

Abstract:

The maltreatment of children is one of the most pressing issues facing the country today. Child Sexual Abuse (CSA) occurs frequently and has extremely negative effects for victims. However, it is only in the last 30 years that CSA has been given meaningful and sustained attention. In recent years, high-profile cases and strong emotions on both sides have fueled an intense and politically volatile debate over the nature of children's accusations and of institutional and societal response to CSA.

As the debate has grown over the past 30 years, so, too, has the institutional response to CSA. Once considered almost exclusively the domain of Child Protective Services (CPS), perpetrators of CSA are now routinely criminally prosecuted. However, with limited resources and organizational constraints, neither CPS workers nor prosecutors can take action on every single allegation of CSA they come across. At each and every stop along the path which cases of CSA take through CPS and criminal justice agencies, case-workers, investigators, and prosecutors must exercise significant discretion in deciding which cases to accept and which to reject. This discretion is most likely influenced by the professional experience of the workers and by the political debates raging around them, which sometimes attack social workers and prosecutors themselves. In the few studies which have attempted to ascertain what case factors influence this decision-making, characteristics that should ideally not make a difference seem to—the age and gender of the child victim.

Through analysis of data from Child Advocacy Centers in two jurisdictions, this study sought to quantify whether or not cases of CSA involving very young victims (one to five years old) are less likely to be prosecuted than cases involving older victims, and whether victim gender has any effect on prosecution status.

Through a vignette-based survey of prosecutors in large jurisdictions in eleven states, this study also sought to analyze if prosecutors themselves have different operating assumptions about and approaches to cases involving younger children, or involving different genders of victims.

Significant findings from the data analysis include younger children being significantly less likely to be referred for prosecution in one jurisdiction. From the survey, findings for one vignette found that prosecutors were significantly less likely to pursue prosecution in a case involving a four year-old victim than a case involving an eight year-old victim. Prosecutors also perceived a significantly lower likelihood of conviction in open trial. In the two other vignettes, prosecutors were significantly less likely to advocate that a four year-old victim can testify in open court than they were an eight year-old victim.