact. The adults and children also had contact with other justice and child welfare professionals before the court appearance, most of these with the police and CAS workers (Table 7-32).

Table 7-31 Post-Court — Adequacy of Child's Contacts with Crown Attorney

	# Reporting
Yes - more than adequate	2
Yes - adequate	5
No - not enough	7
No answer	1
Not applicable	5
TOTAL	N=18*

* Adds to more than total because of responses referring to more than one part of process.

Table 7-32 Post-Court — Pre-trial Contacts with Other Justice System Officials

	Yes	No	No Answer	N/A	Total
Pre-trial contact with:					
Police	11	1	1	5	18
CVWSP group leader	8	4	1	5	18
Victim/Witness assistance worker	3	9	1	5	18
CAS worker	10	2	1	5	18

Table 7-32 (Cont'd)

Day of trial contacts with:

Police	12	-	1	5	18
CVWSP group leader	6	6	1	5	18
Victim/Witness assistance worker	-	11	2	5	18
CAS worker	9	3	1	5	18

Only six of the 18 respondents assessed their overall feeling about the entire process from police investigation to court conclusion as being negative (Table 7-33). Ten individuals reported some positive feelings about the experience. They attributed this primarily to the CVWSP (Table 7.3.19 in Technical Appendix). A quarter of these adults also felt that their relations with the police and with the crown attorney had contributed to their feeling somewhat positive about the process.

Table 7-33 Post-Court — Overall Feeling About Court Process

Feelings	# Reporting
Very positive	4
Generally positive	4
No feelings	2
Generally unhappy	2
Very unhappy	4
Both positive and negative	2
TOTAL	18

Most adults said that they had been "mostly" able to assist their child through the process and four had been "very" able (Table 7-34). Eight of the 18 respondents, though, also said that they had experienced some difficulties in meeting the child's needs (Table 7-35). The nature of these difficulties included emotional and physical strain on their part, a feeling of being left on their own after the program, not being allowed to stay in the court room to support the child, and not being comfortable in talking with the child about the experience.

Table 7-34 Post-Court — Support Adults' Ability to Assist Child Through Process

	# Reporting
Very able	4
Mostly able	12
Very inadequate	2
TOTAL	18

Table 7-35 Post-Court — Difficulties Experienced in Meeting Child's Needs

	# Mentioning
Reported experiencing difficulty	8
Physical and emotional strain	3
Felt left alone	2
Afraid to bring up subject with child and upset her	2
Not allowed to stay in the courtroom	2
After court child did not know whether she was successful	1
Difficulty protecting her from accused	1
Only support for child was mother — none from school/peers	1
Tried not to be angry at her — only at accused	1
Lost financial support from father of child	1
Afraid child would be unable to go through with it	1
Child having nightmares	1
Did not know what child's disclosure was — suing CAS	1
As a parent felt totally shut out by system — took over	1

Table 7-35 (Cont'd)

	# Mentioning
As a social worker — difficulty dealing with negative mother	1
As a social worker — exhausting being in court 7 hours with child, mother and boyfriend	1
No difficulties experienced	10
TOTAL	N=18

* Subtotal does not add to number "Experiencing Difficulty" because of multiple responses.

Almost all adults interviewed after court reported that the CVWSP had been very helpful to them in providing support to the child (Table 7-36).

Table 7-36 Post-Court — Support Adults' Assessments of Helpfulness of CVWSP to their Ability to Assist Child through Court Process

	# Reporting
Very helpful	15
Somewhat helpful	2
Not too helpful	1
TOTAL	18

Since leaving the program, eight of the 18 adults interviewed post-court and 14 of their children have received additional help or counselling from a wide range of sources (Table 7.3.23 in Technical Appendix).

Summary

- Participating adults found the CVWSP a source of both information about the court process and emotional support.
- A majority of adults rated themselves as very well prepared for the court process but only one-quarter rated their child as being very well prepared for court by the conclusion of the CVWSP series.
- Most adults reported that the child had met the crown attorney between one and seven days prior to court. Only one-quarter said that the crown attorney had first met with the child on the same day as the court hearing or trial.
- Half of the adults interviewed following court said that the amount of contact with the crown attorney had been adequate.
- Following court, most adults felt that the program had successfully enabled them to assist their child through the ordeal.
- Participation in the program, as well as the nature of their contacts with police and crown attorneys, was for many adults a positive aspect of the entire process.
- Most of the adults interviewed post-court said that the child had received counselling after court. Some of the difficulties experienced by the support adults after the program's completion suggests that further follow-up would be helpful for them and for the child.

7.4 Other Supports Provided by the CVWSP

A number of potential supports could be required by the child and adult participants to enable them to participate in the program and to assist them in coping with the prospect of a stressful experience. Some of these have been identified below. The extent to which the program has been able to meet these needs has been briefly assessed in each case.

7.4.1 Availability of Professional Back-up Resource Should the Child Go into Crisis During a Session

No specific back-up resources have been identified except for the project coordinator who is available during the group sessions. The occasion has not yet arisen where a child has experienced a severe crisis during a group meeting. Some children

have required a few minutes out of the group with a staff member but these children have been quickly reassured and returned to the group. Although a clinical child psychologist has been associated with the project and funds allocated for use of this resource, no necessity for her involvement in this respect has come up.

One of the program preferences is that children should be involved in therapy or receiving other counselling, if required, before entering the court preparation program. However, this has not been a mandatory condition for their participation. Group leaders report that children who have had, or are receiving, other help are better candidates for the group process.

7.4.2 Ability of Child to Contact Group Leader During Non-Project Time if Additional Questions/Information/Support Needs Arise

Children are given the telephone number of the group leaders and adults can contact the leader or the program office if they require information or support in the week between sessions. Leaders have seldom experienced demands of this nature. Two of the children interviewed said that they had contacted their leader, one to say that illness would prevent attendance at the next session and another to advise of an upcoming court date.

Approximately half of the 37 adult respondents had some contact with group leaders either between sessions or following the program. This was primarily to ask questions about their specific case (4/37) or to advise that a crown attorney had not yet been assigned (4/37). Two reported a change of court date to the leader and another two asked the leader to accompany them to court.

7.4.3 Provision of Transportation for Children/Adults or of Child Care for Support Adults Whose Attendance Depends Upon This

At the time of the pre-series interview project staff determine whether the child and support adult will need either transportation to the sessions or baby-sitting for siblings so that they can attend. This must be arranged with the CAS worker involved. The worker is then responsible for obtaining approval for this and having someone call a taxi on the evenings of the sessions. Sometimes staff find that this was never done and then they have to contact the CAS duty worker just before the meeting to get transportation for the participants. If the return trip has not also been arranged, the adult and child are left waiting at the Special Committee offices. These arrangements have been consistently problematic.

Extra-familial abuse cases do not usually have contact with a CAS worker. Where they may have had contact previously, often their case has been closed by the time that the court preparation series is being held. This leaves these participants without resources for either transportation or baby-sitting.

Staff estimate that approximately one-half of the participants have no cars. The location of the program is not easily accessible by public transit without requiring a transfer. This is of particular concern for the staff with respect to some older adolescents who attend the program without adult supports. They may not be returning home until 9:30 or 10:00 p.m.

The non-attending adults interviewed indicated that transportation may have been a factor in preventing their participation. Those who did attend reported, not surprisingly, that it was not a problem for them.

CVWSP staff feel that transportation supports are the legitimate responsibility of the CAS or other community organizations since one function of the program is to reinforce these links between program participants and other justice or social service system supports involved with the abuse case. While this aim is a desirable aspect of the program's role, insisting on transportation and baby-sitting supports from other sources may work against the CVWSP's aim to reinforce system supports. If participants cannot attend or are discouraged by problems around these logistics, the opportunity for the program to assist them and to work, through them, with other child welfare and justice system officials may be lost. Suggestions from CAS workers for improvements to the program include transportation to support the program's objectives in preparing children and adults for court.

7.4.4 Supports Provided to the Child During the Trial

The CVWSP insists that an adult support who can accompany the child to court be identified at the point of referral. This adult is then included in the program. If possible, a back-up support is also noted when the pre-series interview is held. Sometimes the group leader will attend court with the child if there is no one else. During the group sessions, children and adults are encouraged to discuss with the crown attorney just who will go to court. The child informs the crown attorney who they want there. Unfortunately, there is no guarantee that this support adult will not be cleared from the court room if there is a ban on witnesses and the public, especially where the support adult has been subpoenaed to testify as well.

One of the program's tasks is to push for an early assignment of a crown attorney and arrange for contact between the child and the crown attorney before the trial date. The CVWSP encourages the police officer involved to set up an interview between the

crown attorney and the child. When the adults were interviewed following the program, only 10 of 37 (27.0 per cent) reported that the child had met the crown attorney on the case. Of the 18 adults interviewed again after at least one court appearance, 12 said that the child had met the crown attorney, at the most, three days prior to the court date; four met on the same day.

After the program is finished for the participating adults and children, the originally anticipated court date may be adjourned and the appearance by the child may not actually occur until some time later. When they are able to maintain contact and are aware of the postponements, the program staff try to carry out "booster" sessions close to the "real" date. However, staff ability to follow-up cases has been limited. This is another reason why the program attempts to establish a close relationship between the social worker, where there is one, and the support adult. The CAS or other social worker has more continuity of contact with the child and can involve the CVWSP again if this is required. Where there is no social worker, then the task of the program is more difficult.

During the course of the group sessions, leaders identify children with problems where this is apparent to them. Since there is no systematic assessment of the child participants, group leaders must do this within the limitations of dealing with several participants at the same time. Project staff follow-up those children who appear to have other problems, e.g., depression, further disclosures, etc., by contacting their CAS worker to advise them of this or, if there is no worker, they may be able to identify other sources of help for participants.

7.4.5 Facility in Which Sessions are Held

Sessions are held in the working offices of the Special Committee on Child Abuse. These can be crowded, especially if the groups happen to be large. There is an open area capable of accommodating up to 30 adults — the largest group has reached 22 participants. Preadolescent children sit on cushions on the floor in one office which comfortably holds eight to 10 children. One-third of the support adults interviewed rated the facility as "fair" or "poor".

Staff report that it is sometimes difficult for children to find space to settle down to drawing, etc., or to put their handiwork up on the wall. The security of work-related files and computer equipment is a minor concern since participants are well-supervised.

There are compensating advantages in that the offices are a largely informal environment with much open space. Staff have easy access as well to materials and files if required. At the end of the sessions, participants have a comfortable place in which to wait for their transportation.

A local school facility would offer more space as well as boards and tables although there would be a direct cost associated with this and scheduling may be a problem.

Summary

- The most problematic support which staff arranges for program participants is transportation. Arrangements with the CAS frequently break down and the CVWSP itself does not provide transportation for participants as a program benefit.
- The existing facility in which the CVWSP is carried on has some shortcomings, particularly a lack of adequate space for several groups simultaneously and few appropriate furnishings for children.

7.5 Project Resources

Some of the resources available to the CVWSP have been identified and their use or allocation examined. These are discussed in the following sections.

7.5.1 Staffing

The project contracts with individuals to carry out the group sessions on a once-weekly basis in the evening for four consecutive weeks every other month. The primary criteria are that they be familiar with issues concerning the handling of child sexual abuse by the justice system, experienced in working with sexually abused children, and have formal qualifications appropriate to these requirements. Adult groups are led by two leaders, one with a social work background to assist support adults with the emotional needs of the child and one with a legal background because of the specific requirements of adults for this type of information. Attitude is also seen as important since the project looks for persons who are willing to be child advocates and are not primarily concerned with defending the status quo. Group leader turnover has been low.

No formal in-service training is provided for staff beyond orientation and ongoing peer support. Professional development could be considered by compensating group leaders for participating in specially arranged workshops or seminars or by providing the opportunity for them to consult periodically with the range of other professionals who work with child welfare, health and justice aspects of child sexual abuse. This would also serve to bring professionals in the community into contact with the program where

mutual education could occur. The program's profile in the community could be raised through this approach (see comments by CAS, police and crown attorneys in Appendix H).

The consultants designated for the project and for whose services some resources have been budgeted have not been used. They may also be appropriate sources for offering professional development to group leaders.

There is a recognized need on the part of the program to recruit staff among persons of colour and with other cultural backgrounds and languages. Their efforts have not met with much success to date. The coordinator finds that the most suitable persons from other cultures are already heavily committed. To a great degree, also, those from other backgrounds are still a small minority in the social services field. Male group leaders have recently been taken on for boys' groups.

7.5.2 Internships

One way in which additional resources are being provided to the group sessions as well as being developed in the community is through the CVWSP internship program. These are primarily CAS workers who are interested in participating as apprenticing co-leaders over two complete series. The CAS compensates their staff for this time.

7.5.3 Budget Resources and Allocation of Staff Time

The project budget has been approximately \$260,000 over the three-year period. This has been accounted for primarily by staff salaries and group leader compensation. The amount of time that staff spend face-to-face with adult and child participants, either in pre-series interviews, court preparation or court attendance, averages almost 40 per cent between the two "full-time" staff while group leaders spend approximately 80 per cent of their time directly with participants. Other activities carried on by full-time staff include planning the programs which requires contact with referral sources (25 per cent of their time), speaking and public education, development of new court preparation materials, follow-up contacts with justice and child welfare officials and administration/reporting functions.

In the final demonstration year of the project a disproportionate amount of time has been devoted to writing funding proposals (30 per cent of the coordinator's time) although this is inevitably necessary for a demonstration project. This time has been at the expense of several other important functions: community contact, outreach activities, public education with justice system officials and referral sources (accounting for much less than 10 per cent of either staff's time), and follow-up of children post-program to

as certain additional court-related needs and outcomes (accounting for an average of five to 10 per cent of the time of both).

The budget allocation for materials and supplies appears low given the project's use of props, publications and other materials for children on a regular basis. While sitting on the floor is comfortably informal for younger children, small tables and chairs would be easier for drawing and completing puzzles or lists. These, like suitable props, would be a once-only purchase.

We also suggest that a contingency fund be established for meeting transportation or child care needs that may be more problematic than usual. We would argue that a program established to meet a specific need should enable those who require it to take advantage of its availability without undue financial hardship or being at the mercy of interagency communication breakdowns.

Summary

- The addition of an internship program has proven to be a valuable resource for the CVWSP as well as a means of disseminating the program's information and experience among the community of professionals working with sexually abused children.
- The CVWSP has had difficulty in locating and recruiting staff among persons of other cultures. Efforts to do so continue.
- Increased budget allocations for materials and supplies, professional development of staff and group leaders, and emergency transportation for participants should be considered.

7.6 Monitoring and Evaluation Activities

Monitoring and self-evaluation measures should be an integral part of any program, even more so in an experimental or demonstration project. These can be simple steps in which staff assess activities as the program is carried out or they may consist of periodic analysis of participants' attendance and completion rates. One purpose of such measures is to feed back to the project those lessons learned so that the process or content can be improved. Another purpose is to provide an informed basis for decisions about target groups, about hours of service provision, about other supports required, or adjustments that may meet other needs of those involved in the program.

In reporting to funders, the project coordinator of this program writes a description of each series after completion. This includes the number of referrals, referral sources, and the number of children or adults attending. Problems identified by staff and reasons (in as far as they are known to staff) for drop-outs are documented here.

The only systematic monitoring of program results for participants is through the meetings held by staff and group leaders following each session and after the series has been completed. The primary function of the post-session meetings is to identify problems or issues that arise and to identify children who may require staff to follow-up by advising the CAS worker or making a referral to another source. Leaders also discuss "what works and what doesn't" but this is not systematically examined and documented.

Feedback regarding the program's work with children and adults is solicited only from adult participants who are asked to complete an assessment form at the end of the series. Children are not asked for their opinion of the sessions in which they have participated.

Changes or adjustments to the program are developed on an ad hoc basis through the experience of group leaders and staff. Needs identification has been informal and the program has developed incrementally.

There has not been a systematic approach to carrying out post-court follow-up regarding the outcomes of cases, partly as a result of overstretched staff resources.

Summary

- Staff assess the group series and the needs of children in each series through meetings after each session and a half-day review at the conclusion of the series.
- While adults are asked to rate the sessions which they attend, children are not asked to do so.
- No systematic measurement of results of the program for participants or post-court follow-up for outcomes is carried out.

8.0 PROGRAM OUTCOME ISSUES

Three outcome issues were identified (see Section 4.2.2). One of these was whether the program affected the extent to which the child's case proceeded and the likelihood of the child testifying. The actual performance of the child in court was the second outcome of interest and the production and distribution of information by the project was the third. Each of these is discussed below to the extent that the research here was able to address it.

8.1 Do Cases Proceed and Do Children Testify?

Because there was no random assignment of referrals into the program we were not truly able to answer the question about whether the project affected the likelihood of the case proceeding and the child testifying. However, some relationships could be tested between case characteristics, program attendance and whether the child testified by examining the 323 program cases coded in the Referral Database.

Of these 323 children 128 had testified in court, 80 had not testified although the court case had proceeded, and the remainder, 115 cases, had either not come to court or were unknown (Table 8-1).

Table 8-1 **Testimony by Child and Status of Child's Testimony**

Status of Testimony	N= 323 % of Cases
Child did not testify	24.8
<u>Child did testify</u>	<u>39.6</u>
Sworn	35.3
Unsworn	3.7
Unknown	.6
Not yet to court	19.5
Unknown	16.1
TOTAL	100.0

When the characteristics of those testifying were compared to those not testifying, statistically significant relationships were found between the age of the child and testifying, the nature of the disclosure (purposeful/not purposeful) and testifying, and whether someone else (outside of the program) had discussed with the child the possibility of testifying and testifying (Table 8-2). There were no relationships between other case characteristics, the availability of other evidence or the child's attendance at the program and whether the child testified in court.

Table 8-2 Whether Child Testified in Court by Characteristics of Child and of Case

Characteristic	Testified %	Did Not Testify %	Total %	Total N=208
<u>Age of Child</u>				
7 years & less	40.0	60.0	100.0	35
8 to 10 years	53.5	46.5	100.0	43
11 to 12 years	71.1	28.9	100.0	38 $\chi^2=11.93$
13 to 14 years	67.3	32.7	100.0	52 $df=4$
15 to 16 years	74.1	25.9	100.0	27 $sig=.018$
				(Missing = 13)
<u>Offender's Relation to Child</u>				
Intra-familial	57.8	42.2	100.0	109 ns
Extra-familial	64.8	35.2	100.0	91
				(Missing = 8)
<u>Number of Victims / Offenders</u>				
Single victim and one offender	63.6	36.4	100.0	118 ns
Multiple victims and one offender	53.3	46.7	100.0	75
				(Missing = 15)
<u>Physical Force was Involved</u>				
Yes	62.5	37.5	100.0	48 ns
No	62.6	37.4	100.0	139
				(Missing = 21)
<u>Disclosure by Child was Intentional</u>				
Yes	65.4	34.6	100.0	159 $\chi^2=11.93$
No	46.5	53.5	100.0	43 $sig=.037$
				(Missing = 6)

Table 8-2 (Cont'd)

Characteristic	Testified %	Did Not Testify %	Total %	Total N=208
<u>Referral Source</u>				
Police	58.8	41.2	100.0	34 ns
MCAS	58.3	41.7	100.0	84
CCAS	66.7	33.3	100.0	75
				(Missing = 15)
<u>Mother's Potential to Support</u>				
Questionable or worse	67.8	32.2	100.0	87 ns
Good	55.8	44.2	100.0	86
				(Missing = 35)
<u>Assessed Ability of Child to Testify</u>				
Somewhat questionable	60.8	39.2	100.0	79 ns
Fair	71.0	29.0	100.0	62
Good	55.6	44.4	100.0	36
				(Missing = 31)
<u>Possibility of Testifying Discussed with Child by Other than CVWSP</u>				
Yes	63.2	36.8	100.0	136 $\chi^2=6.156$
No	35.7	64.8	100.0	28 sig=.013
				(Missing = 44)
<u>Availability of Other Evidence</u>				
Eyewitness	69.0	31.0	100.0	42 ns
No eyewitness	60.2	39.8	100.0	161
				(Missing = 5)
Medical/Forensic	58.3	41.7	100.0	24 ns
No medical/Forensic	62.6	37.4	100.0	179
				(Missing = 5)
<u>Child Protection Proceedings</u>				
Yes	67.6	32.4	100.0	37 ns
No	59.2	40.8	100.0	157
				(Missing = 14)

Table 8-2 (Cont'd)

Characteristic	Testified %	Did Not Testify %	Total %	Total N=208
<u>Number of Group Sessions Attended</u>				
0, 1, 2	68.0	32.0	100.0	25 ns
3, 4	60.2	39.8	100.0	83
				(Missing = 14)

Summary

- Almost two-thirds of children in cases known to proceed actually testified in court.
- Children who had disclosed intentionally were much more likely to testify than those who had not disclosed intentionally.
- Younger children, i.e., those under seven years, were less likely to testify than those over this age.

8.2 Performance of the Children in Court

We observed 29 cases in court although one is perhaps doubtful for inclusion because the victim was 26 years old but developmentally handicapped. While there is no basis for comparing these child-witnesses with those who did not participate in the CVWSP, the observations of program children indicate some of the difficulties children are experiencing in court and some of the court practices that the project may wish to take into consideration when preparing children.

The program identified the court appearances made by referred children. A high proportion, 39.9 per cent, had undergone a preliminary hearing, suggesting that many of the referred cases will end up in District Court (Table 8.2.1 in Technical Appendix). Although the locations for court include all courts in Metro Toronto as well as some out-of-town locations, the largest concentrations are in North York, College Park and Etobicoke (Table 8.2.2 in Technical Appendix). To some extent this reflects the referral sources where CAS workers or police officers in specific offices may be referring more than others.

The project does not record the number of court appearances made by each child nor is the staff very often able to obtain accurate information concerning the outcome of the court appearances and case disposition. We only have general disposition information for 147 referrals. Of these, approximately one-quarter resulted in a dismissal, withdrawal or stay of charges (n=39) (Table 8-3). Acquittals occurred in another 13.6 per cent of these cases and convictions or guilty pleas were obtained in one-half of the cases.

Table 8-3 Dispositions of Cases Referred to CVWSP Where Outcome is Known

Dispositions	% of Cases	# of Cases
Convictions/guilty/pleas	49.7	73
Dismissed/withdrawn/stayed	26.5	39
Acquitted	13.6	20
Absolute discharge/peace bond	2.0	3
Other	8.2	12
TOTAL	100.0	147

Twenty-seven special requests for assists to the child in court were recorded by the project. Half of these were for a screen to shield the child's view of the accused. Other requests included the exclusion of the public, for the child to face the judge only, for a microphone, for a booster seat, and for a female crown attorney.

The cases observed in court were almost evenly divided between preliminary hearings (13) and trials (16). Twenty-three were observed in provincial court and six in District Court. Only two were judge and jury. In 21 cases, the child witness was female. The ages ranged from four years old to 26 years. The specific breakdown is as follows:

Years	Females	Males
4 to 7	2	4
8 to 12	6	2
13 to 16	12	1
Over 16	1	1
TOTAL	<u>21</u>	<u>8</u>

Twenty-two of the 29 observed children were sworn, the youngest being sworn at seven years old. Other younger children were allowed to testify on a promise to tell the truth. The behaviours of the children were noted at each stage of the proceedings, during the oath-taking (or otherwise), during examination in chief and during cross examination. Re-examination occurred in just a few cases and then usually only for one to two minutes. It is not reported here.

Tables 8.2.4 to 8.2.7 in the Technical Appendix describe the children's behaviour and the necessity for the judge to direct or instruct the child. The overall impression was that most children were able to communicate well and conducted themselves appropriately throughout the process. The most common requirement was that the children should speak up. Otherwise children appeared to be relatively composed and they asked for clarification or questioned what they did not understand.

When support adults were questioned following the appearance of their child in court, 14 of 18 said that the child had expressed a number of fears after completing the program and before court (Table 8-4). The most common one was seeing the accused. Six adults reported that children also expressed fears following court (Table 8-5). Again these fears concerned contact with the accused in the court. It is not clear whether this is a true reduction of fears after court and whether the program played a role in this regard.

Table 8-4 Post-Court — Fears Expressed by Children after Completing CVWSP

	N=18 # Mentioning
<u>Child expressed fears</u>	<u>14</u>
Seeing the accused/wanted screen	7*
Generally anxious about testifying	6*
Afraid of judge/court itself	2*
No crown attorney assigned/crown attorney gave wrong dates	2*
Embarrassed to relate details	1*
Having bad dreams - wanted door locked	1*
Afraid of forgetting, "being stupid"	1*
Made up mind to recant in order to be able to return home	1*
Who witness for the accused would be	2*
No fears expressed	4

* Adds to more than "expressing fears" because of multiple responses.

Table 8-5 Post-Court — Fears Expressed by Children Following Court

	N=18 # Mentioning
Child expressed fears	6
Fear of facing accused/closer in court than expected	3*
Generalized fear of court process	3*
Personal safety from kids outside court	1*
Afraid accused would "get off"	1*
Did not realize disclosure would "go so far"	1*
No fears expressed	1
Not applicable	11

* Adds to more than "expressing fears" because of multiple responses.

Five of 18 support adults felt that the court process itself had had a positive impact on the child while 12 could determine only negative impacts (Table 8-6). The positive impacts were attributed both to the professional supports received by the child, including the CVWSP, and the fact that the court process resulted in a validation of the child's experience or in legal and physical restrictions on the accused (Table 8.2.11 in Technical Appendix).

Table 8-6 Post-Court - Adults' Assessments of Impact of Court Process on Child

	N=18 # Reporting
Very positive	3
Somewhat positive	2
Neutral - none	1
Somewhat negative	7
Very negative	5

Most respondents reported that the child had demonstrated health or behaviour problems as a result of going through the court process (Table 8.2.12 in Technical Appendix). These ranged from sleep disturbances to crying to quitting school to suicidal behaviour. It is difficult to know whether these are in fact the result of the court process or of the sexual abuse itself.

Fourteen of the 18 support adults to whom we spoke following court said that the child continued to receive counselling or other special help after the court process was completed (Table 7.3.23 in Technical Appendix).

Summary

- The youngest child in the program to testify in court was four years old. This case resulted in a conviction.
- Most of the 29 children observed for this study were composed in court and communicated well when on the stand. The most frequent request of judges was for the child to speak louder.
- The most common fear expressed by children was confronting the accused in court.
- Two-thirds of the children's support adults interviewed felt that the court process had resulted only in negative impacts for the child.

8.3 Promotion of the CVWSP and Production of Educational Materials

The CVWSP has carried out promotion and public education activities targeted at both the justice and child welfare systems. Staff have delivered training sessions and explanations of the program to CAS branches. Because of high turnover in these agencies, this must be repeated on an annual basis to ensure that CAS workers dealing with child abuse cases are aware of the CVWSP. The project coordinator has acted as an instructor in a two-week course for Criminal Investigation and (formerly) Family and Youth Services officers at the Police College twice. Prior to each series, a circular is sent to CAS offices and police divisions to inform them that a new program will be held.

Over half of the CAS workers and police officers interviewed reported that they had received an explanation of the CVWSP's referral criteria from project staff. However, one-fifth to one-quarter of those two groups said that they had received no explanation of referral criteria at all. No crown attorney recalled ever having been informed about this. One-third of crown attorneys and more than this proportion of

police and CAS workers reported having had contact with the CVWSP other than referrals to the program (Table 8.3.1 in Technical Appendix). Some of this contact was in the form of attendance at seminars and some consisted of informal communication with individual staff about specific cases.

Seventy per cent each of CAS workers and police respondents and 42.1 per cent of crown attorneys have seen other publicity about the CVWSP (Table 8.3.2 in Technical Appendix). This has been primarily in the form of pamphlets and course flyers. Again, just over one-fifth to one-quarter of CAS staff and police had not seen any publicity about the program.

This work with referring sources and with crown attorneys who handle the cases should be given higher priority with more time devoted to it. At least some of the respondents among each of these groups indicated a need for increased visibility of the program and for improved coordination and communication between the program and representatives of these systems (Appendices H and I).

Project staff have addressed two provincial judges' conferences not only to make judges aware of the program but also to inform them of ways in which they might work with a child victim-witness. Staff reported that there was real interest expressed in learning about new techniques and informal feedback we received during the course of the evaluation indicated that members of the bench received these sessions very positively.

The CVWSP staff assisted Ministry of the Attorney General staff in producing the new publication "What's My Job in Court?" This is only beginning to be used in the program and children appear to like it very much. Since it is a provincial publication, it will be available throughout Ontario and should get wide use.

A pamphlet targeted to judges is being produced in cooperation with the Canadian Paediatrics Society. It explains the developmental stages of children, how children think and perceive the world, and includes possible questions that judges can use for specific purposes in court.

Based on the program's experience in preparing children, a court preparation kit has been developed (with additional specifically designated funding). This kit is intended for professionals who work with children going to court and contains all the materials and props, flash cards, hand puppets, a pop-up court, etc., necessary to provide the child with an explanation of the process.

The CVWSP staff receive at least one request a week from other jurisdictions in Ontario for information about the program and how it functions. Some requests come from as far away as England and Australia. These are frequently motivated by a desire to establish similar programs.

Summary

- Staff promote the program actively to CAS workers and police.
- Almost three-quarters of the CAS workers and police interviewed reported seeing CVWSP publicity or fliers.
- A significant minority of CAS workers and police officers said that they had received no explanation of referral criteria for the program.
- CVWSP staff have also: spoken to judges' conferences, participated in the development of a publication for children with the Ontario Ministry of the Attorney General, collaborated with the Canadian Paediatrics Society to produce an educational pamphlet for judges, and designed and produced an innovative court preparation kit for professionals working with sexually abused children.

9.0 EFFECTS OF THE CHILD VICTIM-WITNESS SUPPORT PROJECT

Program effects have been measured through the perceptions of the crown attorneys, CAS workers and police officers. This is not the ideal test of effects since there is no ability to establish the actual results of the program itself as opposed to other potential factors. The perceptions of participants in the systems involved with the program are, however, important indicators of how the program has influenced the functioning of the criminal justice and child welfare systems as far as their handling of child sexual abuse cases is concerned.

9.1 Influence of the CVWSP on the Work of Crown Attorneys, CAS and Police

Based on the interviews carried out with CAS workers, police officers and crown attorney attorneys, several types of effects of the project on the work of these groups have been identified. CAS workers were much more likely than either police or crown attorneys to feel that the CVWSP has influenced how they deal with child sexual abuse cases (Table 9-1). This appears to be because their role in relation to the resulting court cases is more distant and less proscribed. At the same time, the CAS workers have more contact with the child and some have acted as support persons participating in the project. Many of the workers saw the project as a distinct support to their work with children, primarily because it relieves them of having to carry out this part of the child's preparation thus allowing them to focus more on the child's overall well-being.

The comments below are illustrative of these responses:

"We feel confident when talking to the child. We know the trauma they are going through, but we know we have that resource."

"Made us respond quicker - something to refer to; [the] information we get from them really helps us preparing the kids for court - we don't have the time".

"Enhanced it - the child welfare system can concentrate on different aspect - so it's not too jumbled - the program deals with a very specific aspect".

Approximately one-half of the police officers interviewed felt that the project had influenced their approach to handling these cases. They can spend more time on investigation to strengthen the case instead of on preparing the child for court. They also felt that there is more likelihood of the child testifying and therefore of obtaining successful prosecutions. Some saw a tendency for younger children to testify as a result of their court preparation. A few officers also suggested that it sensitizes the police to the situation of the child victim, in addition to their usual focus on the court case itself.

Table 9-1 Influence of CVWSP on CAS, Police, Crown attorneys' Work With Child Sexual Abuse Cases

Has CVWSP Influenced How You Deal With Cases?	N=44 CAS %	N=45 Police %	N=19 Crown Attorneys %
Yes	70.5	46.7	36.8
No	20.5	37.8	42.1
Do not know	4.5	8.9	10.5
No answer/Not applicable	4.5	6.7	10.5
TOTAL	100.0	100.1*	99.9*

* Does not add to 100.0 per cent because of rounding.

Some of the police officers' remarks concerning the effects of the CVWSP were:

"Police can now place more importance on child's evidence - potential to lay more charges."

"A tool we can use to make it easier to get true story on the stand and support for the child."

"I didn't have as much time to meet a child to prepare a child for court - 5 or 6 times - it makes my job a little easier."

"It helps the police view the children with greater understanding."

Only one-third of crown attorneys could see any effects of the CVWSP for their work. These individuals primarily felt that it resulted in easier and more effective prosecutions:

"We might be prosecuting more cases because it helps victims come forward."

"It has made it a lot easier - it has allowed us to bring more of them to trial."

"Makes me feel more comfortable with the child."

The majority (14 of 19) of crown attorneys reported that their office has developed special policies to deal with child sexual abuse cases and 80 per cent (15 of 19) said that they themselves have received special training to work with and prosecute child sexual abuse (Table 9.1.2 in Technical Appendix). Most received this training from seminars and other sessions conducted by the staff of the CVWSP.

The policies instituted by the crown attorneys' offices range from screening cases for assignment to a specialist, assignment to a designated crown attorney who follows the entire case, and implementation of the sexual abuse protocol. Two crown attorneys mentioned referring children to the CVWSP as part of their policy. A few said that the special policy they were aware of was a requirement to "interview the child at least once" before court. Generally, crown attorneys felt that these policies made their job easier because the case is better prepared for prosecution. Some pointed out, however, that their job was made more difficult in some ways because of the greater time required in contacting the victims and police officers.

Child welfare workers, police and crown attorneys were asked what barriers, in their view, would the program face in changing their professional practices. CAS workers were not agreed on either the existence or nature of barriers. Only one-third identified difficulties for the program in influencing CAS work. These included a lack of communication between the program and the workers, the nature of the court system itself, the length of time for cases to be completed, the lack of resources and unmanageable caseloads, public attitudes, the court's view of the child's credibility and age, and the difficulty in understanding the special ways in which children need to be approached because of widely differing developmental stages.

A dozen police officers of the 45 interviewed could point to barriers that the program faced in changing their practices. These ranged from: a lack of communication with officers, the need to "teach old dogs new tricks" and overcome their current attitudes, the lack of facilities, parents not being legally required to attend the program, differing mandates of the child welfare agencies and the police, and a lack of resources for the CVWSP to run more sessions and spend more time working with children's individual needs.

Four crown attorneys mentioned difficulties: a lack of coordination between the crown attorney's office and "social workers", problems in trying to explain to children the roles of justice system officials, lack of time to contact the program, and the fact that some crown attorneys do not like to work with child sexual abuse cases "no matter what the circumstances".

Summary

- Approximately three-quarters of CAS workers interviewed, one-half of police officers and one-third of crown attorneys reported that the CVWSP had influenced how they now deal with child sexual abuse cases.
- Some of the effects of the CVWSP mentioned by CAS workers, police, or crown attorneys included: relieving them of the necessity to prepare children for court, allowing them to focus on other aspects of the welfare of the child, enabling them to spend more time on investigation of cases, increasing the likelihood of successful prosecutions, encouraging the appearance of younger children in court, sensitizing them to the situation of these children, facilitating more effective prosecutions.

9.2 Influence of the CVWSP on the Courts

Police officers and CAS workers were asked for their perceptions of the general impacts that the program might have had on the courts. Because of their very different position in relation to the courts, crown attorneys were asked a series of questions to explore the possible effects of the CVWSP in greater detail.

Just over 50 per cent of CAS workers and 42 per cent of police officers saw the CVWSP as having influenced the courts (Table 9.2.1 in Technical Appendix). Child welfare workers thought that this was happening primarily through the courts accepting the testimony of children more often and providing them with assists, e.g., screens, so that they could testify more comfortably. Police officers also tended to see this as one result. Several mentioned that children were being accepted as credible witnesses to a greater extent.

The barriers to affecting the practices of the courts as seen by the CAS workers consisted of most aspects of the current structure of the court and legal system: judges' attitudes, lack of appropriate facilities and equipment, constant adjournments and delays, an "emphasis on the accused not the victim", reluctance to swear younger children, lack of public education with judges, crown attorneys and defence counsel, and emphasis on the need for corroborating evidence.

Relatively few police officers identified specific barriers to the program having an impact on the courts. Those who did primarily emphasized the need to work with judges to educate them about child sexual abuse and change their approach to children in court.

Crown attorneys were asked to assess whether the CVWSP had had an impact on several aspects of court practices when dealing with child sexual abuse cases (Table 9-2). Approximately one-half of the crown attorneys interviewed felt that the project had affected the quality of the children's testimony that they were now hearing. They saw fewer effects of the project on the number of children testifying, on the age of children testifying, the number of cases prosecuted and the disposition of cases. The effects on the ability of children to testify were described as:

"They are less intimidated and they can communicate better."

"[They are] better able to express themselves; they have a better understanding of the system, so they are not as frightened of what happens in court."

"They are better prepared both psychologically and intellectually for what's going to happen in court."

Table 9-2 Impacts Attributed to CVWSP by Crown Attorneys

Impacts	Yes %	No %	DNK %	NA %	TOTALS %
Number of children testifying	42.1	10.5	36.8	10.5	99.9*
Quality of children's testimony	52.6	5.3	31.6	10.5	100.0
Age that child is able to testify	42.1	15.8	31.6	10.5	100.0
Number of cases prosecuted	31.6	26.3	31.6	10.5	100.0
Disposition of cases	31.6	21.1	36.8	10.5	100.0

* Does not add to 100.0 per cent because of rounding.

Barriers to the CVWSP's influence on the court's practices in the view of crown attorneys included: having an additional person inserted into the legal process, being accepted by the courts as true professionals, "getting over the rules" of having child witnesses sworn, and general suspicion that the CVWSP is part of a trend toward "taking the administration of justice into the realm of social work".

Summary

- Over one-half of CAS workers and 40 per cent of police interviewed thought that the CVWSP had influenced the way in which the courts now deal with child sexual abuse cases.
- From one-third to one-half of crown attorneys interviewed responded that each of the following impacts had resulted from the work of the CVWSP: improvements in the quality of children's testimony, increases in the number of children testifying, decreases in the ages of children testifying, increases in the number of cases being prosecuted, and changes in the disposition of these cases.

9.3 Benefits and Drawbacks of the Program for the Child Welfare and Criminal Justice Systems

We included an open-ended question to CAS workers, police officers and crown attorneys about the benefits and/or negative effects they thought the CVWSP created for the child welfare and criminal justice systems (Appendix G).

Child welfare workers saw the primary benefits as being for the child who has an additional source of support and for the crown attorneys who are relieved of some of the pressure of their role in relation to these children. The benefit to the court in the opinion of some crown attorneys was that the child's testimony would add to the prosecution's case.

Police officers felt that the children were more relaxed and confident and that the cases could possibly progress faster with a better prepared witness. The time-saving factor for their jobs and for the crown attorneys was also regarded as important. Some officers expressed the hope that the CVWSP would eventually result in a higher conviction rate for sexual abuse cases.

Crown attorneys felt that having a specialized resource to prepare children for court would save their time and the courts' time. Some also regarded the program as a needed emotional support for difficult children and a resource for assisting them to establish rapport with the child. Some benefits for the defence counsel were identified

by crown attorneys as well. These were principally the ability to conduct their examination with a witness who could answer questions and provide orderly evidence of high quality.

How does the program benefit judges, in the views of crown attorneys? - largely by improving the quality of evidence, facilitating court procedures, and reducing overall time required in court.

The justice system as a whole benefits, as far as crown attorneys are concerned, by achieving more successful prosecutions, by bringing more of these cases to court so that special issues of law concerning sexually abused children will be put before the court, and by increasing the credibility of the justice system as a result of the appearance of action being taken despite adjournments and delays. One crown attorney speculated that the understanding that children have of the justice system because of the program will mean that, if the accused is not convicted, the child will not lose faith in the system itself. As we have seen, however, the concept of legal acquittal is difficult for children to grasp and the CVWSP is less successful in conveying this term to children than they are with some of the other legal concepts presented.

Only a small minority of CAS workers, police and crown attorneys saw any negative effects resulting from the program for the criminal justice system (Table 9.3.1 in Technical Appendix). Crown attorneys were less sure that there were no negative effects than were police and child welfare workers. When they were asked to identify drawbacks of the CVWSP for the work of crown attorneys, defence counsel and judges, a range of negative implications were suggested, most of these for the crown attorneys themselves (Table 9-3). The most frequently mentioned one was the perception by the court that the child had been coached by the program staff. For the defence counsel, the drawback was seen to be that the child could not be easily intimidated. Few crown attorneys could think of a negative effect on judges.

Summary

- Most police, CAS workers and crown attorneys surveyed were able to name specific benefits of the CVWSP for the child welfare and criminal justice systems.
- Only a small number of CAS workers, police, and crown attorneys who were interviewed for this study described any negative impacts of the CVWSP for the criminal justice system.

Table 9-3 Crown Attorneys' Perceptions of Negative Effects of CVWSP for Crown Attorneys, Defence Counsel and Judges

Negative Effects	Per cent Describing This Effect		
	N=44 For Crown Attorneys %	N=45 For Defence %	N=19 For Judges %
None	36.8	26.3	42.1
<u>Some negative effects mentioned</u>	<u>42.3</u>	<u>31.6</u>	<u>15.9</u>
Traumatic/Stressful	5.3	-	5.3
Could think child was coached	15.8	-	-
Person could be suggesting answers to child when interviewing	5.3	-	-
If witness is better, defence counsel has a harder time in court	-	10.5	-
Child might discuss nature of allegation in a sloppy interview	5.3	-	5.3
Possibility of dealing with inconsistent statement makes job more difficult	-	-	-
Child can't be as easily intimidated	-	21.1	-
Confusion results from crown attorneys dealing with legal perspective and program with practical	5.3	-	-
Involves 1 more person in legal issue - interferes with prosecution	5.3	-	5.3
Do not know	10.5	31.6	31.6
Not applicable	10.5	10.5	10.5
TOTAL	100.1*	100.0	100.0

* Does not add to 100.0 per cent due to rounding.

9.4 Crown Attorneys', Police and CAS Workers' Perceptions of Strengths and Weaknesses of the CVWSP and Suggestions for Improvements

The strengths of the CVWSP most often mentioned by police officers were the support offered to children and the preparation of better witnesses (Appendix H):

"More than just a friendly face; it's people who can really help - if case is thrown out of court by judge, kid is traumatized again - thinks adults can't be trusted - reassures victim - puts them back - helps them cope with what they have to go through."

"Preparing young children for court; education of judges, officers and public in regards to child abuse."

"It helps the child to understand that it is right to tell somebody that something has happened - it helps prepare the child for court."

According to the CAS workers, the major strengths of the project are: its flexibility in dealing with cases that are going to court quickly by giving individual preparation; its focus on the emotional needs of the children; its provision of warmth and support; its arranging for the child to have an opportunity to visit a court room and "practice" their testimony; and its general stance as an ally and advocate for the children. A number of CAS workers indicated that their perception of the program was that it was a "crisis" program or "group therapy" for children. They appear to have confused the CVWSP with the Crisis Support Group also under the auspices of the Special Committee. Additional outreach with CAS workers by the CVWSP should address this misunderstanding of the nature of the project.

The crown attorneys' opinions of the project's major strengths revolved around the preparation of witnesses and offering support to the child at the same time.

When asked about the major weaknesses of the program, CAS workers pointed to a range of issues (Appendix H). Among these were:

- that the program is only offered in english
- it is not conveniently located
- is offered in only one location
- does not accept younger children
- takes a long time to get kids in
- sessions are held too late in the day
- additional groups should be offered
- no service is provided for offenders
- inadequate outreach to families when first referred

- lack of any follow-up even if child's case is adjourned for a long period
- geared primarily to girls
- not visible enough in the community
- inadequately staffed.

Altogether 30 of the 44 CAS workers interviewed named a weakness of the project in their eyes.

Twenty-three police officers raised specific drawbacks that they felt could be attributed to the program (Appendix H). Among these were simply the lack of resources, staff and time required for child sexual abuse cases to proceed through the justice system, especially to work with younger children. A lack of visibility for the program was mentioned as were difficulties associated with its being available in only one location.

Crown attorneys, too, see the CVWSP as being "understaffed and underfinanced" (Appendix H). Other issues included a lack of team work with police and crown attorneys, lack of staff with legal training, and that the program is "not immediately accessible".

A variety of suggestions for improving the program was made by child welfare workers, police officers and crown attorneys. Some of the most frequently mentioned are listed below and the verbatim responses of those interviewed are appended to this report along with those of the adult support persons interviewed (Appendix I).

Suggestions made by police, CAS workers and crown attorneys:

- provide transportation or decentralize the program
- groups for boys
- other than english language groups
- more personalized one-on-one work with the children
- additional groups that are geared to more limited age and developmental stage
- more outreach to CAS workers and to officers - feedback on how children are doing
- a session closer to the court date
- groups for younger than eight-year olds
- more publicity and education of justice system officials
- regular court worker
- video equipment to prepare video testimony
- better coordination and communication among all the parties involved in the case.

Summary

- CAS workers, police officers and crown attorneys interviewed saw significant strengths as well as weaknesses in the CVWSP.
- Participating adults, child welfare and criminal justice system representatives interviewed for this study offered a variety of suggestions for improving the CVWSP.

10.0 CHANGES SINCE BILL C-15

We did not determine the impact of Bill C-15 in a scientific sense by comparing pre- and post-states in a systematic way. Instead, we relied upon the perceptions of crown attorneys who were interviewed about possible changes they had seen since the implementation of Bill C-15 in January 1988. In addition, our observations of court cases in which children testified provides some indication of the post-Bill C-15 treatment of children in court.

10.1 Crown Attorneys' Perceptions of Changes in the Handling of Child Sexual Abuse Cases Since Bill C-15

Some of the aspects about which we questioned crown attorneys concerning treatment of the child in court are not related to Bill C-15 changes but have been available to the court for some time. These include the ability to exclude spectators from the court during the child's testimony and to ban publication of the child's identity or testimony. According to the crown attorneys who were interviewed (Table 10-1), these are all among the most common actions that they request and obtain from judges when a child is testifying (although one crown attorney said that it is easier to have this done since the new legislation). Support adults have generally been allowed to stay.

Approximately one-half of the crown attorneys reported cases in which microphones had been allowed for the child, a screen was put up to block the child's view of the accused, or children were allowed to testify turned away from the accused.

Closed circuit television for the child to testify from another room has not been available for use in Metro courts. In no instance had a crown attorney prosecuted a case in which the accused was removed from the court room or even seated at the back. There is currently a legal debate concerning this right of the accused to face his/her accuser, a right which is very strongly rooted in English common law.

Subsequent to the proclamation of Bill C-15, no additional funds were made available to facilitate its implementation through the provision of necessary equipment in the courts. It is encouraging that some equipment does appear to be available for facilitating the testimony of children, e.g., a booster seat for the witness box, microphone, and screens. These are relatively simple aids but can make a substantial difference to a child. Our court observations indicate that even a four-year-old can testify effectively but requires a booster seat to see and be seen over the edge of the box. The most common request of judges in the cases which we observed was for children to speak louder. Clearly microphones would help, although they apparently are not available in all courts.

Table 10-1 Crown Attorneys' Perceptions of Changes in Handling of Child Sexual Assault Cases Since Bill C-15

Area of Change	Yes	No	DNK	Total (%)
Age of testifying changed	15.8	84.2	-	100.0
Types of cases	36.8	63.2	-	100.0
Hearsay rules have been relaxed	10.5	63.2	26.2	99.9
Corroborative evidence still required	5.3	78.9	15.8	100.0
Issues raised have changed	47.4	47.4	5.3	100.1
Assessment of credibility	21.1	68.4	10.5	100.0
Precedents have been sent	78.9	21.1	-	100.0
Screens have been allowed	47.4	52.6	-	100.0
Videotaping has been allowed	5.3	94.7	-	100.0
Microphones have been allowed	57.9	42.1	-	100.0
Child was able to testify from outside courtroom	5.3	94.7	-	100.0
Closed circuit television was used	-	100.0	-	100.0
Child testified turned away from accused	47.4	52.6	-	100.0
Accused was put at back of courtroom	-	100.0	-	100.0
Child's view of accused was blocked	10.5	89.5	-	100.0
Booster seat was provided for child	21.1	78.9	-	100.0
Child sat on an adult's knee	15.8	84.2	-	100.0
Support adult was allowed to stay	78.9	21.1	-	100.0
Witnesses were excluded from court	84.2	15.8	-	100.0
Accused was put outside courtroom	-	100.0	-	100.0
Spectators were excluded from court	73.7	26.3	-	100.0
Ban was put on publication	63.2	36.8	-	100.0

Almost all crown attorneys reported that they had experienced no instances in which corroboration was still being required by the court for unsworn children. On the other hand, they do not see the age of testifying as having changed dramatically nor the hearsay rules as having been relaxed to any extent. There has also been little change in the types of cases coming before the court and the ways in which the credibility of the child is being assessed. A few crown attorneys said that charges of sexual touching and sexual interference are appearing more often.

One-half of crown attorneys interviewed have noticed that the issues raised during the prosecutions of child sexual assaults have changed. These include Charter issues, e.g., the constitutionality of the screen and the videotaping, defence attorneys raising the question of whether the child has been coached by the CVWSP, and questions related to the ability of the child to testify under oath.

Fifteen crown attorneys were aware of precedents having been set since the adoption of Bill C-15. These precedents were largely with regard to the allowed use of screens and rulings against accepting the videotaped evidence of a child.

One-half of the crown attorneys saw Bill C-15 as affecting their job. This was largely because, although there are more options available for prosecuting, it remains difficult to get some of these options accepted by the courts. There is still a need to develop procedures and guidelines for making videotapes that are acceptable to judges.

Crown attorneys were asked not only whether they had used the possible assists to the child in testifying but also whether these assists were in fact available to them (some courts are better equipped than others) and, if not, would their availability lead crown attorneys to actually use them. When examined from this point of view it was clear that a proportion of crown attorneys are prepared to make use of many of the potential assists to children if they become available (see Table 10-2, and 10-4, as well as Tables 10.1.2 to 10.1.16 in Technical Appendix). This was particularly true for booster seats (Table 10-5), blocking the child's view of the accused (Table 10-4), and putting the accused at the back of the court room (Table 10-3). Of particular interest is the fact that one-third of the crown attorneys responding would use closed circuit television for the child's testimony if such was made available to them (Table 10-2).

Table 10-2 Use of Closed Circuit T.V. for Testifying

	Yes	No	Do not Know	Not Applicable	Total %
Has this been allowed?	-	100.0	-	-	100.0
Is it available?	-	94.7	5.3	-	100.0
Would you use it?	36.8	26.3	36.9	-	100.0

The least welcomed change would be to have the accused wait outside the court room and thus not see the actual testimony (although there is approval of the child testifying outside the court room) (Tables 10.1.16 and 10.1.5 in Technical Appendix and Table 10-2). Crown attorneys would also not want to see the accused placed at the back of the court (Table 10-3).

Table 10-3 Accused Placed at Back of Courtroom

	Yes	No	Do not know	Not Applicable	Total %
Has this been allowed?	-	100.0	-	-	100.0
Is it available?	5.3	94.7	-	-	100.0
Would you use it?	42.1	47.4	5.3	5.3	100.1

Table 10-4 Child's View of Accused is Blocked

	Yes	No	Do not know	Not Applicable	Total %
Has this been allowed?	10.5	89.5	-	-	100.0
Is it available?	5.3	84.2	-	10.5	100.0
Would you use it?	47.4	26.3	10.6	15.8	100.1

Table 10-5 Use of Booster Seats for Child

	Yes	No	Do not know	Not Applicable	Total %
Has this been allowed?	21.1	78.9	-	-	100.0
Is it available?	10.5	63.2	-	26.4	100.0
Would you use it?	52.6	10.5	-	36.9	100.0

Summary

- The most commonly implemented provision of Bill C-15 is the use of screens to block the child's view of the accused.
- Other assists to the child which are frequently requested in court and granted include: ban on publication of the child's identity, ban on witness/spectators in the court room, use of microphones, and allowing the child to testify turned away from the accused.
- Judges most often ask children to speak louder when testifying. Very few courts are equipped with amplifying microphones.
- Crown attorneys would make use of booster seats, putting the accused at the back of the court room, blocking the child's view of the accused, and closed circuit television for the child's testimony if these became available.
- Crown attorneys reported seeing very little change in the ages of children testifying, the nature of offences charged, or the means by which the credibility of the child is assessed.

10.2 Treatment of the Child in Court

As we pointed out in an earlier section, 22 of the 29 children we observed were sworn for their testimony, the youngest being seven years. Questioning by judges focussed primarily on understanding the concept of "telling the truth" (Table 10-6). Second in frequency were questions about the meaning of the oath followed by discussion about the moral obligation to be truthful. It is reassuring to see that religious training does not seem to be a criterion. According to both the court observers and the project staff, the process of determining the child's ability to be sworn is one to which judges devote some time and many questions. This clearly has implications for both the CVWSP's education activities with the judiciary and the preparation of children for this process.

Cross examination can be the most intimidating aspect of court for children. The project tries to reduce its negative impact for the child by informing him/her about the kinds of questions to anticipate. According to our court observations, the most common issues raised by the defence are that the allegation has been fabricated by the child and that the child's current testimony is inconsistent with previous statements made (Table 10-7). These previous statements are often made in a preliminary hearing. This reinforces the usefulness of videotaping statements for court.

Defence also suggested in about one-third of the cases that the child had been "coached" in his/her testimony. This was attributed not only to the CVWSP but also to police officers and crown attorneys. The program should not regard this as any more problematic than do these other groups. Once the CVWSP is well established and gains greater visibility, its credibility should be safe.

The past sexual experience of the child and his/her reputation were also tactics used by the defence to discredit the child's allegation. These were more commonly raised with older adolescents. With all age groups, the issue was raised that the child had misinterpreted the nature of the contact between victim and accused.

Table 10-6 Questioning of Child to Establish Competency to Give Evidence

Child is sworn	22/29
<u>Judge questions child re competency to give evidence</u>	
Solemn affirmation	1
Moral obligation	5
Religious training	-
Meaning of oath/swearing	6
Telling the truth	11
Seriousness of charge	2
Intellectual competence	1
Education	2
Ability to communicate	1
Ability to remember	-

Table 10-7 Issues Raised by Defence during Cross-Examination of Child

Defence Issues Raised

Consent to the acts	2
No threats or force	2
No relationship of dependency/trust/authority	1
Honest belief re age	1
Use of drugs/alcohol by accused	1
Use of drugs/alcohol by victim	4
Provocation by victim	7
Past sexual conduct of victim	6
Reputation of victim	3
Lack of recent complaint	15
Fabrication of allegation	14
Inconsistency with videotape	1
Inconsistency with audiotape	2
Identity of accused	-
Nature of the contact	6
Suggestion of "coaching" by police, Crown attorney, etc. ...	9

Other Issues Raised

Inconsistency during evidence	
Memory and credibility of child	
Delay in making statement	
Child resents accused living in house	
Child not really bothered by acts - accused just playing rough	

The range of practices and assists allowed during the child's testimony is indicated on Table 10-8. No anatomically correct dolls or drawings were used in any case observed. The screen was requested in five cases and allowed in four. In the fifth case the judge was not convinced by the testimony of a representative from the Official Guardian's Office that the child was "terrified" of the accused and that the child herself had asked for the screen as a result.

Since closed circuit television is not available, there were no requests by crown attorneys for the child to testify outside of the court. Twenty-four cases asked for and received a ban on publication as well as having the witnesses/spectators cleared from the court. In only two cases did the support adult also have to leave the court.

The accused remained in the box in the great majority of observed cases and most children looked at the accused at some point. Microphones were only provided in three cases, despite the oft-repeated requests from judges for the child to speak louder. An adult was permitted to accompany the child to the stand in four instances. One child was provided with a booster seat and one was permitted to take a favourite toy to the stand.

Table 10-8 Treatment of the Child by the Court

Use of anatomically correct dolls to assist child's testimony	-
Use of anatomical drawings to assist child's testimony	-
Use of other special materials to assist child's testimony	1 [pointed out on his body]
Use of screen requested	5
Defence objects to screen	1
Judge allows use of screen	4
Request that child be allowed to testify outside court room	-
Defence objects to testimony in absentia	-
Judge allows testimony in absentia	-
Request for ban on publication	24
Defence objects to ban	-
Judge orders ban on publication	24
Child testifies behind screen	3
Child testifies via closed circuit television	-
Use of microphone	3
Child given booster seat	1
Adult holds child on knee	-
Someone accompanies child to stand	4
Support adult stays in court room	22
Witnesses cleared from court during child's testimony	24
Accused cleared from court	-
Spectators cleared from court	2
Child allowed to testify turned away from accused	-

Table 10-8 (Cont'd)

Accused seated at back of court room or child's view otherwise obstructed	1
Accused seated in accused box	21
Child looks at the accused	23
Child allowed to bring toy, blanket, etc.	1
Expert testifies re significance of child's testimony	4

Summary

- In 29 observed cases, judges' questioning of children regarding the oath most often focussed on "telling the truth" followed by questions concerning the meaning of the oath.
- The most common issues raised by the defence in the 29 observed cases were: that the allegation had been fabricated, that the child's current testimony was inconsistent with previous statements, that the child had been "coached" by the CVWSP, police or crown attorney, that the child's reputation or past sexual experience mitigated the allegations, or that the child had misinterpreted the nature of the contact with the accused.
- Screens, microphones and booster seats were used in a handful of the 29 cases observed.
- In most of the 29 observed cases, bans were allowed on the publication of the child's testimony or identity and on the presence of spectators/witnesses in the court room. Support adults were almost always allowed to remain.

11.0 CONCLUSIONS

11.1 Treatment of Sexually Abused Children by the Child Welfare and Criminal Justice Systems

In one 12-month period 821 incidents of child sexual abuse were reported to the Metropolitan Toronto Police Force. Police investigation substantiated almost 85 per cent of these. The two major CASs classified as child sexual abuse and opened files on between 500-600 of cases over the same period. According to our respondents, there is a high degree of overlap between these two populations since almost all cases of which the CAS becomes aware are reported to police.

The Child Sexual Abuse Protocol requires both police and CASs to inform each other about all reported cases of child sexual abuse. The number of occurrences substantiated by the Police in the one-year period was 692 compared to 535 opened by the two CASs. While the figure for the Societies is an estimate only and the figure for the police also includes approximately 50 cases where the victim was 16 years of age or over, there remains nonetheless a significant difference in the numbers of cases known to the two organizations.

Police occurrence and disposition data indicate that the major drop-out point for child sexual abuse cases as they proceed through the criminal justice system is not at the initial substantiation of offences. Rather, once substantiated, there is a one-third drop in the proportion that proceed to an arrest and/or charging of an offender. In the 12-month period examined here, this number went from 692 reported to 434, or 62.7 per cent, arrested and charged. Of these, 291 (two-thirds of all charged cases) proceeded to court. For an additional 134 charged cases there was either no court information contained in the police files (9.2 per cent of all substantiated occurrences) or no file available (10.1 per cent of all substantiated occurrences). It is unclear what proportion of these were currently in the court system.

According to the police officers interviewed, charging and proceeding with a case depends primarily upon the age of the child, the occurrence of multiple offences, and the seriousness of the offence. These factors suggest that cases will go to court if there is a significant likelihood that a successful prosecution will result. This, of course, depends upon the quality of evidence available whether through witnesses' testimony or physical and medical evidence. Younger children, under six years, are not yet seen as suitable witnesses and these cases are charged proportionately less than those involving older children. The greater likelihood of proceeding where there are multiple offences or serious offences follows from the higher probability of medical evidence being available in these cases.

In most prosecuted child sexual abuse cases, initial crown attorney contact with the child occurs within the week prior to an appearance. Crown attorneys have little opportunity to prepare the child for court. Police officers have more opportunity but are not well equipped to do this.

Of the 246 accused, 48.8 per cent had their cases held in Provincial Court, 23.2 per cent in District Court and 28.0 per cent in Youth Court. Just over one-fifth accused (21.1 per cent) had their charges withdrawn; 17.6 per cent had their charges dismissed or were acquitted; 40.6 per cent pleaded guilty to their charges; and 18.3 per cent were convicted of either the original or reduced charges.

Forty-two per cent (41.6 per cent) of those sentenced were held in custody and 84.7 per cent were also given a term of probation. Sentencing varied by the court type, reflecting the fact that the more serious offences are heard in District Court and that young offenders are more likely to receive more lenient sentences. On average, offenders who were given custody and were tried in Provincial Court received 12.9 months of custody, those in District Court 17.5 months and those in Youth Court 6.6 months.

Plea bargaining is a distinctive feature of prosecution which is typical not only of child sexual abuse cases but of many others as well. This can be seen in the number of withdrawals of second and third charges and the fact that guilty pleas are less likely to receive a sentence of custody. Ultimately one-fifth of the originally substantiated cases conclude by sentencing.

The court process itself is characterized by numerous adjournments and delays. Slightly more than one-third of the cases took seven to 12 months from the point of occurrence report to disposition. An almost similar proportion took from one year to 30 months to conclusion. The length of time taken to process cases through court was almost twice as long for those proceeding to District Court, 15.8 months on average, as for those in Youth Court, an average of 8.2 months. Provincial Court fell in between with an average of 9.4 months from the first court appearance to completion. During this process, child victims will be interviewed at least four times and often many more.

Where cases involving young children are being prosecuted, they are more likely to testify unsworn. Questioning by the judge to establish the child's competence to testify is becoming a critical part of the process for children. Few assists are available yet for children who appear in court. Most courts do not have microphones, booster seats or screens. Yet these facilitate the job of the court and are usually allowed where they are requested. Crown attorneys would use them to a greater extent if they were more available.

11.2 Role of the Child Victim-Witness Support Project

The CVWSP project objectives, as described in Section 3.2, constitute one of the criteria against which the results of the project can be assessed.

- Objective 1: To provide a four-week group for sexually abused children, aged eight to 12, who may be required to testify in court as victim-witnesses.
- Objective 2: To provide a four-week group for sexually abused children, aged 13 to 16, who may be required to testify in court as victim-witnesses.
- Objective 3: To provide a four-week group for adults who will be providing support to child victim-witnesses.

The CVWSP has worked with 323 children in the period from September 1987 to December 1989. It has also prepared approximately the same number of adults to act as supports for the children during this time. Although CAS workers and police are referring children to the project, there are other children who are eligible but who do not get referred. In Section 7.1 we estimated this gap to be approximately 50-250 cases.

We identified some of the reasons why CAS and police are not referring other children. If all cases were referred, however, it is doubtful that the CVWSP could handle the demand with its present level of staff and budget. Transportation issues and facility would also present greater problems than they now do. Groups would have to be organized for younger children than the program now deals with to accommodate some of those non-referred cases in the above estimate. The project may have to consider additional eligibility criteria to focus its efforts where needed most.

- Objective 4: To assess the impact of the groups upon participants' attitudes towards their involvement in the legal process.

A qualitative assessment of the impact of the group programs carried out by the project is undertaken by the group leaders who meet with the coordinator after each session and each series to discuss problems, issues and progress. Because of the limitations arising from the program design, the program review reported here did not test whether the program has made the difference for children that it would like to achieve, i.e., to reduce their fears, diminish the trauma of court, and increase their confidence in testifying. Instead, we surveyed child and adult participants in five of the 14 series carried out by the CVWSP to determine participants' views of the project and of the prospect of court. In addition, we observed 29 children while they were testifying.

Child and adult participants enjoyed the sessions. Adults reported feeling prepared for the court process on the whole but only a minority thought that their child was ready for court. The children observed in court performed very well. However, there is a greater probability that those judged to be most capable of being good witnesses will appear in court anyway, not necessarily only those who have been through the program.

We were also not able to establish whether participation in the program changed the court process for these children as opposed to other children. The only way in which we were able to assess this was through the impressions of those crown attorneys who were interviewed.

Crown attorneys felt that the program's primary effects were apparent in the quality of testimony that children were providing. While they felt that the CVWSP was having some impact on the number of children testifying and the age of child witnesses, crown attorneys had not yet seen substantial changes in these factors or in the dispositions of cases. The recent introduction of Bill C-15 should be having an impact on these aspects of child sexual abuse cases even in the absence of a program such as the CVWSP.

CAS workers, police and crown attorneys are all very happy to see the CVWSP work with children going to court and feel that its primary benefits will be for the children themselves. Their own jobs have also been made easier by the project since most of these child welfare and justice system representatives have neither the time nor the specialized skills and training to carry out the task of preparing children for court.

Objective 5: To develop recommendations for policy development and professional practice aimed at responding to the needs and capacities of child victim-witnesses.

One important impact that the CVWSP appears to be having is enabling children to testify and to do this well. This results in cases being heard that provide an opportunity for legal issues involving child sexual abuse prosecutions to be raised and for precedents to be established.

This is perhaps even more important in the context of the introduction of Bill C-15 which requires certain changes on the part of the justice system. These changes might take much longer and might not incorporate the interests of the child to the same degree without the existence of the CVWSP.

The work of the project in educating judges, crown attorneys, child welfare officials and police about children in court and the possibilities under Bill C-15 is one of the real strengths of the program. Its production of innovative materials for reaching children and packaging these for distribution to professionals in the field are significant achievements over this demonstration period. The spin-offs from these activities have the potential to benefit more children than the CVWSP itself could ever directly serve.

Objective 6: To provide information relevant for distribution to other communities which are responding to the needs of child victim-witnesses.

The CVWSP has responded to requests from other communities for information and has also played a role in producing court preparation materials for the use of professionals working with sexually abused children. These have included assistance in creating the book "What's My Job in Court" as well as a compact court preparation kit for distribution upon request.

11.3 Changes in Court Practices Since Bill C-15

The premise of our research design was to place priority on reviewing and describing the Child Victim-Witness Support Project. Our study did not assess the impacts of Bill C-15 except by asking justice system participants for their opinions about changes since the implementation of the bill. These were outlined in detail in Section 10.1. We also observed some of the program children in court after Bill C-15 was introduced. Their treatment has also been discussed earlier (Section 10.2).

The most significant changes resulting from Bill C-15 that could be identified in our research was that corroboration is not now being required for the testimony of unsworn children and precedents have been established allowing the use of screens and other devices to assist the child's testimony. Issues concerning acceptance of videotaped testimony have yet to be fully resolved.

Police, crown attorneys and CAS workers reported that, in their opinion, the corroboration of evidence, availability of a witness to the sexual abuse and the age of the child are still important factors that determine whether a case is initially substantiated. Information from the tracking of cases through the criminal justice system also indicates that cases are less likely to proceed if the child is six years of age or less.

Findings from both the data and the interviews suggest that the new provisions for offences concerning children and children's testimony under Bill C-15 are not yet fully implemented.

11.4 General Conclusions

The foregoing examination of child welfare and criminal justice system handling of child sexual abuse cases and of the role played by the CVWSP prompts several observations which deserve attention in planning for the needs of sexually abused children proceeding to court.

1. Both the child welfare and criminal justice systems lack adequate and readily accessible data which could provide a rational basis for planning programs and services or for identifying necessary modifications to these systems.

Despite the growing concern demonstrated by child service agencies, police and prosecuting agents about the issue of child sexual abuse, none of these organizations maintains information in such a manner that child sexual abuse cases can be easily identified. In carrying out the research reported here, the first question we asked was how many cases of child sexual abuse come to the attention of child welfare agencies, police and courts. Finding an answer consumed a significant amount of the resources allocated to this study because the data currently available does not distinguish child sexual abuse from other child abuse in most cases (CASSs) or from sexual assault in general (police), and it does not differentiate adult from child victims in court cases (although the courts do this for offenders).

2. The implementation of those Bill C-15 changes to the Canada Evidence Act facilitating children's testimony in court will inevitably lead to an increase in the number of children who are called to the stand and found capable of testifying either as sworn or unsworn witnesses.

Several indicators point to this conclusion. Recent years have seen an increase in the reports of child sexual abuse to both police and CAS organizations. The creation of new Criminal Code charges specific to offences against children now enables more cases of this nature to be prosecuted and some of these offences will be more amenable to prosecution than the previous sexual assault offences were.

3. There will be a concomitant need for the criminal justice system (police, prosecution, defence and courts) and the child welfare system to be better prepared for dealing with child witnesses.

At this point, the preparation of child victim-witnesses for this process is taking place almost entirely outside of either the child welfare or justice systems. As this study has indicated, these systems will be required to change their current practices and

procedures so that they can accommodate children who are called to testify. Some of these desirable changes are related to education of police, crown attorneys, judges, and child welfare workers about Bill C-15 and the needs of child witnesses while other necessary changes are related to the provision of appropriate logistical or physical assists to children in court.

4. Current levels of resources allocated to implementing Bill C-15 and preparing children for the application of its provisions are inadequate.

Few changes have been made to courts so that they can appropriately accommodate child witnesses. There is also little evidence of resources being made available to prepare participants in the justice system for dealing with the probable increase in child witnesses. One encouraging step in this direction has been undertaken by the Ontario Ministry of the Attorney General in its recently produced book "What's My Job in Court?" designed as a self-learning tool for child victim-witnesses.

5. The Child Victim-Witness Support Project faces a dilemma in continuing to carry out its intended functions: education activities aimed at justice system members will create a level of demand for the preparation of children which the CVWSP cannot meet within its existing resources.

Education and outreach efforts by the CVWSP (or by other agencies) will lead to greater numbers of children testifying; yet, at the same time, the CVWSP has reached its capacity within current resources to deal with this eventual increase. Even now, the program is not seeing all those children who are potential witnesses. The program is committed to informing and working with members of the criminal justice system; however, by doing so it may undermine its ability to successfully fulfil its primary function of assisting children who must go through the criminal justice process.

A major question for the criminal justice system is whether efforts to increase the feasibility of prosecuting child sexual abuse cases serve the best interests of either the children involved or of the criminal justice system itself without a concerted effort to accommodate and prepare children for the ordeal of testifying.