



CHAMPAIGN COUNTY CHILDREN'S ADVOCACY CENTER PROTOCOL FOR INTERVIEWING ALLEGED JUVENILE OFFENDERS

The Champaign County Children's Advocacy Center is committed to its mission of coordinating a timely, comprehensive and multidisciplinary response to child sexual abuse and serious physical abuse allegations in a safe, agency-neutral, child-focused setting. In furtherance of that mission, the Governing Board of the Children's Advocacy Center previously adopted a Protocol for Multidisciplinary Investigation of Child Sexual and Physical Abuse. That Protocol sets forth the required multidisciplinary response to all allegations of sexual and serious physical abuse of minors under age 18 who live in, have lived in, or who are currently located in Champaign County. That Protocol does not address the Center's role with respect to interviews of alleged juvenile perpetrators of child sexual and serious physical abuse. To that end, the following Protocol is hereby established.

Unless specifically addressed herein, the Protocol established for Multidisciplinary Investigation of Child Sexual and Physical Abuse shall also apply to interviews of alleged juvenile offenders at the Children's Advocacy Center.

DEFINITION OF ALLEGED JUVENILE OFFENDER:

An alleged juvenile offender is defined as anyone under the age of 17 who has allegedly committed acts of child sexual or serious physical abuse, as defined by the Champaign County Children's Advocacy Center Protocol for Multidisciplinary Investigation of Child Sexual and Physical Abuse, and who lives in, has lived in, or is currently located in Champaign County.

REFERRAL AND NOTIFICATION PROCESS:

Whenever a law enforcement agency or DCFS receives a report of child sexual abuse or serious physical abuse allegedly perpetrated by an offender under the age of 17, the agency receiving that report is to determine, after considering the safety of the victim, the alleged offender, and the public, as well as the nature and circumstances of the alleged offense, whether a comprehensive interview of the alleged juvenile offender should take place at the Children's Advocacy Center. In all cases involving law enforcement, the law enforcement agency having jurisdiction of the case shall have sole discretion to determine an appropriate place for the interview. In cases



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being investigated without the assistance of a law enforcement agency, DCFS shall determine an appropriate place for the interview.

If the initial investigation by a law enforcement agency or DCFS indicates that a comprehensive interview should take place at the Children's Advocacy Center, that agency shall contact the Children's Advocacy Center and request to schedule a time for a comprehensive interview of the alleged juvenile offender at the Center. The person contacting the Children's Advocacy Center shall specifically inform the Children's Advocacy Center that they wish to schedule an interview of an alleged juvenile offender. Interviews will be scheduled in a timely fashion through the Children's Advocacy Center staff. If requested by the investigating agency, the Children's Advocacy Center staff will contact other members of the multidisciplinary team to assist in the interview. The Executive Director of the Children's Advocacy Center shall have the authority to deny use of the Center for an interview of an alleged juvenile offender.

Under no circumstances is an alleged juvenile offender to be present at the Children's Advocacy Center when any child under the age of 18 is present.

Sight supervision of the alleged juvenile offender is to be maintained by no less than two (2) adults at all times while an alleged juvenile offender is present at the Children's Advocacy Center. In the event that it becomes necessary for an alleged juvenile offender to use the toilet facilities, an adult of the same sex as the alleged juvenile offender will remain in the hallway outside the restroom.

INTERVIEW PROCEDURES:

In all cases, the representative of the law enforcement agency having jurisdiction over the case shall conduct the interviews, unless they request that another member of the multidisciplinary team conduct the interview. In the event that DCFS is conducting an investigation without the assistance of a law enforcement agency, DCFS will conduct the interview.

Law enforcement agencies and DCFS are hereby specifically notified that they must comply with all statutory requirements and their own departmental regulations with regard to interviewing of offenders, specifically, but not limited to, those requirements and regulations for custodial vs. non-custodial interviews, notification of offenders of their rights under *Miranda*, and all other applicable statutory and case law.

As a reminder, because interviews are not conducted in a confidential setting, notes taken during the interview are not privileged or confidential and, if retained, are subject to discovery and disclosure in any legal action, civil or criminal, to which the interview may be relevant.

An Assistant State's Attorney is available for consultation concerning legal issues during the entire investigative process.

RECORDING OF INTERVIEWS

Beginning October 3, 2005, all forensic interviews of alleged juvenile suspects conducted at the Children's Advocacy Center are audio and visually recorded.

The child, if over the age of 12, and his/her parent, legal guardian or temporary legal custodian is required to sign a form acknowledging that they understand that the minor child's interview will be recorded and indicating their consent to said recording. The child, if applicable, and his/her parent/guardian/temporary legal custodian is also advised that they can withdraw their consent to recording at any time. If the child and/or his/her parent/guardian/temporary legal custodian refuse to sign the acknowledgment/consent form or if at any time the child and/or his/her parent/legal guardian/temporary legal custodian withdraw their consent, the recording will be terminated immediately. A copy of the acknowledgment/consent form is kept in the client's file at the CAC and the original is provided to the lead investigating agency. A CAC staff member also completes a form documenting that s/he advised the child's parent/guardian/temporary legal custodian that the interview with their child would be recorded. That form is kept in the client's file at the CAC.

CAC staff ensures proper functioning of the recording equipment prior to the start of the interview. The recording begins as the child and the forensic interviewer enter the interview room and recording continues until the child and the forensic interviewer have exited the interview room. If at any time it becomes necessary to interrupt the interview, the interviewer states the reason for the interruption, the time at which the interruption occurred, and the time at which the interview resumed.

Upon completion of the interview, the first compact disc recording is tendered to the investigating law enforcement agency. Law enforcement agencies follow all statutory requirements as well as their respective departmental procedures for tagging, logging and storing evidence. The integrity and confidentiality of recordings produced are preserved and protected in the same manner as other pieces of evidence obtained during the investigation. Two additional copies of the interview are provided to the investigating law enforcement agency for submission to the State's Attorney's Office, if necessary. The Children's Advocacy Center is not responsible for transcription of the recorded interview. Transcription is the responsibility of the investigating law enforcement agency, DCFS, or the State's Attorney's Office.

If applicable, two copies of the interview are provided to the Illinois Department of Children and Family Services for purposes of case documentation.

Any agency receiving a recording of an interview conducted at the Children's Advocacy Center is required to acknowledge receipt of same, in writing, and the signed acknowledgment is retained in the appropriate CAC client file.

The Children's Advocacy Center does not retain a copy of the interview and the interview is deleted from the recording system's computer hard drive seven (7) days following completion of the interview.

In the event that there is a need for other members of the multidisciplinary team to access the recording, team members will contact the State's Attorney's Office or the investigating law enforcement agency to request and schedule access to the recording.

RECORD OF THE INTERVIEW:

As soon as possible following the conclusion of each interview, a representative of the law enforcement agency having jurisdiction over the case who conducted or observed the interview, or a representative of DCFS who conducted or observed the interview in the event of an investigation conducted without the assistance of a law enforcement agency, completes a Record of the Interview. That Record identifies the alleged juvenile offender's name, date of birth, and address, as well as the name(s) of the alleged offender's parent(s)/guardian(s) and their address(es). The Record also identifies the person conducting the interview and all persons who observed the interview, as well as the date, time and place of the interview. The Record also identifies the name(s), date(s) of birth, address(es) and parent(s)/guardian(s) of all alleged victims. The Record also contains a summary of the interview.

The original Record of the Interview is retained by the law enforcement agency having jurisdiction of the case. In the event that DCFS is conducting an investigation without the assistance of a law enforcement agency, DCFS retains the original Record of the Interview. A copy is retained by the Children's Advocacy Center. Additional copies are provided to participating agencies involved in the case as requested.

CONCLUSION:

The Children's Advocacy Center is available for interviews of alleged juvenile offenders, unless it is determined by the investigating agency or the Executive Director of the Center that it is more appropriate to conduct an interview at another suitable location. Safety of the victim, the alleged juvenile offender, and the public shall always be considered in any such determination to interview an alleged juvenile offender at the Center.

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