

## Testimony before Senate Aging & Youth Committee

Seán M. McCormack, Cumberland County District Attorney

Good afternoon, Chair Ward, Chair Collett and the members of the Senate Aging and Youth Committee. My name is Seán McCormack, and I am the District Attorney across the river in Cumberland County. Thank you for giving me an opportunity to testify on behalf Child Advocacy Centers (CACs). Briefly, to give you a sense of my perspective, I would like to tell you a little bit about my background. I served in the Dauphin County District Attorney's Office from 1989 through March of 2020 before joining the Cumberland County District Attorney's Office that same month. I became Cumberland County District Attorney in January 2022. I have specialized in the prosecution of child abuse crimes continuously since 1995. I am the chair of the Pennsylvania District Attorneys Association's Special Victims Prosecutors Network. The Special Victims Prosecutors Network is comprised of prosecutors from across the state who specialize in the prosecution of child abuse cases. I have the privilege to participate in many committees and task forces at the statewide level dedicated to improving state/county responses to allegations of child abuse. I was the co-chair of the Children's Justice Act subcommittee that developed a statewide Model Set of Standards for the investigation of child abuse allegations. And I currently sit on the Pennsylvania Commission on Crime and Delinquency Children's Advocacy Center Advisory Committee as well as recently being appointed to the Victim Services Advisory Committee.

Over the years I have been in the distinct position to see the evolution of the multi-disciplinary investigative team (MDIT) process which has led to greater cooperation and coordination between law enforcement officers and child protective service caseworkers. Over that time, I have been involved with the investigation of thousands of child abuse allegations. I have agonized over the downfalls of disjointed and uncoordinated investigations and have

witnessed the successes that come from coordinated and thorough investigations. CACs played, and continue to play, a leading role in the coordination of investigations into child abuse allegations. I had the distinct honor to be involved in the formation of Central Pennsylvania's first CAC in 1995, then known as the Children's Resource Center, now formally named the UPMC Child Advocacy Center of Central PA.

Knowing that I am the last panelist here this afternoon, I will try not to repeat what has already been testified to concerning what a CAC is and does. Instead, I want to first focus my remarks on the importance of CACs to prosecutors and the impact a CAC has on the job we do prosecuting offenders who prey on children. Second, I would like to highlight some areas where I believe we can make improvements in the MDIT process. Improvements that will strengthen our MDIT teams and enhance the role a CAC plays in those investigations.

**The positive impact of CACs on a prosecutor's ability to successfully hold child abusers accountable for their crimes.**

I cannot emphasize enough the importance of a child being interviewed by a specially trained child interview specialist. I can tell you horror stories about interviews conducted by well meaning, but untrained, professionals and the damage those interviews did to the integrity of those investigations. As a prosecutor, having trust in the quality of the child interview is of the utmost importance. The interview will be video recorded and the MDIT team members can observe the interview live from the observation room. By videotaping the interview, the child is spared having to endure multiple interviews conducted by each investigative agency separately. The video also allows for a peer review process to take place which adds a layer of quality control to the interviewer's procedures.

After the child's interview, the MDIT members will compare notes, plan investigative strategy, and decide the investigation's next steps. All this is done at the CAC. MDIT team members (law enforcement and caseworkers in particular) coming together at the CAC fosters the teamwork and coordination efforts that are at the heart of the section<sup>1</sup> of the Child Protective Services Law (CPSL) that mandates the multidisciplinary approach to child abuse investigations. You may be surprised to learn that despite the CPSL legal mandate, many counties still struggle today to coordinate their investigations. The counties that have been the most successful implementing the law are those with Child Advocacy Centers.

In a number of CACs, like UPMC's CAC of Central PA, the victim's medical exam is conducted on site during the same appointment scheduled for the interview. The medical exam utilizes special equipment that can magnify, photograph, and document any injuries discovered during the exam. This is equipment that is not found in an ordinary pediatrician's office. Having medical experts, both doctors and nurses specially trained in sexual assault examinations, not only provides a quality medical exam for the treatment of the patient but also provides prosecutors medical experts that can testify in court. These medical experts are also frequently consulted during the investigative stage to assist prosecutors making charging decisions.

As the investigation progresses, the team members meet to review the open investigation at meetings known as 'case review'. Many case review meetings across the Commonwealth are facilitated by the local CAC. At the case review meeting, the investigation is put through a process that I call being 'staffed'. At the case review meeting the MDIT's larger team convenes to discuss the open investigations. Here the prosecutors, police officers, children and youth case workers, child interview specialists, victim advocates and medical staff have an opportunity to discuss each case. Further

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<sup>1</sup> 23 Pa.C.S. § 6365 (C)

investigative strategies are devised and charging decisions are made at this meeting. I have found that it is at these case review meetings where a county's MDIT team really comes together and transforms into something more than its individual parts. A strong, well-functioning multi-disciplinary team is one that has broken law enforcement and child protective service agencies out of the isolated silos in which they have functioned for way too long. All of this can occur under the umbrella of the Children's Advocacy Center.

**What can the legislature do to help Child Advocacy Centers and improve the MDIT process?**

Financial support of course is always welcome. I have discussed how important CACs are to the successful creation of a county's multi-disciplinary team and to the prosecution of child abuse crimes. We are lucky in Dauphin and Cumberland Counties to have the strong support of a hospital system. Without their financial support our Children's Advocacy Center would not exist. But that doesn't mean that our center is financially secure and immune to the sharp edge of a knife cutting a budget in our tight economy. Over the years, I have met with the leadership of UPMC's predecessor, PinnacleHealth, during times when we were concerned whether the CRC's doors would remain open or would be funded at the same level of services that they currently provide. Across this state, many of the CACs are scratching out an existence. Fund raising is a major necessity for CAC executive directors. There are even more communities that need the services that a CAC can provide but they face a major hurdle before those centers can be formed – money.

There are other non-monetary concerns that also hamper child abuse investigations. The professionals responsible for investigating child abuse allegations work under a contradictory set of legal mandates. They are required to work together, coordinate investigations and share information. Yet there are a number of legal barriers that prevent that from happening. The law prohibits sharing in some instances or is unclear in other situations that causes cautious legal solicitors lean on the side of

not sharing information for fear of violating the law. We need to make it clear that members of the MDIT legally can fully share information. It is my understanding that Childrens Advocacy Center Advisory Committee Chair David Heckler has submitted to the legislature a memorandum outlining the legislative recommendations of the committee. One of those recommendations<sup>2</sup> outlines in detail proposed changes to the CPSL designed to improve the sharing of information between MDIT members, which includes provisions that will further integrate CACs into the MDIT process. This is not a new proposal. It is one that was discussed by the Task Force on Child Protection in its November 2012 Report. It was also a major component of the 2015 Dauphin County Tutko Grand Jury Report which examined the failures of the child protective services system that resulted in the August 1, 2014, death of Jarrod Tutko, Jr., who died about a mile north of here on Green Street in Harrisburg, within a short walking distance of the Governor's mansion.

I don't want to end my comments on a sad note, I can give you give you plenty examples of success stories that were the direct result of well-coordinated investigations. However, as someone who has dealt firsthand with the obstacles to communications between agencies, and has witnessed the danger these barriers can place children in, I implore you to examine these recommendations.

## **Conclusion**

In summary, by supporting CACs in our communities, we are going a long way towards ensuring that every abused child in the Commonwealth is assured a well-coordinated and thorough investigation is conducted on their behalf.

Thank you.

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<sup>2</sup> CACAC Legislative Recommendations for the 2023/2024 Legislative Session. Recommendation number 5: Improve communication and information sharing between and among MDIT members.



**Informational Hearing on Child Advocacy Centers  
Before the Senate Aging and Youth Committee  
August 8, 2023**

**Testimony of**

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