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January 23, 2024

Senator Anne Carney
3 State House Station
Augusta, Maine 04333

RE: Support of LD 2084

Dear Senator Carney, Representative Moonen, and Members of the Joint Standing Committee on the Judiciary:

My name is Chelsea Lynds and I am a prosecutor in Penobscot County. I am a domestic violence prosecutor and in particular crimes against children. I want to start by thanking you for your votes in support of LD 765. Permitting recordings of the child advocacy interviews in trial has changed the landscape of child sexual assault prosecutions to one that is much less needlessly traumatic for the child victims of these cases.

I am here today to support LD 2084. The Penobscot District Attorney's office receives VOCA funding and the loss of that funding would be devastating, but I'm really here to talk to you about the Children's Advocacy Center in Penobscot County, which is funded in large part by VOCA. I could talk for hours about the importance of the CAC model and all of the great, quality work that is done by our CAC, but I know time prevents that so instead I want to give you just a specific example.

In spring of 2023, a 10 year old girl disclosed to her mother that she had been sexually abused by her grandfather. The girl's mother called the police and an interview was set up at the Children's Advocacy Center. During the interview, which was child led and non-leading, the child disclosed that when she was between the ages of 6.5 to 8 years old, a time when she was being babysat frequently by her grandfather, her grandfather had been regularly sexually assaulting her. She was able to describe to the forensic interviewer in great detail being forced to both perform and receive acts of oral sexual assault, genital to genital contact, and being "taught" about sex by her grandfather via pornography. When I say great detail what I want to impress upon you all and what was critical to impress upon the jury, is that some of the phrases and descriptors that the child used in the interview, a ten year old would only know if they had in fact been subject to the conduct described, there would be no other plausible explanation.

This child presented at the CAC so mature and so articulate that I had no concerns at all about her ability to testify. Her grandfather was arrested and as we moved through the court process, I continued to be confident in her ability to testify.

In October, I let her know that I felt we were getting close to time for trial and that we would need to start preparing for her to testify. It was like a switch flipped, I could immediately see a heightened level of anxiety in her. She began to ask a lot of questions about how many people would be in the room, where her grandfather would be in the room, if he would be able to talk to her directly. We all know that it is uncomfortable for adults to talk about sex and use words like penis and vagina, let alone a child, talking about sexual abuse, in front of a room full of strangers and her abuser. Despite the fact that this child is very mature for her age and very well spoken, it was clear that the prospect of having to testify about the abuse was affecting her tremendously.

As the trial neared, I again met with her, this time to go through her testimony. This child had a great rapport with myself and the detective on this case, but when it came to getting into the details of the abuse she was a different kid. She was anxious and agitated. As I started to talk to her about the kinds of questions she would be asked during the trial, I felt like she was being further traumatized, she told us multiple times she didn't want to talk about it and when I pushed her to answer she would give bare minimum, short answers, that were consistent with her disclosure, but not nearly as detailed. I started to play the CAC interview for her to assist in starting a dialogue about her testimony regarding the abuse and she covered her ears. It was painful to watch her being confronted with having to describe these numerous, but critical details all over again, but this time in a much more traumatic setting. I decided that I needed to either use the new law to play the CAC interview at trial or let a child rapist walk away because it would simply be inhumane to force this child to recount her abuse in the context of a jury trial.

Ultimately, the judge admitted the CAC interview. Her grandfather was convicted of three counts of gross sexual assault against a child under 12 and 7 counts of unlawful sexual contact against a child under 12. He was sentenced to 25 years in prison followed by 15 years of supervision following that 25 years.

In Penobscot County, nearly 100% of our child sexual abuse cases have a CAC interview. Our ability to utilize the CAC in this way is directly proportionate to their accessibility and capacity which is of course dictated by their funding. It goes without saying that utilization of the CAC is more important than ever given the new law allowing the admission of the recorded interview in court. It cannot be overstated how critical it is that our CAC remain at least at the capacity it is now.

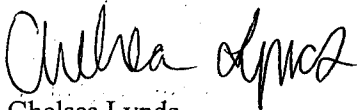
I just want to take a moment to illustrate though that the work done at the CAC is so much more than just being an asset to prosecution. The very worst child abuse case I've had, it was sadistic, abuse, inflicted in a way designed to avoid detection. One of these episodes of abuse was filmed and that video was obtained by the police. On that video the child, was three years old, was strangled, swung around the room by his ankles, shaken, and verbally abused. The child was seen at the CAC, he didn't really talk or give a disclosure. Several months into the life of the case I spoke with his grandparents whom he had been placed with. His grandmother told me about behaviors the child was exhibiting such as "suffocating" his stuffed animals, being inappropriate with the pets, and struggling with night terrors and anxiety. When I explored what services the child was in I learned that he was not in any services and was told that that was due to his age and wait lists. I recalled all the times I've heard our forensic interview tell caregivers at the CAC that a child seen at the CAC can move to the top of certain waitlists and I reached out to see if they had any ideas for how to help this child. The family advocate who works at the CAC had the child in counseling services the very next day. The child's grandmother later reported that the child responded very well to the clinician and had improved in many ways while receiving treatment.

I am one prosecutor, in one county in this state. These are just a couple of examples of victims in my own caseload who have been profoundly impacted, positively, by the existence and ability of our CAC. A loss of funding for these services and other services like it, will hurt people who have already been hurt and set back the progress that we have just made in the world of child sexual assault prosecutions.

Thank you for your consideration and I ask you to support LD 2084.

Thank you.

Sincerely,



Chelsea Lynds
Assistant District Attorney