

THERE WAS NOTHING BUT HER STORY:
PROSECUTION OF ALLEGED CHILD SEXUAL ABUSE OF PRESCHOOLERS

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Avhandlingen för avläggande av filosofie doktorsexamen i psykologi, som med vederbörligt tillstånd av samhällsvetenskapliga fakultetsstyrelsen vid Göteborgs universitet kommer att offentligens försvaras fredagen den 16 november 2018, klockan 10:00 i sal F1, Psykologiska institutionen, Haraldsgatan 1, Göteborg.

Fakultetsopponent: Dr. Theodore Cross, University of Illinois, United States.

Föreliggande uppsats grundar sig på följande artiklar:

- I. Ernberg, E., Tidefors, I., & Landström, S. (2016). Prosecutors' reflections on sexually abused preschoolers and their ability to stand trial. *Child Abuse & Neglect*, 57, 21–29. doi: 10.1016/j.chiabu.2016.06.00
- II. Ernberg, E., Magnusson, M., & Landström, S. (2018). Prosecution of child sexual abuse cases involving preschool-aged children: a study of Swedish cases from 2010 to 2014. *Journal of Child Sexual Abuse*, 27, 832-851. doi:10.1080/10538712.2018.1501786
- III. Ernberg E., Magnusson, M., & Landström, S. Prosecutors' experiences investigating alleged sexual abuse of preschoolers. *Manuscript submitted for publication.*



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Ernberg, E. (2018). *There was nothing but her story: Prosecution of alleged child sexual abuse of preschoolers*. Department of Psychology, University of Gothenburg, PO Box 500, SE-405 30 Gothenburg, Sweden. E-mail: emelie.ernberg@psy.gu.se

Investigating and prosecuting cases of alleged sexual abuse against young children is a challenge for legal practitioners worldwide. In Sweden, a prosecutor is in charge of both the preliminary child sexual abuse (CSA) investigation and the decision of whether or not to prosecute the case. The aim of this thesis is to shed a light on prosecutors' experiences of and decision making in CSA cases involving preschool-aged children. **Study I** investigated prosecutors' experiences of preparing for and prosecuting such cases. Specialized child prosecutors (6 women, 3 men) took part in either individual interviews or focus groups. The transcripts were analyzed thematically. The prosecutors said that children's evidence was sometimes held to an adult standard and that children who expressed emotion could be perceived as more credible than their less expressive counterparts. Investigative interviews were reported to sometimes fail to meet the needs of the youngest children. **Study II** examined differences between prosecuted and discontinued cases of alleged sexual abuse of preschoolers. Data from Swedish criminal cases of alleged sexual abuse of children aged 2–6 were analyzed ($N = 130$). Prosecuted cases were more likely to contain forensic evidence (documentation of abuse, corroborative DNA evidence, a corroborative medical examination) or a confession from the suspect, while such evidence was not available in any of the discontinued cases. Cases were also more likely to be prosecuted if they involved older children, multiple alleged victims, and investigative child interviews. Cases were more likely to be discontinued if there were ongoing custody disputes between parents, if the child, prior to the abuse, had been placed in foster care, and if the alleged victim was a boy. In **Study III** Swedish prosecutors specialized in managing cases involving children ($N = 94$) took part in a national survey regarding their work with alleged sexual abuse against preschoolers and their experiences of collaborating with police and Child Protective Services (CPS). Their responses, which were analyzed using quantitative and qualitative (thematic analysis) methods, showed that cases of alleged sexual abuse against preschoolers are particularly challenging for prosecutors, mainly because they often lack corroborative evidence and eliciting and evaluating testimony from very young children is problematic. Around one third of the prosecutors reported that the clash of views between CPS and prosecutors was a potential source of conflict, and that an ongoing CPS investigation could negatively affect the criminal investigation. The quality of the investigative child interview was described as paramount to the investigation and as something that could be affected both by the interviewer and police resources. The results of these three studies suggest that prosecutors working on cases of alleged CSA against young children are faced with challenges related to obtaining evidence and evaluating testimony from preschoolers, the involvement of CPS, custody disputes, and lack of corroborating evidence. More expertise in child interviewing and in evaluating children's testimony, improved collaboration with CPS, and investigations of alleged CSA using a hypothesis-testing approach could contribute to prosecutors' work with these investigations.

This research was financially supported by a grant from The Research Council for Health, Working Life and Welfare (Forskningsrådet för Hälsa, Arbetsliv och Välfärd, FORTE) (ID: 2013-1533) awarded to Dr. Sara Landström, University of Gothenburg.