



Out of the Shadows

North Carolina Conference of District Attorneys

June 2010 Volume 5, Issue 2

How to Contact the Child Abuse Resource Prosecutor

Laura Edwards Parker
Laura.E.Parker@nccourts.org

Phone: 919.890.1500
Fax: 919.890.1931

Upcoming Trainings

State:

Forensic Interviewing

Sponsor: NCDAA
Dates: August 16-20, 2010
Chapel Hill, NC

Fifteenth Annual Symposium on Child Abuse and Neglect

Sponsor: CACNC
Dates: September 28-30, 2010
Location: Lake Junaluska, NC

National:

When Words Matter

Sponsor: National Child Protection Training Center
Dates: July 12-15, 2010
Location: Savannah, GA

Strategies for Justice:

Advanced Investigation and Prosecution of Child Abuse and Exploitation

Sponsor: APRI
Dates: August 23-27, 2010
Location: National Harbor, MD

Eleventh International Conference on Shaken Baby Syndrome/Abusive Head Trauma

Sponsor: National Center on Shaken Baby Syndrome
Dates: September 12-14, 2010
Location: Atlanta, GA

Post-Conference to Eleventh International Conference on Shaken Baby Syndrome/Abusive Head Trauma

Abusive Head Trauma: Trial Techniques for Prosecutors
Sponsor: NDAA/NCPCA
Dates: September 15, 2010
Location: Atlanta, GA

FIRST CHILD FORENSIC INTERVIEWING TRAINING HELD

By: Laura Parker, Child Abuse Resource Prosecutor

On May 10-14, 2010, the Conference of District Attorneys held its first Child Forensic Interviewing training for the eastern part of the state at the Blockade Runner Resort in Wrightsville Beach, NC. The Conference has been working in conjunction with the Program on Childhood Trauma and Maltreatment for the Division of Psychiatry at the UNC School of Medicine to develop a child forensic interviewing curriculum for front line professionals who regularly conduct interviews of children who are suspected to be victims of abuse. This intensive five-day training is designed to prepare law enforcement officers and other child abuse professionals to conduct interviews of children in a legally defensible manner using research-based best practices.

Dr. Mark Everson of the UNC Department of Psychiatry and Chris Ragsdale, MSW, LCSW, of the Levine Children's Hospital in Charlotte, NC, have developed a protocol entitled RADAR, or Recognizing Abuse Disclosure Types and Responding, a modification of the National Institute of Child Health and Human Development (NICHD) protocol. The NICHD protocol is the most researched forensic interview model in the world, with over 40,000 real-life interviews having been examined in a wide range of research studies. It is likely to be most effective with children who are actively disclosing abuse. RADAR, the modified protocol developed by Everson and Ragsdale, involves enhancements to improve the effectiveness of the NICHD protocol for children and adolescents who are in other disclosure categories, such as a tentative or ambiguous disclosure or a recanting or retracting disclosure, while maintaining fidelity to the design and structure of the original protocol. The RADAR modified interview also includes elements to increase the level of detail provided in the narrative accounts given by children and adolescents during the interview.

In addition to the RADAR protocol taught by Everson and Ragsdale, the Forensic Interviewing curriculum involves practice interview sessions reviewed by faculty, in which the training attendees conduct a video-taped interview of an actor playing the role of a potentially abused child or adolescent. Attendees are required to use the RADAR protocol during this practice interview and are given feedback based on their use of the protocol. They are also given feedback on ways to encourage narratives during the interview, elicit details and improve questioning techniques. The training concludes with a mock trial segment where attendees practice testifying and defending aspects of the practice interviews they conducted during the week.

In addition to Everson and Ragsdale, this training was led by faculty members Nancy Lamb, George Ryan, and Laura Parker. George Ryan is the investigator for the First Prosecutorial District Attorney's Office. He provided information regarding eliciting corroborative details from the child during the forensic interview. Nancy Lamb, an Assistant District attorney also from the First District, presented on how to defend the forensic interview in the courtroom. Laura Parker, Child Abuse Resource Prosecutor with the Conference of District Attorneys, provided information on presenting credible testimony. Lamb and Parker also conducted the mock trial segment on the final day.

In the next few weeks, the Conference will be contacting district attorney offices in the middle area of the state regarding registration for the second training, to be held in the Chapel Hill area the week of August 16-20, 2010. If you are interested in obtaining more information about this training and the curriculum, please contact the Child Abuse Resource Prosecutor, Laura Parker at Laura.E.Parker@nccourts.org or at 919.890.1500.

MECKLENBURG COUNTY ASSISTANT DISTRICT ATTORNEY RECIPIENT OF NATIONAL AWARD FROM UNITED STATES DEPARTMENT OF JUSTICE

On May 25, 2010, Kelly Miller, Mecklenburg County Assistant District Attorney, was presented with the 2010 Attorney General's Special Commendation Award. This award annually recognizes extraordinary efforts of an Internet Crimes Against Children (ICAC) task force, an ICAC affiliate agency, or an individual assigned to an ICAC task force or affiliate agency for making a significant investigative or program contribution to the ICAC task force program. United States Attorney General Eric Holder presented Ms. Miller with the award at the National Missing Children's Day Ceremony in Washington, D.C.

Kelly Miller has been with the Mecklenburg County District Attorney's Office for nine years and has been prosecuting sexual crimes against children for six years.

CONTINUED ON NEXT PAGE

MECKLENBURG COUNTY ASSISTANT DISTRICT ATTORNEY RECIPIENT OF NATIONAL AWARD FROM UNITED STATES DEPARTMENT OF JUSTICE (CONT.)

Her nomination for the award stemmed from her work in a child pornography and sexual abuse case that she prosecuted in May 2009. The case originated in 2006 when a U.S. Postal Inspector working undercover in an online chat room was contacted by someone identified later as John William Worthey. Worthey purchased child pornography from the inspector, prompting a controlled delivery and federal search warrant for his residence. Worthey confessed to sexually abusing and photographing his 8-year-old niece, who was living with him while her mother was deployed to Iraq.

Miller was locally assigned to the case and coordinated her efforts with the U.S. Attorney's Office. Worthey was charged with six counts First Degree Sexual Offense, three counts First Degree Sexual Exploitation, and three counts Second Degree Sexual Exploitation. Despite his confession and the evidence against him, Worthey originally plead not guilty to the charges. At his trial however, Worthey entered a plea of guilty to the six counts of First Degree Sexual Offense immediately after the victim testified. He was sentenced to a minimum of 115 years and maximum of 142 years in prison.

Following Worthey's arrest, the victim and her father relocated to another state. Miller is credited with coordinating the victim's return and arranging victim assistance for her through Pat's Place Children's Advocacy Center. Miller spent extra time with the victim, helping her to get acquainted with the legal proceedings and establishing a level of comfort and trust with her prior to trial. The relationship Miller established with the victim helped enable the child to testify confidently and accurately at trial, resulting in Worthey's guilty plea.

Sources: Department of Justice News Release from May 25, 2010 and "Voice for Abused Youths," posted on the Charlotte Observer website May 24, 2010.

CLOSED CIRCUIT TELEVISION TECHNOLOGY FOR THE COURTROOM

As of December 1, 2009, the use of closed circuit television has been allowed by statute in cases involving certain child witnesses and adults with developmental disabilities or mental retardation. N.C.G.S. § 15A-1225.1 and 1225.2, § 8C-1, Rule 616. The Administrative Office of the Courts has closed circuit television technology available for prosecutors to use during these hearings. This equipment allows the child or witness to testify outside the presence of the defendant, either by testifying in the courtroom with the defendant observing from outside of the courtroom using the closed circuit television, or by testifying outside of the courtroom with courtroom personnel, the jury, and the defendant observing from inside the courtroom using the closed circuit television. In order to reserve this equipment for use in your jurisdiction, contact Jason Fitts of the Court Services Division at 919.890.1351. For a thorough discussion of the case law surrounding the use of closed circuit television in a criminal setting, consult pages 9-12 of the UNC School of Government Administration of Law Bulletin, *Evidence Issues in Criminal Cases Involving Child Victims and Child Witnesses*, written by Jessica Smith (2008). For a sample motion to use closed circuit television for a witness's testimony, please contact the Child Abuse Resource Prosecutor, Laura Parker at Laura.E.Parker@nccourts.org or at 919.890.1500.

CHILD ABUSE RESOURCE MANUALS

We have additional copies of the Child Sexual Abuse Resource Manual and the Child Physical Abuse and Homicide Resource Manual for prosecutors available. If your office is need of extra copies, please contact Laura Parker at Laura.E.Parker@nccourts.org or at 919.890.1500.