



INSIGHTS FROM THE PHOENIX 11 FOR LAW ENFORCEMENT WORKING WITH SURVIVORS OF CHILD SEXUAL ABUSE MATERIAL



INTRODUCTION

These suggestions were created by a group of eleven adult survivors of child sexual abuse material, the Phoenix 11, in response to their own experiences with law enforcement through the course of the investigation of their abuse. Their collective experiences represent many different scenarios and exposures to law enforcement investigating their abuse, including contact with law enforcement as a child and as an adult, and contact with local, state, ICAC and federal law enforcement agencies across North America.

INTERVIEW PROCESS

Therapeutic Considerations

If possible, allow survivors to see a trauma-informed counselor before the official forensic interview and allow the counselor in the interview as a support person. One survivor noted that interviewing the victim immediately after the arrest and/or identification is similar to trying to interview a victim who is in a coma. The traumatized brain will shut down areas of the brain when triggered. Be patient and wait until a survivor is in a state in which they can talk about the abuse.

A counselor who is familiar with trauma can help the survivor learn some tools to manage their brain and body's trauma response, which will enable them to speak more clearly about the traumatic experiences without triggering their fight-or-flight response, dissociating, shutting down, or having more severe PTSD symptoms after the interview.

Types of Questions

When conducting forensic interviews or questioning, be cognizant to ask sensitive, developmentally appropriate questions.

- Only ask questions that are relevant for the investigation. Do not ask inappropriate questions about the sexual abuse, as these kinds of questions create further trauma.
- Refrain from asking questions that you already know the answer from viewing the imagery. This kind of questioning can make survivors feel as though you are trying to trick them. If these questions are required as investigative process, explain that exactly so they understand this isn't to badger them but is a procedural requirement.
- Be aware of a survivor's developmental age and stage and ask appropriate questions for that age and stage.
- Recognize that survivors may also be developmentally or emotionally stunted as a result of the trauma.
- Respect that survivors may have very different understandings of sexual behavior or body parts because they were called different things in the grooming process.
- Ask questions gently and patiently and not in a badgering way.
- When possible, avoid making survivors repeat information over and over as this is also re-traumatizing.
- Always ask about sexual abuse material. A survivor may not know it is something they should mention as it has been normalized for them and children do not know everything that should be reported. Specifically, ask about the production of imagery of the survivor, if imagery was used as a grooming tool, and if the survivor witnessed the perpetrator viewing imagery.
- Ask about others involved in the abuse, both in-person and over media. Specifically, survivors may have been forced to talk over the phone, chat online or video chat with other perpetrators; the primary abuser may have taken requests from other perpetrators or survivors may be aware of the abuser chatting with other perpetrators about their abuse of children.
- Always remember that technology facilitated the crimes against them. The simple act of leaving your cell phone on the table or pulling your laptop out may be a trigger for them. When possible, make the interview as 'tech-free' as possible and focus on the human element. If technology is needed, explain the need for technology in the process.

Traumatic Memory

A survivor may have dissociated during the abuse and truly not remember details. Images may only capture a small snapshot of total abuse, and incidents may blend together. In lieu of showing the survivor the abusive imagery, use other means to verify that survivor is the person depicted in the images. Also, because a survivor does not mention specific abuse, events, locations, does not mean they did not occur.

When a traumatic memory is brought up, it activates the same kind of fight-flight-or-freeze response that was experienced during the event. This response also shuts down some of the verbal areas of the brain. This makes it difficult both emotionally and physically for survivors to speak about the details of abuse.

Survivor Testimony

Expect a survivor's testimony to change over time due to the nature of trauma and the brain. The following illustrates a few examples of why a survivor's testimony may change.

- As a survivor begins to feel safer, the fight or flight activation of their brain calms down, and they may be able to access more or clearer memories.
- Survivors often minimize aspects of the abuse when first disclosing because they are afraid of reactions or need to build trust. As trust is established, they may share more and be more forthcoming about the magnitude of the abuse. The images may have been used for grooming and the child has been told she/he was complicit in the abuse and/or may be in as much trouble as the offender. Reassure the victim this is not his/her fault.
- On the other hand, a survivor may share a lot in the beginning, then become scared or anxious about what they have shared and try to take it back because it is too overwhelming.

INVESTIGATION PROCEDURES

Survivor Considerations

- Do not isolate survivors in a room alone, leave them alone with a stranger, or separate them from their family with no one they trust and no clear explanations as to why.
- Instead, bring in an advocate or a safe family member who can be with them.
- Let the survivor know beforehand where they will be, who they will be with, and for how long.
- Do not treat a survivor, especially those who are still children, as a piece of evidence. Have a greater focus on victim rights and protections than on criminal rights.
- Never use a child as bait in an investigation to try to get a longer sentence for the perpetrator. Act swiftly on suspicions of child abuse. Get the child safely out of the situation, then build the case.
- Always believe a survivor until proven otherwise. Do not work to discredit them.
- Do not use a mental health diagnosis or hospitalization records to discredit a victim. Always investigate thoroughly, no matter how extreme the testimony.
- Diagnosis should never discredit someone. Many mental health issues are the result of chronic trauma.
- Do not think of victims as “good” or “bad” for the court system. Treat all victims equally. The idea of an “ideal victim” is extremely discriminatory and skews the justice system.
- When sexual abuse is present in a household, ask about all members of the household, and check backgrounds of other adults in household. For example, there have been cases where one perpetrator was removed from the household, but another remained and continued the abuse because the police never checked their background record.
- When sexual abuse is present in a household, check with all siblings or other children in household in case they have also been abused. There have been cases of identifying one victim, but not others, because the children in the household were abused separately and did not know that the other(s) were being abused as well.
- Inform survivors of all of their rights related to investigations. Clearly explain expectations about the process and what will be required of them. Make sure they are aware of all important dates and especially cut-off dates for submitting information related to the case.

Imagery Considerations

- Do not show a survivor images of their abuse.
- It can be traumatizing to a survivor to view pictures of their abuser.
- It is recommended not to show abusive imagery to non-offending parents either as viewing these images can be very traumatizing. A neutral third-party, such as a specially trained pediatrician is a better option.
- Always ask about images in sexual abuse cases.
- Always check all computers, cameras, and phones for evidence. Check for hidden cameras in house. Also check the house for “props” related to the abuse.
- Even if images were not taken of the victim in the case, other images may have been used to groom the victim or may have been used by the perpetrator for their own purposes.

TRAINING RECOMMENDATIONS

We recommend quarterly training for law enforcement on trauma and childhood development. This training could serve as continuing education to help law enforcement better understand and serve survivors. The training should be updated every few years.

The training should include:

- Ways to better react to and manage the victim's trauma.
- Ways to help law enforcement better manage their own reactions to the traumatic stories and scenes they encounter and minimize the effects of vicarious trauma on the law enforcement personnel.
- Education on insights into how pedophilia develops, the role of child pornography, and why it is always prudent to check computers, phones, etc. Seek expertise in the field to guide and facilitate continuing education opportunities.

Specialized supervision should be available to law enforcement that work with child exploitation issues. This would be especially valuable for police departments who are unfamiliar with working on these kinds of cases and would allow them access to a specialist in these issues.

OTHER RECOMMENDATIONS

Education

There is a need for better sex education in schools that is trauma-informed and empowers students to be able to talk about abuse experiences with safe people.

- Sex education curriculum can be triggering for survivors.
- Many survivors did not know how to describe what was happening to them when they were being abused.
- Many survivors did not know what was happening to them was wrong, because of how they were groomed or how it was normalized.
- Many survivors do not know who they can tell, if they will be believed, if they will be protected from retribution, or what the other consequences may be if they tell.
- Safer sex education needs to help children understand that strangers are not the only dangerous people, but how family members and other trusted adults can be perpetrators of abuse. This education should help them navigate confusing situations, recognize inappropriate behavior, and give them tools to react to inappropriate behavior.

Offender Tracking

- Countries should share their national sex offender lists with one another. An offender's record should transfer and follow them wherever they go. This information should be shared with the appropriate law enforcement agency in the country the offender travels to.
- The current address of sex offenders should be updated by the appropriate law enforcement agency.

Rights of Survivors

- There is a need for a standard victim bill of rights across all states and federally to provide universal rights to all victims.
- Victim's compensation is not available for the survivor until the perpetrator is charged. This may prevent survivors from being able to access needed resources while waiting for perpetrator to be charged.
- Improvements are needed on how survivors can manage victim notifications, such as:
 - » More information should be provided about what to expect and how to manage these notifications
 - » An app may provide a better way for survivors to receive these notifications and learn more about the notification process and how to deal with the possibly large amount of notifications. This app could also provide survivors with information on other available resources.
 - » Therapists should be trained on the notification process and how to best help survivors cope with the notifications and what receiving these notifications means for the survivor.

Therapy Considerations

- Consider that siblings may have had different experiences and require individual therapy to process.
 - » Each sibling may have had different experiences or reactions to the abuse. Discussing these can cause friction, shame, or more trauma.
 - » Other siblings may not realize the extent of abuse another sibling has experienced. One sibling may be afraid to share, or other siblings may be traumatized when they learn the full extent of the abuse.
- More therapy sessions need to be covered for non-offending family members.
- This is a trauma for them too. They need help, support, and education in order to help and support the survivor(s) in their household in a healthy way.
- As a survivor moves forward, therapy needs may change. Certain life events may trigger a need for more or different interventions than before. Or there might be plateaus and periods of stability where therapy isn't as critical. This flow is unique and individual to each survivor's path.

Law Enforcement Response

- There is a need for a greater focus on mental health for law enforcement and better mental health support should be provided.
- There should be more rigorous screening when applying to work for law enforcement including:
 - » Past trauma
 - » Attitudes towards women, minorities, rape culture
 - » Mental health status and attitudes toward counseling and seeking out resources
 - » Be mindful and take swift action in these investigations as a child is being abused and may feel like law enforcement did not act quickly enough to stop their abuse.

Positive Impacts from Law Enforcement

- Law enforcement saved childhood pictures that were gathered in investigation and were not explicit and returned these pictures to family or sent digital copies.
- Law enforcement were very supportive.
- Law enforcement made themselves accessible and the survivor felt like they could always call if needed.
- Law enforcement developed a trusting relationship and showed empathy to the survivor.
- Law enforcement developed a lasting relationship and checked in with survivors from time to time to see how they were doing.
 - » Ask if survivors would like ongoing contact and if so, how frequently and in what way they would like you to check in.
- Law enforcement respected the survivor's wishes.
- Law enforcement referred the survivor to counseling and other resources.

KEY TAKEAWAYS

Common Feelings for Survivors Going Through an Investigation:

- Confusion
- Lack of trust
- Manipulated
- Used - "felt like an alien being prodded and probed."
- Fear
- Others are looking to discredit them
- Coerced
- Being alone
- Controlled

These are the same feelings they felt while being abused.

Ways to Mitigate These Feelings:

- Be transparent & explain the process.
- Explain the reasoning behind questions.
- Ask the survivor what would help them feel safe – ask them to tell you when they are uncomfortable and let them take breaks.
- Empower the survivor with choices.
- Allow support people or advocates to be with the survivor.
- Do not comment on the survivor's appearance. Survivors do not want anyone focusing on their body.
- Build trust.
- Prearrange meetings so the survivor does not feel unsafe or in trouble. This also ensures others are not made aware of their trauma.
- Let the survivor know you believe them.

Considerations

Consent: Seek informed consent from adult survivors or assent from child survivors. Thoroughly explain processes, options, and positive and negative effects of actions so that survivors can make informed choices and not feel like they are being "processed" or "controlled." Address all concerns with respect.

Control: Have respect for personhood and autonomy by giving choices, listening, and empowering survivors as much as possible through the process. For someone who has had choice taken away from them, giving choices helps establish trust and safety. Failing to do this can lead to institutional trauma, which will add to the trauma they already need to heal from.

Choices: Do not coerce, control, give no options to opt out, or leave out information that could help survivors make informed choices about:

- Who conducts the interview
- Interview location
- When they share information, allowing the survivor to share when they are ready
- What information they share
- What to do if they feel uncomfortable
- What the consequences might be for family members and others involved if they share

Trust: Strive to understand why survivors have trouble trusting law enforcement, and patiently and gently earn trust. The adults who should have protected these survivors hurt them instead, and they are used to people trying to trick or control them.

- Do not question a survivor in a way that makes them feel like you are trying to trick them.
- Do not expect trust to be automatic.
- Be aware that survivors have been trained to keep secrets and to cover things up. Secrets have been a way to survive. Survivors may have learned to distrust adults and authority figures.
- Expect the testimony to change over time as survivors feel more safety and trust and are able to share more details.
- Breaking a survivor's trust or causing them to feel unsafe can result in them shutting down and refusing to share their experiences with any law enforcement, social workers, or therapists because they are scared of what might happen.

Transparency: Be transparent about everyone who will be involved in the investigation process. Give the survivor opportunities to meet those involved. Let them know what information is being shared and with whom.

Limited Disclosure: Avoid actions that could lead to others learning about a survivor's trauma, others asking about the investigation, or things that could lead to further embarrassment or shame. For example, do not take a child out of class at school to question them and do not release the victim and family's identifying information to the media.

Safety: Show through your actions that the survivor's safety and well-being are the priority and that the survivors are not the ones in trouble.

In partnership with:

