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**DEALING WITH MULTI-VICTIM, MULTI-OFFENDER
CHILD ABUSE CASES**

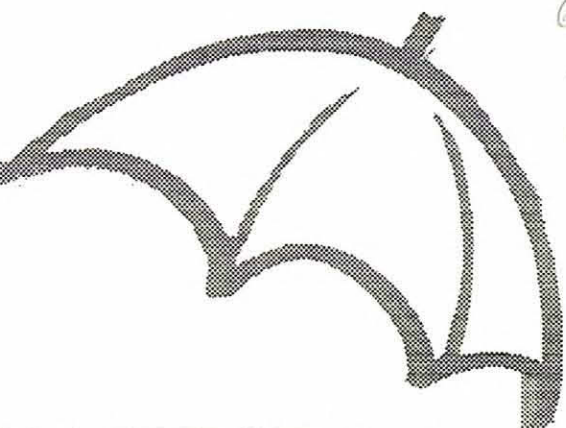
**FINAL REPORT
OF A TWO-DAY CONSULTATION
OCTOBER 29TH AND 30TH, 1992**

Funded by the Solicitor General, Canada

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**THE INSTITUTE FOR THE PREVENTION OF CHILD ABUSE
25 SPADINA ROAD
TORONTO, ONTARIO M5R 2S9**

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**THE INSTITUTE FOR THE PREVENTION OF CHILD ABUSE
25 SPADINA ROAD
TORONTO, ONTARIO M5R 2S9**

DEALING WITH MULTI-VICTIM, MULTI-OFFENDER CHILD ABUSE CASES

RESULTS OF A TWO-DAY CONSULTATION

October 29th and 30th, 1992

Toronto, Ontario

EXECUTIVE SUMMARY

Over the past few years a number of cases of child abuse involving many victims and often many offenders have surfaced across Canada. Sometimes referred to as "multi-victim, multi-offender" (MVMO) these cases implicate numerous children who are abused within a certain, identified community, often by a number of adult (and sometimes adolescent) members of that community.

These cases can exist in a number of venues. They include:

- abuse of children in a children's setting such as a residence, a school, a day care setting or foster home. The abuse may be current, or it may have occurred in the past. Offenders may be associated with the setting, or may be part of the external community. These cases are generally extra-familial, that is the abuse is committed by non-family members.
- abuse within the community perpetrated by one adult, usually in a position of trust or authority, who victimizes numerous children over a period of time. These cases are also generally extra-familial.
- abuse within a defined geographical community where there are many victims and many offenders (many of latter being past victims themselves) within the same community. These cases often are both intra- and extra-familial.

Various elements, such as sadistic practices, group sex and bizarre rituals may exist in any of these types of multi-victim abuse.

Investigating allegations of this type of child abuse requires skill and knowledge, however, there are few guidelines to direct investigations. In response to this situation, the Institute for the Prevention of Child Abuse (IPCA), with funding from the Solicitor General, Canada, coordinated a two day consultation in October, 1992, to address the issues specific to this type of complex child abuse investigation and to make recommendations for further action.

The two day consultation had five main objectives:

- bring together a reference group of experts from the fields of police, child protection, law, treatment, victim-witness programs and government
- to address the unique issues/problems presented by this type of investigation
- to identify principles which could form the framework for developing guidelines for individual community-based protocols
- to produce a report outlining the findings of the consultation; and
- to make recommendations for further action.

During the course of the two days, overviews of four different cases were presented. These were:

- the abuse of young boys, in the early 1970's, perpetrated by Christian Brothers who ran the Mount Cashel Orphanage, St John's, Newfoundland
- two child protection situations in the mid 1980's, one in Hamilton, Ontario and one in Oshawa, Ontario, where very young siblings disclosed allegations of bizarre sexual abuse after being admitted to care
- abuse perpetrated by numerous adults and adolescents on a number of children who lived in Prescott, Ontario and the surrounding area. This case was still ongoing at the time of the consultation
- a situation known as the *Martensville* case which was before the courts in Saskatoon, Saskatchewan at the time of writing

Special Issues Related to Multi-Victim, Multi-Offender Cases

Because of their complexity, investigations which involve numerous victims and offenders, are often compounded by special issues. These issues were found, in one form or another, in some or all of the above cases. They include:

- challenges in interviewing because of the potentially large number of victims, some of whom will be very young and many of whom will be known to each other
- lining up and sorting through historical data when the alleged abuse occurred many years ago
- dealing with allegations of satanism, the occult and ritualism which can side track investigators from the abuse issues
- ensuring that evidence is not contaminated because of the proximity and familiarity of victims and offenders with one another
- contending with potentially long delays in the court system, both child welfare and criminal because of the number of victims and offenders
- adapting a victim/witness program to meet the needs of the many victims
- meeting special treatment needs of victims, families and offenders
- dealing with the media "hype" which inevitably surrounds these cases as well as the pressure to make arrests
- responding to the personal stresses which can have devastating effects on the professionals involved in the case

Working within a Framework

Whenever an organization is faced with a complex investigation involving many victims and many offenders, there are certain procedures which can be established to expedite investigation and resolution. A four stage framework, developed by the Prescott team¹, was reviewed during the consultation.

- ❑ *The pre-identification/investigation stage* sets out some of the policies and procedures organizations should have in place prior to the onset of MVMO case. These policies and procedures include, for example: a good documentation system; a crisis response system; inter-agency protocols; ongoing staff training opportunities; a possible site for inter-agency team work; and a media strategy.
- ❑ *The initial identification/investigation stage* marks the beginning of the case and should include some of the following actions: identifying appropriate provincial supports; building the staff team, both investigative and treatment; determining a work site; identifying special training needs for staff; specifying appropriate medical, psychological personnel and placement needs for the children; putting a specific media strategy in place; and developing support systems to deal with staff stress.
- ❑ *The maintenance/management stage* is that phase which provides continuity. Once a complex investigation is underway, there will inevitably be changes and shifts as new information emerges. Managing these cases must be seen as an "evolution" and both managers and front line workers must be prepared to be flexible in dealing with an ever changing situation. Some factors which should be considered during this time include: the need for regular team meetings and meeting with others involved in the case; special placement issues, particularly where children are known to each other; special issues relating to staff, including stress-related illnesses; new training needs for staff; extraordinary resource needs; and a response to deal with the possibility of a community "backlash".
- ❑ *The assimilation stage* is the "return to normal" phase. As the investigation is being completed, the safety of the children ensured and the court cases well underway, it will be necessary to consider how the team will be dismantled, what the possible repercussions might be, and how the knowledge, experience and staff can be integrated within existing structures. Factors to consider during

¹ Acknowledgement for identifying these stages must be given to Rocci Pagnello, Child Protection Supervisor in the Prescott case. Additionally, both Jennifer Blishen, Child Protection Counsel, and Pamela Gummer, Coordinator, Child Abuse Project for the Prescott case, must be acknowledged for developing a "draft protocol" which formed the basis for many of the recommended procedures.

this period include: ensuring maintenance of the knowledge and skills gained throughout the course of the case; planning for return of the offenders to the community; and developing a long term prevention plan for the community to ensure such abuse does not recur.

Recommendations

Based on the information shared and the ensuing discussion, participants to the two day consultation made seven recommendations for further action.

Recommendation #1

That the Prescott experience be documented and be available as a learning tool.

Recommendation #2

That a study be undertaken to determine what factors, unique to a large, urban centre, should be considered when investigating allegations of multi-victim, multi-offender child abuse within such a centre.

Recommendation #3

That a study be undertaken to determine what factors, unique to Native communities, should be considered when investigating allegations of multi-victim, multi-offender child abuse within such communities.

Recommendation #4

That an advisory committee, comprised of representatives from both senior levels of government, which reflects the Inter-departmental importance of this issue, be established to explore the possibility of securing resourcing for the implementation of Phase II of this consultation, the development of protocol guidelines.

Recommendation #5

That in Phase III of this initiative, provinces review these guidelines with the appropriate agencies with a view to encouraging adherence.

Recommendation #6

That IPCA, with assistance from the Federal government, develop a strategy for dissemination of the information from the two day consultation.

Recommendation #7

That the learnings from the case illustrations be used as a basis for further research including impact on victims/survivors and long term treatment issues.

**DEALING WITH MULTI-VICTIM, MULTI-OFFENDER
CHILD ABUSE CASES:**

RESULTS OF A TWO-DAY CONSULTATION

ACKNOWLEDGEMENTS

This two day consultation would not have been possible without the support, interest and involvement of all the participants who so willingly gave of their time and expertise. Nor would it have been possible without the support of their organizations who freed their staff for this venture.

The federal Department of the Solicitor General, and particularly Joan Fisher, Research Officer, Research Division, Police and Security Branch, Solicitor General Canada must also be thanked for supporting the project and for expediting the necessary funding. Their interest and support are to be applauded.

Finally, staff from the Institute for the Prevention of Child Abuse, Dorothy Malcolm, Conference Coordinator who made the necessary arrangements, Judy Copeland, Program Assistant, whose word processing skills made the report readable, Rix Rogers, CEO, who encouraged and supported the idea, and other staff who attended the consultation and contributed their expertise, must all be acknowledged.

PREFACE

This report summarizes two days of intense discussion about one of the more complex types of child abuse investigation, the "multi-victim, multi-offender" situation. In October, 1992, the Institute for the Prevention of Child Abuse (IPCA), with funding from the federal Solicitor General's Department, invited twenty-nine professionals to review the unique issues related to this type of abuse, to identify a framework for developing guidelines for community-based protocols and to make recommendations for future action.

During the two days, there was an impressive amount of information and a number of personal experiences shared which shaped the outcome of this report. Participants to the two day consultation were open and honest, not only about the details and processes of the situations in which they were involved, but about the learnings and mistakes they had observed or made during the course of the investigations.

There was representation from various parts of Canada (a list of participants is contained in Appendix D). However, due to constraints of time, we were unable to get representation from all parts of the country. This fact constitutes a shortcoming to the consultation but should not, in any way, detract from the importance of the results.

Patricia Sibbald
Director
Professional Services
Institute for the Prevention of Child Abuse

March, 1993

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INTRODUCTION

Over the past few years a number of cases of child abuse involving many victims and often many offenders have surfaced across Canada. Sometimes referred to as "multi-victim, multi-offender" (MVMO) these cases implicate numerous children who are abused within a certain, identified community, often by a number of adult (and sometimes adolescent) members of that community.

These cases can exist in a number of venues. They include:

- abuse of children in a children's setting such as a residence, a school, a day care setting or foster home. The abuse may be current, or it may have occurred in the past. Offenders may be associated with the setting, or may be part of the external community. These cases are generally extra-familial, that is the abuse is committed by non-family members.
- abuse within the community perpetrated by one adult, usually in a position of trust or authority, who victimizes numerous children over a period of time. These cases are also generally extra-familial.
- abuse within a defined geographical community where there are many victims and many offenders (many of latter being past victims themselves) within the same community. These cases often are both intra- and extra-familial.

Various elements, such as sadistic practices, group sex and bizarre rituals may exist in any of these types of multi-victim abuse.

Investigating allegations of this type of child abuse requires skill and knowledge. However, there are few guidelines to direct investigations. This lack of a clear set of guidelines (or protocol) has meant that victims, families, potential victims, the accused and the community as a whole inevitably can face long, uncoordinated and potentially ineffective investigations. This, in turn, can impact negatively on prosecutions, treatment, prevention and the future of survivors.

In response to this lack, the Institute for the Prevention of Child Abuse (IPCA), with funding from the Solicitor General, Canada, coordinated a two day consultation to address the issues specific to this type of complex child abuse investigation and to make recommendations for further action.

The consultation took place immediately following IPCA's 7th Annual Conference at the Delta Meadowvale Resort and Conference Centre, Mississauga, Ontario, on October 29th and 30th, 1992. Twenty-nine participants from law enforcement, child protection, crown prosecution, victim-witness support, treatment, government (both federal and provincial) and IPCA met over the two days to share information and to make recommendations. A list of the participants are included in Appendix I. The list also includes those who were invited but were unable to attend.

Objectives of the Consultation:

- to bring together a reference group of experts from the fields of police, child protection, law, treatment, victim-witness programs and government;
- to address the unique issues/problems presented by this type of investigation;
- to identify principles which could form the framework for developing guidelines for individual community-based protocols;
- to produce a report outlining the findings of the consultation; and
- to make recommendations for further action.

OVERVIEW OF THE PROCESS

Background:

Early in July, 1992, a letter was sent to the Police Policy and Research Branch of the Solicitor General, Canada, proposing that IPCA coordinate a process with a view to developing guidelines for investigating allegations of multi-victim, multi-offender child abuse. It was suggested that this process begin with a two-day consultation immediately following the Institute's 7th Annual Conference to take advantage of post-conference enthusiasm and the presence of many of the experts who would form the basis of a reference group and who were attending the conference.

During July and August, negotiations were carried out between IPCA and the Department of the Solicitor General to firm up the conditions of the proposal and to determine the availability of funding for such a project. As a result of these exchanges, a revised proposal was submitted in mid-September and approved early in October.

Prior to approval, potential participants had been polled to determine their interest and availability should the funds be made available. Of 33 people invited (not counting IPCA staff) 25 were able to attend at least one of the two days. One person who was unable to attend sent a representative in her place.

On October 19th information was faxed to participants. This included the following: background, purpose and objectives of the consultation; a list of participants; the proposed two-day agenda; and a list of some of the identified issues for discussion. (See Appendix II)

Consultation Process:

During the course of the two days, overviews of four different cases were presented. These cases were:

- the abuse of young boys perpetrated by Christian Brothers who ran the Mount Cashel Orphanage, St John's, Newfoundland, in the early 1970's. Cathy Knox, Crown Prosecutor involved in the case, provided the overview.
- two child protection situations where very young siblings disclosed allegations of bizarre sexual abuse after being admitted to care. Priti Sachdeva, Counsel with Ontario's Official Guardian, presented the overview of these situations which took place in Hamilton and Oshawa, Ontario.
- abuse perpetrated by numerous adults and adolescents on a number of children who lived in Prescott, Ontario and the surrounding areas. The overview was presented by members of the investigative and treatment teams; and
- a situation known as the *Martensville* case and which is now before the courts in Saskatoon, Saskatchewan. Information was provided by Leslie Sullivan, one of the Crown counsel assigned to the case.

Information was also shared by Corporal Bob Doige, of the R.C.M.P., regarding special issues for police in recognizing offender patterns; by Robert Simandl, police consultant and member of the Chicago police regarding issues related to allegations of ritualistic/satanic abuse; and by Robert Morris, Crown Attorney and President of Child Find, Ontario, regarding media issues.

All information was collated, the process of identification, investigation, prosecution, treatment and prevention was reviewed, and recommendations were made for each stage, as well as for future action. At the end of the two days, participants were asked to evaluate the process. Results of the evaluation can be found in Appendix III.

Finally, the results of the process were written up and circulated to participants for their review, amendments incorporated where appropriate and the final report completed.

CASE ILLUSTRATIONS

The following is a cursory overview of each of the four cases and some of the issues raised during the investigation, prosecution and treatment stages.

Mount Cashel: Full details of the background of this case can be found in the Hughes report (1991)¹. This overview deals mainly with issues related to the subsequent prosecution.

In 1989 complaints were received from former residents of Mount Cashel Orphanage, situated in St. John's, Newfoundland, regarding alleged sexual and physical abuse perpetrated by the Christian Brothers in charge of the boys' residential setting in the early 70's and a subsequent cover up by the authorities. This resulted in the re-opening of a 1975 investigation and the conviction of eight Christian brothers. Thirty-two young men came forward to testify; others refused to become involved.

Because the victims of these past abuses were no longer children, there was no involvement of the child protection services; most of the responsibility fell on the police and on the Crown not only to locate possible past victims (survivors), but to interview them, to bring them back for trial and to ensure non-contamination of the evidence. Other difficulties included the lack of understanding of the needs of grown male survivors, a lack of financial resources to bring the witnesses to St. John's, and the fact that a public inquiry was begun at the same time as the criminal investigation.

Despite these difficulties, and because of some specific Crown strategies including a strong witness support program, convictions were obtained in all eight situations. Most are on appeal and it is forecast that some issues may end up in the Supreme Court of Canada.

An important factor for the prosecution was the amazing similarity of survivor stories despite the intervening years and despite the fact that most survivors had had no contact with each other over the years. Nor, according to the investigation, had they shared their abusive experiences with each other while resident in Mount Cashel years before. Additionally, the evidence shared in these trials was similar to that gathered in the 1975 investigation.

1 Hughes, the Honourable SHS, QC (1991) *The Royal Commission of Inquiry into the Response of the Newfoundland Criminal Justice System to Complaints*. St. John's, Newfoundland, Queen's Printer.

Victim witnesses showed many of the "text book" symptoms of abuse survivors, including post traumatic stress and, in some cases, these symptoms were "played out" before the judge. Expert witnesses, introduced by the prosecution, testified as to the "reality" of those reactions as well as the "reliability of past memories" of abuse victims.

During the process of this complex abuse investigation and prosecution, it became obvious that male survivors of childhood sexual abuse suffer enormous consequences hitherto not completely understood. However, the needs of male survivors had received relatively little attention until cases such as Mount Cashel (and, more recently St. John's and St. Joseph's in Ontario) came to the attention of the public. Mount Cashel emphasized the importance of having in place a victim support package and a credible victim/witness support system when these types of cases emerge. This situation also exemplified the need for those at a managerial level to understand the dynamics and consequences of childhood sexual abuse so that, when allegations first surface, treatment and support can immediately be made available to coincide with the investigation.

Hamilton/Oshawa: Two cases which took place in cities in central Ontario during the mid to late eighties were described. Both were child protection cases, and in each situation the children were represented by the office of Ontario's Official Guardian. In both cases there were allegations of neglect, sexual abuse and what came to be labelled "ritual abuse".

In the "Hamilton case" there were 155 days of trial and a two week appeal. The children initially came into care in March, 1985 when they were four and seven years of age. However, no permanent planning could be done for two and a half years while the litigation was ongoing. The children were made Crown wards without access.

In the "Oshawa case" there were 55 days of trial and two levels of appeal. The children had been apprehended in July, 1987, at two and three years of age. They were not available for permanent placement until February, 1992, some four and a half years later when orders for Crown wardship without access were confirmed.

In both cases allegations of ritual abuse became the main focus of the trials, both by the child protection agency (to prove and bolster the children's credibility) and by the parents (to disprove and attack the credibility of all the allegations). This focus unnecessarily prolonged the trials and sidetracked the court on the issue of whether or not "ritual" abuse had occurred.

The Official Guardian (OG) focussed its advocacy in the two cases on the children's needs and the core of the sexual and neglect allegations, of which there was an abundance of evidence. The OG also attempted to prevent the trials from being sidetracked on the truth or falsity of the more bizarre, or "ritual" aspects of the abuse allegations.

In addition to the emphasis on the "ritual" aspects of the abuse, the police and the child protection agencies (the two authorities mandated to investigate child abuse allegations) failed to cooperate fully with each other and the relationship between them became polarized. The lack of a cooperative working relationship in any abuse situation can negatively impact on the investigation, and the Hamilton and Oshawa situations were no exceptions. The concept of adopting a team approach for any abuse investigation, particularly those involving multi-victims and multi-offenders, is important. It is also important to focus on the child protection and/or abuse elements rather than on allegations of ritualism or satanism. The Prescott situation (discussed below) illustrates both the cooperative approach and the focus on the children's needs. However, it must also be acknowledged that, in the Prescott case, there were some adults who admitted they had abused children, criminal charges were laid and there were guilty pleas and findings of guilt - all of which bolstered the credibility of the allegations. In neither the Hamilton case nor the Oshawa case were there confessions of guilt or were criminal charges laid. Because the focus of these two cases became sidetracked from the issue of whether or not the children were in need of protection and what their best interests might be, the cases were conducted at great emotional cost to the children, their families and, financially, to the system.

Prescott: Prescott is a small town in south eastern Ontario about 100 kilometres from Ottawa where, in late 1989, horrendous forms of sexual abuse of a five-year-old child and her two younger siblings were revealed to the child protection authorities. These children had been made Crown wards with no access to their parents several months previously. Additionally, they had recently been moved as a sibling group to a new foster home.

During the ensuing investigation with the children, evidence began to emerge of sexual assaults on other children as well, which apparently took place in the family basement and in bizarre settings such as grave yards. These allegations included stories of cruelty, terrorization, disfigurement, forced ingestion of questionable materials, killing of animals and even infanticide.

By October 10, 1989, seven adults and three additional children, ages two and three years, from two family systems, were under investigation. The three children were apprehended.

While in foster care, these three children began to make very similar disclosures, some of which were later corroborated by adults. Physical corroborating evidence also existed. At the same time, police were interviewing associates of the core group of adults identified early in the investigation. November, 1989, was a turning point when one male adult admitted to abusing thirteen children who, in turn, identified other perpetrators.

Prior to October, 1989, the police and child protection authorities had been responding to the child abuse allegations in an uncoordinated fashion. In October, two police officers and three child protection (CAS) staff were freed from other duties to work exclusively with the investigation.

In February of 1990, the existence of the ongoing investigation broke in the media. Although the community was devastated, it responded in, what is best described, as a very pro-active fashion. A group of concerned people met later to form the Sexual Abuse Advisory Group, and agreed: (1) that the needs of the child victims had to be addressed; and (2) that more resources were necessary than were presently available within the community. A proposal was developed requesting resources and funding which was subsequently granted by the provincial Ministry of Community and Social Services.

By March, 1990, a team (consisting of staff from the child protection services, the police, child protection counsel, crown attorney and a victim witness worker) was firmly in place. Later that year, the treatment part of the team moved to the same office site.

A portion of the team, as it stands, is scheduled to be dismantled in December, 1992. The Family and Children's Services of the Children's Aid Society of Brockville and the United Counties of Leeds and Grenville, plans to re-assimilate the family service and children's services components. Staff members assigned to these areas will be relocated to work out of the agency's central office. The investigation and prosecution components will remain active and will continue to work out of the Prescott office.

Martensville: As this matter is presently before the courts, and as there has been a ban on publication, we cannot, at this time report on any details relating to the Martensville case.

SPECIAL ISSUES

Professionals can expect to encounter special issues when investigating abuse allegations involving numerous victims and offenders. Some of these issues are as follows:

- ❑ ***Challenges in interviewing:*** These cases can involve many, many children some of whom are very young, and some of whom may have only peripheral association with the situation. Interviewing these children requires skill, speed and thoroughness. All potential victims must be interviewed as quickly as possible, by interviewers who understand and can communicate with young children. As in any investigation, the interviewer must remain objective, as well as compassionate, despite hearing horrendous stories as the investigation proceeds. Care must be taken not to make assumptions or to lead the child, particularly when the story seems similar to one already related. Care must also be taken to ensure the children do not discuss the facts amongst themselves, a difficult thing to control if the children all know each other and continue to be together.

- ❑ ***Sorting out historical data:*** Those situations where abuse allegedly occurred many years ago present additional problems including: the lack of corroborating evidence; distance (many of the alleged victims, now adults, will be scattered across the country); death or failing health of alleged offenders; and sketchy or non-existent files.

- ❑ ***Allegations of satanism, occult and ritualism:*** Used interchangeably (albeit incorrectly) these terms have been associated with many crimes, including child abuse and, because of their potential for sensationalism, have sometimes sidetracked investigators from the real issue. Satanism, according to the *Concise English Dictionary* is defined as a "diabolical doctrine [or] the deliberate pursuit of wickedness"; occult means "hidden, concealed, kept secret ..."; and ritual is defined as "the performance of rites and ceremonies" but can also describe any customarily repeated act or series of acts.²

The important thing for the investigator to determine is whether such practices (which in and of themselves are not offences) corroborate abuse (which is an offence). What is often described as "satanism" or "ritualism" is, in reality, pure sadism. That is, children are, and have been, subjected to cruel and sadistic practices used during their sexual abuse to terrorize and silence them. Lack of

2 For more information see Tucker, Rob (Spring, 1989) "Ritualism and Satanism" in *IPCA Report*, 2(1). Toronto. and Lanning, Kenneth (1992) *Investigator's Guide to Allegations of "Ritual" Child Abuse*. Quantico, Va., National Center for the Analysis of Violent Crime

evidence, such as bodies, caves and alters, does not necessarily mean the child is fabricating. What it might mean is that the child has been led to believe, through trickery and fear, that these things are real.³

In any abuse investigation where allegations of satanism or ritualism are made, it is important that the investigator focus on the alleged criminal offence (i.e., the abuse) and any evidence which might corroborate it, and not on other issues. At times, allegations of satanism or ritualism overshadow the alleged offence of abuse and the inability to prove such allegations can detract from the facts of the abuse. This emphasis can, in turn, discredit the evidence of the children.

- ***Contamination of evidence:*** In multi-victim cases where the children know and communicate with each other on a regular basis, evidence can be unintentionally contaminated. Or evidence can be tainted because of intentional collusion and/or threats from the accused. Additionally, the availability of programs on television and via videotapes have the potential for distorting a child's story. It is important for investigators to reduce, as far as is possible, any chance for contagion (e.g., by interviewing quickly, by instructing children not to discuss their stories with each other, by keeping them separated) and where contamination is suspected, to identify and isolate the source. Choice of treatment or victim-witness preparation modalities can be affected by the possibility of contamination. Where the children are alleged victims of the same abuse conspiracy, group sessions may not be the method of choice.

- ***Delays in the Court Systems:*** Because of the potentially large number of victims, witnesses and offenders, long court proceedings and delays in the process are often experienced. These delays impact negatively on children resulting, for example, in suspension of permanent planning pending the outcome of protection proceedings. Courts are encouraged to take whatever measures are necessary to expedite both criminal and protection proceedings where children are involved to avoid adding further to the abuse they may have suffered.

3 For an interesting discussion of this area, see Lanning, *op cit*

- ***Adapting a victim/witness program:*** Court preparation is a critical aspect of any child abuse prosecution. Recent research shows that children who are prepared for the court process feel much more comfortable giving testimony than those who are not, and their testimony can, as a result, be more credible.⁴ However, multi-victim, multi-offender cases can present unique problems for the victim/witness assistance coordinator. The potentially large number of child victims can create logistical problems, and the fact that most of the child victims will know each other compounds the problem of contamination. It is important to have a clear understanding of the role of the victim/witness coordinator and to consider carefully the implications of using a group modality.

The role of the Victim Witness coordinator is to help the young victim witness prepare for the experience of testifying in court, to "humanize" the criminal justice system, and to remove as many surprises as possible. In this capacity, there is no discussion of the facts of the case and children who are involved in the same case are advised not to talk about their evidence with each other. Victim-Witness programs may vary from community to community, but generally they will cover the following:⁵

- teaching the child about court procedures and the roles of key persons;
- familiarizing the child with legal terms and concepts;
- teaching the importance of telling the truth;
- helping the child understand the need to speak clearly and slowly ;
- helping the child to understand the adversarial nature of the criminal justice system;
- making the child comfortable with the physical layout of the court room;
- providing information and/or support to the parents/caregivers of the child;
- providing referrals to community resources, upon request;

4 IPCA (in press) *Implementation of Bill C-15: The Investigation and Prosecution of Child Sexual Abuse Cases in Eight Ontario Communities with Emphasis on Bill C-15*. Toronto

5 Adapted, in part, from London Family Court Clinic (January, 1991) *Reducing the System-induced Trauma for Child Sexual Abuse Victims through Court Preparation, Assessment and Follow-up*, Executive Summary, p 7

- acting as liaison with community agencies; and
- providing public education.

The Victim Witness coordinator also deals with very practical issues, such as the need for separate waiting rooms at court, the need for a screen or closed circuit television, any special aids, such as a booster chair, bathroom or nap breaks. S/he will also work closely with the treatment team to ensure safety nets are in place before, during and after testimony.

A third task of the coordinator will be to introduce the child to the crown prosecutor and to help build that rapport. The crown prosecutor is then responsible for obtaining the child's story, dealing with any discrepancies or problems in the evidence, and helping the child to understand and cope with the pending cross-examination. The coordinator is present during interviews with the witnesses.

Although there are different strategies involved in dealing with adolescents and children, a Victim Witness coordinator will spend the initial period of time getting to know the young victims, discovering with them their apprehensions about testifying, building on their inner strengths, dealing with any feelings of helplessness they might have and generally empowering them before, during and after their court appearance(s). Coordinators provide services to children, adolescents and adult victims and witnesses. In the Prescott situation, some of the victims (adolescent and adult) have also been prosecuted as perpetrators.

- ***Meeting special treatment needs:*** Issues relating to treatment of victims in multi-victim cases can also present unique problems including: increased possibility for evidence to be contaminated resulting in limited choice of treatment modality; disclosures made in the course of therapy; more emphasis on documentation; increased importance of ongoing working relationships with the investigative team; and determination of treatment after dissolution of the special treatment team.

Possible Contamination of Evidence: Some agencies refuse to take child victims into treatment until completion of the investigation generally because of a reluctance to be involved in the court process or because of claims from the defence that treatment will contaminate evidence. This latter rationale can be particularly prevalent if the case involves many victims who know each other. However, from a strictly ethical point of view, withholding treatment is very questionable and with proper training, therapists can learn to keep the focus off the evidence and on the feelings of the child. It should be noted that it can be very difficult to

control contamination of evidence in a group of children known to each other and thus group therapy sessions should be used with caution in such cases.

Dealing with Disclosures: Incremental disclosures are common with child abuse, particularly child sexual abuse, and disclosures during therapy not uncommon. It is important for the therapist, while dealing with emerging feelings, not to carry out an investigation but to notify the investigative team if the child reports new information relating to the alleged abuse. In the Prescott situation, because the investigative team was in the same building, and because the children already knew the investigators, moving back and forth between the two teams did not create a problem. The fact that both teams were located within the same building added to the feeling of safety for the child as well as expediting the process.

Documentation: Careful documentation is critical when so many children are involved in the same abuse situation, particularly if the matter is yet to be heard in court. Moreover, as some of the children may be in and out of court a number of times, a record of their progress will be important.

Ongoing Relationship with the Investigative Team: Given the high possibility of disclosure during treatment, and given the fact that the investigative team (including both police and child protection services) will have ongoing information important to the treatment process, it is essential the two teams keep in close communication, keeping in mind the need to maintain confidentiality regarding some therapeutic materials. Location within the same building facilitates this communication.

Continuation of Treatment: Treatment should continue past the investigation. If a treatment team has been formed specifically to deal with a MVMO case, and is to be disbanded once the investigation is completed, it will be important to ensure continuity for the children. This may mean maintaining the treatment workers within the agency structure, ensuring the children remain with their therapists within the community or transferring to other community therapists.

- **Media "hype" and pressure to make arrests:** These cases, with their sometimes lurid characteristics, attract the media and can put pressure on the authorities to make premature arrests.⁶ Supervisors and other management personnel should ensure there is one person assigned to media relations and that this person meets with the media to present appropriate facts of the case. It is important to be open without breaking confidentiality and to provide only those comments which can be published, not those which are considered "off the record".

In addition to the problems encountered in high profile cases, there are also opportunities to use the media constructively. One such opportunity use of the media to educate the public (and the politicians) about the incidence and severity of the problem, and to engage them in creative support and prevention.

- **Personal costs:** Given the intense focus of their work over an extended period of time, and given the horrendous acts perpetrated on vulnerable children with whom they work daily, professionals assigned to these cases may suffer at a personal level. Some of the problems identified during one such investigation included: weight gain, insomnia, numerous somatic complaints (including headaches), increased use of alcohol and prescribed drugs, heightened anxiety levels, intrusion on family life and friendships and inability to dissociate self from the situation even while away from work.⁷ Regular supervision, opportunities to debrief and individual counselling may have to be made available for these staff.

6 For a full discussion of dealing with the media in a high profile case, see Appendix IV. *Presentation on Prosecution of the High Profile Case*, a lecture delivered by E. Michael McCann, District Attorney for the Jeffery Dahmer case.

7 Extract from Pagnello (1992) *Managing in a Fishbowl Family and Children's Services*, Brockville, Ontario. see Appendix V.

FRAMEWORK FOR WORKING WITH MULTI-VICTIM, MULTI-OFFENDER CHILD ABUSE CASES

Whenever an organization is faced with a complex investigation involving many victims and many offenders, there are certain procedures which can be established to expedite investigation and resolution. For purposes of simplicity, a four stage framework, which had been developed by the Prescott team⁸, was reviewed by participants at the consultation. These stages are as follows:

- the pre-identification/investigation stage;
- the initial identification/investigation stage;
- the maintenance/management stage;
- the assimilation stage.

8 Acknowledgement for identifying these stages must be given to Rocci Pagnello, Child Protection Supervisor in the Prescott case.

Pre-Identification/Investigation

At the Organizational Level

In order to expedite investigation and resolution of a potentially complex child abuse case, (such as MVMO abuse) organizations, particularly child protection, police and Crown offices, should already have in place the following:

- a comprehensive, effective documentation system which would alert staff to the possibility of a complex investigation;
- a crisis support team at the management level, both within each agency and between the agencies. The latter should include senior staff from child protection, police, crown and representatives from the appropriate provincial ministries and would consider issues such as: initial action plan, necessary staffing, money, use of outside resources, resolution of possible inter-agency conflicts which may be brought on either by the different mandates which exist or by possible inter-personal conflicts between team members;
- an inter-agency investigative protocol which is: available, accessible, up to date, and for which all staff have received on-going, inter-agency training. The protocol should be set within a philosophical framework which defines the mission, goal and objectives of the involved organizations, as well as defining an ongoing review process. The protocol should also consider the roles, not only of the investigative team, but of other resources which may be involved in an investigation including: medical/psychological; educational; victim/witness; and treatment (for child victims, for non-offending family members, for adult survivors and for perpetrators, both adult and adolescent);
- a "mission statement" as part of the protocol which identifies protection and best interests of children as the prime "driving forces" or "rallying points" of any investigation, intervention and treatment of alleged child abuse;
- regular staff training, preferably inter-agency, about how to:
 - understand and recognize the dynamics of abuse ;
 - identify potentially abusive situations;
 - review facts in order to make a differential diagnosis;
 - assess risk to the alleged child victim as well as to other children who may be affected;
 - interview child victims; and
 - make appropriate referrals for assessment (medical, psychological) and treatment;

- ongoing educational opportunities to assist staff in understanding the various legal mandates of involved organizations (e.g., child protection and criminal prosecution); and to receive up-to-date information on new legislation, regulations and/or government/agency directives which will impact on the case;
- a possible site where an inter-agency team could locate during the course of the investigation and follow up;
- a strategy to keep the community aware of, and informed about, the existence of child abuse and the role individuals can play in preventing, identifying and reporting it, on an ongoing basis; and a strategy for the involvement of community groups so that there are resources in place for the prevention, intervention and treatment aspects;
- a media strategy which involves child protection, police and crown office and any other involved agency, and which takes into consideration: the lines of communication; the handling of any "leaks"; and response to possible "backlash" issues;

At the Provincial Level:

In addition to those aspects which an organization should consider, it is recommended that there be in place an inter-ministerial response team at the provincial level which would be available to assist the community through: consultation, training, identification of, and assistance with, needed resources (including staffing and money) above and beyond those available in the community.

Initial Identification/Investigation Stage

Unique characteristics may arise out of an examination of the facts of an abuse allegation. Among these features may be: abuse in a residential setting, either present or past; the existence of more than one non-related victim and/or more than one offender; group sexual activity involving children; sadistic practices as part of the abuse. When these features lead one to suspect that the case in hand may be a complex one which involves many young victims and perhaps many perpetrators, the following actions should be implemented⁹:

- Involve the appropriate provincial ministries immediately for consultation and for purposes of financial, technical and other types of support. In addition, one contact person from the government should be identified to coordinate the inter-ministerial involvement;
- Identify any conflicts of interest which the pending investigation may involve;
- Determine a site for the location of investigative and treatment team members;
- Determine any supervisory staff and identify a lead case manager. Ensure that there is a process to coordinate the individual case planning mechanisms of each agency involved;
- Determine the structure of the frontline investigative team, including number of staff, expertise and the approximate time frame needed to carry out investigation. In these complex cases, the time frame will generally expand as more information is revealed, thus it is important to build in flexibility;
- Build the frontline investigative team, including child protection (and child protection counsel), police, crown, and victim/witness staff. Ensure that these people are relieved of other responsibilities and that there is adequate supervision. In building the team, it may be necessary to "airlift" from other communities; the provincial contact should assist in this;

⁹ Acknowledgement for identifying these stages must be given to Rocci Pagnello, Child Protection Supervisor in the Prescott case. Additionally, both Jennifer Blishen, Child Protection Counsel, and Pamela Gummer, Coordinator, Child Abuse Project for the Prescott case, must be acknowledged for developing a "draft protocol" which formed the basis for many of the recommended procedures.

- ❑ Identify medical and psychological needs, including appropriate personnel. Ensure that the assessments are carried out by professionals who can be qualified as experts at any subsequent court hearing and who will, if necessary, be in a position to address the issue of a child's credibility;
- ❑ Build the rest of the team: e.g., treatment, prevention and education, and ensure that it is in a position to work closely with the investigative/assessment team;
- ❑ Clearly identify the roles, responsibilities, decision making process and communication lines of all participants;
- ❑ Identify the training needs and implement necessary training sessions using the experience and expertise of other communities, professionals and organizations. Involve both provincial and federal authorities for information and resources, both fiscal and staffing;
- ❑ Establish and implement a compliance review mechanism to ensure compliance with all legislation, regulations, standards and directives. Have in place a system which will flag inconsistencies (e.g., which may exist between organizations or between ministries) and a mechanism to work these out;
- ❑ Revisit the mission statement and use this as a "rallying point" on an ongoing basis. Ensure the protection and best interests of the children remain paramount;
- ❑ Establish clear, enforceable communication lines between involved agencies on a "need-to-know" basis which respect confidentiality while, at the same time, ensuring that appropriate information is shared;
- ❑ Determine special technical aspects which the investigation may require, including: computerization and networking of information; videotaping facilities; development of charts to keep track of emerging network of victims and perpetrators; wiretapping; gravedigging; and special court facilities, such as a screen or closed circuit television;
- ❑ Determine any special service aspects which may be required. These might include: volunteer drivers; and expanded and enhanced after hour services, including child protection, police, assessment and crisis intervention;

- ❑ Have in place expanded and enhanced placement resources. Be prepared for specialized foster and adoption placements;

- ❑ Select a media relations person who will maintain sole contact with the media and who is a member neither of the investigative nor the treatment team. This person should be in a senior management position, such as the chief of police or the executive director of the child protection agency. It would also be advisable for this person to have had access to a media relation course.

- ❑ Build a mechanism to deal with the high stress which will impact on team members. At the same time, consider the impact on other staff, particularly with a child protection and/or treatment setting, where certain staff are identified as a "special" team. Other staff must be kept informed while, at the same time, understanding the necessity of relieving team staff of other responsibilities. Other staff will also have to understand that: there may be a need to maintain confidentiality around some of the issues; and, there may be more access by the Team to outside resources and specialized training.

Maintenance and Management of the Case

Once a complex investigation is underway, there will inevitably be changes and shifts as new information emerges. Managing these cases must be seen as an "evolution" and both managers and front line workers must be prepared to be flexible in dealing with an ever changing situation. To this end, management must ensure that the following are in place:

- ❑ The team should be prepared for ongoing change and evolution, and protocols which have been established must be flexible enough to meet these challenges;
- ❑ There must be structured and regular (e.g., weekly) team meetings for planning and goal setting;
- ❑ There should be regular meetings with provincial representatives to ensure ongoing exchange of information and to ensure that needs related to the complexities of the case are known to government authorities;
- ❑ Depending on the complexity of the investigation, relevant information must be shared among team members while adhering to any laws regarding confidentiality. This may involve accessing records from other organizations, such as provincial health records, records from other police or child protection agencies and records from therapists and other community specialists;
- ❑ Special placement issues involved in the ongoing investigation will have to be dealt with as they arise. Such issues may include: placing non-sibling groups in separate settings to reduce contamination of evidence; advising foster parents to keep daily logs of the child's behaviour and disclosures while, at the same time, directing these parents not to question the child specifically about any allegations; ensuring that foster parents who are caring for children involved in the same case do not meet in the same support group, again to reduce any risk of contaminating the evidence; providing extra support to foster parents in the form of time off, additional funds, the opportunity to discuss the problematic behaviours of the children as well as their own feelings anger, fear, relived childhood experiences, attitudes about sexuality and sexual practices etc with an objective professional;

- ❑ Special staff issues will have to be dealt with as they arise. These can include: over-identification of team members with the case to the exclusion of the needs of other children, and the perception that the case will continue forever; the high possibility of stress among team members and the need to make assistance available to those staff undergoing stress (this stress may present itself in many forms, including illness, fatigue, overdependence on drugs and distancing from family and friends); the possibility of other staff becoming resentful of the "special team" and the need to process these feelings;

- ❑ Organizations must be prepared to address any special training/education issues which may arise. It will be important to make these training opportunities available, as far as is possible and practicable, to other staff members as well for purposes of ongoing education. In addition, attention should be paid to the training/educative needs of others, such as foster parents, volunteers, teachers, child care workers, recreational leaders, and others involved in the day to day lives of the victimized children and/or their families;

- ❑ A mechanism should be in place so that ongoing information and support are delivered to the community at large;

- ❑ As well, a mechanism should be set in place to respond to public concerns which form a "backlash" to the community situation. The "backlash" can occur as the abuse net widens and the public becomes frightened by the scope of the problem in their community. It is important to respond to any accusations in an educative and informative manner rather than a defensive manner;

- ❑ Ongoing monitoring of resource needs should be carried out, both by the agencies involved as well as by the government and the public at large.

Assimilation

Once the investigation is completed, the safety of the children assured and the court cases well underway, it will be necessary to "return to normal". This has been described as reaching the end of the "rabbit in the belly of the snake"¹⁰. As this time approaches, it is necessary to consider how the team will be dismantled, what the possible repercussions might be, and how the knowledge, experience and staff can be integrated within existing structures.

Given the complexity of these cases, different parts of the investigation, prosecution and treatment will be at different stages at any given time. This may mean that staff are phased out of the special team role at different times. It will be important to ensure management and line staff are aware of these stages and that they understand the implications for their work. Going back to the "rallying point" and helping staff to remember the purpose for which the specialized team was established in the first place, will be helpful at these junctures.

Staff who have invested much of their time and commitment as part of the team may feel a keen sense of loss. It will be important to provide assistance to them, both to work through the sense of loss and to help them take on their new responsibilities. If some team members have been brought in specifically for the particular abuse situation, there may be no role for them within the existing structures. Discussion of career path opportunities may be important for these people.

A "post mortem" review could be considered within those organizations where dismantling of the team will have an impact (e.g. child protection agencies, police departments, treatment centres). At this time issues such as: what has occurred; what still needs to be done; what has been learned; what might have been done differently; what systems are in place in the event another complex case arises; can be discussed with the staff as a whole.

Finally, it will be important to:

- maintain the high level of service for all cases of child abuse, whether complex or not;
- build on the skills and knowledge gained throughout the process, and ensure that all those involved in the protection and safety of children have access to these learnings;

10 This analogy is attributed to Des McGarry, Crown prosecutor in the Prescott case.

- consider the long term effects on the victims and their possible future needs for treatment, support and compensation;
- plan for the future needs, both treatment and otherwise, of offenders who return to the community;
- consider the ramifications to the community with the return of the offender(s), including protection issues for children and assimilation needs of the offender(s);
- develop a long term prevention plan within the community which involves both professionals and the public at large and which will ensure that such abuse does not recur.

RECOMMENDATIONS

Based on the information shared and the ensuing discussion, participants to the two day consultation made seven recommendations for further action.

Using the Prescott Experience

Much valuable information has been collected during the course of the Prescott experience and members of the investigative and treatment teams have readily shared their learnings with others through conference presentations and other modalities. Participants at the two day consultation recommended that this experience be documented and made available to other communities.

Recommendation #1

That the Prescott experience be documented and be available as a learning tool.¹¹

Investigating Multi-Victim, Multi-Offender Child Abuse Cases in Large Urban Centres

Most of the situations discussed occurred within small, communities, either geographical or residential, with relatively homogeneous populations. The emergence of a MVMO case within a large, urban centre with a multi-cultural, multi-racial population could possibly present additional variables which would have to be addressed. Aside from cultural, language and/or racial issues, other variables might be: a transient victim and/or offender population; difficulties in coordination among the various investigative branches and treatment facilities; and higher costs. Participants at the consultation recommended that a study be undertaken to isolate some of the unique factors which might present themselves should it be necessary to undertake such an investigation within a large urban centre, and that this study be conducted prior to the emergence of such a case.

Recommendation #2

That a study be undertaken to determine what factors, unique to a large, urban centre, should be considered when investigating allegations of multi-victim, multi-offender child abuse within such a centre.

11 Parts of the "Prescott Experience" were audiotaped at IPCA's 7th Annual Conference (Oct. 1992) and, at the time of writing were being transcribed.

Investigating Multi-Victim, Multi-Offender Child Abuse Cases Within Native Communities

Participants also recommended that the characteristics unique to multi-victim, multi-offender cases of child abuse within native communities be documented so that they could be considered when such cases emerge.

Recommendation #3

That a study be undertaken to determine what factors, unique to Native communities, should be considered when investigating allegations of multi-victim, multi-offender child abuse within such communities.

Need for Responsive National Guidelines

Participants proposed that a second phase to this consultation be undertaken in order to develop protocol guidelines which would be applicable to all provinces/territories of Canada, and that an advisory group be established to oversee such a project. In so recommending, participants recognized that any such guidelines would have to be responsive to regional diversity. (Due to pressures of time and money, it had not been possible to have representation from all parts of Canada at the consultation and this factor was recognized as a shortcoming by both organizers and participants.) It was, therefore, recommended the advisory group consist of both federal and provincial members, and that it be interdisciplinary in nature.

Recommendation #4

That an advisory committee, comprised of representatives from both senior levels of government, which reflects the Inter-departmental importance of this issue, be established to explore the possibility of securing resourcing for the implementation of Phase II of this consultation, the development of protocol guidelines.

Ensuring Compliance

Guidelines are useful only if they are implemented, and implementation occurs only if there is an understanding of, and belief in their usefulness. Recognizing that enforcement would be a provincial responsibility, participants recommended that provinces review the guidelines with their law enforcement, child protection and treatment agencies with a view to educating them about the usefulness of the guidelines and encouraging compliance.

Recommendation #5

That in Phase III of this initiative, provinces review these guidelines with the appropriate agencies with a view to encouraging adherence.

Disseminating Information about the Two Day Consultation

Participants recommended that the information shared during these two days be disseminated through the auspices of the federal government and IPCA, and that this information be used in further consultations with the provinces.

Recommendation #6

That IPCA, with assistance from the Federal government, develop a strategy for dissemination of the information from the two day consultation.

Ongoing Research

Finally, participants recommended that learnings from all cases described during the two day consultation, be consolidated and used to further knowledge regarding impact issues and long term outcomes.

Recommendation #7

That the learnings from the case illustrations be used as a basis for further research including impact on victims/survivors and long term treatment issues.

APPENDIX I

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APPENDIX II

INFORMATION SENT

The Institute
for the **Prevention**
of Child Abuse



L'Institut pour la
prévention de l'enfance
maltraitée

Chairperson / Président
RICHARD VOLPE, Ph.D.

Chief Executive Officer /
Président-directeur général
RIX ROGERS

MEMORANDUM

TO: Consultation Participants

**FROM: Patricia Sibbald
Director
Professional Services Department**

**RE: Consultation on Investigating Allegations of Multi-
Victim, Multi-Offender Child Abuse**

DATE: October 19, 1992

Further to our conversations, I am pleased to inform you that the Federal Department of the Solicitor General has agreed to fund a two day consultation on the above issue. The consultation will take place Thursday and Friday, October 29th and 30th immediately following our 7th Annual Conference at the Delta Meadowvale Resort and Conference Centre, Mississauga Ontario.

As one of the invited participants to this consultation a room has been booked for you at the Hotel for Wednesday and Thursday nights. As well, your travel and meal expenses will be reimbursed based on the attached schedule. Please remember to retain all receipts.

The Delta Meadowvale is located 6750 Mississauga Road, just south of Highway 401. For those of you arriving by air, there is a free shuttle to the hotel. You can arrange shuttle service by calling the hotel at 821-1918.

In preparation for the consultation, I am forwarding to you the following information:

- background, purpose and objectives of the consultation;
- a list of participants;
- agenda for the two days;
- a list of some of the identified issues for discussion.

I would also ask that each of you, where possible, bring to the consultation the following:

- any other issues which you feel should be addressed;
- samples of protocols you believe might be useful;
- any directives/standards/regulations which pertain to the investigation/prosecution of child abuse allegations used in your area;
- any other material you feel would be useful to the issue.

We look forward to seeing you on the 29th, or before if you are attending the conference.

Thank you for your interest in this very important topic.

The Institute for the Prevention of Child Abuse

Consultation on Investigating Allegations of Multi-Victim, Multi-Offender Child Abuse

**Delta Meadowvale Resort and Conference Centre
Mississauga Ontario**

October 29/30, 1992

Background: In the past two years, two cases of multi-victim, multi-offender child sexual abuse have emerged in Canadian communities (Prescott, Ontario; and Martensville, Saskatchewan). Both have involved the abuse of numerous children within a certain, identified community, allegedly perpetrated by a number of adult members of that community; both may also have included ritual/satanic elements. In addition, at least two cases of historical abuse in residential care settings have been investigated (Mount Cashel, Newfoundland; and St John's/St Joseph's, Ontario).

Investigating allegations of this type of child abuse requires particular skills and knowledge. However, there are few guidelines to direct investigators. On each of the occasions mentioned above, the investigating authorities have had to "start from scratch" as no procedures exist for handling these very complex abuse situations. The lack of a clear set of guidelines (or protocol) has meant that victims, families, potential victims, the accused and the community as a whole face long, uncoordinated and potentially ineffective investigations. This, in turn, can delay prosecutions, treatment, prevention and learnings for other communities. The impact can be devastating.

In response to this lack, the Institute for the Prevention of Child Abuse (IPCA) is coordinating a consultation to address the issues specific to this type of child abuse investigation and to make recommendations for further action. One such recommendation might be the development of protocol guidelines for an integrated response to multi-victim, multi-offender child sexual abuse offences.

Included for discussion in the consultation will be:

- identification;
- investigation and prosecution;
- support for victims;
- support for non-offending family members;
- working with the community;
- dealing with the media; and
- prevention.
- recommendations for further action

The outcome of the consultation would be a report of the proceedings with recommendations for further action.

THE INSTITUTE FOR THE PREVENTION OF CHILD ABUSE

Consultation Process: The Development of Guidelines for Investigating Allegations of Multi-Victim, Multi-Offender Child Abuse

Delta Meadowvale Resort and Conference Centre
Mississauga, Ontario

October 29/30, 1992

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AGENDA

**Thursday, October 29,
9:00 a.m. - 4:00 p.m.**

Refreshments, welcome, introductions Pat Sibbald

Overview and purpose of consultation Pat Sibbald

- review of Purpose
- review of resource materials

Overview of Case Situations with particular reference to the issues of:

- identification
- investigation and prosecution
- support for victims
- support for non-offending family members
- working with the community
- dealing with the media and
- prevention

- Mount Cashel Cathy Knox
- Prescott Rocci Pagnello
- Martensville Lesley Sullivan

Review of issues/research questions (attached)
- revisions/additions All

**Friday, October 30, 1992:
9:00 a.m. - 4:00 p.m.**

Issues to consider in protocol development All

- what might a final document look like?
- should there be additional resources, such as audio or video tape?
- who should be included in its review?
- how specific can we be given complexity of Canadian society and community differences?
- who should receive a copy of the final product?
- how do we ensure there is easy access to the document? eg through provincial ministries such as Solicitor General, Community and Social Services, Attorney General, other?

Recommendations for Further Action

Adjournment

Issues/Research Questions to be Addressed during Consultation:

Assuming that this type of investigation requires particular skills, knowledge and sensitivity, we have isolated some of the issues/concerns to be addressed during this consultative process. Please consider what other issues/concerns not identified here, and bring them with you to the consultation.

For the Investigators

Who should be involved in the investigation?

What are the roles of each of the parties involved?

How should the investigation be managed? Who will take responsibility for what?

What are the critical case management issues for police, CPS workers and Crowns in these types of investigations?

What special issues are raised because of the number of alleged perpetrators? alleged victims? alleged witnesses?

What are the common errors made in these types of investigations?

How do these roles and responsibilities integrate with existing legislation, standards, guidelines, policies and practices now in effect in various communities?

What special training needs exist for each of the parties? for the team?

What are the key confidentiality issues? Within the investigative team? Between the team and other organizational personnel?

How do you maintain positive working relationships between members of the team and other colleagues?

What types of administrative supports are required in order to effectively coordinate the investigations? (eg use of computer software to keep track of data; inter-organizational supports, etc)

What are the key resource needs for establishing and maintaining the investigative team?

What are the common "burnout" issues amongst investigators when involved with this type of complicated, intense investigative process? What can be done to reduce the incidence of burnout?

How do you maintain the integrity and focus of the investigation in response to peculiar facts that may come forward, such as satanic cult activity, claims of cannibalism, murder, killing/sacrifice of animals, etc?

For the Victims/Families

What are the basic principles which should be adhered to when dealing with children/families involved in this type of investigation?

What critical case management issues exist because of the potentially large number of victims?

What particular issues must be addressed when working with these victims? with their families? with any victims who may be witnesses in court?

What are the key guidelines for dealing with parents of victims?

What are the key requirements for setting up support, treatment, prevention and other resources?

Media/Community

What are the key issues related to dealing with the media?

What are the key issues in responding to the community at large?

What, if any, special supports should be set up for the community at large?

Summary/Recommendations

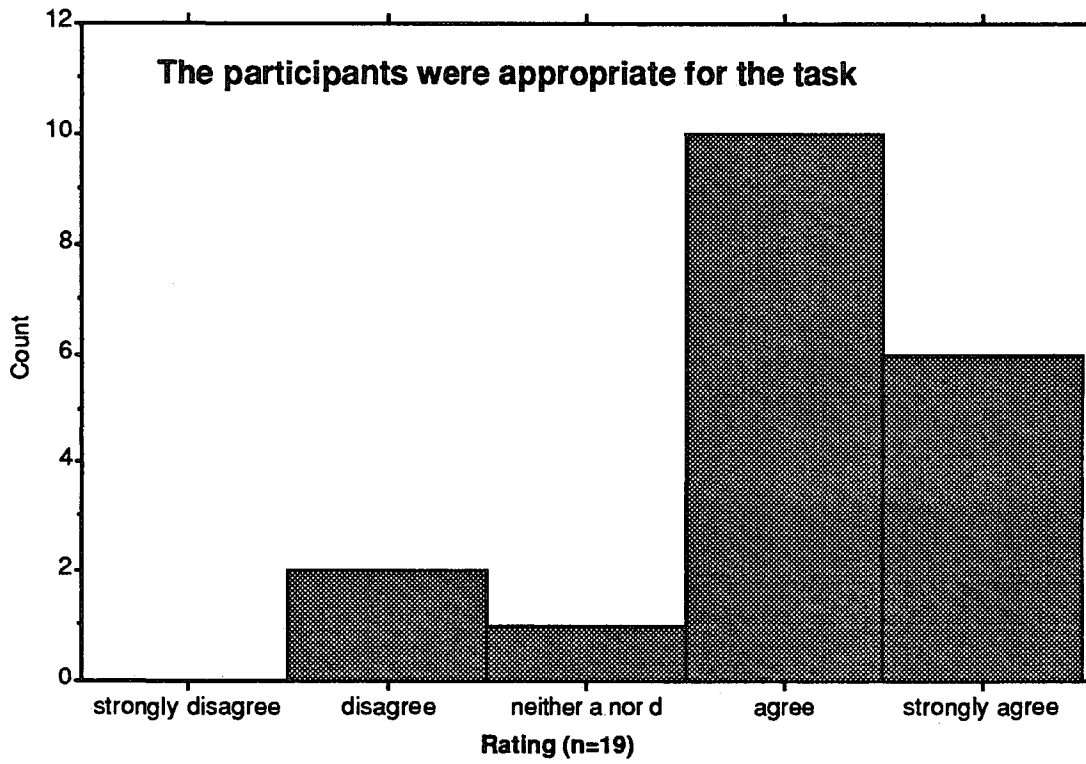
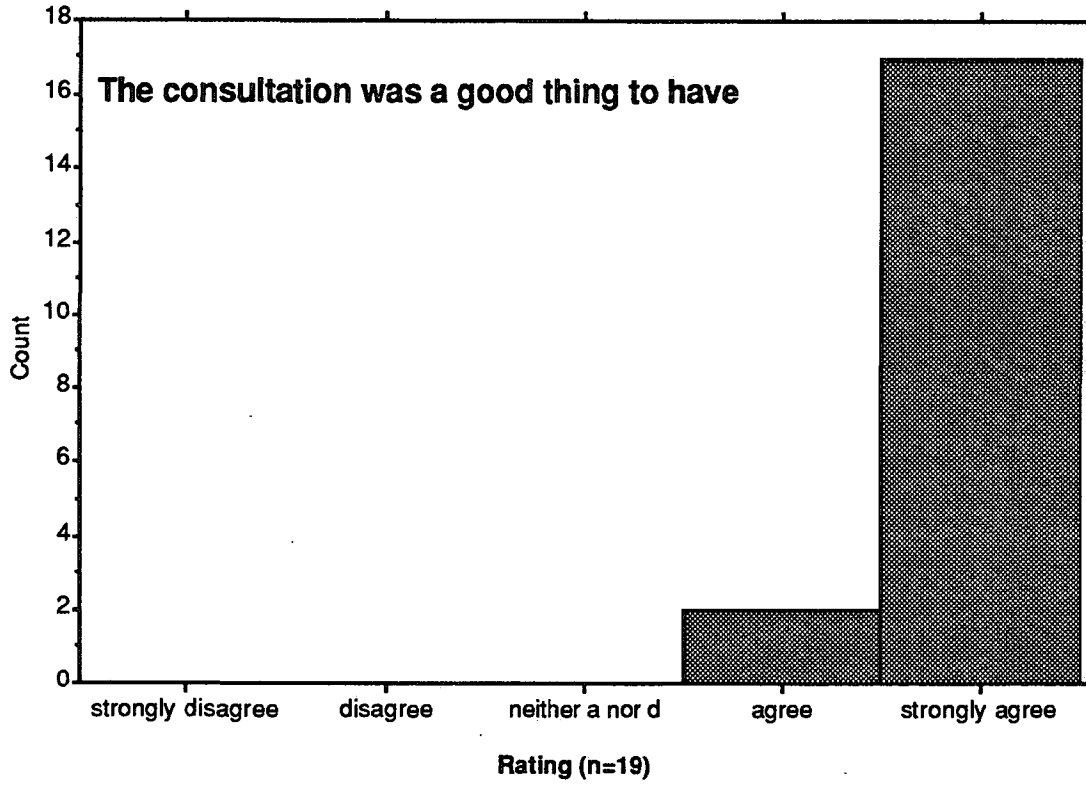
What are the key issues specific to investigating allegations of mv/mo child abuse?

Given all of the above, what would constitute a set of practices and procedures, or at least a common set of guidelines which could be used in communities across Canada?

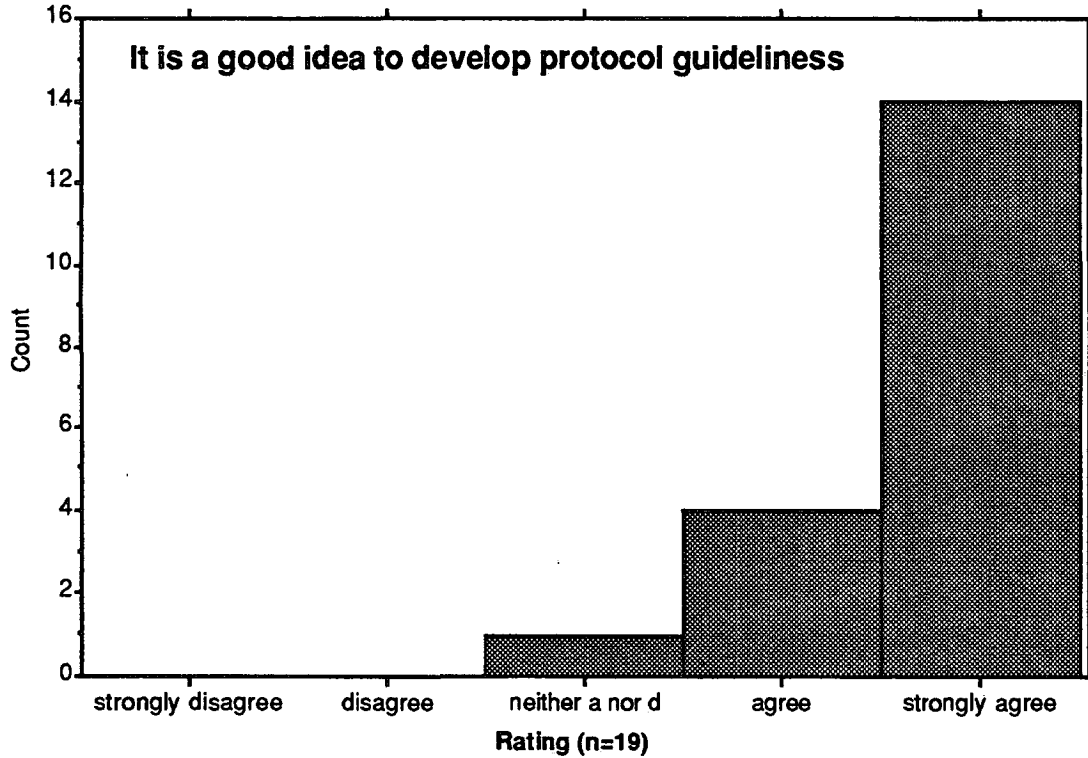
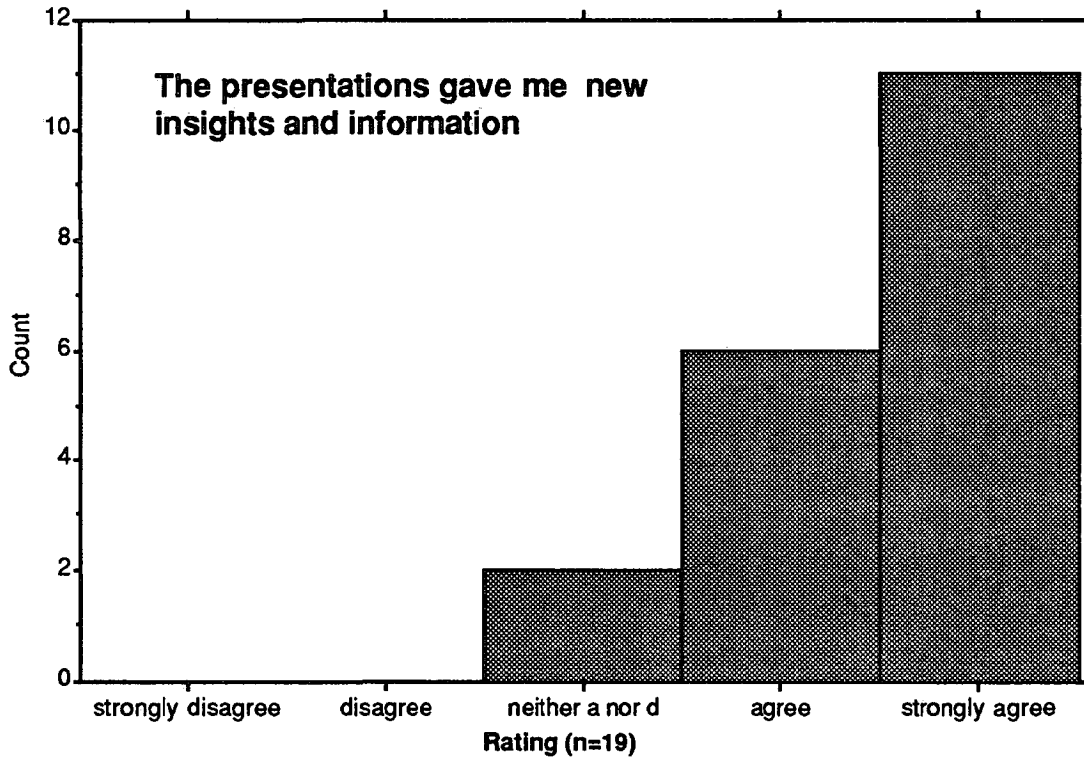
APPENDIX III

EVALUATION

Institute for the Prevention of Child Abuse

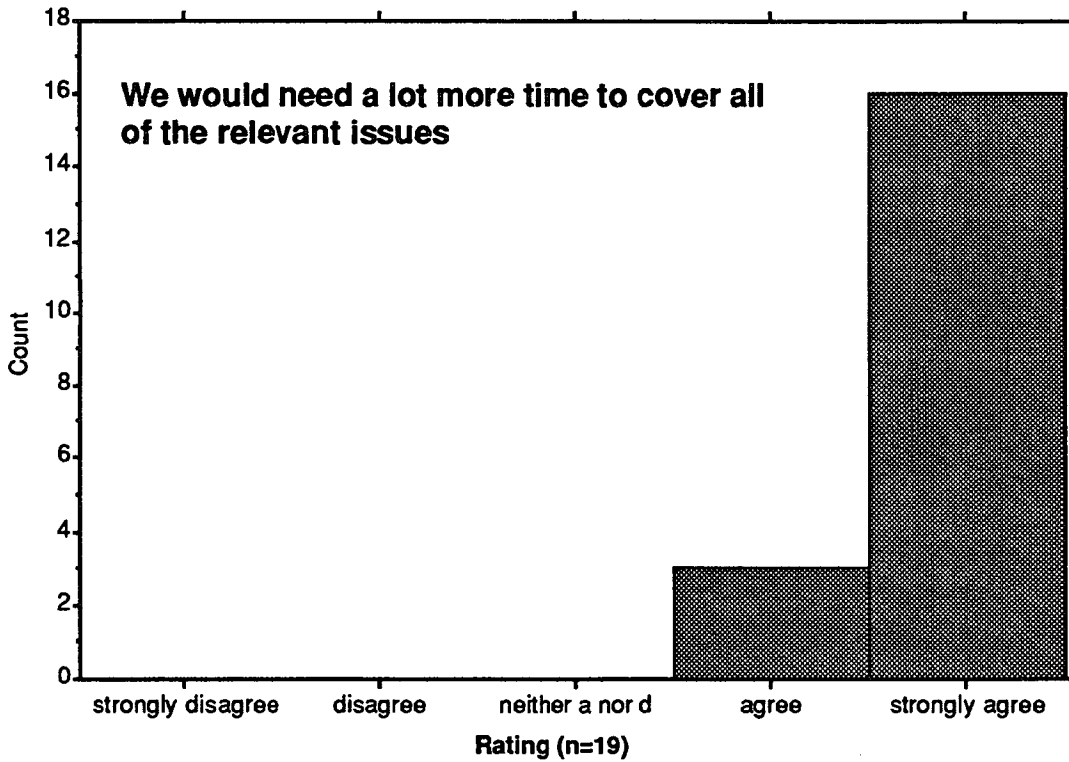
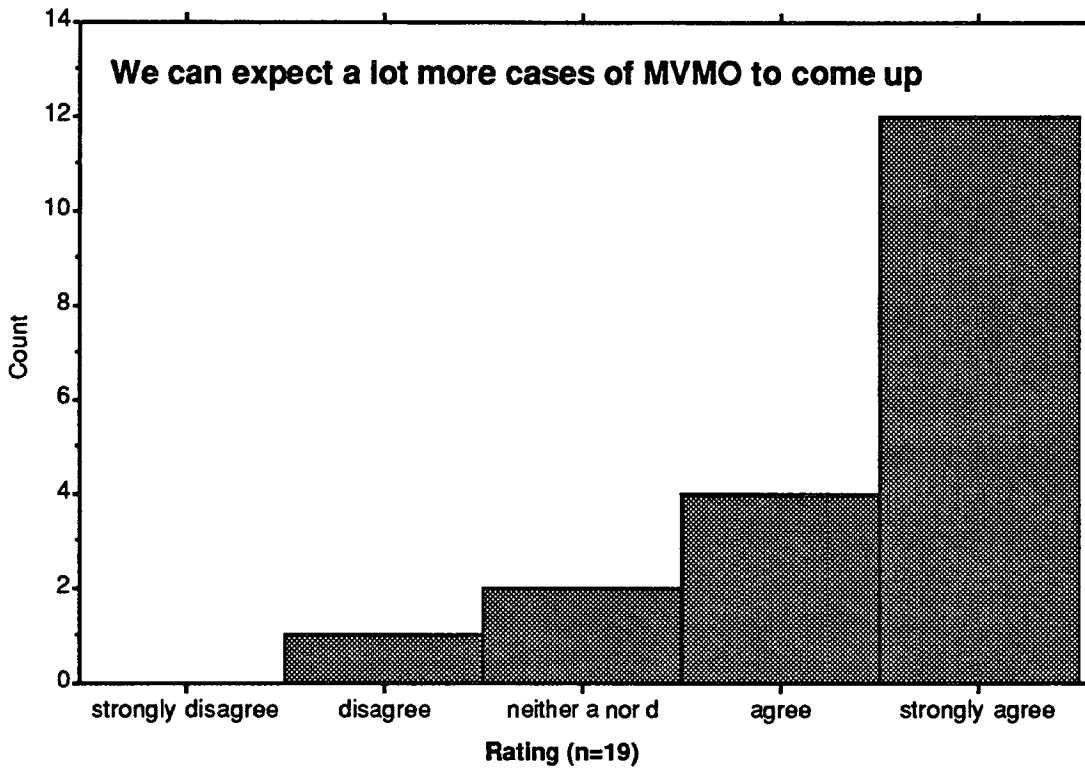


Institute for the Prevention of Child Abuse



Multi Victim, Multi Offender Consultation

Institute for the Prevention of Child Abuse



Multi Victim, Multi Offender Consultation

APPENDIX IV

PROSECUTION OF THE HIGH PROFILE CASE

NATIONAL DISTRICT ATTORNEYS ASSOCIATION

Presentation On

"PROSECUTION OF THE HIGH PROFILE CASE"

Lecture by E. Michael McCann
District Attorney
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DISCUSSION NOTES AND DETAILED OUTLINE

This lecture will provide advice on the prosecution of highly publicized cases. The speaker's prosecution of Jeffrey Dahmer, the Milwaukee necrophilic serial murderer, will be used as a factual model for the lecture.

OUTLINE OF PRESENTATION:

- I. Recognize the soon-to-be highly publicized case as soon as it comes to your attention and extend special efforts on it even in advance of charging.
 - A. Intensive early-stage cooperation with police can avoid errors incident to arrest, seizures of evidence, and other problems.
 - B. It is always advisable to visit the scene or scenes involved as soon after the offense as possible.
 - C. Where possible, anticipate the defense and direct police to investigate accordingly.
 - D. Consider early video taping of witnesses.
 - E. Put together a team of appropriate personnel

within the District Attorney's Office and make every effort to free such personnel from other cases and obligations.

- F. Reach out early to the victim or families of the victims--they will soon be objects of media pursuit and should be prepared for this.

II. Media interest at investigatory and precharge stage can be intense and various options can be followed.

- A. District Attorney should thoroughly familiarize himself or herself with the state analog of Rule 3.6 on publicity of the ABA Model Rules of Professional Conduct. See Appendix A.
- B. District Attorney can refuse to be interviewed maintaining "No comment" approach.
- C. District Attorney can meet with media, highlight investigative needs, and summon public assistance to address particular problems in the case.
- D. Joint press conferences by the District Attorney with the Chief of Police and other officials, such as the Medical Examiner, can expand the reach of the request for public assistance but certain problems are posed for the District Attorney. The District Attorney is bound by Rule 3.6 as to his or her own statements and must deal with Rule 3.8 (See Appendix B) which imposes upon the District Attorney the duty to prevent police and other officials, e.g. Medical Examiner from making extra judicial statements the prosecutor can't make under Rule 3.6. It is generally advisable to limit the questions at a press conference; and if the press conference is joint, it is good to agree among participants as to the limits to be set.

III. Issues arise concerning the filing of the charge and the initial appearance.

- A. Some district attorneys announce the contents of a complaint or indictment in a press conference while others oppose such practice as being contrary to the spirit of Rule 3.6.
- B. Encourage the judge to set the tone for future control of the media in the courtroom at the first appearance.

- C. The decision to bag or veil the head of a defendant from cameras may be necessary if additional witnesses may be forthcoming and the desire is to avoid possible pollution of future identifications by victims or witnesses.
 - D. Securing adequate bail is rarely a problem in high profile violent cases.
- IV. Special problems exist with high profile preliminary hearings and other court hearings.
- A. Special security arrangements must be in place for all courtroom appearances of high profile assaultive defendants to prevent his escape and/or the slaying of the defendant and the possible woundings and deaths of others near him by someone desirous of killing the defendant.
 - B. Special steps should be taken at all hearings to guarantee seating for critically involved persons if such seating is desired, e.g. for victims or families of homicide victims.
 - C. Again, court must be encouraged to control, particularly the electronic media within court guidelines.
- V. Expect an intense pursuit of information by the media between arrest and end of the trial.
- A. Play no favorites in the press.
 - B. Nothing is "Off the record."
 - C. Don't play the leaking and denying game.
 - D. Deal aggressively with officers or court officials giving or leaking information to the press.
 - E. Statements and press releases by the prosecutor during pendency of the case are controlled by Rule 3.6 and delay should not occasion a relaxation of efforts to abide by that rule.
 - F. Invitations to appear on local and national TV can lead to inadvertent violations of Rule 3.6.
 - G. Assume any conversation with a reporter, by phone or in person, is being taped.
 - H. Assume every reporter is writing a book or screen

play on the case.

- I Assume every reporter whom you do not know is a liar.
 - J. Assume no reporter will "Hold the story."
 - K. Always assume the microphone is on.
 - L. Don't drink with the press.
 - M. Be very slow to enter any film or book deals.
 - N. Get court gag order on defense attorney who won't abide by Rule 3.6.
 - O. There is no easy answer to address problems raised by the defendant who arouses popular special interest support from citizens who then march, rally and make TV appearances urging the innocence of the defendant.
- VI. Court rulings on defendant's pretrial motions for change of venue can be absolutely critical to the winning or losing of the case.
- A. Supporting or opposing a motion for change of venue must hinge on whether the defendant can get a fair trial in the community of the offense.
 - B. Efforts to exclude the press and public from pretrial hearings on motions to suppress evidence, confession, and identification reduce pretrial publicity but can lead to interminable, and usually unsuccessful, struggle with the media.
 - C. It may be wiser to accept continuances, and indeed, to offer the same, to avoid a change of venue.
 - D. The prosecutor opposing the change of venue can commit to supporting sequestered individual voir dire of veniremen and tender a commitment that the defendant may renew his motion for change of venue if a fair jury can't be selected.
 - E. If a change of venue is to be granted, and if the state law permits, the prosecutor should aggressively seek to properly influence the selection of the appropriate alternative venue.
 - F. Prosecutor should maintain a file of the print

media clippings on the case and VCR tapes of broadcasts so that an argument can be made, if appropriate, that news coverage was balanced.

- G. Court may properly consider the role of the prosecutor in generating publicity in ruling on the motion for change of venue--more reason for the prosecutor to keep silent if a change in venue is not desired.

VII. Special opportunities and problems exist with high profile cases.

- A. Opportunity--experts of stature near and far are willing to assist. Other district attorneys should be consulted concerning such experts' performances in other jurisdictions, and it should be kept in mind that such experts may be extremely expensive.
- B. Opportunity--police and district attorneys from around the country, usually helpful in any event, can be especially of great assistance in high profile cases. Ask for help.
- C. Opportunity--numbers of persons willing to provide their names will contact police and/or the District Attorney with information which may prove important.
- D. Opportunity--media will occasionally surface a witness not known to the police or District Attorney.
- E. Opportunity--anonymous caller or writer to police or district attorney may have important information--such leads should be investigated.
- F. Problem--false witnesses looking for limelight or income may surface--be wary.
- G. Problem--mentally ill persons drawn to the hubbub can intrude into investigation causing problems.
- H. Problem--self proclaimed experts looking for money or fame will press prosecutor to engage their services.
- I. Problem--the press will continue to attempt to interview witnesses, victims and others; such persons must be warned and encouraged to resist giving media interviews.

- J. Problem--great stress can fall on victims or families of victims occasioned in no little part by press interest and public curiosity. Intense efforts should be made to keep all such involved persons aware of progress of the case, reasons for adjournments, and the next scheduled dates. Such other victim-witness services as are available should be engaged to help.
- VIII. Special practices are appropriate to high-profile case jury selection.
- A. Assume the veniremen know the published material about the case. Except in very unusual cases, the person saying he or she knows nothing is either a liar, ignorant, or keenly desirous of serving on the jury.
 - B. Voir dire on publicity aspects of the case should be conducted individually and apart from rest of potential jurors. Gently probe negative aspects of the prosecutor's case which have been publicized. See what prospective jurors will tell you they know.
 - C. If jury is being selected out of venue, secure advice from local district attorney and others for aids in selecting appropriate jurors.
 - D. Move to sequester jury during trial.
- IX. Concerning the trial itself, there are three keys:
- A. Preparation--master the facts.
 - B. Preparation--master the law.
 - C. Preparation--start thinking about opening and closing arguments while you are drafting the charging document.
- X. Decide whether or not the District Attorney will personally try the case.
- A. District Attorney should try the highly-publicized serious offense case if he/she has the ability and will take time to prepare. Lacking either of these aspects, the District Attorney should not handle the trial.
 - B. District Attorney in a populous county should

usually not try a case when the offense is minor and the case is highly-publicized because of the fame or notoriety of the defendant.

XI. Some supplemental ideas on trying highly-publicized cases are:

- A. Take death threats seriously.
- B. Famous cases never die--serious thought should be given to opening the entire file to the defense pre-trial anticipating that sooner or later such entire file will be in the public domain.
- C. Note the attached: "DOS AND DON'TS DURING MEDIA INTERVIEWS by Kalish Communications. (Appendix C).
- D. Read Chapter 12 entitled "MEDIA RELATIONS" in Ethical Issues in Prosecution by John Jay Douglass, Dean of the National College of District Attorneys.
- E. The lawyers trying the case should promise their spouses and children that after the case they will eagerly return to their roles as spouses and parents.

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Houston, Texas

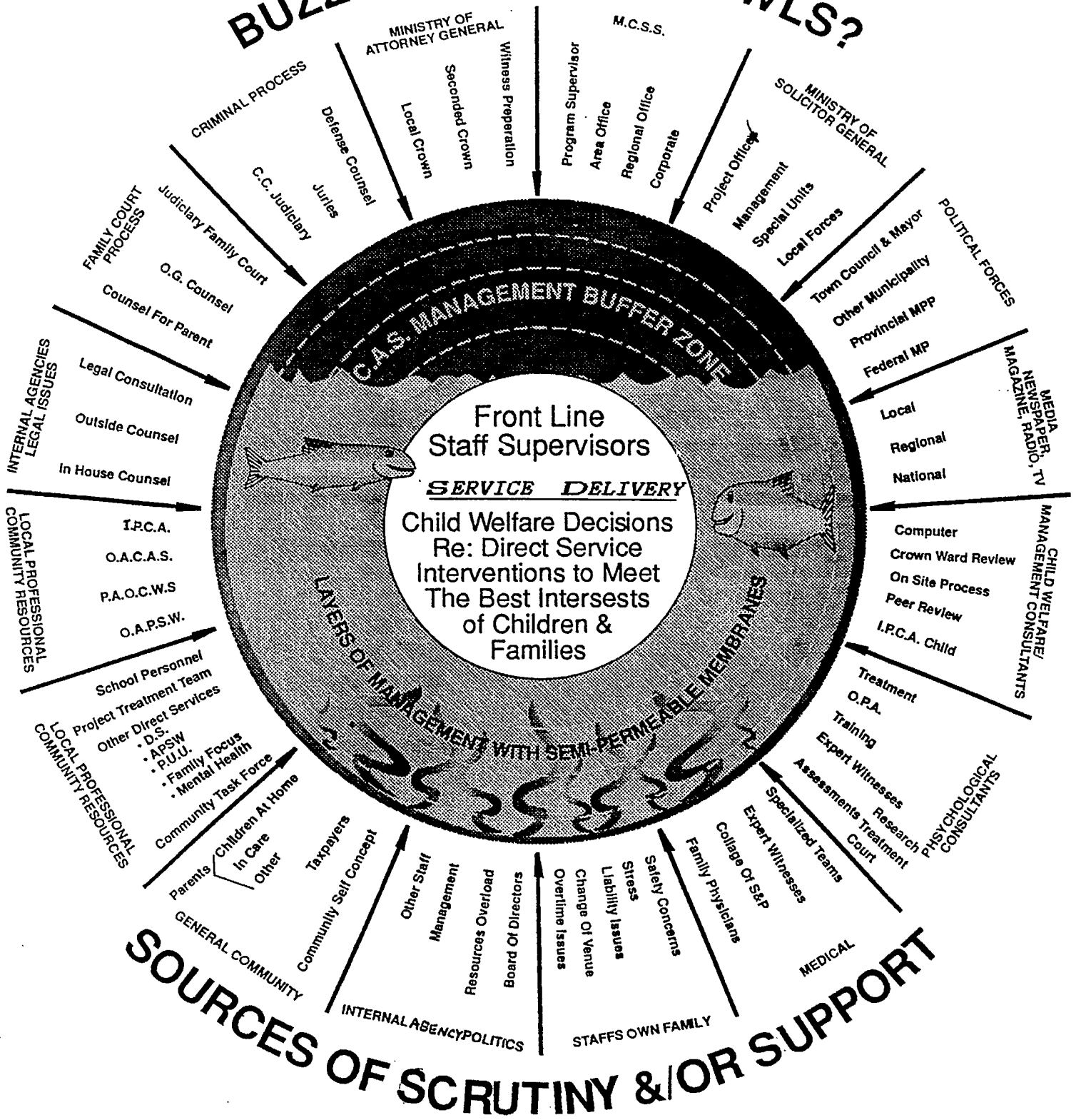
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APPENDIX V

MANAGING IN A FISH BOWL

MANAGING IN A FISHBOWL

BUZZARDS OR WISE OWLS?



CHILD WELFARE PRESSURE POINTS

DRAFT

R. Pagnello
June 1992

APPENDIX VI

REFERENCES

REFERENCES

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