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## Prosecutors' experiences investigating alleged sexual abuse against pre-schoolers

Emelie Ernberg, Mikaela Magnusson and Sara Landström 

Department of Psychology, University of Gothenburg, Gothenburg, Sweden

### ABSTRACT

Investigating and prosecuting cases of alleged child sexual abuse is challenging, especially if the report concerns a young child. The present study aimed to examine prosecutors' experiences investigating and prosecuting cases of alleged sexual abuse of pre-schoolers. Ninety-four Swedish child abuse prosecutors participated in a 2017 national survey regarding their work with these cases and their experiences collaborating with police and Child Protective Services (CPS). Their responses were analysed using both quantitative (descriptive and inferential statistics) and qualitative (thematic analysis) approaches. The prosecutors described difficulties eliciting and evaluating testimony from the youngest children, alongside a lack of corroborative evidence, as the main challenges in investigating cases of alleged sexual abuse of pre-schoolers. Some prosecutors reported that an ongoing CPS investigation could negatively affect the criminal investigation. Furthermore, the quality of the investigative child interview was described as paramount to the investigation and as something that could be affected by the interviewer as well as the resources available to the police. Suggestions for future research and potential practical implications for CSA investigations involving pre-schoolers are discussed.

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More than 3000 cases of suspected child sexual abuse (CSA) were reported to the Swedish police in 2018 (BRÅ, 2019). The majority of these cases are investigated at a Barnahus (Children's House), a premise where prosecutors, police, Child Protective Services (CPS), and sometimes psychologists and medical doctors, work with criminal cases involving children (Johansson, Stefansen, Bakketeig, & Kaldal, 2017). Inspired by American Children's Advocacy Centres, the Scandinavian Barnahus model aims to gather professionals involved in the investigation under the same roof to facilitate cooperation across disciplines and enhance children's experience of the legal process (NCAC, 2019). Investigating and prosecuting cases of alleged CSA remains a challenge for legal practitioners worldwide, especially if the report concerns a preschool-aged child (Ernberg, Tidefors, & Landström, 2016). While the definition of a pre-schooler may vary internationally, children in Sweden are viewed as pre-schoolers between the age two to six. The present study

**CONTACT** Emelie Ernberg  [emelie.ernberg@psy.gu.se](mailto:emelie.ernberg@psy.gu.se)  Department of Psychology, University of Gothenburg, P.O. Box 500, SE 405 30 Gothenburg, Sweden

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aimed to examine prosecutors' experiences investigating and prosecuting cases of alleged CSA of pre-schoolers using a nation-wide survey.

### ***The Prosecutor's role***

In Sweden, prosecutors play an important part in the investigation of criminal cases involving children. When a case of alleged CSA is reported to the police, it is immediately handed over to a prosecutor, who is in charge not only of deciding whether to prosecute the case but also of the criminal investigation (Prosecution Development Centre, 2016; The Swedish Code of Judicial Procedure Chap. 23 §3). Prosecutors working with CSA cases are offered specialization training through the Prosecution Authority in the form of three one-week courses. Besides from relevant legal training, these courses consist of lectures on forensics, child interviewing, and one day of developmental psychology (Prosecution Development Centre, 2016).

The prosecutor in charge of the investigation works with the police and oftentimes CPS during the criminal investigation. Among other things, the police are responsible for interviewing the alleged victim, suspect, and witnesses, under the guidance of the prosecutor. Children who are alleged victims of abuse should be interviewed within two weeks of the case being reported to the Swedish police (Prosecution Development Centre, 2016). However, many investigations do not meet these standards and in a recent official report by the Swedish Prosecution Authority, many prosecutors reported that there were not enough trained child interviewers to interview all children within the two-week time frame (Swedish Prosecution Authority, 2016). Another important aspect of police interviews with children is that Sweden uses the so-called Nordic Model for children's testimony and children under the age of 15 do not testify in court. Instead, their video recorded investigative interview(s) from the criminal investigation are presented as evidence in court (Mykleburst, 2017). CPS on their part, often conducts a separate investigation regarding the child's need for support and protection. The CPS conducts their investigation separately, and can thus conduct their own investigation even if the prosecutor decides not to pursue a criminal investigation. Still, the prosecutor, police, and CPS are expected to collaborate in cases where a child is suspected to be the victim of a crime (Johansson, 2011). Here, it should be noted that while the Police and Prosecution Authorities are single, national authorities, CPS is municipally based.

Prosecutors are not only major actors in CSA investigations, but also gatekeepers in deciding which cases are tried in court. In Sweden, the majority of reported cases are not litigated in criminal court, and only around 10–15% of all reported cases of alleged CSA are prosecuted (Diesen & Diesen, 2013). Prosecutors operate under high stakes, as prosecuting actual cases of CSA comes with benefits such as hindering guilty perpetrators from reoffending and protecting the child and other potential victims from further harm (Kendall-Tackett, Williams, & Finkelhor, 1993; Paine & Hansen, 2002). Prosecuting cases where no abuse has occurred, however, put suspects at risk of wrongful conviction (Diesen & Diesen, 2013). Therefore, it is not surprising that substantial evidence such as photo or video documentation of the abuse, DNA traces, or injuries consistent with abuse, alongside with a confession from a suspect, are major predictors of prosecution (e.g. Brewer, Rowe, & Brewer, 1997; Cross, De Vos, & Whitcomb, 1994; Ernberg & Landström, 2016; Walsh, Jones, Cross, & Lippert, 2010). Still, a large portion of CSA cases

lacks strong corroborative evidence (Heger, Ticson, Velasquez, & Bernier, 2002; Walsh et al., 2010). The Swedish legal process is characterized by free presentation and evaluation of evidence, and therefore, what can be presented as evidence in court is not regulated by law (SCJP Chap 35 §1).

### ***Corroborative evidence***

A number of studies have provided descriptive data regarding the prevalence of corroborative evidence in Swedish CSA cases. As stated previously, a suspect confession is likely to contribute to the prosecutor's decision. In Sweden, suspect confessions only occur in approximately 5% of police investigations concerning alleged CSA (Diesen & Diesen, 2013), compared to approximately 30% in prosecuted CSA cases (Magnusson, Ernberg, Landström, & Granhag, 2018). DNA traces and corroborative medical examinations are rare, even in CSA cases that are brought to court. A recent Swedish study of CSA cases involving children under the age of 7 reported that strong corroborative evidence (most commonly photo- or video documentation of the abuse [16%], followed by DNA traces [9%], or injuries consistent with abuse [4%]) was available in 26% of prosecuted cases and in none of the cases where the investigation had been discontinued by the prosecutor (Ernberg, Magnusson, & Landström, 2018). The ability to identify corroborative evidence is dependent on the investigatory procedure, and it should be noted that the majority of children (around 80%) in the aforementioned study, did not receive a medical examination, regardless of prosecution status. Other types of corroborative evidence, such as hearsay testimony from a person the child disclosed to or testimony about the child's behaviour, are far more common in Swedish CSA cases but have a lower evidentiary value (Magnusson et al., 2018).

### ***Pre-schoolers' testimony***

While strong corroborative evidence may be paramount to prosecutors' decision-making, several factors beyond the presence of evidence have been shown to predict prosecution. Several studies have shown that CSA cases involving pre-schoolers are less likely to be prosecuted, compared to cases involving older children (Brewer et al., 1997; Bunting, 2008; Cross et al., 1994; Patterson & Campbell, 2009). A number of factors could help explain this finding. One such factor is pre-schoolers' testimony. Pre-schoolers are less likely than school-aged children to disclose sexual abuse during an investigative interview (Leach, Powell, Sharman, & Anglim, 2017; Lippert, Cross, Jones, & Walsh, 2009). While not all children who are interviewed during a criminal investigations are actually victims of a abuse, an abused child not disclosing abuse can be due to a number of reasons such as them being too young to understand what has happened, limited language skills, feelings of guilt and shame, loyalty towards the perpetrator and being pressured to keep the abuse a secret. (e.g. Goodman-Brown, Edelstein, Goodman, Jones, & Gordon, 2003; London, Bruck, Ceci, & Shuman, 2005; Magnusson, Ernberg, & Landström, 2017).

Even if pre-schoolers do disclose the abuse, eliciting and evaluating testimony from the youngest children is challenging and require knowledge about the developmental underpinnings of their ability to remember and retell past experiences. From around age three or four, children can provide complete and accurate testimony under the right

circumstances (Goodman & Melinder, 2007; Gordon, Baker-Ward, & Ornstein, 2001; Hershkowitz, Lamb, Orbach, Katz, & Horowitz, 2012). Thus, given that the questions asked are open-ended, age-appropriate, and not leading, children can be highly accurate in their accounts, although the youngest children may require additional support in the form of more focussed questions (Hershkowitz et al., 2012). Needless to say, young children cannot be expected to remember and recount an event the same way an adult could. Memory development does have implications for how and what we can expect children to remember and testify about. Compared with older children and adults, pre-schoolers have limitations to virtually all aspects of memory (Malloy & Quas, 2009). Their limited memory capacity means that pre-schoolers typically give briefer testimonies that are less rich in detail than those of older children and adults (Eisen, Qin, Goodman, & Davis, 2002; Goodman & Melinder, 2007). Children's ability to describe abuse can also vary depending on whether the abuse is repeated, or a single, isolated incident. Memories of repeated events differ from memories of one-time events because memories of repeated events are often stored in scripts, containing a general description of how they typically play out. Script-based memories contain fewer details, especially in pre-schoolers and their testimonies of repeated abuse can come across as vague and general (Poole, Brubacher, & Dickinson, 2015). Moreover, in cases of repeated abuse, the child is likely to be asked about how many times the abuse occurred. Pre-schoolers often have a limited grasp of time and numerals, and children this age will typically not be able to provide such information (Saywitz, 2002).

### ***Child protective services and abused children's family situation***

In many jurisdictions, CPS is involved in one way or another in criminal investigations of CSA and such involvement has been related to concerns about CPS adversely affecting the criminal investigation (Cross, Finkelhor, & Ormrod, 2005). Previous research has demonstrated that certain CPS actions are related to lower prosecution rates. The child being placed outside the home by CPS has been associated with a decreased likelihood of prosecution (Cross, Martell, McDonald, & Ahl, 1999; Ernberg, Magnusson, Landström, & Tidefors, 2018). This finding is especially problematic as families where CSA allegations surface might at times be multi-problem families (Jones & Ramchandani, 1999). Martell (2005) suggested that the somewhat surprising relationship between child placement and prosecution may, in part, be due to CPS involvement alerting the suspect of the allegations and potentially giving them the opportunity to destroy evidence or prepare a cover story. Another explanation could be that foster care placement can protect the child from further abuse, thus making the case less urgent in the eyes of legal professionals (Martell, 2005).

Other factors related to the child's home life may also affect prosecutors' decision-making in CSA cases. The majority of CSA is perpetrated by someone known to the child (e.g. Magnusson et al., 2018). This person can be a family member or another person who has regular access to the child. In Sweden, a majority of children spend part of their weekdays with other persons than their family members as parents and children have universal access to preschool, and 95% of children ages 3–5 are estimated to attend (National Agency for Education, 2013). Cases of extra-familial abuse may differ from cases of intra-familial abuse in that children are more likely to disclose abuse

perpetrated by an acquaintance than a family member (Ullman, 2007) and that corroborative evidence in the form of injuries or DNA are more likely to be present (Magalhães et al., 2009). Although the cases are hardly representative, it is worth noting that in a study of corroborated cases of CSA of pre-school-aged children, 36% of the children had been abused in a preschool-setting (14% had been abused by a parent or stepparent; Magnusson et al., 2018). Investigations of intra-familial abuse may be especially challenging for other reasons as well. Previous research has for example found that cases where there is an ongoing custody dispute between the child's parents are less likely to be prosecuted (Brewer et al., 1997; Ernberg et al., 2016).

### **The present study**

CSA cases involving pre-schoolers have been described to be especially difficult to investigate and prosecute (Brewer et al., 1997; Bunting, 2008; Ernberg et al., 2016; Patterson & Campbell, 2009). Several factors, such as corroborative evidence, aspects of the child's testimony, an ongoing custody dispute, and involvement from CPS – may affect the investigation and the prosecutor's decision (Brewer et al., 1997; Cross et al., 1999; Ernberg & Landström, 2016). The aim of the present study was to contribute to the current body of research concerning prosecution of CSA cases involving pre-school-aged children by examining prosecutors' experiences with these cases using a nation-wide survey. We also aimed to explore prosecutors' experiences collaborating with the police and CPS using both quantitative and qualitative analytical approaches.

## **Method**

### **Procedure**

Data collection took place in the fall of 2017. The survey was conducted online using Qualtrics software. Through the Prosecution Development Centre in Gothenburg, we obtained anonymized email addresses (i.e. e-mail addresses without the prosecutors' names visible) to all prosecutors currently employed at the Swedish Prosecution Authority ( $N = 913$ ). An email was distributed to all email addresses containing a link to the survey, alongside with an information letter describing the aim of the study (i.e. to investigate prosecutors' decision-making in, and experiences of working with, CSA cases) and the respondents' ethical rights. All participants stated that they had read the information in the cover letter and gave their informed consent to participate in the survey. A reminder e-mail was sent out after two weeks, and the survey was open for responses for a total of 4 weeks.

The survey consisted of two parts, the second of which was conducted for the current study. The first part of the study concerned prosecutorial decision-making and was open to all active prosecutors in Sweden. The second part, which is of relevance to the present study, was only open to prosecutors who had experience working with child cases. At the end of the first part of the survey, the participants were asked about their experience working with child cases. The following four options were given: 1) *I have never, and am not currently, working with child cases*, 2) *I have only handled child cases while on call*, 3) *I have previously worked with child cases, but I am not currently doing so* or 4) *I am currently working with child cases*. The participants who stated that they were currently or had

previously worked with, child cases, were sent to the second part of the survey ( $n = 98$ ), while the others ( $n = 42$ ) were thanked for their time.

### **The survey**

The survey concerned four broad areas: i) challenges in cases of alleged CSA involving pre-schoolers, ii) the child interview and collaboration with police, iii) CPS investigations and collaboration with CPS and iv) training in managing CSA cases. The survey also contained questions about the participants' experience working with child cases as well as demographic questions regarding participant age, gender, and years of experience as a prosecutor.

In the part regarding experience working with child cases, participants were asked to estimate the number of criminal cases involving children they had handled. They were also asked to estimate how many CSA cases involving pre-schoolers they had handled. The estimates were done by selecting a set number of cases (e.g. 0, 1–5, 6–20, 21–40, 41–80, more than 80). This was followed by an open-ended question in which they were asked to openly reflect upon *the biggest challenges investigating and prosecuting cases of alleged CSA of preschool-aged children*.

To understand prosecutors' experiences of collaborating with police and CPS in criminal investigations, the participants were asked to rate how well they felt the collaboration with each authority went using 5-point Likert scales (1 = *very poorly*, 2 = *Poorly*, 3 = *neither poorly nor well*, 4 = *well*, 5 = *very well*). Those who stated that they had reviewed police interviews with children and/or investigations from CPS were also asked to rate the quality (as defined by the prosecutor) of these interviews and/or investigations on 5-point scales (1 = *very poor quality*, 2 = *poor quality*, 3 = *neither poor nor high quality*, 4 = *high quality*, 5 = *very high quality*). The ratings were followed by open-ended questions in which the participants were asked to elaborate on their i) *experiences collaborating with the police and the quality of the child interviews* and ii) *their experiences collaborating with CPS and the quality of CPS investigations*.

To gain a better picture of the training the prosecutors had gone through, they were presented with the courses offered by the Prosecution Authority to prosecutors working with child cases: *Child Abuse: Introductory Course*, *Child Abuse: Intermediary Course Physical Abuse* and *Child Abuse: Intermediary Course Sexual Abuse*, and asked to select the ones they had taken. The participants were thereafter asked if they felt that the courses and training had given them sufficient knowledge to work with CSA cases involving preschool-aged children.

At the end of the survey, the prosecutors were thanked for their time and given the contact information to the authors for further questions.

Please see the supplementary material for a copy of the survey instrument.

### **Participants**

A total of 140 prosecutors (15% response rate) participated in the first part of the survey, out of which 98 (70%) stated that they had experience working with child cases, and 94 (67%) had experience with CSA cases involving preschool-aged children. Hence, 94 experienced child abuse prosecutors (60 female, 34 male) participated in the current study.

**Table 1.** Number of Cases Managed and Training Completed by the Prosecutors.

	Number of cases managed					
	1–5	6–10	11–20	21–40	41–80	>80
Child cases total	-	-	11%	6%	23%	60%
CSA cases involving a pre-schooler	17%	21%	17%	19%	14%	12%
	Training in working with child cases					
	Yes			No		
Child abuse: Introductory course	64%			46%		
Child Abuse: Intermediary Course	40%			60%		

Thirty-nine (41.5%) had previously worked with child cases but had moved on to other types of cases, and 55 (58.5%) were currently working with child cases. The prosecutors were from 30–64 years old ( $M = 44.5$ ,  $SD = 8.6$ ). They had between 1 and 35 years of experience as prosecutors ( $M = 13.4$ ,  $SD = 8.9$ ). Descriptive statistics on the number of cases handled by the prosecutors, and the training they had completed at the time of the study, can be seen in Table 1.

## Analyses

### Quantitative analyses

The quantitative data were analysed descriptively as well as with paired samples *t*-tests and logistic regression analyses.

### Qualitative analysis

To gain a broader understanding of prosecutors' experiences working with cases of alleged sexual abuse of pre-schoolers and their experiences collaborating with police and CPS, we analysed the responses to the open-ended questions using data-driven thematic analysis (Braun & Clarke, 2006). In the first step, the first two authors separately read the responses to each of the three open-ended questions (*Challenges in CSA investigations; the child interview and collaboration with police; CPS investigations and collaboration with CPS*). Code labels that closely matched the content of the responses were created (see Miles & Huberman, 1994). Initial code labels related to *Challenges working with cases of alleged CSA of preschool-aged children* were, for example, *a lack of corroborative evidence* and *an ongoing custody dispute*. The initial code labels created by the authors were then cross-compared and merged. Any disagreements were solved through discussion and checked against the original data to confirm that the codes closely reflected the prosecutors' responses.

A preliminary thematic structure, including themes and sub-themes, was created and agreed upon by all authors. The first author thereafter recorded all responses after the new thematic structure to ensure that the themes and sub-themes reflected the original material. Each response could be coded into one or several themes. Responses that concerned topics beyond CSA investigations involving pre-schoolers (e.g. internet crimes or honour-based crimes) were not coded. General statements that only repeated the information given in previous questions, for example, *'the interviews are of high quality'*, without elaborating on how or why were not coded. To ensure the reliability of the classification system, an independent researcher read and coded 20% of the responses after the



thematic structure. Agreement was calculated at  $k = .85$  for *Challenges in CSA investigations*,  $k = .85$  for *Child interview and collaboration with police* and  $k = .83$  for *CPS investigations and collaboration with CPS*, indicating a strong level of agreement (McHugh, 2012). Again, disagreements were resolved through discussion and checked against the original data. Lastly, the first author translated quotations to exemplify the qualitative results.

## Results

### Quantitative analyses

The prosecutors were asked to rate their experience collaborating with the police and CPS. For descriptive statistics of these ratings, see Table 2.

To examine if the prosecutors' ratings of the collaboration with CPS differed significantly from their ratings of the collaboration with police, a paired samples t-test was conducted. The ratings of the collaboration with police ( $M = 4.17$ ,  $SD = .65$ ) were significantly higher than ratings of the collaboration with CPS ( $M = 3.43$ ,  $SD = .72$ ),  $t(80) = 9.04$ ,  $p < .001$ .

The prosecutors were also asked to rate the general quality of investigative interviews with children conducted by police employees, as well as the quality of CPS investigations they had examined. These ratings can be found in Table 3. Due to the different natures of investigative interviews and CPS investigations, no statistical test was conducted to compare these ratings.

### Qualitative analyses

#### Challenges working with CSA cases

Eighty-seven (93%) prosecutors elaborated on challenges investigating cases of alleged CSA involving pre-schoolers. The responses were sorted into three main themes: *Pre-schoolers' testimony*, *Difficult situations*, and *High legal standards*. Each of these main themes was further sorted into sub-themes to further improve the structure. An overview of the themes and their sub-themes are presented in Table 4.

**Pre-schoolers' testimony.** Factors relating to young children's ability and motivation to give testimony about the abuse allegations, were central in the prosecutors' descriptions of challenges in investigating alleged CSA against preschool-aged children. The prosecutors brought up issues relating to developmental aspects of pre-schoolers' testimony, as well as the young children's difficulties disclosing abuse.

**Table 2.** Prosecutors' Ratings of Collaboration with Police and CPS.

Quality of collaboration	Organization	
	Police ( $n = 94$ )	CPS ( $n = 81$ ) <sup>a</sup>
Very poor	-	-
Poor	1 (1%)	7 (9%)
Neither good nor poor	8 (9%)	36 (44%)
Good	55 (58%)	34 (42%)
Very good	30 (32%)	4 (5%)

Note. <sup>a</sup>Number of prosecutors who stated they had experience collaborating with CPS in CSA investigations.

**Table 3.** Prosecutors' Ratings of the Quality of Police Investigative Interviews with Children and CPS Investigations.

Quality	Organization	
	Police investigative interviews (n = 94)	CPS investigations (n = 88)*
Very low	-	-
Low	-	11 (13%)
Neither high nor low	20 (22%)	61 (69%)
High	67 (70%)	15 (17%)
Very high	7 (8%)	1 (1%)

\*Number of prosecutors who stated they had experience examining CPS investigations.

**Developmental limitations.** Pre-schoolers' limited language, memory abilities, and understanding of their experiences were cited as major challenges in investigating CSA allegations concerning these young children. More than one-third (42%) of the prosecutors discussed challenges related to pre-schoolers' ability to tell about incidences of sexual abuse.

Several prosecutors described how pre-schoolers' difficulty pinpointing the timing and duration of abuse could complicate the investigation.

These children may have difficulties describing an entire chain of events. If it has happened several times it is difficult for them to keep the different incidences apart, it is hard for them to explain when something allegedly happened (Prosecutor 1; has handled more than 80 child cases and 21–40 CSA cases involving a pre-schooler).

A number of prosecutors described pre-schoolers' limited language skills as a factor that made it difficult to interpret and understand their testimony. Statements from young children can be ambiguous and difficult to interpret. Identifying exactly what the child's statement means is an important, but challenging, part of investigating alleged abuse against pre-schoolers.

Children's ability to describe an event depends on their developmental level. They do not know the anatomical terms the way adults do, which makes it difficult to know what a child means if they say that an adult "fiddled with my bum", it can, but does not have to, be a sex crime (Prosecutor 2; has handled more than 80 child cases and 11–20 CSA cases involving a pre-schooler).

In addition to the challenges outlined above, pre-schoolers' vulnerability to suggestions means that investigators need to consider the possibility of social influence on their testimony. A number of prosecutors described how this could lead to difficulties knowing whether a pre-schooler described something they had actually experienced or something they had been influenced to tell.

**Table 4.** Themes and Sub-themes Concerning Challenges Investigating Cases of Alleged CSA Involving Preschoolers.

Theme	Sub-theme	n
Pre-schoolers' testimony	Developmental limitations	37 (42%)
	Difficulties to disclose	12 (14%)
Difficult situations	Complicated family situations	8 (8%)
	Insufficient resources	4 (5%)
High legal standards	Evidential requirements	48 (55%)
	Requirements on children's testimony	19 (22%)

Pre-schoolers' testimony does not suffice the way it would if it had been an older child. It is more about interpretation and potential sources of error that might have affected them (Prosecutor 3; has handled 21–40 child cases and 6–10 CSA cases involving a pre-schooler).

**Difficulties to disclose.** Another frequently discussed challenge relating to pre-schoolers testimony was their struggle to disclose abuse. Fourteen percent of the prosecutors brought up factors that could make it difficult for a young child to disclose abuse. This could, for example, be due to a close relationship with the suspect.

Children are unwilling to tell. In cases where the abuse was documented, it becomes clear that the child tells very little compared to what has actually happened. In cases where the suspect is someone close to them, they have loyalties that affect their willingness to tell; it is easier if the perpetrator is an unfamiliar person (Prosecutor 1; has handled more than 80 child cases and 21–40 CSA cases involving a pre-schooler).

According to the prosecutors' experiences, children who were victims of sexual abuse could have an even harder time disclosing than children who were victims of other types of crimes. Feelings of shame were described as another factor that could make it difficult for a child to tell.

It is difficult to get them to tell, even more than when it concerns physical abuse because they are ashamed (Prosecutor 4; has handled more than 80 child cases and 6–10 CSA cases involving a pre-schooler).

**Difficult situations.** According to the prosecutors, certain circumstances could further complicate investigations of CSA against young children. Conflicts between the suspect and others close to the child could present an obstacle in the investigation, and a lack of resources could mean that children's needs were not always met.

**Complicated family situations.** Eight percent of the prosecutors discussed factors related to the child's family, home life, and living situation. A custody dispute or other conflict between the suspect and the person who made the police report was brought up as something that could complicate the criminal investigation. For example, an ongoing custody dispute could motivate false allegations of abuse.

There is often a custody dispute in the background. A conflict between the parents does not mean that the abuse never took place, but it still needs to be proved that the testimony was not "planted" (Prosecutor 5; has handled more than 80 child cases and 11–20 CSA cases involving a pre-schooler).

**Insufficient resources.** Limited resources available to the investigation could make certain cases difficult to investigate, according to five percent of the prosecutors. Special needs, such as the need for an interpreter, could not always be met adequately.

The limited resources are a huge problem. I experience challenges in environments where Swedish is not the first language. Interpretation of child interviews over the phone is often necessary, and it significantly decreases the quality (Prosecutor 6; has handled 21–40 child cases and 21–40 CSA cases involving a pre-schooler).

**High legal standards.** According to the prosecutors, one of the main challenges in CSA investigations involving young children was meeting the high legal standards required for a defendant to be found guilty beyond reasonable doubt. A lack of corroborating

evidence, as well as high standards for evaluating children's testimony, was brought up by a large number of prosecutors.

**Evidential requirements.** A lack of corroborating evidence was the most frequently cited challenge in working with cases of alleged sexual abuse of pre-schoolers, and more than half of the prosecutors (58%) raised this issue. Sexual abuse cases were described as often lacking strong corroborative evidence, and the type of evidence that was more frequently available, as not strong enough.

There is rarely any technical evidence, there are no direct witnesses, and the child does not have any injuries. Usually, some limited corroborative evidence is available, witnesses who are close to the child who can provide some vague information. This is, however, not enough to prove that abuse has taken place (Prosecutor 7; has handled more than 80 child cases and more than 80 CSA cases involving a pre-schooler).

The type of evidence available in sexual abuse investigations was often described as ambiguous. Behavioural evidence, for example, could be interpreted in several ways.

As in most child cases, the main problem is the lack of corroborative evidence. The type of corroborative evidence available in sex crimes can usually be interpreted in several ways. A change in a child's behaviour may be due to parental separation or that something else has happened. Sexualized behaviour may be due to the child being of a specific age (Prosecutor 8; has handled more than 80 child cases and 11–20 CSA cases involving a pre-schooler).

**Requirements on children's testimony.** More than 20% of the prosecutors brought up the standards of evaluating children's testimony in court in their discussion on challenges investigating alleged CSA against young children. According to some prosecutors, holding young children's testimony against the same standards as the testimony of an adult, meant that judges had unreasonable expectations on their ability to express themselves.

To make the court understand that we cannot require young children to give their testimony the same way an adult would, with regards to for example time and location, free from exaggerations and so on. For example – if a child says "it happened a thousand times" – then the court will consider this to be not reliable, while I see it as a young child's way of expressing that it is something that has happened frequently (Prosecutor 9; has handled more than 80 child cases and more than 80 CSA cases involving a pre-schooler).

Other prosecutors argued on the other hand that the high standards against which children's testimony were evaluated were necessary.

The fact that I, and even the court, know what children of different ages and perhaps with different diagnoses, can tell about, does not affect the very high standard of evidence required. Nor do I think that these standards should be lowered (Prosecutor 10; has handled more than 80 child cases and more than 80 CSA cases involving a pre-schooler).

**The child interview and collaboration with the police.** To reiterate, the prosecutor is in charge of the criminal investigation in cases of alleged CSA. They work together with the police, who, among other things, conduct the investigative interview(s) with the child. These interviews can be overseen by the prosecutor. To better understand the prosecutors' ratings of the collaboration with police and the quality of investigative interviews conducted by police employees, the prosecutors' answers to the open-ended question on *Experiences*

**Table 5.** Themes and Sub-themes Concerning Experiences Collaborating with the Police and the Quality of the Child Interviews.

Theme	Sub-theme	<i>n</i>
Competent interviewers	The importance of experience	6 (15%)
	The importance of personal skills	5 (13%)
	Paramount to the investigation	5 (13%)
Organizational limitations	A lack of resources	7 (18%)
	Employee turnover	7 (18%)

*collaborating with the police and the quality of the child interviews* were analysed using thematic analysis. Thirty-nine (41%) prosecutors elaborated on this question and their responses were sorted into two main themes: *Competent interviewers* and *Organizational limitations*. Each of these main themes was further sorted into sub-themes to further improve the structure. An overview of the themes and their sub-themes is presented in [Table 5](#).

**Competent interviewers.** What made a skilled child interviewer was discussed by a number of prosecutors, and both experience and personal skills were cited as important. The importance of a skilled interviewer to the success of the investigation was also discussed by some prosecutors.

**The importance of experience.** Experience conducting interviews with children was emphasized and several prosecutors described how the interviewers' skills increased with their experience.

The child interviewers are generally humble, skilled, and perceptive. With time and experience, they learn what works and what does not (Prosecutor 11; has handled more than 80 child cases and 11–20 CSA cases involving a pre-schooler).

**The importance of personal skills.** According to some prosecutors, the quality of the interview was also affected by the personality of the police conducting the interview. Interviewing children in legal settings was described as difficult, and personal skills such as social aptitude as essential aspects of being a skilled interviewer. The interviewers' personality could also affect which type of interviews they were most suited for, according to one prosecutor.

It is a difficult task, and not everyone is up to it, sometimes due to limited social skills // Some are better at interviewing teenagers, others, little ones (Prosecutor 12; has handled more than 80 child cases and 11–20 CSA cases involving a pre-schooler).

**Paramount to the investigation.** Some prosecutors stated that a skilled interviewer and high-quality child interview were often vital to the possibility of prosecuting a case.

A skilled interviewer is paramount to the success of these cases // Unfortunately, I have experienced many cases where the low quality of the initial interview ruined the possibility to continue investigating the case (Prosecutor 13; has handled more than 80 child cases and 21–40 CSA cases involving a pre-schooler).

**Organizational limitations.** Several prosecutors described that their investigation not only depended on the police employee conducting the child interview but also on the

police organization. A lack of resources and frequent employee turnover within the police were discussed by the prosecutors as factors that could negatively affect the quality of a criminal investigation.

**A lack of resources.** The quality and success of CSA investigations were often described as restricted by the limited resources available to the police. For example, many prosecutors had experienced that the lack of resources led to substantial waiting periods where the child could not be interviewed until a long time after a report had been made.

The lack of resources and unavailability of Barnahus where I work leads to many cases being put to the side and children are not given the reception they should be given as victims of crime (Prosecutor 14; has handled 61–80 child cases and 21–40 CSA cases involving a pre-schooler).

Some prosecutors described how the length of an investigation could affect the quality of the child interview as well as the possibility of gathering evidence that may shed light on the abuse allegations.

Investigating child cases takes time, and a long period usually goes by before the child can be interviewed. This is problematic since memory, especially young children's memory, is perishable. The passage of time also diminishes the possibility of obtaining evidence for the crime (Prosecutor 15; has handled 11–20 child cases and 1–5 CSA cases involving a pre-schooler).

**Employee turnover.** Seven prosecutors described the Swedish police authority as an organization with employee turnover issues. According to these prosecutors, experienced child interviewers are leaving their job and are replaced by new inexperienced police employees, which could affect the quality of the interview.

Generally, child interviewers do as well as they can. There is, however, a high rate of turnover among the police, which means that often, new and inexperienced police are required to conduct child interviews. Often, this goes remarkably well, but obviously, there are noticeable shortcomings (Prosecutor 16; has handled more than 80 child cases and 11–20 CSA cases involving a pre-schooler).

**CPS investigations and collaboration with CPS.** Not only the legal system but also CPS, may be involved in CSA investigations and prosecutors may thus collaborate with CPS as well. Furthermore, CPS can also conduct their separate investigation. To better understand the prosecutors' ratings of the collaboration with CPS and the quality of CPS investigations, the prosecutors' answers to the open-ended question on *Experiences collaborating with CPS and the quality of CPS investigations* were analysed using thematic analysis. Forty prosecutors (42%) elaborated on their experiences and their responses were sorted into two main themes: *Struggling to do well* and *Culture clash*. Each of these main themes was further sorted into sub-themes to further improve the structure. An overview of the themes and their sub-themes is presented in [Table 6](#).

**Struggling to do well.** According to the prosecutors, the quality of CPS investigations were affected by a lack of resources within their organization as well as with regards to individual differences in skill between CPS workers.

**A lack of resources.** According to nearly one-third of the prosecutors, the quality of CPS work depended on the resources they had at their disposal. For example, several prosecutors brought up high rates of employee turnover at CPS as an issue.

**Table 6.** Themes and Sub-themes Concerning Experiences Collaborating with the Police and the Quality of the Child Interviews.

Theme	Sub-theme	<i>n</i>
Struggling to do well	Individual differences	9 (23%)
	A lack of resources	12 (30%)
Culture clash	Effect of CPS actions	6 (15%)
	Different views	7 (18%)

CPS is understaffed, and they suffer from frequent staff changes, which I think is too bad since I believe their investigations could be of even higher quality if only they were given some breathing space (Prosecutor 17; has handled more than 80 child cases and 41–60 CSA cases involving a pre-schooler).

Prosecutors who had experience working in both larger and smaller municipalities raised concern that CPS in smaller municipalities often had fewer resources available, which in turn could lower the quality of their work.

How well the work within, and collaboration with, CPS, varies, depending on which CPS branch is involved. It can be questioned whether some, mainly smaller, municipalities, are capable of doing their work in difficult cases (Prosecutor 18; has handled more than 80 child cases and 6–10 CSA cases involving a pre-schooler).

*Individual differences.* The quality of CPS work was described by more than 20% of the prosecutors as depending on the CPS worker. Experience was described as an important influence on the quality of CPS work, and youth and inexperience as were seen as factors that could decrease the quality.

CPS personnel are often young and insecure, and they sometimes have difficulties taking responsibility and making the decisions that they have the competency and authority to make (Prosecutor 19; has handled more than 80 child cases and 21–40 CSA cases involving a pre-schooler).

*Culture clash.* The prosecutor and police are both actors within the legal system, and conduct their investigations to identify whether a crime has been committed. CPS, on the other hand, is not part of the legal system, and their investigations are conducted separately and focus at determining whether a child is at risk. According to the prosecutors, the different goals and methods between CPS and the legal system could be a source of conflict, and the separate investigations could inadvertently affect one another.

*Effect of CPS actions.* Fifteen percent of the prosecutors brought up experiences where actions taken by CPS adversely affected the criminal investigation. Several prosecutors had experienced that the length of the criminal investigation forced CPS to take action. CPS involvement could sometimes force prosecutors to discontinue the criminal investigation.

Since the police are often unable to conduct the child interview quickly enough, CPS feel that they have to get involved in the case, which results in the evidence of the criminal investigation not holding up (Prosecutor 20; has handled more than 80 child cases and more than 80 CSA cases involving a pre-schooler).

One way that CPS involvement could hamper the criminal investigation was by CPS leaking information to a suspect. Thus, presenting the suspect with the opportunity to prepare alternative explanations and hide evidence before their police interview.

In my experience, CPS become very agitated every time it comes to sexual abuse, so they panic and take unnecessary action too soon – even in cases where something allegedly happened a long time ago. This leads to many suspects being well prepared for the police interview, and often, they have had the time to adapt their story before their interview (Prosecutor 21; has handled more than 80 child cases and 21–40 CSA cases involving a pre-schooler).

*Different views.* Almost 20% of the prosecutors mentioned that the views and directives of CPS varied from the prosecutors' own views. These differences could sometimes be the cause of conflict.

The police and prosecutor and CPS have different focus and purpose with their investigations. Sometimes, this leads to conflicts between the authorities regarding how a criminal investigation should be conducted, as well as regarding what CPS should do and when (Prosecutor 7; has handled more than 80 child cases and more than 80 CSA cases involving a pre-schooler).

Some prosecutors stated that these differences by necessity could result in different decisions, and argued that it was important that CPS was not too dependent on the criminal investigation in their work.

Both sides need to understand their roles. The police and prosecutor investigate and prosecute crimes. In these investigations, we need to consider the child's best interest, but the investigation is our primary interest. CPS is responsible for the child's best interest and their protection. In their work, they do a risk assessment, which is fundamentally different from the decisions regarding evidence and prosecution made by the police and prosecutor. I sometimes feel that CPS are almost too compliant with the police and prosecutor and that they want a conviction before they take action. In other cases, CPS acts with speed and knowledge within their area of expertise (Prosecutor 22; has handled more than 61–80 child cases and 61–80 CSA cases involving a pre-schooler).

### *Prosecutors' training in managing CSA cases*

Out of the prosecutors who took part in the study, 34% had no specialization training, 64% had completed the base course (3 did not respond to the question), and 40% had completed the intermediary course in sexual abuse. The majority of the prosecutors agreed with the statement that their training had given them sufficient knowledge to manage CSA cases involving pre-schoolers (84%,  $n = 79$ ), while 12 prosecutors (13%, 3 did not respond to the question) disagreed with the statement. To test whether training had any effect on the perception of sufficient knowledge, a logistic regression was conducted using sufficient knowledge (yes vs. no) as the dependent variable, and level of training (0 = no training, 1 = base course, 2 = intermediary course sexual abuse) as the independent variable. The analysis showed that with more training, the prosecutors' were more likely to agree that they had sufficient knowledge to manage CSA cases,  $B = -1.25$  ( $SE: .46$ ),  $\chi^2(1) = 9.48$ ,  $p < .01$ ,  $R^2 = .10$  (Cox & Snell),  $.19$  (Nagelkerke),  $O.R = .29$ , 95% CI for  $O.R = .12-.71$ .

## Discussion

The current study aimed to facilitate the understanding of prosecution of CSA cases involving pre-school-aged children by examining Swedish prosecutors' experiences with these



cases. We also aimed to explore prosecutors' experiences collaborating with police and CPS in legal contexts. According to the prosecutors, the main challenges associated with investigating and prosecuting these cases related to difficulties obtaining and evaluating testimony from young children and evidentiary requirements. Most prosecutors had a positive view of collaboration with police and of investigative interviews with children, while collaboration with CPS, which is not part of the legal system, was sometimes described as difficult. CPS involvement was also described by some prosecutors as potentially adversely affecting the criminal investigation.

Our analyses of the prosecutors' responses to an open-ended question about the main challenges investigating and prosecuting alleged CSA against young children show that prosecutors experience difficulties associated with obtaining and evaluating testimony from pre-schoolers, alongside with a lack of corroborative evidence. The prosecutors described that pre-schoolers often had difficulties pinpointing the timing and duration of abuse, an ability that can be of vast importance in legal settings. As the prosecutors observed, pre-school-aged children often do not yet know how to describe time in measurements such as minutes, hours, days, or weeks (Saywitz, 2002). They can also, as one prosecutor pointed out, have limited language skills to describe their experiences (Saywitz, 2002).

Many of the observations made by the prosecutors are in line with research about children's witness abilities and highlights the difficulties associated with investigating allegations of sexual abuse of young children. Pre-schoolers can be capable of retelling their experiences in legal settings (e.g. Goodman & Melinder, 2007), but their still-developing cognitive and social abilities may lead to their testimony coming up short when it comes to meeting the high standards required by the legal system (Ernberg et al., 2016; 2018). Their statements can, for example, come across as ambiguous or be difficult to interpret. One prosecutor illustrated this issue by giving the example of a pre-schooler saying that someone 'fiddled with their bum', which may or may not, be abuse. Such examples highlight the role of the police interviewer in clarifying what the child means through additional questioning. These challenges in obtaining testimony from pre-schoolers, alongside with the oftentimes limited amount of corroborative evidence available in these cases (e.g. Brewer et al., 1997), demonstrates the need for interview techniques that can support pre-schoolers in giving reliable testimony that meets the standards of the legal system, while avoiding suggestive techniques as they can have an especially detrimental effect on pre-schoolers' testimony (Malloy & Quas, 2009). For example, the Narrative Elaboration technique (Saywitz & Snyder, 1996) is an innovative method for helping young children to tell more about past events that has been found to increase the detail of pre-schoolers' testimony without compromising their accuracy (e.g. Dorado & Saywitz, 2001; Saywitz & Camparo, 2014).

In Sweden, children are interviewed by police employees, and those who have training in child interviewing are taught a Swedish adaptation of the National Institute for Child Health and Development Protocol (NICHD; Cederborg, Alm, da Silva Nises, & Lamb, 2013; for more information about the NICHD protocol, see Lamb, Brown, Hershkowitz, Orbach, & Esplin, 2018). Considering that the video recorded interview is presented in court and that children cannot answer questions or clarify their statement during the trial, it is essential that the police conduct high-quality interviews and that ambiguities in the child's statement are clarified during the interview. However, the current police

interviewing procedures have been described as poorly suited for the youngest children by child abuse prosecutors (Ernberg et al., 2016; Swedish Prosecution Authority, 2016). Furthermore, a recent report by the Swedish Prosecution Authority revealed that among the 306 investigative child interviewers employed by the Police Authority, only little more than a third had completed the training programme in child interviewing. Consequently, the number of police employees who are trained in interviewing children are few compared to the number of children that are to be interviewed (Swedish Prosecution Authority, 2016).

In line with these findings, some prosecutors raised serious concerns about the resources available to police working with CSA cases. Children who are alleged victims of abuse should be interviewed within two weeks of the case being reported to the Swedish police (Prosecution Development Centre, 2016). In the present study, however, prosecutors reported experiencing investigations of alleged CSA going on for long periods of time. Similar concerns were raised in the previously mentioned report, where many prosecutors reported that there were not enough trained child interviewers to interview all children within the two-week time frame (Swedish Prosecution Authority, 2016). Importantly, these two weeks are in addition to the time it takes for the case to be reported to law enforcement.. Time has a detrimental effect on memory, and ideally, a victim should be interviewed as soon as possible after the crime to minimize the effect of forgetting (e.g. Rubin & Wenzel, 1996). As one prosecutor pointed out, the passage of time may especially impair young children's memory (Gordon et al., 2001). This finding illustrates a serious concern in criminal investigations involving children, namely, that a lack of resources may impair the quality of these investigations to a point where it negatively affects the prosecutors' decision to press charges.

The investigative interview with the child was described as paramount in CSA investigations involving pre-schoolers and the majority of the prosecutors stated that the interviews were generally of high quality. However, the prosecutors brought up several factors that could affect the perceived quality of the interview, such as experience interviewing children as well as the interviewer's personal skills. While researchers may consider adherence to research-based guidelines as indicators of interview quality (e.g. Lamb et al., 2018), those working with investigating cases of alleged CSA may have a different definition. For example, in a small focus group study, Swedish child abuse prosecutors described the current interviewing guidelines as poorly suited for the youngest children (Ernberg et al., 2016). Adherence to these guidelines may therefore not be considered the primary indicator of interview quality. Instead, prosecutors might base their evaluation of the interview on other factors, such as if it is successful in eliciting testimony from the child that carries the investigation forward.

Eliciting and evaluating testimony from complainants in investigations of alleged sexual abuse is always potentially challenging, but the developmental limitations of pre-schoolers' testimony likely contribute to these investigations being among the most difficult. Sufficient knowledge on how to best interview young children and evaluate their testimony is crucial, especially if corroborative evidence is scarce (e.g. Heger et al., 2002). A small majority of the prosecutors in the present study (64%) had completed at least the basic specialization training available to prosecutors working with child cases and 40% had completed the specialization training in managing sexual abuse cases. This training may be especially important not only given the central role of prosecutors in

investigations involving children but also since psychological expertise is not regularly used during CSA investigations or court proceedings in Sweden. In contrast to for example Finland (see Korkman, Pakkanen, & Laajasalo, 2017), there is no system in place for involving psychologists specialized in child interviewing or children's testimony during the investigative stage, even if clinical psychologists may be available at the Barnahus. As opposed to many other Western countries, psychological expertise is not frequently used in court either, and a recent study revealed that expert witnesses from the field of psychology only testified in 5% Swedish court cases concerning alleged CSA of a child below the age of 7 (Ernberg, Magnusson, Landström, & Tidefors, 2018).

The vast majority (84%) of the prosecutors stated that their training had given them sufficient knowledge to work with child cases, and prosecutors who had completed more training were more likely to agree with this statement. However, our analysis revealed that training only explained a small proportion of the variance in the prosecutors' agreement with the statement regarding sufficient training. This could mean that prosecutors have varying opinions about how much knowledge they need to investigate cases of alleged CSA of the youngest children. The basic course available to prosecutors includes one day of child interviewing and another day of developmental psychology (Prosecution Development Centre, 2016). While this training is likely helpful to prosecutors working with child cases, it can be questioned whether it is sufficient to investigate and prosecute cases involving children under challenging circumstances, such as when the report concerns a young child.

Cases of alleged CSA are, if possible, investigated at a Barnahus, and not only the prosecutor and police but also CPS may be involved in the investigation. Previous research has shown that CSA cases where CPS have been involved by placing a young child in foster care are less likely to be prosecuted compared to cases with no such prior decisions (Cross et al., 1999; Ernberg, Magnusson, Landström, & Tidefors, 2018). With this in mind, we wanted to extend our knowledge of prosecutors' experiences regarding CPS involvement in CSA cases involving pre-schoolers. Generally, the prosecutors were less positive in their ratings of collaboration with CPS compared to their ratings of collaboration with the police. This is perhaps not surprising, given that both the prosecutor and police are part of the law enforcement, while CPS is not.

The thematic analysis of the prosecutors' responses shed some light on why and how CPS involvement may adversely affect a criminal investigation. According to the prosecutors, a parallel investigation by CPS oftentimes meant that CPS also interviewed the suspect. When the time came for the suspect to be interviewed by police, they had therefore already been informed about the allegations and been given the possibility to prepare a cover story or hide evidence. According to some prosecutors, the likelihood of this occurring increased in cases where the criminal investigation lasted for a long period of time. This again highlights the importance of these investigations being conducted in a timely manner. The different goals and views of the legal system and CPS was cited as a source of conflict by some prosecutors, and as a necessity by others. CPS and the legal system are inherently different systems with different aims. The legal system should investigate and prosecute crime, while CPS should ensure the best interest of the child (Edvardsson & Vahlne Westerhäll, 2017; Prosecution Development Centre, 2016). Still, investigations of CSA are frequently conducted at a Barnahus where both

law enforcement and CPS work. The current findings thus emphasize the importance of collaboration between the legal system and CPS in these cases.

The present study has some limitations that should be addressed. Out of the 94 experienced child abuse prosecutors that participated in the survey, 55 were currently working with child cases, and 39 had previously done so but moved on to other types of work within the Prosecution Authority. Our survey did not reach those prosecutors who had previously worked with child cases but had moved on to work outside the Prosecution Authority. Moreover, there are no official statistics on how many of the prosecutors employed by the Prosecution Authority that are, or have been, working with child cases. This means that we are unable to estimate what portion of the intended population responded to our survey. It should, however, be pointed out that the participants constitute roughly 10% of all prosecutors employed at the Prosecution Authority at the time of the study. To ensure the confidentiality of the respondents, we did not include any geographical questions. Given that some prosecutors brought up that the quality of, for example, CPS investigations was lower in smaller municipalities, it is possible that the prosecutors' responses varied geographically. Some prosecutors also brought up how conducting CSA investigations was difficult in municipalities where there was no Barnahus, another aspect we did not specifically ask about in the survey. Therefore, we cannot say whether access to Barnahus affects the prosecutors' perceptions of inter-agency collaboration or the quality of CSA investigations. Even with these limitations, the present study is one of few to examine the experiences of a large number of prosecutors who have experience working with child cases. Furthermore, although some of our results may be specific for a Swedish context, we do believe our findings can be of relevance for an international audience and encourage researchers from other countries to expand our collective knowledge on prosecutorial decision-making in cases of alleged CSA of pre-schoolers.

## Implications

Eliciting and evaluating testimony from the youngest children remains challenging for legal practitioners. More research is needed on how to best interview the youngest children, as the youngest pre-schoolers may have difficulties understanding and responding to open-ended questions and may thus require more directive prompts to be able to provide information about their experiences (Hershkowitz et al., 2012). The challenges experienced by prosecutors related to pre-schoolers' testimony, highlights the need for law enforcement personnel who works with such cases to have a solid knowledge of children's ability to testify about their experiences. More training is likely needed for police and prosecutors to be able to handle these cases, as prosecutors currently receive little training and only part of the police who interview children have completed their training. The findings from the present study also raise some concerns about the collaboration between CPS and the legal system. Future research could focus on furthering the understanding of the circumstances in which CPS and the legal system may inadvertently affect one and another's investigations.

To ensure that criminal investigations involving children are carried out in line with legal requirements, as well as with respect to the best interest of the child, the collaboration between CPS and the legal system needs to improve. Such improvements could include video or audio documentation of CPS interviews with children and parents, a

practice that is not currently used in Sweden. Furthermore, CPS interviews should follow evidence-based guidelines for obtaining reliable statements from children and adults, especially if there is an ongoing criminal investigation. Previous research has found that better coordination between CPS and criminal investigations may actually promote CPS effectiveness (Cross et al., 2005). From a legal standpoint, it is concerning that CPS involvement may adversely affect a criminal investigation. We encourage further research to facilitate collaboration between agencies. Adding resources to ensure that all children are interviewed in a timely manner would constitute a necessary improvement and may aid in criminal as well as CPS investigations.

## Conclusions

In sum, the findings from the present study highlights the need for further research that support collaboration between authorities and helps improve the quality of criminal investigations of alleged CSA against young children. The results emphasize the need for police and prosecutors working with these cases to have sufficient knowledge about children's development. With the children's well-being and right to a fair legal trail at heart, we encourage prosecutors and CPS to try and find common ground in their work to ensure that their investigations strengthen rather than hamper each other.

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## ORCID

Sara Landström  <http://orcid.org/0000-0002-4894-2780>

## References

- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology, 3*, 77–101. doi:10.1191/1478088706qp0630a
- Brewer, K. D., Rowe, D. M., & Brewer, D. D. (1997). Factors related to prosecution of child sexual abuse cases. *Journal of Child Sexual Abuse: Research, Treatment, & Program Innovations for Victims, Survivors, & Offenders, 6*, 91–111. doi:10.1300/J070v06n01\_07
- Brottsförebyggande Rådet [BRÅ]. (2019). *Anmälda brott 2017*. [Reported crimes 2017.] Retrieved from <https://www.bra.se/statistik/kriminalstatistik/anmalda-brott.html>
- Bunting, L. (2008). Sexual offences against children: An exploration of attrition in the Northern Ireland criminal justice system. *Child Abuse & Neglect, 32*, 1109–1118. doi:10.1016/j.chiabu.2008.09.002

- Cederborg, A.-C., Alm, C., da Silva Nises, D. L., & Lamb, M. E. (2013). Investigative interviewing of alleged child abuse victims: An evaluation of a new training programme for investigative interviewers. *Police Practice and Research*, 14, 242–254. doi:10.1080/15614263.2012.712292
- Cross, T. P., De Vos, E., & Whitcomb, D. (1994). Prosecution of child sexual abuse: Which cases are accepted? *Child Abuse & Neglect*, 18, 663–677. doi:10.1016/0145-2134(94)90016-7
- Cross, T. P., Finkelhor, D., & Ormrod, R. (2005). Police involvement in child protective services investigations: Literature review and secondary data analysis. *Child Maltreatment*, 10, 224–244. doi:10.7755/9505274506
- Cross, T. P., Martell, D., McDonald, E., & Ahl, M. (1999). The criminal justice system and child placement in child sexual abuse cases. *Child Maltreatment*, 4, 32–44. doi:10.1177/1077559599004001004
- Diesen, C., & Diesen, E. F. (2013). *Övergripp mot kvinnor och barn: Den rättsliga Hanteringen* [Assault on women and children: The legal practise]. Stockholm: Norstedts Juridik.
- Dorado, J. S., & Saywitz, K. J. (2001). Interviewing preschoolers from low-and middle-SES communities: A test of the narrative elaboration recall improvement technique. *Journal of Clinical Child Psychology*, 30, 568–580. doi:10.1207/S15374424JCCP3004\_12
- Edvardsson, B., & Vahlne Westerhäll, L. (2017). *På saklig grund: Utredningsarbete inom socialtjänsten*. [On a factual basis: Investigative working within the social services]. Malmö: Gleerups.
- Eisen, M. L., Qin, J., Goodman, G. S., & Davis, S. L. (2002). Memory and suggestibility in maltreated children: Age, stress arousal, dissociation, and psychopathology. *Journal of Experimental Child Psychology*, 83, 167–212. doi:10.1016/S0022-0965(02)00126-1
- Ernberg, E., & Landström, S. (2016). To prosecute or not to prosecute: Law students' judicial decisions in CSA cases. *Scandinavian Journal of Psychology*, 57, 30–35. doi:10.1111/sjop.12261
- 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
- Ernberg, E., Magnusson, M., Landström, S., & Tidefors, I. (2018). Court evaluations of young children's testimony in child sexual abuse cases. *Legal and Criminological Psychology*, 23, 176–191. doi:10.1111/lcrp.12124
- Ernberg, E., Tidefors, I., & Landström, S. (2016). Prosecutors' reflections on sexually abused pre-schoolers and their ability to stand trial. *Child Abuse & Neglect*, 57, 21–29. doi:10.1016/j.chiabu.2016.06.001.
- Goodman-Brown, T., Edelstein, R. S., Goodman, G. S., Jones, D. P. H., & Gordon, D. S. (2003). Why children tell: A model of children's disclosure of sexual abuse. *Child Abuse & Neglect*, 27, 525–540. doi:10.1016/S0145-2134(03)00037-1
- Goodman, G. S., & Melinder, A. (2007). Child witness research and forensic interviews of young children: A review. *Legal and Criminological Psychology*, 12, 1–19. doi:10.1348/135532506X156620
- Gordon, B. N., Baker-Ward, L., & Ornstein, P. A. (2001). Children's testimony: A review of research on memory for past experiences. *Clinical Child and Family Psychology Review*, 4, 157–181. doi:10.1023/A:1011333231621
- Heger, A., Ticson, L., Velasquez, O., & Bernier, R. (2002). Children referred for possible sexual abuse: Medical findings in 2384 children. *Child Abuse & Neglect*, 26, 645–659. doi:10.1016/S0145-2134(02)00339-3
- Hershkowitz, I., Lamb, M. E., Orbach, Y., Katz, C., & Horowitz, D. (2012). The development of communicative and narrative skills among preschoolers: Lessons from forensic interviews about child abuse. *Child Development*, 83, 611–622. doi:10.1111/j.1467-8624.2011.01704.x
- Johansson, S. (2011). Juridifiering som institutionell förändring: Om mötet mellan straffrätt och socialrätt vid interorganisatorisk samverkan. [Juridification as an institutional change: The meeting of criminal and social law in interagency collaboration]. *Nordisk Juridisk Tidskrift*, 34, 38–59.
- Johansson, S., Stefansen, K., Bakketeig, E., & Kaldal, A. (2017). *Collaborating against child abuse: Exploring the Nordic barnahus model*. Cham: Palgrave Macmillan.
- Jones, J. P. H., & Ramchandani, P. (1999). *Child sexual abuse: Informing practice from research*. Oxon: Radcliffe Medical Press Ltd.
- Kendall-Tackett, K. A., Williams, L. M., & Finkelhor, D. (1993). Impact of sexual abuse on children: A review and synthesis of recent empirical studies. *Psychological Bulletin*, 113, 164–180. doi:10.1037//0033-2909.113.1.164

- Korkman, J., Pakkanen, T., & Laajasalo, T. (2017). Child forensic interviewing in Finland: Investigating suspected child abuse at the forensic psychology unit for children and adolescents. In S. Johansson, K. Stefansen, E. Bakketeig, & A. Kaldal (Eds.), *Collaborating against child abuse: Exploring the Nordic barnahus model* (pp. 145–164). Cham: Palgrave Macmillan.
- Lamb, M. E., Brown, D. A., Hershkowitz, I., Orbach, Y., & Esplin, P. W. (2018). *Tell me what happened: Questioning children about abuse* (2nd Ed.). Hoboken, NJ: John Wiley & Sons Ltd.
- Leach, C., Powell, M. B., Sharman, S. J., & Anglim, J. (2017). The relationship between children's age and disclosures of sexual abuse during forensic interviews. *Child Maltreatment, 22*, 79–88. doi:10.1177/1077559516675723
- Lippert, T., Cross, T. P., Jones, L., & Walsh, W. (2009). Telling interviewers about sexual abuse: Predictors of child disclosure at forensic interviews. *Child Maltreatment, 14*, 100–113. doi:10.1177/1077559508318398
- London, K., Bruck, M., Ceci, S. J., & Shuman, D. W. (2005). Disclosure of child sexual abuse: What does the research tell us about the ways that children tell? *Psychology, Public Policy, and Law, 11*, 194. doi:10.1037/1076-8971.11.1.194
- Magalhães, T., Taveira, F., Jardim, P., Santos, L., Matos, E., & Santos, A. (2009). Sexual abuse of children. A comparative study of intra and extra-familial cases. *Journal of Forensic and Legal Medicine, 16*, 455–459. doi:10.1016/j.jflm.2009.05.007
- Magnusson, M., Ernberg, E., & Landström, S. (2017). Preschoolers' disclosures of child sexual abuse: Examining corroborated cases from Swedish courts. *Child Abuse & Neglect, 70*, 199–209. doi:10.1016/j.chiabu.2017.05.018
- Magnusson, M., Ernberg, E., Landström, S., & Granhag, P. A. (2018). Taking the stand: Defendant statements in court cases of alleged sexual abuse against infants, toddlers, and pre-schoolers. *Psychology, Crime & Law, 24*, 1–13. doi:10.1080/1068316X.2018.1424845
- Malloy, L. C., & Quas, J. A. (2009). Children's suggestibility: Areas of consensus and controversy. In K. Kuehnle, & M. Connell (Eds.), *The evaluation of child sexual abuse allegations: A comprehensive guide to assessment and testimony* (pp. 267–297). Hoboken, NJ: John Wiley & Sons.
- Martell, M. (2005). *Criminal justice and the placement of abused children*. New York, United States: LFB Scholarly Publishing LLC.
- McHugh, M. L. (2012). Interrater reliability: The kappa statistic. *Biochemia Medica, 22*, 276–282.
- Miles, M. B., & Huberman, A. M. (1994). *Qualitative data analysis: An expanded sourcebook*. New York, NY: Sage.
- Mykleburst, T. (2017). The Nordic model of handling children's testimonies. In S. Johansson, K. Stefansen, E. Bakketeig, & A. Kaldal (Eds.), *Collaborating against child abuse: Exploring the Nordic Barnahus model* (pp. 97–119). Cham: Palgrave Macmillan.
- National Agency for Education. (2013). *Allt fler barn i förskolan*. [More children attend preschool]. Retrieved from <https://www.skolverket.se/statistik-och-utvardering/nyhetsarkiv/nyheter-2013/allt-fler-barn-i-forskolan-1.193605>
- National Children's Advocacy Centre (NCAC). (2019). *History*. Retrieved from: <https://www.nationalcac.org/history/>
- Paine, M. L., & Hansen, D. J. (2002). Factors influencing children to self-disclose sexual abuse. *Clinical Psychology Review, 22*, 271–295. doi:10.1016/S0272-7358(01)00091-5
- Patterson, D., & Campbell, R. (2009). A comparative study of the prosecution of childhood sexual abuse cases: The contributory role of pediatric forensic nurse examiner (FNE) programs. *Journal of Forensic Nursing, 5*, 38–45. doi:10.1111/j.1939-3938.2009.01029.x
- Poole, D. A., Brubacher, S. P., & Dickinson, J. J. (2015). Children as witnesses. In B. L. Cutler & P. A. Zapf (Eds.), *APA handbook of forensic psychology. Vol. 2: Criminal investigation adjudication and sentencing outcomes* (pp. 3–31). Washington, DC: American Psychological Association.
- Prosecution Development Centre. (2016). *Managing child abuse cases: Handbook*. Gothenburg: The Prosecution Development Centre, Gothenburg.
- Rubin, D. C., & Wenzel, A. E. (1996). One hundred years of forgetting: A quantitative description of retention. *Psychological Review, 103*, 734–760. doi:10.1037/0033-295X.103.4.734

- Saywitz, K. J. (2002). Developmental underpinnings of children's testimony. In H. L. Westcott, G. M. Davies, & R. H. C. Bull (Eds.), *Children's testimony: A handbook of psychological research and forensic practice* (pp. 3–19). Chichester: John Wiley & Sons.
- Saywitz, K. J., & Camparo, L. B. (2014). *Evidence-based child forensic interviewing: The developmental narrative elaboration interview*. New York, NY: Oxford University Press.
- Saywitz, K. J., & Snyder, L. (1996). Narrative elaboration: Test of a new procedure for interviewing children. *Journal of Consulting and Clinical Psychology, 64*, 1347–1357. doi:10.1037/0022-006X.64.6.1347
- Swedish Prosecution Authority. (2016). *Kvalitet i barnförhör – kartläggning av tillgången på barnförhållare och organisationen kring barnförhör samt granskning av barnförhör i överprövningsärenden. [Quality of investigative interviews with children – a survey of the access to child interviewers and the organization of child interviews as well as an examination of investigative interviews with children in appealed cases]*. Göteborg: Utvecklingscentrum Göteborg.
- Ullman, S. E. (2007). Relationship to perpetrator, disclosure, social reactions, and PTSD symptoms in child sexual abuse survivors. *Journal of Child Sexual Abuse, 16*, 19–36. doi:10.1300/J070v16n01\_
- Walsh, W. A., Jones, L. M., Cross, T. P., & Lippert, T. (2010). Prosecuting child sexual abuse: The importance of evidence type. *Crime & Delinquency, 56*, 436–454. doi:10.1177/001128708320484