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Sexual Abuse Investigation and Criminal Court Processes: Doing Justice to the Child?

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A Thesis submitted for the degree of
Doctor of Philosophy in Psychology

University of Auckland
March 1999
“There was a lady who came and got him from the room...just some lady who worked at the court. I don't know, I think she's the one who takes these children into these rooms and she had to talk to the Judge when they first turn the T.V. on and what not. I know that it was really quite silly because when they decided that they would stop the tape and adjourn for lunch that lady came into the court room and there was a bit of dialogue that went on between the Judge and the counsels because we were going to adjourn for lunch and whatnot and then the Judge said 'well what are we going to do with Sam over lunch?' you know because he was still going to have to come back and give evidence and he said 'where is Sam?' and he was left sitting in the room by himself - he'd been left sitting in the room, and he was such a good boy and so this lady had walked out - I'm not saying it's her fault - come back into the court and he's sitting there. And I couldn't go into the room and get him...He didn't know if he was still on TV or not.” (Mother of seven year old)
Abstract

This thesis has contributed to the international literature on child sexual abuse investigation and criminal justice processes by conducting a programme evaluation of these processes in Auckland, New Zealand. In the first part of the study, 51 child complainants and 124 primary carers were interviewed about their perceptions of social work investigation, evidential interviewing, access to counselling services, police investigation, medical examinations and, for some, criminal court proceedings. Although participants were predominantly satisfied with early interactions with professionals, both children and primary carers highlighted the need for better interagency collaboration, reduced time delays throughout the process, earlier access to support services, more information and increased involvement in decision making. With specific reference to criminal court, participants indicated a need for better pre-court education and debriefing. The second part of this research involved analyses of criminal court transcripts on the ways that children are questioned by evidential interviewers and lawyers in court. The transcript analyses showed that some cross-examination strategies are reliant on prejudicial stereotypes of children and false assumptions about the dynamics of sexual abuse. In combination, the interviews and transcript analyses, indicate that Judges could usefully ensure that children are asked questions in terms they understand. The thesis revealed deficiencies within agency practices and, to a lesser extent, agency policies which impact negatively on children and their families during the sexual abuse investigation and criminal justice processes. It was shown that in practice these processes do not fully comply with Article 3(1) of the United Nations Convention on the Rights of the Child, in that the best interests of the child are not always ‘of primary consideration’. Recommendations to address some of these deficiencies were proposed.
Acknowledgements

I'd like to thank the children, young people, mothers, fathers and carers who gave of their time, shared their pain, disappointments and hopes so willingly. I also wish to thank the social workers and police officers who willingly participated in this research, despite their huge case loads. Thanks also to Pepe Pasese and Vi Woolf for their support and interviewing skills, and to Marie Keane for her tireless transcription of interviews.

I could not have done this research without the support of my advisory group particularly Mary Dawson, Phil Hamlin, Alison Thom, Mark Churches and Wendy Miller-Burgering. I appreciate the ways they helped to make this research happen, their consistent encouragement and, in their different ways, their commitments to the well-being of children. Similarly, my thanks go to Morgan Libeau, Terri Dobbs, Michelle Hazeldine and all those at the South and Central Auckland video units for their comments on interview schedules and their support. Thanks also go to Kim McGregor for her inspiration in the early stages. I also wish to thank Ian Miller (Police), Fiona Coy and Robin Hamid (CYPFS) for their encouragement throughout. Special thanks go to Raewyn Good (Social Policy Agency), for her thoughtfulness, persistence and support.

I am indebted to The Health Research Council for providing a scholarship and research funding. Similarly, I would like to thank CYPFS, The New Zealand Law Foundation and SPA for research and dissemination funding. I also want to thank Tom Attwood and Janet Moody for their administrative support. I am also indebted to John Gribben, Mike Corballis and Alistair Stewart for their statistical advice.

I wish to offer my most special thanks to Fred Seymour, who is the personification of a good supervisor, with his steady support, thorough feedback and commitment to the best interests of children. Finally, I wish to thank my support network: To Sue Jackson, with whom I shared an office begrudgingly at first, but now do not know what I would have done without her. To Niki Harre for her support. To Ian, now Dr. Ian Lambie, for his humour and support as a fellow Ph.D. student. To Karen Wilson, for her love, encouragement, interest and feedback. To my partner, John Read, for not only his love and support of me but also of our children, who at times saw less of me than all of us would have liked. To my children, for reminding me of what's important, even when I didn't want to know. And finally to my mum, whose support both during the final stages of this thesis and throughout my childhood made all this possible.
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