

**VIDEOTAPE AND CLOSED-CIRCUIT TELEVISION PROGRAMS  
TO ASSIST ABUSED CHILDREN: A HOW-TO MANUAL**

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## **DISCLAIMER**

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# **CHAPTER 1**

## **INTRODUCTION TO VIDEOTAPE AND CLOSED-CIRCUIT TELEVISION PROGRAMS**

### **Introduction**

Allegations of child physical and sexual abuse are often difficult to resolve in the criminal justice system, and testifying in these cases may be traumatic for victims. Several interrelated factors combine to make these cases problematic, including the victim's age, the number of agencies involved, the time needed for the investigation, the difficulty of obtaining convictions, and the trauma resulting from the abuse.

Researchers and legal experts argue that there are many ways in which criminal justice processing of such cases may increase a child's trauma. Unlike adult victims of sexual assault, child victims must often endure multiple interviews by social service caseworkers, school counselors, police, medical and/or mental health care personnel, prosecutors, and defense attorneys. After giving an initial statement, they may testify at a preliminary hearing, before a grand jury, at deposition, and/or at trial. Additionally, a concurrent investigation may be conducted by the child protective system, if the alleged perpetrator is a parent or other relative. This can result in a secondary set of interviews and testimony.

Recognizing the challenges present in child abuse cases, prosecutors, courts, and child protection agencies have introduced special techniques to elicit information from the victim while protecting them from further trauma. The use and applicability of these tools are dependent on where in the process they are to be introduced. For example, forensic interviewers may use drawings or anatomically correct dolls to help a child tell the story of their abuse; also, these tools may be used in a therapeutic setting. Findings may or may not be introduced in trial.

Child victims may be interviewed in specially designated child advocacy centers, where only one interviewer is in the room, but other professionals (district attorney, child protective services, law enforcement, GAL, etc.) are able to observe the interview through a monitor. Those tapes may be used to bolster a child's trial testimony; in lieu of trial testimony; or in lieu of deposition or grand jury testimony. Child advocacy centers may also have therapists on staff, and may be able to conduct forensic medical examinations on-site, in a "one-stop shopping" approach designed to make the process easier for victims and their families.

Obtaining trial testimony through closed-circuit television is another special technique, which provides a way to protect the child victim while allowing the defendant his right to "face-to-face confrontation" with his accuser.

## **Videotape Equipment**

Videotape equipment has wide applicability in child abuse cases. Videotapes may be made of forensic interviews, depositions, and testimony for introduction at preliminary hearings, or trial, depending on state law. Videotaping of all forensic interviews is becoming commonplace, with some states requiring it in all cases in which a child alleges abuse. Recording the child's disclosure reduces the number of repeat interviews that require the child to relive the event.

Videotapes of interviews are frequently shown to the defendant and defense attorney, often resulting in plea bargains. Interview tapes are also used as training tools; interviewers may be critiqued by colleagues, and suggestions made to improve interviewing techniques.

Videotape equipment comes in a variety of forms and may be used in different locations. The equipment may be cleverly hidden from the child so that he or she does not see the camera and microphone, or it may be obvious to the child. There are two schools of thought on the wisdom of alerting the child that they are being recorded. One is that the child has the right to know about the recording and the other is that knowing about the recording may impact the child's behavior on camera.

The equipment may be installed in the police station or at child protective services and simply involve a single interviewer. In contrast, it may be located at a child advocacy center. There are many possibilities. A single interviewer may be involved, but more likely, a multi-disciplinary team of law enforcement, child protective services, a prosecutor, and/or child advocates have roles in the interview. Typically, the interviewer is in the room with the child and the other team members are in a monitoring room watching the interview. They either have contact with the interviewer via an earpiece to ask their questions, or the interviewer completes the interview and then leaves the room to consult with team members to see if they want other questions asked. Then, the interviewer returns to the interview room and asks additional questions of the child.

Videotape equipment also varies in sophistication. At the simplest, it may be equipment with a fixed camera that is turned on prior to the interview and switched off after. Or a technician may operate the equipment and monitor the quality of the picture by adjusting a zoom-in camera and the volume. For example, a picture-in-picture feature may be included, showing both the child's face and the whole room.

## **Closed-Circuit Television Equipment**

Closed-circuit television equipment (CCTV) is used to protect the child from seeing the defendant at trial. Closed-circuit equipment is not used as often as videotape equipment, but the number of times the equipment is used cannot be the sole measure of its success. Closed-circuit testimony is narrow by definition. It is intended for the extremely rare case in which a child is too traumatized to testify live in the grand jury or at trial. Most children can be prepared to testify in person. Further, most cases are resolved through plea bargains, not at trial.

Like videotape equipment, closed-circuit equipment varies in quality and performance. The size and number of screens located in the courtroom vary as does the quality of the sound and picture. The child may be located in a specially designed room, or in a hallway outside the courtroom. The communication between the defendant and his lawyer may be controlled by an elaborate earpiece device, or limited by the technology. The judge may have a “hot switch” to cut off the picture as needed. Much of the particulars of the technology will be driven by state law and budget.

The child’s trauma can be reduced even if the equipment is not used or the case ends in acquittal. If the defendant realizes that the child will ultimately be able to tell his story, he may enter a guilty plea and eliminate the need for the child to testify at all. It may help the child tell the story, regardless of conviction. Finally, it may save a child from the trauma of testifying in person.

### **Evaluating BJA’s Funding Initiative**

Beginning in 1993, the Bureau of Justice Assistance began their funding program to support states and counties wishing to purchase videotape equipment or closed-circuit television to reduce trauma to children. As the national evaluators, we were in contact with all grantees at both the state level (several states then distributed funds to localities) and county level for those agencies receiving funds directly from BJA. During the past 12 years, we have learned much from the experience of the sites, both through their successes and their challenging times. Several overarching themes emanate from our work during these 12 years, including the following:

- **Know your laws.** Before you initiate a videotape or closed-circuit television program, it is imperative to know the parameters of federal and state statutes on the use of the technology in child abuse cases, and how federal, state, and local courts have interpreted those laws. These laws will help you decide what equipment to buy, how to set it up, who may run it, who may/may not be in the room with the victim, where the victim may be, under what circumstances a child may testify or be interviewed, and possibly what happens to any tape recording after the case is closed.
- **Get the judges on board.** Judges will ultimately decide whether and how child victims’ testimony will be introduced in court through technology. The judge needs to know that allowing the closed-circuit or videotaped testimony will not cause a conviction to be overturned on appeal.
- **A “charismatic” leader in a position of authority is central to a successful program.** No matter which agency this person represents, if they are committed to the program, knowledgeable about the laws, respected by the judiciary, and supported by other agency leaders, the program will likely flourish.
- **All stakeholders should be kept informed and consulted.** Talk with prosecutors, child advocacy center staff, law enforcement officials, victim advocates, defense counsel, guardians ad litem, and any other professionals who may be impacted by the

program. Consider getting their perspective on the use of the equipment, as a way to secure buy-in to the program.

- **Know the physical structures where the technology will be used.** This goes for permanent as well as temporary/mobile installations. Use building engineers or architectural plans to identify wiring deficits and benefits, problematic sound and lighting issues, physical proximity of rooms, potential problems in hallways where victims' and defendants' paths might cross unintentionally, etc.
- **Select appropriate technology.** Look at the space where the testimony or interviews will take place, and assess whether the technology will fit the space allotted for it, in size and shape. Do not overlook monitors which cover a defendant's face at the defense table, "boom" microphones in a small interview room, and VCRs with yards of cable that may be tripped over.
- **Cross-training is essential.** All stakeholders should be trained on the laws, operating the technology, and the elements of a good forensic interview. This will provide a foundation from which multidisciplinary decision making go forward. It will provide back-up if a particular operator is not available.
- **Put the equipment in context.** The equipment is but one tool to help move victims through the criminal justice processing of their child abuse case. Good preparation of a victim by the prosecutor remains central to reducing further trauma to these children. The equipment does not replace that preparation. Further, trauma reduction includes providing therapeutic services to these young victims.

### **Overview of Our How-To Manual**

Our How-To Manual walks you through implementing a videotape or closed-circuit television program. Chapter 2 discusses how to conduct a needs assessment to determine if your community could benefit from these programs. Should you decide to implement a videotape or closed-circuit television program, Chapter 3 helps you plan your program. Choosing the right vendor is a critical step in moving your program forward; Chapter 4 can help you navigate that process. Chapter 5 outlines the importance of evaluating your program and provides suggestions on how conduct an evaluation. Chapter 6 concludes with a summary of our How-To Manual, along with lessons learned during the ABA's 12 years of experience evaluating videotape and/or closed-circuit television programs supported by the Bureau of Justice Assistance.

## **CHAPTER 2 CONDUCTING A NEEDS ASSESSMENT**

A needs assessment can identify the strengths and weaknesses in the way children are interviewed about their allegations of abuse and the way they testify in court. Through this process, your community can make an educated choice about whether a videotape or closed-circuit program is a good idea. Simply put, a needs assessment helps define the difference between what is and what ought to be. It can also help identify what resources are available to implement a new program. Once needs and resources are identified, the most urgent needs can be prioritized. The prioritized list can serve as a sound basis for setting program goals.

### **Why Conduct a Needs Assessment?**

It is important to find out what the needs of your county are, how things are currently working, and what type (if any) of videotape or closed-circuit program is appropriate for your community. Without a needs assessment, your community can waste a lot of time and money developing the wrong program. Once you make an informed decision about what type of program (if any) you want in your community, a resource assessment can help identify how to support it.

Learning how children in your community are currently interviewed about their allegations of abuse is a critical first step in deciding whether to initiate/change a videotape program. Key questions are:

- How many allegations of child sexual and physical abuse were made in your county in the most recent one year period?
- What are the state laws that define the criteria under which equipment may be/must be used in child abuse cases, including during investigations, grand jury testimony, and court testimony? Do statutes address the use of the equipment depending upon the age of child; whether it includes child witnesses to the abuse; whether the child has a mental age different from her chronological age?
- Who conducts the initial interview with the child: the police, child protective services, a child advocacy center, or through a multidisciplinary team approach?
- How lengthy is the initial interview? Is the child questioned in detail, or is minimal questioning done, and the details left for a lengthier interview conducted by the police, child protective services, a child advocacy center, or through a multidisciplinary team approach?
- How soon after an allegation is made is the initial interview done? How soon are follow-up interviews done?

- Where are interviews conducted: in a child-friendly space (a quiet location away from the public eye with child-sized furniture, and toys and child-oriented artwork) or in the middle of the squad room?
- Are the interviews currently recorded on tape or by video? If by video:
  - What types of equipment are used, for example: mobile or in a fixed location (if so, is it a child-friendly place)(if mobile, how long does it take to set up); is there a zoom feature; is there a picture-in picture feature; is the microphone hidden or visible to the child: is the camera hidden or visible to the child?
  - What is the quality of the recording, for example: can the child and interviewer be clearly seen on the tape; can the child and interviewer be clearly heard; is there any disturbing background noise?
  - Who runs the equipment, for example: does a technician operate the equipment throughout the interview or is it switched on and then automatically operates with no technician in attendance; what type of training does the operator(s) have?
  - What improvements need to be made, for example, better microphones, better monitors, better picture quality, more features (zoom in, picture-in-picture); more training for the operator?
- If your county does not have a videotape program, is there a neighboring county that has one that might be willing to use it for victims in your county?
- If your county wants to develop a videotape program, or improve an existing one, what resources are available for such a program, for example: are there any local, state, or federal grants you can apply for; are there any agencies that can help support the costs; can you lobby your legislature for money?

A needs assessment for a closed-circuit program should include questions such as:

- Do your state statutes allow the use of closed-circuit technology? If so, under what circumstances; in what types of cases; for what types of victims; for what age victims; what kind of lawyer/client communications are required by law; do they require one-way or two-way communication between the victim and the courtroom?
- If your county does not have closed-circuit technology, in how many cases per year do you estimate it could be used?
- If your county has closed-circuit technology, in how many cases has it been used? Was it ever requested by the prosecutor but not allowed by the judge; if

so, why did the judge deny its use? If it has been used, what were the results in terms of convictions, reduced trauma to the child, cases that would not have gone forward without the technology?

- If your county has closed-circuit technology:
  - Is it mobile, or in a fixed/dedicated location; if mobile, how long does it take to set up; where is it set up: the courtroom plus another room or hallway? where is the defendant and his attorney; where is the child and the prosecutor during the use of the equipment; is the feed between the victim and courtroom one-way or two-way?
  - What is the quality of the closed-circuit equipment, for example: can the child, defendant, and courtroom be clearly seen and clearly heard; is there any disturbing background noise?
  - Who runs the equipment, for example: does a technician operate the equipment throughout the interview; does the judge have controls at the bench to cut off the equipment as needed; what type of training does the operator and/or judge have?
  - What improvements need to be made, for example, better microphones, better monitors, more monitors, larger or smaller monitors, better picture quality, more features (zoom in, picture-in- picture); more training for the operator and/or judge?
- If your county does not have closed-circuit program, is there a neighboring county that has a mobile unit that you might borrow to use for victims in your county?
- If your county wants to develop a closed-circuit program, or improve an existing one, what resources are available for such a program, for example: are there any grants you can apply for; are there any agencies that can help support the costs; can you lobby your legislature for money?

## **TYPES OF ASSESSMENTS**

How do you go about finding answers to the above questions? Need assessments may range from very informal (where a few people discuss what is working, and what is not) to more formal studies. Many formal studies rely on quantitative data to document strengths and weaknesses of a community's response to a social problem. If you opt for a formalized assessment, seriously consider working with a qualified researcher experienced in assessment studies. To minimize costs, many labor-intensive assessment tasks can be completed by community professionals under the guidance of an experienced researcher.

For your consideration, we describe five different assessment methods. You may select the ones most appropriate for your community. We recommend that you employ a minimum of 2-3 methods to get as thorough a picture as possible about the way children are interviewed about their allegations of abuse and the way they testify in court or make statements.

## **1. Case Records Review**

A review of police, child protective services (CPS), prosecutor, and child advocacy center cases can substantiate how children are interviewed about their allegations of abuse. When working with sensitive records, it is important to establish strict confidentiality procedures to protect the information collected. The procedures must, at a minimum, specify who will have access to the data, where the data will be maintained, what identifiers (if any) will be collected, and how and when the identifiers (or data collection sheets) will be purged.

A sample of child abuse and neglect cases can provide answers to several of the questions listed above. Collecting data on demographics of the child and alleged abuser and case outcomes can also help identify when, and how well, the equipment worked in different types of cases. Sample questions (to be modified depending on your system) include:

- What types(s) of abuse were alleged?
- What are the victims' and alleged perpetrators' age and gender?
- What was the relationship between the victim and the alleged abuser?
- Who conducted the initial interview with the child: the police, child protective services, a child advocacy center, or a multidisciplinary team approach?
- How lengthy was the initial interview? How much information was collected and what type of information was collected?
- How soon after an allegation is made was the initial interview done? How soon were follow-up interviews done?
- How many interviews were done on any one case?
- Where were the interviews conducted? Was it a child-friendly space (a quiet location away from the public eye with child-sized furniture, and toys and child-oriented artwork)?
- Were the interviews recorded on audiotape or by video? Were there any notes about problems in the recording or the quality of the recording?
- How much time elapsed between the time of the allegation to case closure?

- What was the outcome of the case: pending, arrest made or not made, case prosecuted or not prosecuted, case no billed or dismissed, defendant pled guilty, trial held and defendant found guilty or not guilty, sentence imposed for defendants who pled or were found guilty.

Answers to these and other questions can help identify whether your community might benefit from a videotape program. For example, you may find from the case file review that children are subjected to multiple interviews by a number of different police and CPS workers. Multiple interviews may be traumatic to the child who has to tell his/her story over and over, and the child may come to believe the authorities do not believe him/her as they keep asking the same questions. In addition, multiple interviews may result in the victim's story seeming rehearsed by the time the case goes to trial.

The expertise and experience of various interviewers may vary widely. A videotape program that records the victim on tape can (a) reduce multiple interviews, (b) capture the victim's trauma shortly after the abuse occurs (by the time the case goes to trial, the victim's demeanor may be subdued), (c) capture the victim's tender age when the abuse occurred (he/she may be much older by the time a trial occurs), and (d) use the services of a specially trained investigator.

## **2. Policies, Protocols, and Procedure Review**

A review of internal policies, protocols, and procedures of agencies responsible for interviewing children who allege abuse can uncover inconsistencies in interagency agreements on how the interview should be done. When examining internal and interagency documents, consider the following sample questions:

- How comprehensive are the documents? How much direction is given in interviewing children who alleged abuse: What is to be asked during the initial interview? Where is the initial interview to be conducted? Who is to conduct the interview? Is a multi-agency interview to be done (e.g., including CPS and law enforcement), or a unilateral interview by CPS alone or law enforcement alone? Does it depend on the age of the child or type of abuse alleged?
- Is it clear in the documents which individual(s) in what agencies are responsible for different aspects of the case?
- How old are documents? Do they need to be updated?
- In the case of interagency agreements, which agencies are included? Is it clear what the responsibilities of the various agencies are and how they are to communicate or coordinate with other agencies? Are remedies spelled out in case the agreement is violated?

### 3. Surveys

Surveys allow communities to hear directly from the professionals who interview children and who operate the equipment for children who testify via this medium. Interviews of administrators and line staff (telephone, mail, e-mail and/or in-person) are one of the best sources for learning what is working well and what needs improvement.

Structured surveys include closed-ended (multiple choice) questions. Structured surveys work best when you know exactly what questions you want answered, want to quantify responses, and need to maintain consistency across respondents.

In contrast, unstructured surveys contain open-ended questions, and semi-structured surveys contain both open-ended and closed-ended questions. Unstructured and semi-structured surveys are best when you want to ask for explanations and reasons for the respondents' answers. With this approach, the interviewer establishes a general direction for the conversation, but the flow of information depends on what the person being interviewed has to say. Unstructured or semi-structured surveys will help you uncover and understand where the gaps are and what needs improvement, rather than simply quantifying the answers of respondents.

*A sample survey.* A fictitious community, *Crawford County*, does not have a videotape program for children who allege abuse. The interview is done by either law enforcement (if the abuse is reported to them) or by CPS (if the abuse is reported to them and it involves a familial relationship between the victim and the alleged perpetrator). The interview is not recorded and is designed to elicit details about the abuse. The Needs Assessment Steering Committee designed a semi-structured interview to learn from law enforcement senior and line staff and CPS administrators and caseworkers about the initial interview. Questions that the *Crawford County* steering committee responsible for the needs assessment wanted answered were:

1. How many children alleging abuse have you interviewed during the course of your \_\_\_\_\_ (how many) years in your department?
2. Where do you typically interview children? Is it a child friendly place? Do you wish you had a more child friendly place to conduct the interview?
3. In addition to your interviews, are other agencies also interviewing the child about the same or different issues? How many times do children typically need to tell their story?
4. What types of training have you had in interviewing children who have alleged abuse? Do you feel the training prepared you to interview child victims? Do you think you would benefit from additional training?
5. What interview techniques do you use (e.g., cognitive interviewing, use of drawings, play therapy, dolls, etc.). How much training did you receive in these techniques?

Are you comfortable interviewing children with these techniques? Do you think you would benefit from additional training?

6. What are you trying to learn during the initial interview? How much detail do you try to elicit?
7. How do you prepare your notes? How much is written down while the child is in front of you? How much do you write after the child leaves?
8. What is working well in the way in which interviews are done? What needs improvement?
9. Do you think you would benefit from a videotape interview program? If so, in what ways (e.g., the child is interviewed once; the child is interviewed in a child friendly setting; multiple agencies participate; the child is interviewed by a specially trained interviewer; other agencies watch in a monitoring room with the possibility of feeding questions to the interviewer if they have other issues they want asked)?
10. What suggestions do you have to improve the way children alleging abuse are interviewed?

*Findings from the Crawford County survey.* The average tenure of CPS workers is 1.5 years and for law enforcement, 5.7 years. Children are typically interviewed either at the police station or in the CPS offices. Cross-reporting via written reports between CPS and law enforcement occurs three-quarters of the time. Only one-third of law enforcement officers, compared with three-quarters of CPS caseworkers, had training on interviewing children regarding physical and sexual abuse. Both groups, 80% of law enforcement officers and 70% of CPS workers, wanted more training. Both groups reported that they try to get as many details as possible during the initial interview, taking minimal notes during the interview and filling in details after the child leaves. The vast majority, 80% of law enforcement officers and 90% of CPS workers, thought they would benefit from a videotape program. They believe it would improve the quality of interviews, ease the trauma to the child, and produce a video record that would be powerful in inducing defendants to plead guilty and make a strong impression on jurors for cases that proceed to trial. Based on these findings, the *Crawford County* steering committee decided to proceed in planning for a videotape program.

#### **4. Focus Groups**

Focus groups are another way to assess your need for a videotape or closed-circuit program. Focus groups encourage a dialogue among a small group, usually four to eight people, for no more than two hours. One or two facilitators run the focus groups with the goal of creating a comfortable environment that encourages people to share their thoughts, feelings, and experiences. Unlike surveys, focus groups allow individuals to build upon each other's responses and to discuss problems. Participant interaction is the

defining characteristic of the focus group. People can share ideas and opinions in a non-threatening environment in a dynamic way that is unique to the focus group method.

Focus groups may be conducted with administrators or line workers, but it is not a good idea to combine them both in one focus group. It will likely inhibit line workers from talking about problems with administrators, and vice versa. Focus groups of agency directors are useful for discussing protocols, policies, and practices for interviewing children who allege abuse. Focus groups of line workers who routinely interview children can best speak to what works, what does not work, and what help they need to do their job better.

*A sample focus group.* In a fictitious community, *Finnely County*, the Needs Assessment Working Group decided to conduct a focus group with the Chief Judge, the elected prosecutor, the head of the Public Defender's office, the director of the Child Advocacy Center, and the technician responsible for running their closed-circuit equipment. The equipment has been used in one case. The goal of the focus group was to learn why the equipment has only been used in one case. Two members of the Needs Assessment Working Group served as the facilitators. They guided the group through the following issues:

1. How aware are judges, prosecutors, defense attorneys, and child advocates that the closed-circuit equipment is available?
2. How many judges, prosecutors, defense attorneys, and child advocates have seen a demonstration of the equipment?
3. How is the closed-circuit equipment perceived among judges, prosecutors, and defense attorneys? Is it generally perceived positively or negatively? What concerns have been expressed about the quality of the equipment, or its use in cases?
4. How knowledgeable are judges, prosecutors, defense attorneys, and child advocates about when closed-circuit equipment can be used according to state statute?
5. Is the closed-circuit equipment being used in cases which meet the legal criteria? If not, what are the obstacles to its use?
6. How current is the equipment? Does it need to be upgraded?
7. What suggestions do they have to improve the closed-circuit program?

*Findings from the focus group in Finnely County.* The facilitators' summary of the focus group contained these key findings: (1) there was a lack of awareness among judges, prosecutors, defense attorneys, and child advocates about the closed-circuit equipment; (2) most judges, prosecutors, defense attorneys, and child advocates had not seen a demonstration of the equipment; (3) defense attorneys were particularly concerned that the equipment negated their clients' right of confrontation; (4) those who were

knowledgeable about the closed-circuit equipment thought it was of high quality and could be useful in those rare cases that children are too traumatized to testify in front of the defendant; and (5) it is underused, because so many judges, prosecutors, defense attorneys, and child advocates did not understand how, or when, the equipment could be used. As a result, the facilitators recommended training, including demonstrations, about the closed-circuit equipment for judges, prosecutors, defense attorneys, and child advocates.

## **5. Observation**

Observation is a widely used tool for studying processes, relationships, and the organization of people and events. It is often used to directly see what is actually happening in practice. For example, a couple of members of a needs assessment committee may decide to observe several videotaped interviews of children.

*A sample observation.* In *Green County* (a fictitious community), two members of the Needs Assessment Committee observed a videotape interview at a child advocacy center. The room where the child was interviewed was about 10'x14' and was decorated in a child-friendly decor. The camera was nestled in a tree mural. It was unobtrusive, but children will be told they are being videotaped. The microphone was cleverly hidden in a small switch on the wall. There was a small bed hidden behind the couch that the interviewer could bring out for very young children to demonstrate any abuse that occurred in their bed. In addition there was a mock-up model on a heavy cardboard frame of a house with rooms displaying an array of furniture that the child can move to demonstrate where abuse happened. They use anatomically correct dolls if indicated with very young children, but they are kept well hidden in a closet and are only introduced as appropriate.

The monitoring room was small (about 6'x8'); too small for multiple people to sit and monitor the interview, as the observers from the Needs Assessment Committee noted. It had a round table with several chairs where those monitoring can sit, write notes, and speak into a microphone that transmits to an earpiece worn by the interviewer. It had a 17" screen television to view the interview and a videotape machine.

From the monitoring room, the Needs Assessment staff observed a forensic interviewer conduct a videotape interview with a 13-year-old boy. Also present in the monitoring room was someone from CPS and a therapist from the child advocacy center. The color and sound of the tape were good. A heavily cushioned rug on the floor of the interview room helped create a quiet backdrop for the interview. Because the boy had his eyes fixed downward rather than face-to-face with the interviewer, the camera (which did not have a zoom feature) did not capture his facial expressions well. The observers from the Needs Assessment Committee noted this problem. Another problem was that the child was a person of color and he was sitting on a black bean bag chair which made it hard to see his facial expressions.

*A second observation sample.* In Johnson County (a fictitious community), two observers from the Needs Assessment Working Group watched a videotape interview that was conducted to take depositions from children.

The interview room was about 14'x16' with a small couch, a table and chairs, and pads on the floor where children can sit. On the back wall was a beautiful mural with wildlife indigenous to the state painted in vibrant colors. The camera was hidden behind a two-way mirror in a cabinet filled with toys and stuffed animals. However, the microphone is a large protruding "boom" mike that is two feet long and pointed at the child from the cabinet; it may overwhelm and distract the child.

Children were not told they are being taped unless they ask. The thinking is that young children informed about the tape will either become intimidated or "ham it up for the camera."

The monitoring room where the equipment was housed and run is a very small room (about the size of a closet) with one chair for the operator. The operator switches the equipment on and off but is not present during the interview to make corrections in the camera's angle. The room was equipped with a video recorder and a 9" television that captures the actions in the interview room. Because no one controls the camera during the interview, the image and sound quality were not as good as when someone monitors the equipment.

The observers watched a videotaped deposition. When the camera zoomed in to capture the victim's face about a third of the way into the 35-minute interview, the victim appeared younger and much more vulnerable than the earlier camera angle (it just happened that an investigator looked in the monitoring room and adjusted the camera to zoom in on the child; unfortunately this was by happenstance since no one was assigned to monitor the equipment). The observers noted this problem. Another problem was that the powerful boom microphone picked up voices and a phone ringing in the outer reception area (and what sounded like a radio), which distracted from the video.

## **WHAT TO DO WITH THE ASSESSMENT DATA COLLECTED**

The time to think about how to handle the data collected is *before* you collect it. Good planning can prevent collection of a whole lot of information you do not know what to do with. If your community decides to collect largely qualitative information via surveys, focus groups, and a review of records, protocols, and interagency agreements, you should prepare summaries. These summaries should include what was learned through each of the assessment efforts and assessment results. Summaries can then be shared with all the stakeholders responsible for interviewing and examining children who report abuse. Stakeholders should be encouraged to give their feedback and make suggestions for improving the community's practice for interviewing children.

If your community elects to conduct a more formalized assessment and collect quantitative data, be sure to have a trained researcher plan your assessment, conduct (or oversee) the data collection, and participate in the data analysis.

## **SUMMARY**

Needs assessments can help you decide whether your community could benefit from a videotape or closed-circuit program. Although there are up-front costs associated with conducting assessments, in the long run assessments are often cost-efficient. An assessment can prevent the waste of precious time and resources expended on the wrong issues. Information obtained through the assessment can serve as a guide for the planning phase of your program. We turn to that process in the next chapter.

## **CHAPTER 3**

### **PLANNING YOUR VIDEOTAPE OR CLOSED-CIRCUIT PROGRAM**

Planning and implementing a video or closed-circuit program to serve child witnesses can be difficult under the best of circumstances. When increasingly complex caseloads are met with decreasing financial and human resources, the task of starting a new initiative or adding to existing responsibilities can be overwhelming. Thus, it is critical that policymakers, program administrators, and planners make the best use of their limited time and resources and engage in a planning process to focus their efforts.

Successful implementation of a videotape or closed-circuit program requires long-term commitment, substantial planning, and buy-in of all involved agencies. Communities considering implementing these types of programs would be wise to apply established strategic planning principles, including:

- identify appropriate stakeholders (e.g., involved agencies)
- build and sustain collaborative decision-making processes among all involved agencies
- make sure all involved know the laws on using the equipment
- understand the technology available
- develop and implement an educational strategy for involved agencies

Successful program implementation will depend on how the stakeholders (local law enforcement, prosecutors, judges, defense attorneys, child welfare professionals, and victim advocates) work together. These individuals and the agencies they represent must articulate a common mission, overcoming “turf” issues; delineate common goals and objectives; and develop a plan which details the specific actions each will take to meet the goal of effectively using technology with child witnesses. Careful planning can reduce the trauma for children engaged in the criminal justice process and help identify perpetrators and bring them to justice.

### **PRACTICAL STEPS TO PLANNING THE VIDEOTAPE OR CLOSED-CIRCUIT PROGRAM**

#### **The Planning Team/Steering Committee**

The planning process should be a multi-agency effort with representatives from each of the primary agencies involved, including:

- judges
- the State or District Attorney’s Office
- the child protective services agency
- law enforcement

- the Public Defender’s Office
- Child Advocacy Center staff
- forensic interviewers

The above primary agencies can help to:

- Identify the parameters that the legislation governing video or closed-circuit program testimony allows.
- Articulate concerns about proposed policies and procedures and barriers to their implementation.
- Identify other stakeholders (such as parents, the medical and mental health communities, child counselors, the local bar association, guardians ad litem) and garnering their support.
- Address existing organizational policies and procedures that may impact the implementation of the video or closed-circuit program.
- Identify existing human and financial resources which may be mobilized for the video or closed-circuit program.
- Provide recommendations for cross-training.

### **The Planning Process**

The planning process involves a series of specific, practical steps which agencies can take to establish a collaborative approach to the video or closed-circuit program.

#### **Step 1: Identify the Stakeholders with a Vested Interest in the Program**

When identifying potential stakeholders who will have a vested interest in the video or closed-circuit program, consider the following questions:

- Who can control whether the technology will, or can, be used?
- Who will be impacted by the implementation or lack of implementation of the program?
- Who brings knowledge or skills about using technology with child witnesses?
- Who will benefit if the program is implemented?
- Who would bring a diverse viewpoint to the collaborative effort?
- What is the reason the individual or organization has been identified as a stakeholder?

- Who should represent each organization: professionals at the leadership or management level, or those at the staff level?
- How does the individual or organization envision their role and what expectations do they bring to the collaborative effort?
- What expertise does the individual or organization bring to the effort?
- What is the goal of working together with the identified individual or organization?
- How will the individual or organization benefit from the relationship?
- How do you envision the individual or organization being involved in the collaborative effort?

***Identify Stakeholder Expectations*** Discuss with the potential stakeholder their individual and organizational expectations for the program and assess if these expectations are both reasonable and within the goals of the program. Similarly, discuss the contributions and level of involvement that each stakeholder can, and desires to, make. For example, in addition to their time, some stakeholders may be willing to contribute resources to the program such as meeting space to host regular meetings or materials and equipment to produce educational materials.

***Allow for Change*** The video or closed-circuit program, like many collaborative efforts, will evolve and grow over time. Some initial stakeholders may wish to withdraw from the collaboration and new stakeholders may need to be identified to account for the changing issues/priorities, and resource/expertise requirements. Thus, program planners should reassess the stakeholder list to allow members to both depart from and join the effort as needed.

## **Step 2: Create and Articulate a Shared Vision and Common Goals**

Once stakeholders have agreed to participate in planning and implementing the video or closed-circuit program, it is important to create and articulate the shared vision and common goals. The vision statement will form the foundation from which all other strategic elements emanate. The vision statement should include a statement of the philosophy (values and beliefs) as well as purpose.

The vision statement:

- Defines the stakeholders' common goals.
- Allows all stakeholders to see themselves as part of a worthwhile effort.

- Enables stakeholders to see how they can improve the treatment of child witnesses and the administration of justice through their participation in the collaborative effort.

Some examples of a shared vision and common goals, as articulated by video or closed-circuit program, may be:

- Reducing the psychological trauma to child victims and witnesses (*Goal*)
- Reducing the number of forensic interviews (*Goal*)
- Increasing the likelihood of plea bargains, thus eliminating the need for the child victim or witness to testify (*Goal*)
- Increasing the likelihood a child will be able to testify at trial (*Goal*)
- Increasing the likelihood of a successful resolution of the case (which may not necessarily mean a “guilty” verdict) (*Goal*)
- Improving the administration of justice by ensuring that the justice system is both sensitive to the needs of children and is protecting the rights of the criminally accused (*Vision*)

The primary purpose of the vision statement is to provide focus to the video or closed-circuit program. Additional uses for the vision statement include:

- To give direction for resource expenditure.
- To direct discussions about alternative responses or courses of action.
- To provide a common ground and diffuse disagreements.
- To serve as a basis for future planning.
- To serve as a public relations tool.
- As a benchmark for project evaluation.

***Preparing for the Vision/Common Goals Meeting*** Once the stakeholders have been identified, invite them to a meeting to develop the vision and common goals of the program. Decide in advance how you will gather ideas from stakeholders who are unable to attend the meeting. One technique is to solicit written ideas that capture their vision for the video or closed-circuit program in advance of the meeting. Identify a facilitator for the meeting (this may be one of the primary partners, a stakeholder, or a professional facilitator hired for the meeting).

**Meeting Agenda** Below is an outline for the meeting.

1. Introduce the planning team/steering committee members and state the objectives of the meeting and background on the video or closed-circuit program.
2. Introduce the other stakeholders and their interest or background in the video or closed-circuit program.
3. Identify how stakeholders will work together.
4. Identify your vision for the video or closed-circuit program: what goals would you like to accomplish; what results would you like to see happen?
5. Share ideas. Record all ideas and incorporate into the list of other ideas you gathered from stakeholders who were unable to attend the meeting.
6. Identify themes. Ask stakeholders to work from the total list generated in the previous step and identify recurring themes that capture the spirit and vision of the group.
7. Capture themes into one vision statement. Decide on one statement that embraces the vision statements developed in Step 5.
8. Re-cap the objectives, state the accomplishments of the meeting, discuss the next steps as a group, and determine participants' interests in being ongoing partners in the endeavor.

### **Step 3: Identify and Review Your State Legislation and Relevant Case Law**

It is vital that all the stakeholders understand the provisions of your state legislation and relevant case law, which support the use of technology for child victims and witnesses. Review and discuss the legal provisions with judges, prosecutors, and defense attorneys. This will lay the foundation for program planners to create video or closed-circuit protocols which meet legal criteria and protect both the child victim or witness and the rights of the criminally accused.

The legislation may be very broad or it may be very specific about the type of technology (video or closed-circuit) that may be used; whether the "feed" must be one- or two-way; the circumstances under which the technology may be used; the criteria for determining whether the child victim or witness will suffer psychological trauma if he, or she, testifies in person; and the placement of participants when using the equipment.

### **Step 4: Identify the Leadership for the Video or Closed-Circuit program.**

The video or closed-circuit program needs a "champion" and leader. A leader should be an experienced administrator with expertise in the legal system, working with child victims and witnesses and/or children's issues, and with the authority to influence and implement the video or closed-circuit program.

While any one of the stakeholder agencies can take the lead in the effort, a designated individual should be identified to lead the program. To be successful in this role, the designated individual should be:

- An individual in a position of authority who commands the respect of both staff and managers.
- An individual who can make the necessary operational changes to ensure the success of the initiative.
- A risk-taker who is willing to take a leadership role in addressing controversial issues.
- An individual who can identify and evaluate existing and emerging resources that may be of value to the video or closed-circuit program.
- A problem-solver who can identify barriers to the effort and the means to overcome them.
- A coalition-builder who can work and negotiate effectively among participating agencies' conflicting interests, bringing them together toward a common goal.
- A strong communicator who can articulate verbally and in writing the program's incentives, goals, objectives, and mission and who can deliver briefings to all principal program participants, other policymakers, and the community.

### **Step 5: Identify Expertise and Resources**

It is time to identify the specific expertise and resources that you will need to accomplish all of the tasks of the project. Develop an inventory of all of the expertise and resources available to the video or closed-circuit program. You may have preliminarily identified some of these strengths and resources during the needs assessment process. Regardless of how clear the vision or how strong the leadership, if the stakeholders do not collectively possess the expertise to implement the video or closed-circuit program, the program will not succeed.

### **Step 6: Develop an Action Plan and Protocols**

The action plan is the mechanism by which the shared vision is operationalized. The action plan describes the strategies to meet the objectives of the video or closed-circuit program and delineates the steps to bring about the envisioned change. The action plan specifies what will be done, by whom and when. The plan also identifies how the stakeholders will know if the actions taken have achieved the desired outcome. For each objective of the effort, the action plan should describe:

- What specific activity/task should occur

- Who will be responsible for the task
- The timeframe for the accomplishment of the task/when the action will take place
- What resources will be needed to accomplish the task
- Who will know when the task is completed
- How the effectiveness of the strategy will be assessed

The plan should be periodically reviewed to ensure that proposed action steps are consistent with the desired outcomes. In other words, will completion of the action plan bring the video or closed-circuit program closer to making the changes envisioned by the stakeholders?

As a part of this step, develop plans and protocols for the purchase and use of the closed-circuit or videotape equipment. Identify who will be responsible for identifying and working with the technology vendors to ensure that your program secures the appropriate equipment for your goals and needs. Develop protocols on how the equipment will be used, which coincide with the legal requirements/restrictions of federal and state.

Please refer to Chapter 4 for a detailed discussion on how to assess, design and purchase CCTV and videotape technology.

### **Step 7: Prepare a Training Plan**

Training and cross-training needs to be developed on three fronts: the legal foundation of using the technology, based on federal and state statutes, local rules, and case law; operating the closed-circuit or videotape equipment; and forensic interviewing.

The training plan should describe the appropriate audience for each type of training; goals; content; selecting the trainer; method of delivery; and resources that will be needed. Finally, program planners and stakeholders should be prepared to make a continual commitment to training to account for advances in technology as well as staff turnover.

### **Step 8: Develop an Evaluation Plan**

Stakeholders, funding agencies, and the community have a right to know how well the program is working and a need to know how to improve it. Therefore, the evaluation step should not be overlooked by program planners. Please refer to Chapter 5 for a discussion of how to evaluate your program.

### **Step 9: Celebrate Success**

Even the smallest of “successes” are important when launching a new initiative. A newly designed video or closed-circuit program is hard work. Changing the “status quo” demands patience and a recognition that each small success contributes to the eventual

improvement of overall services for children. Do not forget to applaud each small step along the way.

## **SUMMARY**

This chapter helps move your community from the assessment phase to the planning phase of the video or closed circuit program. It stresses the importance of a planning team or steering committee; identifying the stakeholders with a vested interest in the program; creating a shared vision; identifying and reviewing your state legislation; identifying a leader for your program; identifying expertise and resources; developing an action plan and protocols; preparing a training plan; developing an evaluation plan (discussed in detail in Chapter 5); and celebrating successes. In the next chapter, we provide guidance on selecting and working with your vendor to purchase equipment.

## **CHAPTER 4**

### **EQUIPMENT PURCHASING: ASSESSING NEEDS, DESIGNING THE SYSTEM, AND WORKING WITH VENDORS**

Working with, and identifying the proper personnel, locations, equipment, and vendors can be an arduous task. The information contained in this chapter gives you a starting point for your projects. Jurisdictional and political factors may change or influence this information.

#### **GETTING STARTED**

##### **What legal issues may govern what you do?**

Take a good long look at your state's statutes and rules of procedure to see if your Legislature has made the decision for you concerning technology. Several states have already set certain rules and guidelines for when, where, and how technology can and should be utilized in the juvenile arena. There is no reason to reinvent the wheel and/or tempt fate that your installation will not stand up to an appeal. In most cases, your goal is to allow the child to be exposed to the judicial process as few times as possible. Your state statutes may already specify layout requirements, such as placement of participants and the use and type of equipment.

As you review the statutes or rules of procedure, you may find that your current statutes or rules contain language reflecting out-of-date technology or a misunderstanding of how the technology works, or even the legal requirements. You may find that you must undertake the task of re-educating your Legislature and judiciary as to the abilities and potential of utilizing technology in the juvenile arena. It may even be necessary to request new legislation, amendments, and/or pilot project status before implementing any technology.

##### **Who should be involved?**

The judiciary will be the makers or breakers of the success of your program. They will decide when and where your installation meets the legislative and legal intent for use and when it should be used.

The State Attorney's Office, Public Defender's Office, and local bar association should be kept informed and consulted as to what you envision and how the system would be used. Prepare your legal defense for the implementation, statutes, and opinions involving these parties, who will be the primary users of the systems. By including these offices in the planning stages, you can address any legal challenges that may be raised prior to implementation, preventing a child from reliving his or her trauma through the court process multiple times.

Any child support agencies, such as Guardian Ad Litem, victim/witness liaison, or child assessment centers, should be informed, and depending on your situation, involved with the design and implementation of the system. If your state gives these agencies the

authority to request use of the technology or it is being implemented in these offices, they should be involved in the design process.

## **WHAT DO YOU NEED?**

Videotape and closed-circuit television each have its own set of influences and parameters for implementation.

### **Items Influencing Design**

Many of the considerations you must make are similar for the two technologies. One of the first issues to address when looking at implementing either technology is **location**. Specifically, where will the child's testimony be obtained: child assessment/advocacy center, police department, state attorney's office, judge's chambers, hearing rooms, etc., and how will it be presented? Remember, your goal is to make the child victim as comfortable as possible, while preserving the defendant's right to confrontation.

The decision of location will impact almost every aspect of what equipment should be purchased and how it should be used or deployed. Location will also answer or influence your next most difficult decision: will your installation require your equipment to be portable or fixed? When working with videotape, usually one location is considered. However, when looking at closed-circuit television, apply all of your considerations to multiple locations: the location where the child will testify as well as where the trier of fact is. The location for the taking of testimony is considered one of the most critical factors. The environment where you record or present the child does not only influence the child being interviewed, but the viewer of the videotape or testimony as well. When considering a proper location, there are several things to consider: room size, lighting, room noise, power availability, furniture, and even color.

- **Room size** impacts not only the interview process, but the recording process as well. In a large room a child may look lost or insignificant. In a small room the camera and operator may crowd the child and make them too uncomfortable to speak.
- **Lighting** is a critical part of the creation of a valid record. Where a witness is placed in relation to the light source can affect the way the person appears. Lighting directly over the subject can create harsh shadows around the eyes and give the witness an ominous appearance on tape. Lighting a subject from behind can cause the camera to shut down its iris and darken the overall picture, resulting in a witness with hard-to-see facial expressions.
- **Room noise** could be caused by several factors: location of the room in or near high-traffic areas, or electrical or HVAC and air conditioning equipment; even fluorescent lighting can be noisy. This can be distracting to both the child during the taping and the audience during playback. Room noise will make microphone placement and selection even more critical.

- **Location and availability of power sources** for the equipment is often overlooked when selecting a location for child testimony. The best and most expensive equipment is useless without power. When looking at locations, examine whether your equipment will require extension cords for power, and if so, how many. Make sure your location has the wall outlets to support your equipment or you will need to make any required modifications. Another issue is whether there is enough power. What else is being powered by the same electrical circuit? This may not seem important, but it can affect the equipment's operation. Too much equipment operating on a single circuit could result in the breaker tripping and cause a blackout, which are not ideal conditions for recording or presenting testimony. Another issue is that some equipment can actually generate noise (interference) on the power line itself, which can affect the video and audio of your equipment.
- **Furniture** is one of the easiest things to overlook. As adults we tend to forget that what is comfortable for us may not be meant for children either in size or design. The goal is to put the subject at ease to discuss what has brought them here. Also consider the color and texture of the furniture. A dark fabric may "swallow" a child of color; pattern and texture may be distracting on the screen.
- The **color of the room** is another item to consider. Color can influence the recorded and presented image. Dark walls and dark-skinned subjects may make identification of facial expressions difficult, and may even require spotlighting of the subject. This can make the subject even more uncomfortable during the interview. Light colors may have the same affect on light-skinned subjects. Too much decoration in the room may distract the child and/or viewer from the issue at hand.

Once a location has been determined, decide if the system you will purchase will be covert, or in view of the child witness. There are several schools of thought as to how this decision affects the child. One thought is that the idea of looking into the lens of a camera may be intimidating to a child or have the opposite effect, resulting in the child "playing to the camera." Either way, the result may be less-than-valid evidence. On the other hand, covert recording raises issues such as reliability, personnel, and restriction of room coverage. Which is best? Only you and your particular situation can decide.

There is one issue with closed-circuit television that sets it apart from videotape: how do you connect the location the child is in with the location of the trier of fact to establish a link for the child's testimony? This mode of transmission is the critical link in the CCTV system. If you select the wrong one, you may limit your system's ability to function. This decision is affected by distance between locations, number of channels of video and audio to transmit, size of access ways, ease of set-up required, whether the system is portable or in fixed locations, number of locations to connect, and cost.

## GETTING WHAT YOU WANT AND/OR WHAT YOU NEED

If you are not familiar with the technology, don't panic. There are several ways to guarantee you will meet your requirements.

- Look to other jurisdictions for guidance. What has worked for agencies that are doing the same thing already?
- Examine other jurisdictions' grants. Look at awarded grants to see if their use of technology meets your requirements. What equipment did they use?
- Hire a consultant. A consultant can evaluate and provide options you may not have thought of. They can also prepare documents for procurement and supervise installation.

Every agency and jurisdiction has its own procurement policies and procedures. Whatever situation you find yourself in, if you do your homework first, your project will succeed.

### **When dealing with vendors: Remember, Look, Review, Tell and Check.**

**Remember**, not all vendors have your best interest at heart. They are out to sell a product and/or service. They may or may not know how the technology will meet the legal requirements. They may or may not have experience with a system meant to deal with children or with the intent to present evidence in a trial environment. They may or may not have created systems for the preservation and presentation of child testimony.

**Look** for a vendor who has completed similar jobs and can demonstrate a good history of successful installations, in any field and in the judicial field.

When you find one or several, **Review** the vendors' list of credentials; call the previous customers for insight to the company and products provided.

**Tell** your vendor what you want. Any vendor can provide a system that may work; your system *must* work. Use a Request for Proposals (RFP), Request for Letters of Interest (RLI), or detailed Bid specification for your project.

**Check** the responses from vendors carefully, no matter the purchasing tool used. Some vendors may not provide all of the items listed in a bid for example, but still send in a response. Other vendors may substitute various products or manufacturers. These substitutions might not be "comparable" as stated in the bid, but the vendor gets a better price margin on them or has them in inventory. The vendors are not trying to fool you; they are trying to get your business with the products they can provide. Not all vendors will be distributors of all of the products you require for your system. This may affect the warranties on the equipment and/or installation. Here are some sample questions for finding a vendor:

- What other jobs have they done?
- Did they provide the system under a contract or won bid?
- How long did the job take from award to completion?
- Did they deliver the system on time?
- What was the total cost of the system?
- Did they include training and/or training materials (manuals and guides)?
- How long have they been in business?
- Do they have on-site service?
- Are they authorized to service the products they sell?
- Do they provide loaner equipment for equipment failure during the warranty period?
- Were there any unexpected costs with the system?

### **Purchasing tools**

An RFP (Request for Proposals) can provide a way to compare how individual vendors will approach your project. With an RFP you provide the perspective vendors with a guideline of what you wish to accomplish. Interested vendors will respond with what they feel will meet your needs. The problem with RFPs is that you still have to evaluate which one will actually meet your needs, and if you are not familiar with the equipment you may end up with a system that does not do what you envisioned. You are at the mercy of your vendor.

An RLI (Request for Letters of Interest) is a little different. In an RLI you give just some general information on what you require and let any vendor respond. In the vendors' responses will be an outline of how they believe they can meet your requirements. In an RLI you can usually specify certain requirements you are looking for in your system. This procedure gives you the ability to see which vendors can meet your guidelines. Use this as a means for narrowing the field of vendors before you award a contract. The problem with this purchasing tool is that you still must have the expertise to know what the vendors are providing and to create the guide to begin with.

A BID provides you the ability to evaluate the various costs from each vendor and the equipment they are going to provide. When you issue a Bid specification, you must already have a detailed equipment list and installation plan to provide the vendors.

State, county, school board, and GSA contracts are all good sources for finding vendors and equipment. These contracts provide detailed warranties and delivery specifications. Vendors on these contracts are also familiar with dealing with government agencies. This can make the purchasing process easier. First, vendors are on the purchasing system. Second, their products and costs are fixed by contract. Using contracts for equipment may require that you have the expertise to specify the equipment for the project yourself. Some contracts do provide for consulting services, and most vendors on contract will work with you to get equipment that will work for your project.

### **Vendor do's and don'ts**

**Let your vendors do some of the work.** If you have done the background work, let your vendors provide you with several choices to meet your requirements. Ask them for several systems with various price points, and ask them to provide detailed specification and reasoning for each recommendation.

**Let your vendors know with whom they will be interacting.** Some of your systems may require multiple vendors for equipment and communications. Identifying a contact person can eliminate duplication or incompatibility. This will also help to guarantee interoperability of the system.

**Provide your vendors as much information as possible** about the purpose(s), location(s), users, and function of the project. This will enable them to provide the best equipment to meet your needs.

**Do not let a vendor sell you a product or service if you do not understand why you need it.** Comparing vendors' proposals is an easy way to see if certain items are extraneous to the system. One thing vendors like to do is tell you that if you get 'this' product, you can later do 'this'. However, later may never apply to your needs or the intent of the system.

**Do not over-complicate the system.** One of the things often overlooked with these types of systems by vendors is that the users of the technology may not be video or closed-circuit technicians or engineers. You want to have a system that is easy to use and maintain. Remember, when the need arises to use your system, you do not want to find out that your operator or equipment is unavailable. When specifying your system keep in mind who will be operating it and the time required for set-up.

**Do not tell a vendor that you have no idea how to proceed with the project.** Always provide some basis for the vendor to create a system. Some vendors may take advantage of a jurisdiction that has no technical expertise, and the resulting system, although very costly, may not be workable. You can tell your vendors that your operators have little experience with this type of equipment, but do not say that *you* do not. Even if it is the case, you can always ask someone for assistance with the equipment purchase.

**Do not assume that you know everything about the technology.** There is always someone out there who may know a little more than you or have a newer version of a product that can do more.

**Try to use name brands and avoid proprietary equipment.** Companies come and go. If your camera fails, you want to be able to get it serviced or replaced. Proprietary parts lock you into a vendor or manufacturer. You do not want the whole system to be rendered useless because of one part's failure. If something fails, you want to be able to readily replace the item (e.g., a camera with a camera or microphone with a microphone).

**Technology is always changing.** Keep this in mind as you prepare your specifications. Equipment that you specify may be obsolete by the time the purchasing process is through.

**Be open to counter-offers by the vendor.** When you contact your vendors you can give them examples of the equipment's make and model you wish to use in the project. They may suggest alternatives to your equipment due to cost, availability, or features. Ask your vendor to explain why they seek the substitution. If you are not satisfied, tell them so. They are looking to work for you.

**Do not let vendors put off responses to your questions.** If they do not respond to your requests for information promptly before the sale, what will they be like when you require service?

### **Warranties and Support**

Always get any warranties in writing, and read them closely. Most manufacturers only warranty equipment for 30 - 90 days. Some manufacturers carry warranties for 1-3 years or more. Some vendors may offer extended warranties or annual service contracts. This can be a great money saver if the system has a large amount of capital invested for equipment. However, some contracts may actually be more expensive than replacing the warranted part, should it fail.

Here are some questions to ask concerning warranties:

- Does the vendor or the manufacturer warranty the equipment?
- If a problem arises who do you contact and what type of response time is specified?
- Will the vendor provide local repair to equipment or will everything have to be sent out for service?
- Is the vendor an authorized service center for all of the products they are providing? Just because they sell them, does not mean they are authorized to service them.

## **PROJECT PLANNING QUESTIONS**

### ***A Checklist For Videotape:***

- What locations are involved?
- Type of camera/camcorder: VHS, S-VHS, DV, HI-8, etc.?
- What type of room(s) will you be using the equipment in?
- What is the lighting like?
- What kind of noises (inside and outside the room) are evident?
- What type and color of furniture is in the room?
- Who will be operating the equipment?
- How will you “pick up” the audio?
- How many cameras will you need and in what locations?
- Will you use picture-in-picture? zoom lens?
- Will the cameras and microphones be in plain view or hidden?
- What type of recording will you be producing: VHS, 8MM, HI-8, S-VHS, DV, DVcam, Hard Disk, etc.?
- How will the copies be protected?
- Who will maintain custody of the recording?
- How will it be marked and secured?
- Will you be required to provide copies?
- If you are required to provide copies, what are the guidelines?
- How many original copies of the tape should be made at once?

### ***A Checklist For Closed-Circuit Television:***

- Who will control the equipment?
- How will you “pick up” the audio?

- Will the equipment be remote controllable?
- Will the judge have a “cut off” switch? Who else, if anyone, will have access to a cut off switch?
- Where the recording will be located?
- Is the building or room pre-wired?
- How will you wire the room(s)?
- What type of lighting exists?
- What type of noises are in and outside the courtroom and the room the child testifies in?
- What type of furniture is in the room?
- Where will your interviewer and child be in the room?
- Should the system be fixed or portable?
- What is your storage capacity for the equipment?
- Where is the room for the interview? Where will the child testify from and to what location(s)?
- How far away are the locations from each other?
- What are the sizes of the rooms?
- Who is the testimony going to be presented to?
- Where are participants located?
- Who needs to be seen and heard, and by whom? What are the legal requirements for one- or two-way viewing?
- Does the system require a secure communications line from attorney to client?
- What mode of transmission/communication medium will you use?
- How many monitors do you need (judge, jury, defense, prosecutor, victim) and what sizes should they be?
- What type of camera(s)?

- Do you have to record the testimony? If so, what part of the proceedings?
- Who will operate the system?
- Where will the operator be located?
- How many cameras, monitors, and microphones will the system require?
- How will the system be deployed and set-up?
- How long a lead-time will you have to setup the system if needed?
- Who will be responsible for maintaining the system? Who will pay for upkeep? Will there be back-up equipment?

## **GETTING THE SYSTEM INSTALLED**

Once you have received all of the proposals for the system, you must now decide which vendor can provide the best system for your needs. Whether your system is videotape or CCTV, fixed or portable, the task ahead is the hardest.

### **Delivery**

Most purchasing departments will specify a delivery time-frame on a purchase order. If you have included set-up or installation as part of the project, this can complicate the process.

- Installation of equipment in government buildings can be difficult because it may have to be done during off-hours and weekends to allow access to the areas needed for the project. Keep this in mind when working with your vendors.
- If you are just taking delivery of equipment, test it before you sign off on the purchase order for payment.
- Examine all packing slips and invoices against the order. Confirm that you have received all of the equipment you ordered and ensure it is what you ordered.
- Have all of the equipment delivered to one location and put one person in charge of receiving it. This will reduce the chance of lost and/or misplaced equipment.
- Fill out all registration cards for your equipment and log all of the serial numbers. Keep the dates of delivery for each piece of equipment, for warranty purposes.

## Installation

- If your system involves two-way communications and/or installations, your order should include testing, training, and acceptance language.
- Make sure that everything works. Set up a mock situation and do a dry run of the system with and without the vendor present. This will serve to test the system functionality as well as your staff's ability to operate it. Any problems should be addressed with the vendor as soon as possible; hopefully before you sign off on the purchase order.
- Supervise the installation. Do not leave it to the vendor to do unattended. You should know where every cable and connector of the system is located and how it is run from point to point. This will assist you in troubleshooting, repairing, setting up, and operating the system.
- Compare any delivery with the order. You may find that what you received is not always what you ordered. You got the camera, but is it the same one you ordered or is it a different model? CHECK!

## SUPPORT

The type of support you get from your vendor will make your system a pleasure to have or a nightmare. CHECK your vendor's ability to provide adequate support beyond the delivery of the boxes.

Vendors sometime have a way of disappearing after the sale. Take the time to research your vendors for other customers' satisfaction.

**Training Support** Perhaps the most overlooked role of the vendor is to provide adequate training on the operation and maintenance of equipment they have provided, if it is outlined in the award. No vendor is required to provide anything that is not agreed to or dictated in the award. If you do not request training, most vendors will not volunteer it. They will assume that you know what you are getting and how to use it.

**Repair Support** When the equipment fails, you are at the mercy of the vendor. How quickly they respond and fix the problem should be specified in the bid or award.

Where the equipment will be serviced is another issue that vendors tend to gloss over. Most warranties call for the product to be brought to the vendor or service center. That means that it is your responsibility to get the product out of the system and to the servicing location.

Include in your contract a certain amount of on-site service, at least for the first 6 months to a year. Or look for loaner equipment to be provided while the equipment is being

serviced. Another type of service is telephone support. This provides for a technician to walk you through repair or service of a product.

## **SUMMARY**

No matter how you progress through your project or what type of system you are implementing, be specific. Details can make or break an installation. Review all aspects of your project with your prospective users. You do not want any agency to say after the system is implemented “it does not do what was expected” or “it doesn’t work at all”. The time you spend in detail preparations and testing will pay off at the end with a great system. The more information and details you specify for a vendor, the greater your chances of getting what you want and need.

Remember that technology is always changing. Only you and your vendors can make what is currently available work. But you must work together toward that end. Do not be led down the path by an overzealous vendor. If you are not comfortable with the proposal you received from a vendor, ask for assistance reviewing it. Ask questions! Do not be embarrassed to ask technical questions concerning the products or services your vendor is offering.

## **CHAPTER 5**

### **EVALUATING YOUR VIDEOTAPE OR CLOSED-CIRCUIT PROGRAM**

Evaluation can be enormously helpful in sorting out what is working well and what needs improvement. Evaluation provides an excellent opportunity for you to make mid-course revisions to maximize the success of your program. This chapter will answer several questions regarding evaluation. How can evaluation help you? What types of evaluations are there? What videotape or closed-circuit program activities should you evaluate? How do you go about it?

#### **HOW CAN EVALUATION HELP YOU?**

Working collaboratively with law enforcement, child protective services, prosecutors, child advocates, the defense bar, and judges to establish a viable closed circuit/videotape program is hard work. Is it worth it? Evaluating key components of your program is a good way to find out. You may want to address several questions:

- Do you have the right people committed to the videotape or closed-circuit program to make it work?
- Are you achieving your goals for the videotape or closed-circuit program?
- Are the activities producing the desired outcomes?
- Are there unintended negative effects?
- Do the benefits outweigh the costs?
- How can your program be improved?

Evaluation research, also commonly called *program evaluation*, is a systematic method for collecting, analyzing, and using information to answer the type of questions posed above. There are several compelling reasons to evaluate your videotape or closed-circuit program.

#### **1. Evaluations can help determine the strengths and weaknesses of a program.**

Determining early in the program what is working well and what needs improvement can help you forge a successful program. There are a number of strengths and weaknesses you could assess. How well is your program doing in obtaining buy-in from prosecutors, law enforcement, forensic interviewers, child protective services, victim advocates, judges, and the defense? What are the strengths and weaknesses of the equipment you have chosen? Can it be improved? How good a job are you doing in explaining the closed circuit/videotape program to parents and the children? How could it work better

## **2. Evaluation of your closed circuit/videotape program can provide staff with feedback on their efforts.**

Staff want to know if their efforts are making a difference. Evaluation data can provide answers. For example, victim advocates who work with children and their families to prepare them for closed circuit or videotaped testimony will want to know how well the children did during the interview/testimony.

## **3. Evaluation can guide programmatic changes, policies, and laws.**

By evaluating your videotape or closed-circuit program you may find changes are needed in the program protocols, policies within parts of the criminal justice system, or laws regarding when closed circuit/videotape can be used. For example, Memoranda of Understanding (MOUs) may have to be developed regarding confidentiality or how tapes will be stored. Multi-disciplinary teams selected to interview children via videotape may require new positions be created in law enforcement, child protective services, prosecution, and/or other agencies to form such a team. You may find you want to lobby for changes in state law to liberalize the circumstances under which you can introduce closed circuit/videotape testimony in court. By evaluating your strengths and weaknesses, you can improve your program as you go.

## **4. Evaluation findings can be used to apply for more resources to continue or expand the program.**

To maintain and expand your videotape or closed-circuit program, you may need to seek more resources from federal, state, or local sources. Evaluation data can help support the need for more resources while at the same time proving the success of your program to future funders.

## **ARE THERE DIFFERENT TYPES OF EVALUATIONS?**

There are two main types of evaluations to assess your program: *process evaluation* and *impact evaluation*.

### **Process Evaluation**

A process evaluation examines the extent to which a program is operating as intended. It has the following characteristics:

- **Process evaluation has the natural setting as the direct source of the data.** Researchers need to go to the setting being evaluated to understand the context in which the program exists.
- **Process evaluation is descriptive.** The goal is to describe the program rather than to quantify outcomes. In accomplishing that goal, qualitative data (such as interviews with program officials about what they were trying to accomplish and what results they have achieved) and quantitative data (such as the criminal justice outcome when closed circuit/videotape is used) can be useful.

- **Process evaluation is concerned with process rather than with outcomes or products.** Why and how programs work are the key questions.
- **Process evaluators usually analyze their data inductively.** The intent is not to prove or disprove a hypothesis, but to build a picture by putting together pieces of information gathered from a variety of sources and methods.

Process evaluation involves collecting data that describe program operations in detail, including: the types and levels of activities supported by the closed circuit/videotape program, the location of program operations, and staffing; sociodemographic characteristics of participants; the community in which services are provided; and the linkages with collaborating agencies. A process evaluation helps program staff identify needed interventions and/or change program components to improve service delivery. There are several methods to obtain data, including: reviews of case records; reviews of policies, protocols, and procedures; surveys and focus groups of professionals, and clientele; and direct observation.

### **Impact Evaluation**

Impact evaluation involves the systematic application of social research procedures in assessing the utility of a program or activity. What was the impact of your program? An impact evaluation seeks to objectively answer that question through the collection of data. An impact study should be conducted in conjunction with, not in lieu of, a process evaluation. The process study helps ferret out why certain outcomes occurred and how things might be improved. The impact evaluation finds what differences came about because of your program.

Both qualitative and quantitative methods can be used in conducting the impact evaluation.

Interviews are one way of asking about the impact of your closed circuit/videotape program. Structured surveys include closed-ended (multiple choice) questions. Structured surveys work best when you know exactly what questions you want answered, want to quantify responses, and need to maintain consistency across respondents.

In contrast, unstructured surveys contain open-ended questions, and semi-structured surveys contain both open-ended and closed-ended questions. Unstructured and semi-structured surveys are best when you want to explore answers by asking for explanations and reasons for the respondents' answers. With this approach, the interviewer establishes a general direction for the conversation but the flow of information depends on what the person being interviewed has to say. Unstructured, or semi-structured, surveys will help you uncover and understand where the gaps are and what needs improvement, rather than simply quantifying the answers of respondents.

Another approach is to use focus groups to ask about the impact of your closed circuit/videotape program. Focus groups encourage a dialogue among a small group,

usually four to eight people, for no more than two hours. One or two facilitators will run the focus group with the goal of creating a comfortable environment that encourages people to share their thoughts, feelings, and experiences. Unlike surveys, focus groups allow individuals to build upon each other's responses and to discuss a problem. Participant interaction is the defining characteristic of the focus group. People can share ideas and opinions in a non-threatening environment in a dynamic way that is unique to the focus group method.

An important method for impact studies is to review records to find out what happened to cases processed through your closed circuit/videotape program (a sample case outcome tracking form is provided later in this chapter).

### **HOW DO YOU CHOOSE THE RIGHT EVALUATOR?**

When selecting an evaluator, you must decide whether the evaluator will be from outside or inside your planning committee. Often this will be determined by the available resources. Were funds earmarked for an evaluation? How much staff time and resources are available for the evaluation? Are any of your team members or staff at sponsoring agencies experienced in conducting evaluations?

There are both advantages and disadvantages to in-house and outside evaluators. Outside evaluators are objective, experienced, and efficient. They bring independence and non-bias to the project evaluation. But outside evaluators can be expensive and it may take time to educate them on the specifics of the particular program. Local universities and research and consulting firms are good places to look for a qualified evaluator.

In-house evaluators may be less expensive than outside evaluators. In-house planning team members will be more familiar with the program and may have a more knowledgeable perspective to apply to the evaluation. However, the amount of time they can devote to the evaluation and their experience in design and implementation of the evaluation may be limited. Finally, in-house evaluators may not have enough objectivity to fairly evaluate the program.

A good compromise to these two approaches is to hire a consultant to assist an in-house evaluator or assign staff to assist an outside evaluator. This follows from the recommendation in Chapter 2 to hire a qualified researcher to oversee the assessment phase. An outside evaluator might be particularly useful for the design phase of the evaluation as well as the qualitative and quantitative data analysis and interpretation component of the evaluation. However, even if an expert is hired for a particular purpose, it is critical that team members remain involved so they can shape the evaluation in a direction that will lead to useful and practical implications for your program.

Whether you select an outside or in-house evaluator (or a combination of both), you should remain engaged in the evaluation efforts. The evaluator needs to work closely with program staff and other individuals and agencies that work with abused children and their families throughout the evaluation. Develop a written agreement that details the expectations about the evaluation.

Regardless of whether the evaluator is in-house or a consultant, an agreement should be drawn between the evaluator and the organization. The agreement should cover items such as:

- the purpose of the evaluation (or the list of questions to be answered)
- the evaluation plan and methods
- the audience for the evaluation report
- the timeframe of the evaluation
- the payment for services; documentation that needs to be submitted for payment; when payment will be made
- expenses that will be incurred over the course of the evaluation, such as postage and telephone usage
- the format of the evaluation report, an outline of the final products, and the estimated length of the final products
- who will review the final products and how much time the evaluator will devote to making revisions
- who own the data and the results

### **WHAT ASPECTS OF YOUR VIDEOTAPE OR CLOSED-CIRCUIT PROGRAM SHOULD YOU EVALUATE?**

All activities of your videotape or closed-circuit program team may be considered for evaluation. Limited resources will most likely require you to select just a few activities and limit process and impact methods. Below are a few examples of things you may wish to evaluate and suggested ways to do them.

**Sample Evaluation Objective 1: To document how often your videotape or closed-circuit program is used and to develop a tracking plan to determine the outcomes of cases.**

To track cases, a system has to be developed up-front that would allow someone to find out if the case resulted in an arrest, a filing by the prosecutor, and if so, what happened in court. Minimal demographic information (age of the child, type of abuse, and relationship to the offender) would be useful for a process study. A generic tracking form is included at the end of the chapter. It can be used to track the use of your videotape or closed-circuit equipment.

**Sample Evaluation Objective 2: To reduce trauma to children and their families through the use of the videotape or closed-circuit program, and to increase their willingness to participate in the criminal justice process.**

For a sample of cases in which videotape or closed-circuit equipment was used, data could be collected to assess the effects of the program on children and their families. Limited dollars may mean you could only do interviews in a small number of cases but

the larger the number, the more scientific the results. Qualitative data for a small number of cases, rather than the preferred quantitative analysis of a larger number of cases, is better than no data at all. Non-offending parents could be interviewed to ask about the effects on them and their children post-case. Sample questions are:

- Who explained the videotape or closed-circuit program to the parents? Was the closed circuit/videotape program adequately explained to the parents? Did they have questions that were left unanswered? Were the parents surprised about how the closed circuit/videotape program was actually carried out?
- Were the parents relieved that the child did not have to testify live?
- Would they have cooperated with the system if the videotape or closed-circuit program was not available?
- Who explained the videotape or closed-circuit program to the child? Was the closed circuit/videotape program adequately explained to the child? Did the child have questions that were left unanswered? Was the child surprised about how the actual closed circuit/videotape program was carried out?
- Was the child relieved that they did not have to testify live?
- What issues did the child talk with the parent about regarding testifying in live court versus by closed circuit or videotape?
- Does the parent believe the program reduced the trauma to the child and the parents?
- What suggestions do they have to improve the videotape or closed-circuit program to further reduce trauma for other children?

**Sample Evaluation Objective 3: To successfully introduce closed circuit/videotape testimony in court and to achieve fair plea bargains.**

For the sampled cases in which interviews with parents are conducted, interviews with the prosecutor and defense attorney could be done to get their opinion about the use of the equipment. Questions for the interviews might include:

- Did the presence of the videotaped forensic interview convince the defendant to plead guilty rather than going to trial?
- How well did the child do during the videotaped/closed circuit testimony, i.e., was the child able to tell their story?
- What was the visual quality of the recording, i.e., could the child be adequately heard and seen?

- How was the equipment set up? Did set up create any problems from the perspective of any of the parties?
- Based on their experience in this case, what would they like to see changed about the videotape or closed-circuit program?

## **SUMMARY**

This chapter addressed several questions about evaluating the activities of your video or closed-circuit program. It began with a discussion of the reasons why you should conduct an evaluation. Next, it outlined the principles of a qualitative process study versus a quantitative impact study. It made suggestions on how to choose the right evaluator and what team activities would be evaluated. Finally, it presented sample questions to evaluate various aspects of your videotape or closed-circuit program.

**CASE TRACKING FORM**

**CASE IDENTIFICATION INFORMATION**

Case ID # (# to be used is one that will allow tracking through CJS): \_\_\_\_\_

Name of Alleged Perpetrator: \_\_\_\_\_

Name of Alleged Victim: \_\_\_\_\_

Name of prosecutor: \_\_\_\_\_

Name of defense attorney: \_\_\_\_\_

Name of Judge: \_\_\_\_\_

**DATE INFORMATION**

Date of videotaped interview \_\_\_\_\_

Date referred to prosecutor: \_\_\_\_\_

Date of outcome: \_\_\_\_\_

**CHILD INFORMATION**

\_\_\_\_\_ Age of Child    \_\_\_\_\_ Male    \_\_\_\_\_ Female

Relationship of child to perpetrator: \_\_\_\_\_

Type of abuse: \_\_\_\_\_ sexual    \_\_\_\_\_ physical

**REQUESTED \_\_\_\_\_ CCTV    \_\_\_\_\_ VIDEOTAPE BUT NOT USED BECAUSE:**

\_\_\_\_\_ defendant pled guilty

\_\_\_\_\_ child able to testify without it

\_\_\_\_\_ judge would not allow it

\_\_\_\_\_ logistical problems

\_\_\_\_\_ other reason(s): \_\_\_\_\_

**PROSECUTION**

What was available to the prosecutor?    \_\_\_\_\_ videotape    \_\_\_\_\_ closed-circuit    \_\_\_\_\_ both

Was the videotape introduced in court?    \_\_\_\_\_ Yes    \_\_\_\_\_ No    \_\_\_\_\_ N/A (no tape)

If yes, how was it used?:    \_\_\_\_\_ In lieu of testimony    \_\_\_\_\_ To corroborate testimony

If yes, for which proceeding(s) was the tape introduced?:

\_\_\_\_\_ preliminary hearing    \_\_\_\_\_ civil child protection hearing

\_\_\_\_ pretrial hearing      \_\_\_\_ other: \_\_\_\_\_  
\_\_\_\_ trial

Was closed-circuit television used? \_\_\_\_ Yes      \_\_\_\_ No      \_\_\_\_ N/A (no CCTV)

If yes, how was it used?: \_\_\_\_ In lieu of testimony \_\_\_\_ To corroborate testimony

If yes, for which proceeding(s) was closed-circuit used?:

\_\_\_\_ preliminary hearing      \_\_\_\_ civil child protection hearing  
\_\_\_\_ pretrial hearing      \_\_\_\_ other: \_\_\_\_\_  
\_\_\_\_ trial

Type of charges filed: \_\_\_\_\_

Final charges: \_\_\_\_\_

### **CASE OUTCOME**

How was the case disposed?

\_\_\_\_ bench trial with guilty verdict      \_\_\_\_ jury trial with guilty verdict  
\_\_\_\_ bench trial with not guilty verdict      \_\_\_\_ jury trial with not guilty verdict  
\_\_\_\_ plea agreement      \_\_\_\_ nolle prosequi (prosecutor didn't pursue)  
\_\_\_\_ dismissed      \_\_\_\_ other (please  
specify) \_\_\_\_\_

What sentence was imposed?

\_\_\_\_ jail, \_\_\_\_ months      \_\_\_\_ probation, \_\_\_\_ months  
\_\_\_\_ prison, \_\_\_\_ months      \_\_\_\_ restitution  
\_\_\_\_ fine  
\_\_\_\_ court costs      \_\_\_\_ community service  
\_\_\_\_ other: \_\_\_\_\_

## CHAPTER 6 CONCLUSION

The How-To Manual was designed to help your community conduct a needs assessment to determine if you could benefit from a videotape or closed-circuit television program; plan a program; select a vendor; and evaluate your program. It was based on the ABA Center on Children and the Law's 12-year history of evaluating videotape or closed-circuit television programs supported by the Bureau of Justice Assistance. During the last 12 years, we have learned a lot about these programs. Lessons learned include the following.

### **1) Implementation of a closed-circuit television program requires long-term commitment, substantial planning, and buy-in of all involved agencies.**

Sites need sound planning and to be realistic in setting their goals. Chapter 2 talks about the importance of a needs assessment and provides suggestions about conducting one. Planners should work with prosecutors, judges, victim advocates, law enforcement, child advocacy center staff, child protective services agency personnel, and defense attorneys to ascertain levels of support, concerns about the equipment, type of equipment that would be acceptable, and resistance to using equipment. It is important to seek out opportunities to educate criminal justice and social service agency staff about the equipment's potential for reducing trauma to victims.

Strategic planning and buy-in from the many professionals is needed to effectively implement and maintain a videotape or closed-circuit program. Chapter 3 provides suggestions to plan your videotape or closed-circuit program. It is especially important to engage judges in the planning process. Over the years of our evaluation of videotape or closed-circuit programs, it has become eminently clear that judges play a pivotal gatekeeper function. The introduction of a videotaped interview, or the use of closed-circuit technology in court, depends on the judge's decision. The judge is ultimately the person, based on the understanding of the law, whether, when and under what circumstances the testimony may be introduced. Judges need to be confident that the technology will perform well and need to be educated on statutory support of its use. Without that, the testimony will not be allowed.

### **2) Judges, attorneys, and child protective professionals should review their laws to ensure they provide for the use of the equipment in the best way to help victims provide testimony about their maltreatment.**

State laws allowing the use of videotape and closed-circuit testimony vary considerably. In some states the laws are so restrictive, especially regarding the use of closed-circuit technology, that it is almost impossible to use it. Program officials should examine their laws carefully to see if changes are warranted. Comparisons with other state laws might be helpful.

### **3) A dedicated, charismatic leader is needed for the program.**

System change, such as instituting a closed-circuit or video program, is a challenge. In our experience, the programs with the most success were run by someone who truly believed in the importance of these programs for reducing trauma to children and improving the response to these cases. Simply handing a new program to an already overworked person to run *in addition to their regular job* is unlikely to allow the time needed to figure out what equipment is needed, find the right vendor, establish a child-friendly setting for the interview or close-circuit testimony, institute a training program, promote the use of the equipment, and coordinate services to the children and their families.

A leader should be an experienced administrator with expertise in the legal system, working with child victims and witnesses and/or children's issues, and with the authority to influence and implement the video or closed-circuit program. They need to be able to make the necessary operational changes to ensure the success of the initiative, identify and evaluate existing and emerging resources, identify barriers to the effort and the means to overcome them, and be able to negotiate effectively among participating agencies' conflicting interests, bringing them together toward a common goal.

### **4) Determine your equipment needs and carefully select your vendor.**

As stressed in Chapter 4, it is important to determine your needs up-front; consider what legal issues govern the use of equipment in your jurisdiction; get the right people involved from the beginning; find the right location for the equipment; develop an RFP or RLW to select a vendor; work closely with your vendor and ask questions; get warranties in writing and agree to what support your vendor will supply; and establish an installation plan and schedule.

Understand what laws require and assess your building's architectural elements, design and structure, and lighting and noise issues. Also, be prepared for equipment breakdown or operator unavailability, by having back-up equipment and several trained operators.

### **5) Closed-circuit television equipment is used infrequently but plays an important role in reducing trauma to child abuse victims.**

Although we found that closed-circuit equipment is not used often, the number of times the equipment is used cannot be the sole measure of its success. Closed-circuit testimony is narrow by definition. It is intended for the extremely rare case in which a child is too traumatized to testify live in the grand jury or at trial. Most children can be prepared to testify in person. Further, most cases are resolved through plea bargains, not at trial.

The child's trauma can be reduced even if the equipment is not used or the case ends in acquittal. If the defendant realizes that the child will ultimately be able to tell his/her story, he (or she) may decide to enter a guilty plea and eliminate the need for the child to

testify at all. It may help the child tell the story of his/her victimization, regardless of conviction. Finally, it may save a child from the trauma of testifying in person.

Sites considering implementing a closed-circuit program may wish to consider the mobile unit approach. This approach allows for portable equipment, used infrequently in one county, to be shared by many jurisdictions. To increase the use of closed-circuit, sites may also want to explore the feasibility of using the equipment in depositions, at grand jury, or in civil proceedings. Another possibility is extending the use of closed-circuit to young persons who witness child abuse, if legislation permits (or if legislation is expanded).

#### **6) Videotape technology has a broad application and plays a pivotal role in reducing further victimization.**

Videotape equipment has a wider application than closed-circuit equipment. Videotapes can be made of forensic interviews, depositions, and testimony for introduction at preliminary hearings or trial. Videotaping of all forensic interviews is becoming commonplace, with some states requiring it in all cases in which a child alleges abuse. Recording the child's disclosure reduces the number of repeat interviews that needlessly require the child to relive the event again and again.

Videotapes of interviews are frequently shown to the defendant and defense attorney, often resulting in plea bargains. Interview tapes are also used as training tools; interviewers may be critiqued by colleagues, and suggestions made to improve interviewing techniques. Videotape equipment may be stationary or portable, and can be housed in a child advocacy center, courtroom, police department, or prosecutor's office. A child-friendly environment can make it easier for the child to talk about the abuse.

Because of its variety of uses, videotaping can aid in reducing trauma for child molestation victims. However, there are issues to consider before launching a videotape initiative. First, sites should ensure that all interviewers are trained to conduct forensic interviews with child victims of sexual assault. A leading or inappropriate interview can destroy an otherwise solid case. Second, videotape equipment should allow for both close-ups of the victim's facial expressions and a wide-angle view of the room and interviewer. The latter may reduce defense challenges that someone off-camera is influencing the child.

Third, monitoring rooms should be spacious and allow for distraction-free viewing, as well as the ability to communicate with the interviewer. Fourth, protocols should be developed. The protocol should delineate where the interview will take place, who will transport the child and family to the taping location, where the parents of the child will wait while the child is interviewed, how the videotape is to be scheduled, who needs to be present at the taping, who the interviewer will be, who will get copies of the tape, who will be allowed access to the tapes, how it will be stored, how confidentiality will be maintained, and so on.

## **7) Training is essential.**

The highest quality equipment is worthless unless it is used properly by professionals. Training is an important cornerstone to the success of the program. There are three types of training: Legal (federal, state and local statutes and case law on the legal requirements); Technical (how to operate the equipment, including set up, making tapes, etc.); and Forensic Interviewing. Part of the planning process includes deciding which staff members requires each type of training, where to obtain that training, and how often training needs to be updated. Agencies should prepare for the fact that staff trained today may leave the agency tomorrow. Continual training is necessary. Sites should accommodate staff turnover by offering training on a regular basis to new prosecutors, and victim assistance, child protective services and law enforcement staff, forensic interviewers, judges, and defense attorneys. You may also wish to turn to national and local resources for training on how to interview and elicit testimony from young children.

## **8) A well-trained technician to run the equipment is needed.**

The complexity and quality of equipment varied dramatically among the BJA-funded sites. In a few sites, someone simply turned on the equipment, left the room, and returned to turn it off. In these sites, no one was monitoring the quality of the transmission or the sound level. In most sites, someone (a technology support person or a lay person trained to operate the system) monitored the videotape interview or closed-circuit equipment and controlled the zoom in-and-out feature. The latter produced much better results. Adjustments in sound, lighting, and ability to see the child's expressions are often critical to portray the child's demeanor and vulnerable age. Someone needs to be in charge to obtain the best possible view of the child and to let the child's voice be clearly heard.

## **9) Program evaluation is needed.**

Chapter 5 discussed the importance of evaluating your program and provides suggestions on how to accomplish that. An evaluation can help answer the following questions:

- Do you have the right people committed to the closed-circuit/videotape program to make it work?
- Are you achieving your goals for the closed-circuit/videotape program?
- Are the activities producing the desired outcomes?
- Are there unintended negative effects?
- Do the benefits outweigh the costs?
- How can your program be improved?

Without assessment, it is not possible to know if a program is working, or what aspects of a program contribute to, or deflect from, achieving program goals.

**10) Make sure services are provided to abused children and their families should be a top priority.**

Videotaping and the use of close-circuit television are tools that can help reduce trauma to abused children, and may be offered with other services, such as counseling, escorting a child to court, providing an advocate to sit with the child in court, and so on. Whether the person conducting the interview is part of a service delivery system (such as at a child advocacy center) or the criminal justice system (such as at a police station), making sure that the families are offered a wide range of services through a coordinated community level service network must be a priority. Do not lose sight of the ultimate goal of helping vulnerable children and their families while providing the best technology possible. A multi-disciplinary (MDT) approach among service providers, prosecutors, victim advocates, the judiciary, and others involved in these cases is a good way to address the many complexities and needs associated with child abuse victims and cases.

**11) Videotape and closed-circuit programs have resulted in unintended, positive side effects.**

Four unintended benefits of closed-circuit and/or videotape programs have emerged during our evaluation of these programs. First, the process of implementing a closed-circuit or videotape program encouraged professionals from different agencies to talk with each other. This increased understanding of each other's roles. Getting to know each other helped launch these programs and has the side benefit of making it easier to plan for other programs that require multiple agencies to work together.

Second, closed-circuit and videotape training, and especially cross-training of professionals from different agencies, has resulted in increased awareness of the importance of a wide variety of training for criminal justice professionals. It has created an environment in which training is valued and prioritized.

Third, the use of videotape and closed-circuit technology has expanded how professionals think about the value of new technology in the courtroom. Success with videotape and closed-circuit equipment has opened the minds of officials to making use of other technology.

Fourth, the requirement to evaluate their videotape and closed-circuit programs has demonstrated the value of evaluation and encouraged officials to think about evaluating other parts of their criminal justice process and programs.