



# The National Children's Advocacy Center

## Consensual but Unlawful



The NCAC Models, Promotes, and Delivers Excellence in Child Abuse Response and Prevention through Service, Education, and Leadership.





# Workshop Objectives

- ▶ Identify developmental characteristics in adolescents which increase risk-taking behavior
- ▶ Examine how personal reactions and biases to teens engaged in consensual relationships can torpedo the interview
- ▶ Examine practical solutions to de-escalating “out-of-control” behavior in an interview

# Terminology

## Compliant

- ▶ Ready or disposed to comply: submissive
- ▶ Example: *I asked him for a favor, and he was compliant.*

## Consensual

- ▶ Existing or made by mutual consent without an act of writing
- ▶ Example: *She claims their relationship was consensual.*

# The Teenager – Generalities

- ▶ Seeking independence – want to be treated like adult but still needs rules/guidance
- ▶ Challenge authority and familial/social rules or norms
- ▶ Thinking more self-conscious, idealistic, and critical
- ▶ Able to view events from multiple perspective

However...

# The Teenager

- ▶ Jackass the Movie, Jackass 2, Jackass 3D. Enough said.
- ▶ Hold my beer. Watch this...
- ▶ Asked if they'd play Russian roulette for \$1 million, half of teenagers said yes

So, what we know...

# The Teenager

- ▶ Teenagers do stupid things
- ▶ 13,000 adolescent deaths each year
- ▶ Unrealistic belief in own invulnerability and uniqueness
- ▶ Sometimes teens just goes with the moment

# The Teen Brain

- ▶ Parts of the brain which control physical movements, vision, and senses mature first
- ▶ Prefrontal cortex – responsible for higher thinking (judgment and impulse control), doesn't finish maturing until mid-20's
- ▶ Ability to describe, narrate, and inform about past events similar to adult – but skills still developing throughout late teen years

# The Teenager – Normal Development

- ▶ Limited life experiences
- ▶ Maturation lag between emotional and cognitive brain centers
- ▶ Teens process input differently than adults
- ▶ Hot/cold cognition
  - Full speed ahead (“Reward” center) more active than Rational (“No” center)

# The Teenager – Normal Development

- ▶ Peer acceptance/immediate gratification outweighs risk
- ▶ Twice as likely to drive fast if friends are with them
- ▶ Vulnerability to flattery and attraction to recklessness can put them at risk



# The Teenager – Normal Development

- ▶ Teenager egocentrism
- ▶ “I should have been able to control or stop it.”
- ▶ Accepts more responsibility for acts that are beyond his/her control, including incidents of molestation or abuse



# Developmental Challenges for Some Teens

- ▶ Under-educated
- ▶ Under-parented
- ▶ Unattached
- ▶ Developmentally delays



# Developmental Challenges for Some Teens

- ▶ Emotional problems, chaotic lifestyles, trauma histories, or learning disabilities
  - Sequencing events or main ideas
  - Fragmented understanding of questions
  - Fragmented responses which do not convey their message
  - Poor listening skills
  - Abrasive conversational speech

# Sexual Development



# The Teen – Sexual Development

## The New Equipment is Here

- ▶ Complicated by hormonal, physical development, rapid body changes
- ▶ Sexual curiosity coincides with physical changes
- ▶ Recognize they have own sexual thoughts and feelings





## The New Equipment is Here *Hook-Up Secrets from Seventeen*

- ▶ Makeout Maven "Suck on his lip toward the end and back up just a little. Then look straight in his eyes and go in for more."  
Tanya, 15

"Lightly touch your lips to his ear and breathe gently. It's almost weird how much they love it!"  
Samantha, 18

# The Teen - Sexual Development



## When Sex Happens

- ▶ May not be able to differentiate, because of immaturity and cognitive limitations, between purposeful sexual activity and sexual activity in which they may have been coerced, seduced, or manipulated
- ▶ Often take responsibility for *anything* that happens to them sexually

# The Teen – Sexual Development

## When Sex Happens

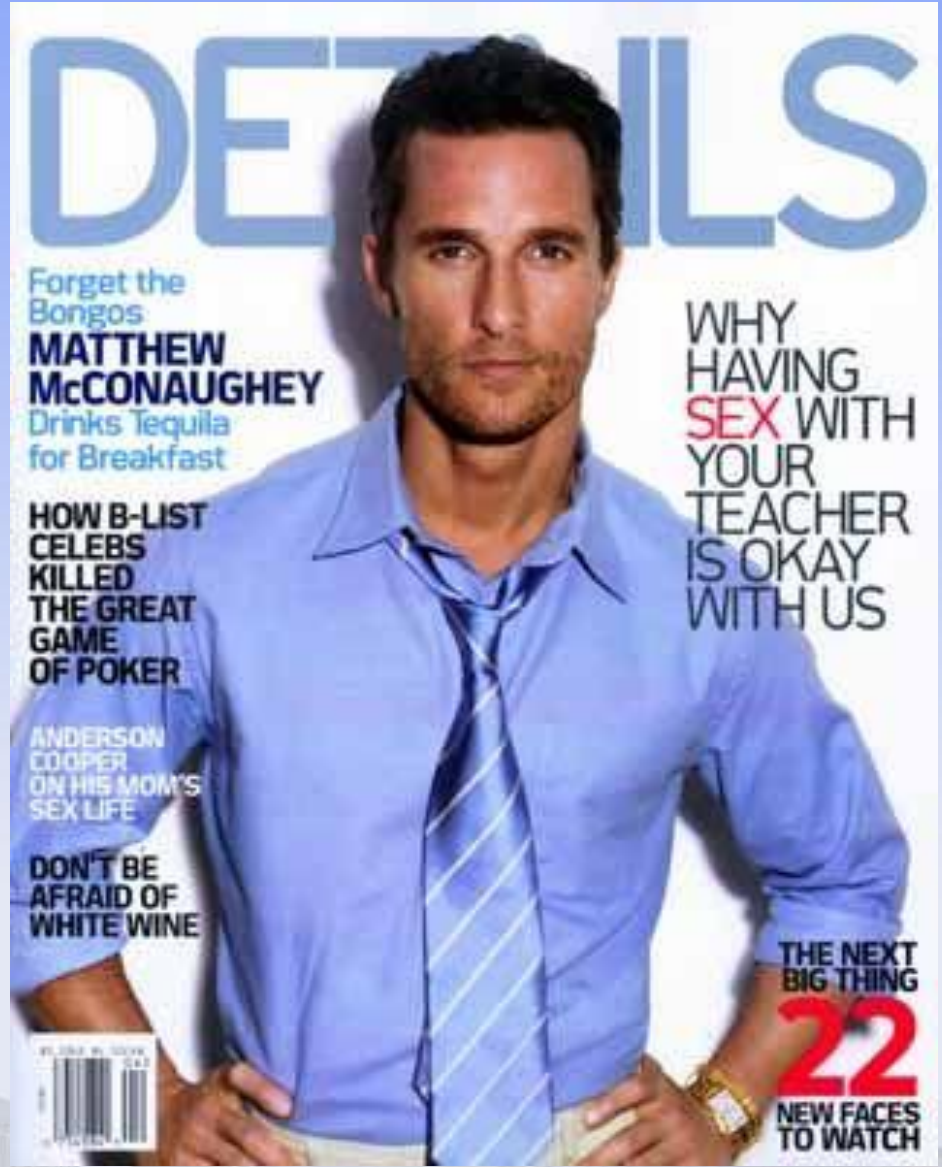
- ▶ # of family disadvantages increases likelihood of statutory relationship
  - Poverty
  - Substance Abuse
  - Maltreatment – Neglect, SXAB, PXAB, DV
- ▶ Having older boy/girlfriend strongly associated with unwanted sexual advances

# The Teen – Sexual Development

## When Sex Happens

### Risks of early sexual behavior

- ▶ More sexual risk behavior, more STD and HIV, teen pregnancy, greater # of partners, abuse, substance abuse
- ▶ If partner >5 years older → more suicide attempts, greater # of partners
- ▶ Early intercourse associated with psychosocial problems both preceding and following the sexual experiences



# The Teen – Sexual Development

## When Sex Happens

- ▶ Males who have sexual relationships with older person more likely to seek therapy for emotional problems or have sexual dysfunction
- ▶ More psychological, alcohol , and deliberate self-harming behaviors



# Issues of Consent

- ▶ Legal age of consent variable
- ▶ Authority figures assume consent when there are no weapons, threats, or physical force
- ▶ Normative adolescent development can be confused with consent
- ▶ Sexual knowledge not good proxy for maturity
- ▶ Some teens do seek out older partners with intent of having sex

# Issues of Consent

- ▶ Seduction/Grooming – examine relationship dynamics, power, and influence
  - Alleged offender may:
    - Appeal to teen's need to feel special and/or mature
    - Treat adolescent well
    - Listen to problems/concerns
    - Fulfill emotional, physical, and sexual needs
  - Victims may:
    - Willingly return for sex
    - May deny she/he is victim

# Challenges for Some Teens

- ▶ Interview more complicated when language and communication problems exist
- ▶ Successful forensic interviewer must identify problem and utilize appropriate strategies to overcome
- ▶ Interview should include language assessment during rapport and narrative practice
- ▶ “Taking a statement” different than forensic interview

# The Interview



# What protocol do you use?

- ▶ NCAC
- ▶ NICHD
- ▶ RATAC
- ▶ RADAR
- ▶ Tom Lyon's 10 Step
- ▶ APSAC
- ▶ State Protocols

# Conducting the Interview

“The reporter states that her 15 year old daughter is believed to be in a sexual relationship with a 21 year old man. The man lives in the neighborhood and often has parties with teenagers at his home, where he lives with two other adult men. The reporter is concerned having found text messages between her daughter and the man, including nude images of her daughter sent to the man. Today she found a pregnancy test in her daughter’s bathroom trash.”

# Where are your roadblocks?

- ▶ Before the interview
- ▶ Introductory
- ▶ Rapport-building
- ▶ Substantive or free recall



# So what's the problem?

- ▶ Passive aggression—"I don't know."
- ▶ Overt aggression—"F@#CK YOU!"
- ▶ Teen Love - "Age is just a number."
- ▶ Male victims
- ▶ Silent treatment
- ▶ Minimizing—"We only talked/held hands/kissed."
- ▶ Accepting responsibility—"It was all my idea. I made him do it."
- ▶ Conditions of disclosure—"What will happen if I tell?"

# Some ideas...

- ▶ Build rapport
- ▶ Allow for silence
- ▶ Be open to other forms of communication (texting, writing, etc.)
- ▶ Clarify terminology
- ▶ Help them out with time segmentation
- ▶ Check your behavior
- ▶ Consult with your team
- ▶ Is the kid really reluctant?
- ▶ Stick to your guidelines

# And finally...

Remember:

- ▶ It's an interview, not an interrogation.
- ▶ It's an interview, not confession.
- ▶ It's an interview, not an education.
- ▶ It's an interview, and that's a child!



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