

work. We are all dedicated professionals who consider ourselves to be child advocates. We want to help children and their families through the nightmare of allegations and disclosures of sexual abuse, and the ensuing trauma of interacting with all the players in the criminal justice system.

However, we must always try to maintain our scientific objectivity, knowing that our part, as physicians or mid-level practitioners, is to document the child's history and physical findings, and treat the child. The court will make the final determination as to whether abuse occurred. It is definitely time to embrace "science, common sense, professionalism and responsible practice" in the medical evaluation of sexually abused children (Jenny & Roesler, 1993).

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ON TRIAL: LEGAL ISSUES AND CASE STUDIES

The Professionalization of Police in Child Sexual Abuse Cases

Edward R. Maguire

Child sexual abuse (CSA) is receiving increasing attention by scholars, practitioners, the media, and the public. With this increased attention has come a large body of literature attempting to explore potential solutions to the problem. Indeed, the creation of the *Journal of Child Sexual Abuse* is a testament to this rapid growth. Comparatively, however, the police and criminal justice personnel are a largely ignored potential resource in these efforts. Focusing scholarly efforts on improving the delivery of police services in child sexual abuse cases may be an important step.

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Five general areas—medicine, law, social work, mental health, and law enforcement—form the core of the child protection team. The first four of these are highly professionalized, requiring extensive schooling, and governed by strict licensing procedures. The last, law enforcement, is not yet fully professionalized (Guyot, 1991). Although police officers in the United States must complete an average of 402 hours of police academy training and 141 hours of field training, only a minority of jurisdictions require schooling and licensing. Only 90% of local police departments require new recruits to possess a high school diploma, 2% to have some college, 4% to have a 2-year degree, and less than 1% to have a 4-year degree (Reaves, 1990). Although education and training are not the only elements of professionalization, the police are doubtlessly the least professionalized component of the child protection team.

As the least professionalized, the police have generated the smallest amount of CSA literature. Many practitioners have written articles in edited volumes and police magazines assessing the role of the police in CSA cases. A disturbing trend in most of these articles, however, is that they do not build cumulatively on the prior literature. Rather, each of the articles, without citing the others, presents a similar general argument: that police play a valuable role as a member of the child protection team. With this disjointed approach, improving the police response to CSA will come slowly. Fortunately, there are some exceptions. Cage (1988), Goldstein (1987), and Lanning (1987, 1992), all law enforcement practitioners, have written guides for the investigation of CSA cases which draw on relevant medical, legal, and social science literature. Lanning's guides, available free of charge through the National Center for Missing and Exploited Children, have been effectively incorporated into the law enforcement community.

While scholars tend to question the generalizability of such police practitioner literature, police often question the utility of scholarly literature. Indeed, as Reiss (1990, p. 3) suggests, "a cursory reading of the literature of police practitioners discloses, not surprisingly, that scholars and practitioners have quite different literatures." The CSA literature is a good example. There is a small body of scholarly research that has attempted to explore the role of the police in CSA cases. Willis and Wells (1988), for example, con-

clude that the most important variables in the police decision to report child abuse are the definition of the behavior as serious, and to a lesser degree, the perception of the behavior as criminal. Shireman, Miller, and Brown (1981) suggest that when police receive the initial abuse report, they are significantly more likely than social workers to remove children from the home and place them in an emergency shelter. In addition, the authors suggest, while most of the abuse cases reported to social workers were referred by medical and other professionals, most of the police cases were reported by the public. There is some evidence to support the notion that only more serious cases are reported to police, which would account for their higher frequency of emergency placement. In her sample of day care sexual abuse cases, for example, Williams (1989) found that less serious cases tended not to be reported to the police. Rather, these cases were often handled "extra-legally" by other agencies. Though these findings are important, they are of limited practical utility. The practitioner literature, on the other hand, tends to focus on such concrete issues as interviewing techniques and evidence gathering.

Several other studies report that police attitudes about child sexual abusers are both generally punitive in nature (Saunders, 1987), and more punitive than other human service professionals, who often favor a rehabilitative approach (Kelley, 1990; Trute, Adkins, & MacDonald, 1992). This trend is also well documented in the practitioner literature as a source of conflict among child protection professionals. As Graves and Sgroi (1982, p. 309) suggest: "because they abhor the punitive aspects of the criminal justice system, professionals from the fields of health, mental health, and social work often shy away from reporting cases of child sexual abuse to law enforcement authorities."

Not all of the scholarly literature presents the police in such a negative light. Saunders (1987), for example, concludes that on the whole, police officers are sensitive to issues of victim credibility and culpability in CSA cases, though some officers in his sample held negative beliefs about victims that bordered on victim-blaming. Trute et al. (1992) report that despite marked differences, there are some similarities between child protection professionals regarding child sexual abuse. For example, their samples of police, child

welfare, and community mental health professionals were consistent in some of their opinions, including the widespread prevalence and damaging effects of sexual abuse of children. All the literature, both scholarly and practitioner, shares one common theme: if we are to improve our success in handling child sexual abuse cases, we must overcome the obstacles between child protection agencies, and we must *work together*.

Expanding the scope of this scholarly literature in a cumulative fashion is an essential step in the fight against child sexual abuse. This is more difficult for law enforcement than for the other members of the child protection team. One commonly cited element of professionalization is an occupation's ability to progress in an orderly fashion. The medical and legal fields have well-entrenched networks to facilitate this progress. Medical and law schools, research institutes, and innumerable journals provide internal stimuli for change. The same is true with mental health and social work. Degree-granting college programs and licensing procedures ensure that clinicians will remain somewhat abreast of the latest innovations in the field. Law enforcement, however, has no organizational structure in place to facilitate such progress. Less than 1% of police budgets nationwide are spent on research and development (Reiss, 1990). By default, the burden is placed on scholars and researchers. Reiss argues that because police organizations lack research and development units, they must rely primarily on universities and private industry. Private industry typically handles technological research and development (R&D), while universities, (usually criminal justice programs) respond to more policy oriented issues. For example, if we can show the police that a specific training program will enable them to respond more effectively to victims, or that a particular investigative technique will improve their chances of obtaining a conviction in court, we can promote progress in their response to child sexual abuse.

The very nature of policing discourages this type of inter-disciplinary interaction. Evidence clearly suggests that police do not like outsiders to meddle in their affairs (Mastrofski, 1990). Police argue that the citizenry is uninformed about what the police really do, and that consequently any changes they recommend are invalid. It is common to hear police criticize the recommendations of criminal

justice scholars because "they would never work in the real world." Police officers are individually reluctant to change because they are "seldom drawn from the vanguard of forces for change but are rather thought to be largely from groups who prefer to conserve traditional values, structures, and practices, and whose orientation makes them reluctant to embrace change in general" (Mastrofski, 1990, p. 2).

In addition to their *individual* reluctance, the police are also often *organizationally* reluctant to change (Mastrofski, 1990). Tafoya (1990) suggests that resistance to change is the most important issue facing police administrators today. Although change comes slowly in most bureaucratic organizations, some scholars argue that police are even less apt to embrace change than other large bureaucracies.

In addition to individual and organizational reluctance to change, other factors unique to policing discourage progress. First, as Mastrofski (1990, p.1) notes, "the structure of American policing (localized, decentralized and fragmented) naturally inhibits the implementation of purposive, top-down, system-wide change." There are over 16,000 state and local police agencies in the United States. Because these departments are only loosely integrated and coordinated, there is no single target upon which to focus change efforts. Second, police hiring practices often tend to encourage maintenance of the status quo. Lateral transfer between departments is virtually unheard of, thus encouraging departmental inbreeding (Guyot, 1991). Personnel policies, together with the widespread fragmentation of agencies, serve as an impediment to the implementation of large-scale change in American policing, thus hindering enhanced professionalization in CSA cases.

Although the other members of the child protection team may be similarly fragmented, they are linked together in varying degrees by such unifying bodies as the American Medical Association, the American Psychological Association, the American Bar Association, and the National Association of Social Workers. Law enforcement is essentially without the unity of such powerful organizations. The International Association of Chiefs of Police (IACP) and the National Association of Chiefs of Police (NACOP), each of which publishes magazines for its members, link together the nation's policing executives. The only national organizations linking front-

line police personnel are the many police unions, although their function is typically limited to collective bargaining, political lobbying, and defending aggrieved police officers (Reiss, 1990). The National Sheriff's Association (NSA) links together the nation's sheriff's departments, though these agencies comprise only 18% of state and local law enforcement agencies in the United States (Reaves, 1990). In its production of a two-volume guide for responding to CSA outside the home, the NSA exemplifies the benefits of organizational unity.

Because there is no medium for disseminating knowledge to the police to the same degree as with the other child protection team members, special attention must be paid to the outlets selected for publishing scholarly police research. There are many criminal justice journals, though it is doubtful that police read them. One option is to use the numerous police periodicals; another is to use the Law Enforcement Television Network (LETN), which broadcasts training programs to numerous police agencies.

Despite the many impediments to progress, some police agencies have responded admirably to the increasing demands placed upon them by child sexual abuse cases. In their survey of 122 metropolitan and county law enforcement agencies serving a population of 100,000 or greater, Martin and Besharov (1991) found that 93% routinely report all CSA cases to child protective services (CPS), 93% devote at least some child abuse and neglect training to rookies, 92% have at least one specialist to handle CSA cases, 64% provide inservice child abuse training to patrol officers, 63% have written child abuse and neglect policies, and 62% investigate all child abuse cases referred by CPS.

While this news may provide a glimmer of hope, it must be noted that the sample is comprised of large police agencies, which are typically more receptive to change than smaller departments. In 1990, there were over 12,000 local police agencies (excluding sheriff's departments and special police agencies) in service in the United States. Of these agencies, only 222 served populations greater than 100,000. In fact, over 11,000 (90%) of these departments served populations less than 25,000 (Reaves, 1990). Typically, large police departments serve as models for smaller agencies to follow. They have the resources to experiment with new ideas and approaches

which, if successful, will eventually filter down to the smaller departments. If large departments progress slowly, smaller departments will progress even more slowly.

The picture is not entirely bleak. Some agencies have made great progress in their response to child sexual abuse. Essentially, these improvements fall into three categories: (1) *training*, including increased training for patrol officers and specialists (Stone, Tyler, & Mead, 1984), and joint training with other agencies (Collinson, 1991); (2) *investigation*, including specialized child abuse investigation units (Peters, 1991), evidentiary advances (Davies, 1986), and specialized investigative procedures (Cage, 1988; Goldstein, 1987; Hertica, 1991; Kinross, 1991; Lanning, 1987, 1992; Toth & Whalen, 1987); and (3) increased *communication and cooperation* between child protection agencies, including the development of written policies, inter-agency agreements, and multi-disciplinary teams (Collinson, 1991; Graves & Sgroi, 1982; Hinzman, 1991; Romano, 1989), and feedback communication loops. Most of these improvements are local efforts documented in the practitioner literature.

More important, but as yet unpublished, are case studies which document the failure of such schemes. Communication may sometimes fail, leaders may lose interest, funding may dissipate, units may be disbanded, and policies may be abandoned. Rarely do we find such documentation in the literature. What becomes of innovative schemes in the long run? Do they survive political transitions, departmental changes, and budgetary crises? Physicians, psychiatrists, lawyers, and clinicians are in a unique position to document the failure of police to respond effectively in CSA cases. Scholars can then employ such documentation as a foundation to further our understanding of how a representative cross-section of police departments, including small police agencies (which are typically understudied), respond to CSA cases.

The police serve a unique, and very valuable and necessary role in child sexual abuse cases. They are typically skilled investigators, they are the only agency authorized to obtain search warrants, they have the broadest access to the community of all community helping agencies, and in most jurisdictions, they can take a child into protective custody without a court order. They are typically the only agency available around the clock, every day of the year. As such,

they are often the first to encounter child sexual abuse cases. Their initial response can make a lasting impression on victims, parents, witnesses, and others important to the case. If their initial response is problematic, they risk further traumatizing the victim, or frightening the parents into removing the child from further criminal justice system involvement. The initial police response can literally make or break the case (U.S. Department of Health and Human Services, 1984).

Although some police agencies have made progress in their efforts to combat child sexual abuse, many have not. Police response to CSA in small agencies remains unstudied, though judging from our examination of large agencies, it is worthy of attention. Even in large agencies, as Martin and Besharov (1991) conclude, only 52% have access to "child-friendly" interviewing facilities, only 51% have interagency agreements for handling child abuse cases, only 37% provide more than 40 hours of child abuse training to specialists, and only 14% dispatch a specialist to the initial child abuse call. Given the weaknesses of these large agencies, it is likely that smaller police departments across the nation suffer from even greater deficiencies.

As a largely untapped resource in our fight against child sexual abuse, the police need help. Absent internal mechanisms for self growth, they will remain unable to progress at an appreciable rate. By focusing attention on the police response to CSA, scholars can begin to provide police with the tools necessary to implement change.

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The Law Enforcement Response to Child Sexual Abuse Cases

Bill Walsh

The issue of child sexual abuse (CSA) is an increasingly pervasive problem that impacts every community in this nation. While I am somewhat pessimistic of the likelihood that we will ever see it eliminated from our society, I do believe that our response to this plague can and must be improved. In his article, in this issue, Maguire states that improving the delivery of police services is an important step in combatting CSA. On this point, I completely agree. The response of law enforcement to the sexual victimization of children varies greatly from place to place and ranges from excellent to incompetent. Conversely, as a law enforcement officer, I disagree as to the reasons for the current level of police proficiency and the suggestions on how it can best be improved.

In this article I will address some of the points Maguire makes on the police response to CSA. Then, I will offer some additional ideas on this topic. I advise the reader that the comments that follow express my personal opinion and not necessarily that of any organization with which I am affiliated.

SCHOLARLY EFFORTS

Maguire begins by comparing the professionalization of law enforcement to the other members of the child protection team, (i.e., medi-

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