

**Victim Advocacy:**  
**Who, What, Where, When and How**

**Scenario #2:**

15 year old girl, Ella, shows up alone at PD on Saturday at noon to make a report that her step-father has been raping her for the past several months. Police check their records and find that there is a long history of police responding to DV with mom and step-father. Ella is taken into an interview room at the station and her interview is video recorded. Detective Bob interviews Ella and receives disclosures of 4 dates, times and places the rapes took place.

While Ella is being interviewed, her Mom calls down to station to report Ella as a missing person, possible runaway. Mom has not seen Ella since Thursday evening. Mom said Ella was arguing with step-father and was making wild accusations about him molesting her. Step-father ordered her out of the house and she stormed out. Step-father told mom he was sick and tired of "her" crazy kid and she wasn't allowed back in the house.

Police victim advocate is off duty on the weekends so the detective and CPS worker contact the local CJC to set up a medical exam. Forensic exam scheduled for 3:00 PM at CJC . Ella is transported to the CJC. The nurse practitioner/forensic examiner asks Ella if she wants her mom present at the CJC and in the exam or if she would like an advocate. Ella says she does not want her mother around until her mother starts believing her. Because it is after hours, there is no CJC staff at the facility. CPS was notified.

Mom comes down to police station demanding to see her daughter. She is told that Ella is at the CJC getting an exam. Mom goes to CJC.

At the time of the exam, detectives are executing a search warrant on the family home while step-father and 3 of his and mom's biological children

are present. Children call mom on her cell phone, crying and screaming about the search warrant and the police at their house. Mom is panicked because she doesn't feel that she can leave her daughter at the exam alone but she also feels the need to go home and comfort her other 3 children who are upset about the search. LE calls relatives to come to the home to stay with the children and asks step-father to leave the home for the night.

While at the CJC, Mom is advised by LE how and where to obtain a child protective order which she does the next day for all of her children. She alleges not only the sexual abuse of Ella but also several acts of physical abuse on two of the boys she has with the step-father. Mom meets with a PO advocate at the court hearing. PO advocate introduces Mom to crisis center advocate. Mom tells PO advocate about what a nightmare the forensic exam was for her family and asks PO advocate to accompany her to the follow up interviews.

The county attorney's office charges step-father with 4 counts of rape with Ella as the victim. An arrest warrant is issued and step-father cannot be located for a couple of days. Mom calls CPS and LE who refer her to the county attorney's office advocate. CA advocate advises that the court can do nothing until step-father is arrested. CA advocate refers mom to crisis advocate at shelter. A new volunteer advocate gets this as his first call and tells mom to get a gun.

Ella contacts the rape crisis counselor because her school counselor referred her. She tells the rape crisis counselor that she didn't tell the police everything because if she had, her mother would never forgive her. She told the counselor that her step-father had been sexually abusing her for the past 5 years and she just wanted him to stop. She also told the counselor her step-father told her that she could not date until she was 18.

Step-dad called mom, crying and saying Ella was making all of this up because he told her she couldn't date until she was 18 because it was for her own good. He said all he ever did was maybe hold Ella a little too tightly in hugs and "love her too much". He told mom he had gone to their ecclesiastical leader for guidance and that mom should do the same. Mom did but step-father demanded that he accompany her. Mom told EL that

Ella told the police she had been raped by step-father at which point step-father became emotional and then belligerent, saying what he did to Ella wasn't all that bad. Step-father stormed out. EL advised mom to protect herself and her kids.

Mom called police and told them about this encounter and they were able to locate step-father and arrest him. Step-father posts bail and is released. At his first appearance, he is ordered by the court to have no contact with Ella or any other persons who may be witnesses, including his wife and other children.

Step-dad contacts his children at their elementary school and tells them Ella is the cause of breaking up their family and making mom and dad so sad. He tells them it is up to them to get Ella to change her mind and let him come back home. One of the little boys tells his teacher the next day that his big sister broke up their family and that it is up to him to get the family back together. When the teacher asked him why he felt that way, he told her that his dad told him it was. The teacher called mom who immediately called the CA advocate. The CA advocate notified the prosecutor who filed a motion for a revocation of bail and arrest. The Court ordered step-dad be taken back into custody, no bail, to await trial.

While in jail awaiting trial, step-dad is recorded on the jail phone making threats to a friend and to a relative to have the victim killed if she doesn't recant. Because of the severity of the DV history the family is terrified.

Step-dad goes to trial and demands that his lawyer attack Ella with the fact he believes her to be sexually active. He demands that his lawyer attack any testimony his wife gives as vengeful and a result of the pending divorce and custody case and that she has coached Ella and his other children to turn against him in order to get a bigger divorce settlement and custody. He does not take the stand. At trial, the defense posed the theory that Child's allegations were fabricated and used as leverage by a "very vindictive" Mom during her and defendant's divorce. Throughout the trial, testimony was elicited from both Mom and Ella that suggested defendant was an angry and very controlling person, who could be frightening at times. Mom's testimony also described some of the details of their divorce

and indicated that defendant would be getting most of the assets because she did not “want to deal with him anymore.” Defense counsel used these comments to support the theory that Ella was a liar and that Mom convinced Ella to fabricate the charges out of bitterness and to gain leverage in the divorce. The jury convicts step-dad on all counts. The court continues the matter for sentencing and the step-dad turns to Ella and his estranged wife yelling “You are gonna be sorry now”!

Step-dad is sentenced 45 days later to prison, 5 years to life on each count, to run consecutively to each other. He asks that he be released pending appeal which the court denied. Step-dad is taken back to jail to await transport to prison.

Step-dad files appeal. Ella and mom and the kids feel safe as long as step-dad is in prison but call CA advocate monthly to find out status of appeal. CA advocate refers them to the AG advocate. Mom and Ella received a letter from the Board of Pardons which indicated step-dad had a hearing in 6 months and that they could appear and testify if they wanted to. They can’t believe he is going to be paroled in 6 months. They again contact the CA advocate for an explanation and advice. She also connects them to the advocate for the Board as well as with the Department of Corrections Victim Assistance person.

Stepdad’s appeal is denied 2 years later.