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Preventing child abuse and maltreatment

I TAKE IT BACK.....
WHEN A CHILD RECANTS ALLEGATIONS
OF SEXUAL ABUSE

Carrie Paschall, Chief Investigative and Support Services Officer
Dallas Children's Advocacy Center

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Now she says it *didn't* happen.....

- Now what?
 - How common is recantation?
 - Why do recants happen?
 - When do you conduct a second interview?
 - How do you conduct a second interview?
 - Should you and can you proceed with prosecution?

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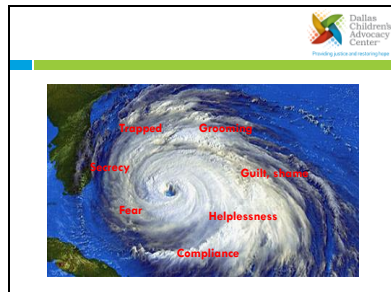
Remember.....

Disclosure is a process
not an event

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Remember what the child is experiencing...


- Secrecy
- Helplessness
- Entrapment
- Delayed, conflicted and sometimes unconvincing disclosure
- Retraction**

(The Sexual Abuse Accommodation Syndrome by Roland Summit, 1983)

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Remember the process of disclosure...

- Denial
- Tentative
- Active
- Recantation/Retraction**
- Reaffirmation




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How common is recantation?

In 116 confirmed cases of sexual abuse, 22% retracted or recanted the allegations. Of that 22%, 93% eventually reaffirmed the abuse.

(Sorenson & Snow 1991)




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How common is recantation?

"With respect to recantation, a study examining over 250 substantiated cases of sexual abuse in dependency court found that about **a fourth of the children recanted at some point** and that recantations were more likely if the child was abused by a **member of his household**, if the non-perpetrator **parent expressed disbelief** or was otherwise unsupportive of the allegations, and if the child was **10 years of age or younger**" (Malloy et al., 2007)



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Why do recants happen?



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- Secrecy
- Societal Attitudes
 - Recantations often used to support the assertion that children do make up stories of abuse
- Lack of support by the non-offending parent
- Inability to return home
- Initiation of criminal proceedings against a loved one
- Direct or indirect pressure by family
- Child and family interactions with professionals

(Burkhart, 1999)

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Why do recants happen?



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- 58 cases where a child disclosed then recanted were studied
- Children were 3-16 years old
- Study focused on whether family members believed the child, post disclosure placements and post disclosure visitation with the alleged offender

Familial Influences on Recantation in Substantiated Child Sexual Abuse Cases
(Malley, Maguire, Roward, Lyon and Quain 2018)

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Why do recants happen?




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- This study found:
 - Those children who had at least one supportive caregiver were less likely to recant (33% compared to 56%)
 - Children who remained in the home post disclosure were more likely to recant
 - Children who had visitation with the alleged offender post disclosure were more likely to recant

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Why do recants happen?




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- "A number of studies indicate that closer relationships are associated with longer delays and lower disclosure rates."
(London, Brock, Wright & Cao, 2008, p. 37)
- "Parentally abused children with low levels of family support will exhibit lower disclosure rates and higher recantation rates than other abuse victims."
(London et al, 2008, p. 38; see Elliott & Briere, 1994; Lawson & Chaffin, 1992; Lippert, Cross, Jones, & Walsh, 2009; Molloy, Lyon, & Quiss, 2007)

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Can we avoid recantation?



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The simple answer and realistic answer is

No

Remember it is part of the sexual abuse process of disclosure, and we should not be surprised when it happens.

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Can we minimize the likelihood of recantation?




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YES!!!!

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How do we minimize the likelihood of recantation?




□ Assess the case for recantation risk factors:

- Child's relationship to offender
- Family's response after disclosure
- Child's placement after disclosure
- Evidence of direct pressure
- Evidence of negative reaction to family/criminal justice system
- Media coverage

(Marx)

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How do we minimize the likelihood of recantation?



□ Find physically and emotionally protective environments

- "a trend indicated that children initially placed into foster care were somewhat less likely to recant than children who remained with a family member"
(Peters, 1999; 2001)
- No contact orders


□ Support services for everyone involved.

- *(Don't forget about siblings)*

(Berkart, 1999)

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How do we minimize the likelihood of recantation?



□ Awareness and education for child abuse professionals


□ Provide evidence of the child's credibility

□ Reduce trial stress and trauma to the child

□ Protect the initial interview


(Barkhart, 1999)

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Protecting the Initial Interview 
Protecting children and restoring trust

- Use a research based interview protocol
- Narrative techniques
- Allowing and instructing for "I don't know" and "I don't remember"
- Early disclosures need to be well documented.
Video recorded and notes made about demeanor and any emotions displayed by the child

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Protecting the Initial Interview 
Protecting children and restoring trust

- Thorough questioning about outcry reactions, threats etc. and pressure to keep abuse a secret
- Invite correction
 - "If a child subsequently recants abuse, the likelihood that the recantation is true or false can be assessed in light of the motivations and pressure that the child disclosed (*Lyon & Ahern*)


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What do we do when we find out about a recant? 
Protecting children and restoring trust

The recant needs to be investigated!

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How do we investigate the recant?



Protecting children and restoring trust

- Who is the "notifier?"
- Ask for the exact words used by the child.
- What was the child's demeanor at the time of the recant?
- What were the circumstances immediately prior to the recant?
- What was the notifier's conduct after recant?
- Anyone else present?
- Interview other witnesses who may have knowledge of the pressure exerted on child.

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Do we conduct a second interview?




Protecting children and restoring trust

- A recant interview should not be done until the questions from the previous slide are answered
- Every case is different
- Bring team members together to discuss (including prosecutor)
- Thoroughly evaluate all aspects of the case including alternative hypotheses

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How does the interviewer prepare?




Protecting children and restoring trust

- Use the same interviewer that conducted the original forensic interview
- Watch original interview
- Meet with team members to find out what has happened since the first interview
- Consider modifying your interview protocol to some extent

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How do you conduct a "recant" interview?



Use a brief introduction

On camera, address that a previous interview was conducted

Texas interviewers *must* conduct truth/lie scenario in each interview

Don't ask "What did you come to talk about today?"

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How do you conduct a "recant" interview?




"Although there is no research examining how recanting children can best be interviewed, or experience suggests that the same inquiries into the child's feelings and motivations of others can be explored" (Lyon & Aborn)

Begin with what happened since the first interview (step by step)

- "Tell me what happened when you left here the first time."
 - Get parents / caregivers reactions to the first interview
- "Who brought you to the first interview?"
- Who brought you today?"

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How do you conduct a "recant" interview?



Discuss placements since first interview

Discuss family support or lack thereof

Gets parents / caregiver's reactions/feelings toward the perpetrator

- What has X said about Y?**


Review details from child's first interview but be careful

Address the concerning details given in first interview

Ask child hypothetical reasons a child might recant

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Case Study of 12 yo. Anaya




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- Lived with Mom and BF and BF's Brother
- BF caught her smoking weed
- BF told her a boy liked her (letters)
- BF told her she needed sexual experience
- Man (JR) wanted pics (cell phone)
- Closet sex with "JR"
- Mom (very appropriate) but tipped off BF
- BF and Brother moved out—trashed apt.
- PD searched for cell phone—missing
- Mom said BF must've taken it
- Letters found

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Addendum



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- Anaya eventually reaffirmed after her and mom moved back in with AP in NY and he abused mom
- Anaya said that she recanted because of both direct and indirect pressures put on her by mom's reactions
- Anaya was 19 yo. and had a child of her own and did not want to go through a trial
- Anthony plead guilty and got 2 years TDC

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Questions