
Virginia's Use of Closed Circuit Television
With Child Victims and Witnesses:
A Look Back

1988-2011



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Historical Background and Statutory Authority

Virginia, among a number of states, has taken steps to reduce the trauma experienced by child victims when they must testify in court about what happened to them. In 1988 the Virginia General Assembly enacted legislation that allowed for the use of two-way, closed-circuit testimony in child abuse cases. This technology allows a child's testimony to be transmitted "live" to the courtroom where it can be seen and heard by the judge, jury, defendant, and others as it is given. At the same time, the proceedings in the courtroom are to be transmitted to the room where the child is, in order that it can be seen and heard by the child and the attorneys.

Section [§18.2-67.9](#) of the Code of Virginia permits closed-circuit television (CCTV) in cases involving certain criminal offenses, under certain conditions, when a victim is 14 years of age or younger at the time of the offense and 16 years or younger at the time of testimony or when a child witness is 14 years or younger at the time of the testimony. Additionally, in any civil proceeding involving alleged abuse or neglect of a child, the child's testimony may be taken via CCTV (§§ [63.2-1521](#) ; [16.1.252](#) (D)) if the child victim is 14 or under at the time of the alleged offense and 16 years or younger at the time of testimony, or a witness is 14 or under at the time of testimony. The court may order that the testimony of the child be taken by CCTV if it finds that the child is unavailable to testify in open court in the presence of the defendant, the jury, the judge, and the public for any of the following reasons:

1. The child's persistent refusal to testify despite judicial requests to do so;
2. The child's substantial inability to communicate about the offense; or
3. The substantial likelihood, based upon expert opinion testimony, that the child will suffer severe emotional trauma from so testifying.

Since the passage of the statute allowing CCTV, a Department of Criminal Justice Services (DCJS) assessment noted that while many jurisdictions were aware of the legislation, CCTV was not being utilized for a variety of reasons, including the unavailability of technology. In response to the knowledge that CCTV was only utilized six times between 1988 and 1993, DCJS secured funding from the Federal Bureau of Justice Assistance (BJA) for DCJS and the Virginia State Police to expand the use of closed-circuit testimony for child abuse victims. Under the grant, three mobile CCTV units were purchased; an informational brochure and protocol for use of the technology was produced and training on the use of the equipment was provided to criminal justice professionals. This technology and technical assistance has been available to Virginia courts since 1994. Periodically, BJA and other funding has been secured for equipment upgrades including the purchase of fiber optic technology.

The Virginia State Police facilitates the use of CCTV equipment upon request (see procedure for requesting equipment at the end of this report). They submit basic identifying information to DCJS on each request they receive, as well as case identifying data when the equipment is installed. **Due to the fact that a few jurisdictions utilize their own locally owned equipment and do not report their utilization data, this summary should not be construed as a representation of the complete use of CCTV in child abuse cases throughout the Commonwealth of Virginia.**

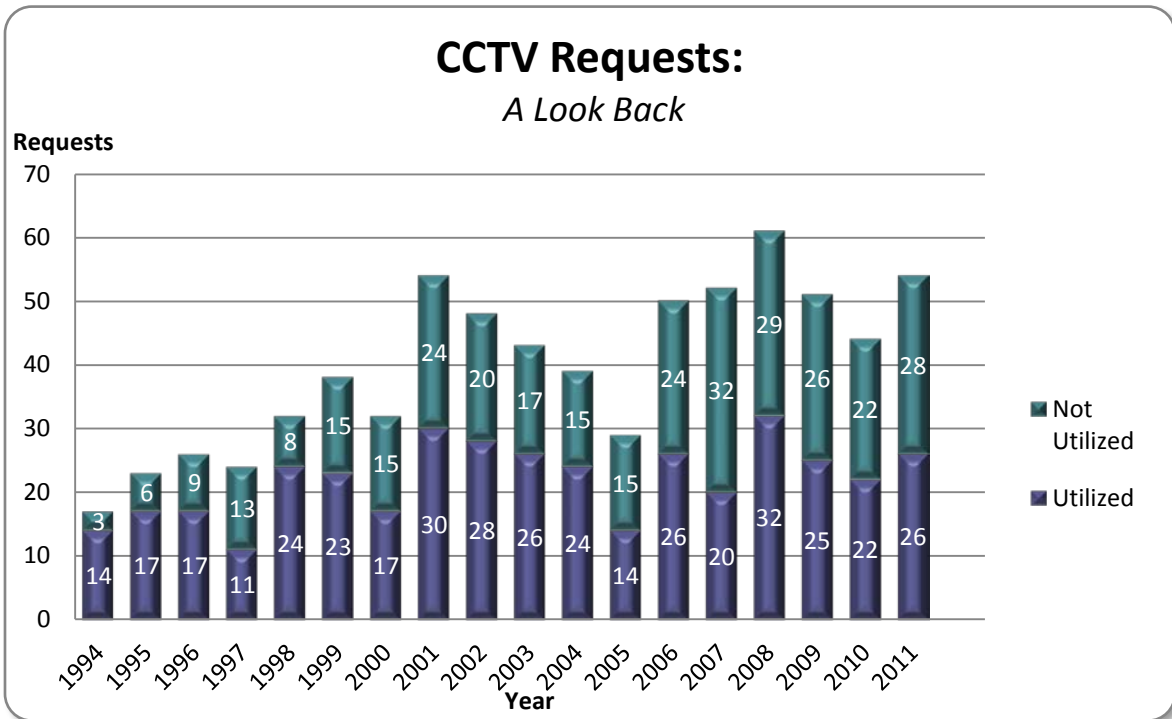
What We've Learned

- Court preparation is important in all child victim/witness cases and especially when using closed-circuit testimony. It is important to introduce the child to the judge in addition to allowing the child to see the courtroom where the child will testify. Allow time to familiarize the child with the equipment and technicians.
- It is important to contact the Virginia State Police as soon as the possibility arises that CCTV equipment will be needed, even if a formal request has not been made to the court. The Virginia State Police need as much advance notice as possible in order to schedule the equipment and technicians.
- The statute requires that the party seeking the order from the court allowing the use of closed-circuit testimony file a motion at least seven days in advance of criminal procedures, and two days in advance of a civil hearing. Prior to the installation of CCTV equipment, motion hearings for the determination for use of closed-circuit testimony should be completed.
- If a court hearing is cancelled or adjourned, the Virginia State Police should be notified as soon as possible, preferably at least 24 hours prior to the court date. This will avoid unnecessary travel and installation time for the Virginia State Police special agents and allow for scheduling of other assignments.
- The Virginia State Police are eminently qualified to administer this program. The special agents who install the CCTV systems are knowledgeable, efficient, flexible and highly professional. Prosecutors appreciate the professionalism and ease of use of this service.
- The statutory changes in 1999 increasing the age limit for use of CCTV for *victims* from twelve (12) and under to fourteen (14) and under at the time of the offense, and less than sixteen (16) at the time of trial and allowing the use of CCTV for *witnesses* who are fourteen (14) and under at the time of trial have resulted in greater access to justice and reduced trauma for adolescents.

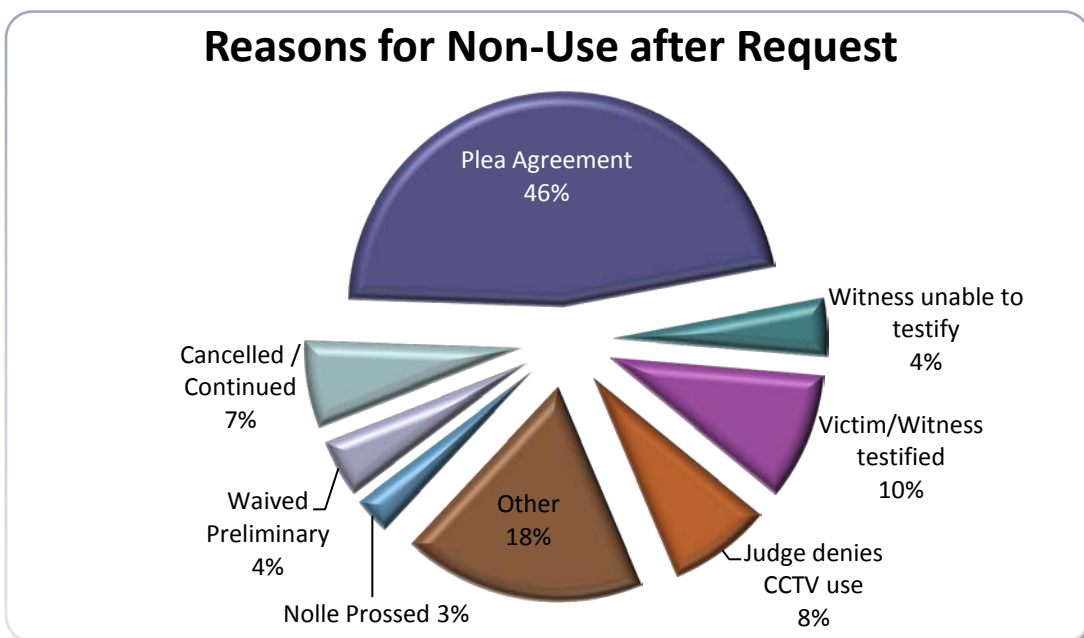
Requests for Equipment and Related Case Data

Through the collaboration between the Department of Criminal Justice Services and the Virginia State Police, the number of requests for service has continued to increase. Although yearly fluctuations are noted, the usage in 2011 represented a 23% jump from 2010 and a 218% increase in the number of requests from 1994. This jump is likely attributed to increased knowledge regarding the availability and benefits of CCTV as well as the process for requesting services.

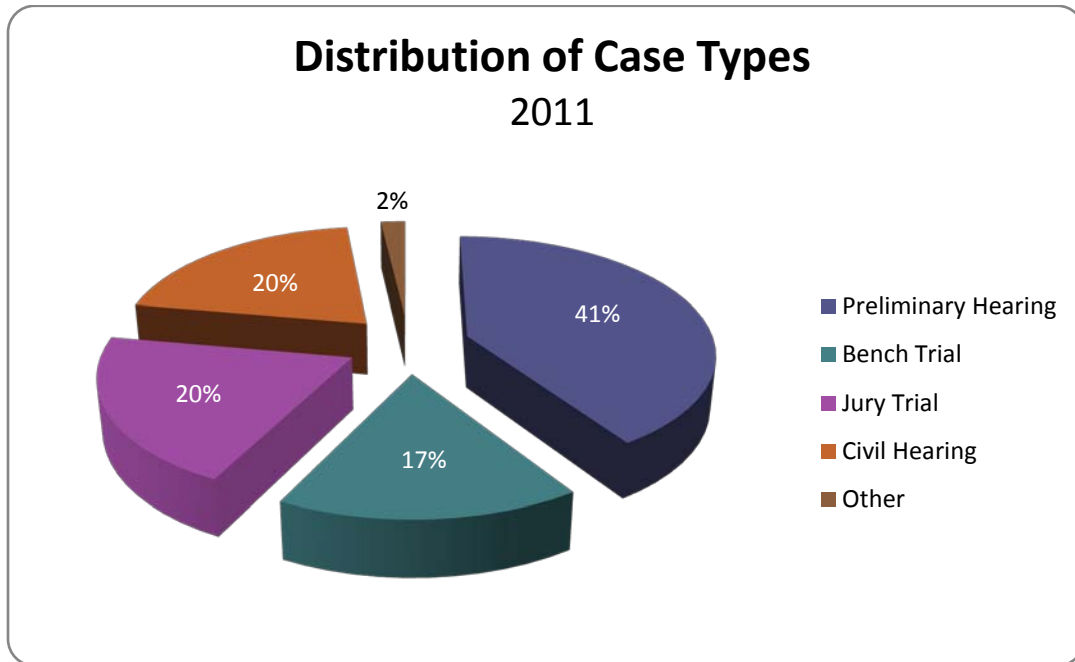
The chart below shows the number of requests for CCTV made each year from 1994 to 2011, and how often CCTV was actually used when it was requested.



While equipment requests totaled 717 over the last eighteen years, closed-circuit broadcasting has only been utilized 396 times, or in about 55 % of the times requested. It appears that the percent of non-utilization after request has increased as the program has matured over the years. The following chart depicts the various reasons for non-utilization. Clearly, the most significant reason fell into the category of “plea agreement”. Nearly half (46%) of all requests resulted in a plea agreement being reached and the equipment not being utilized in court.



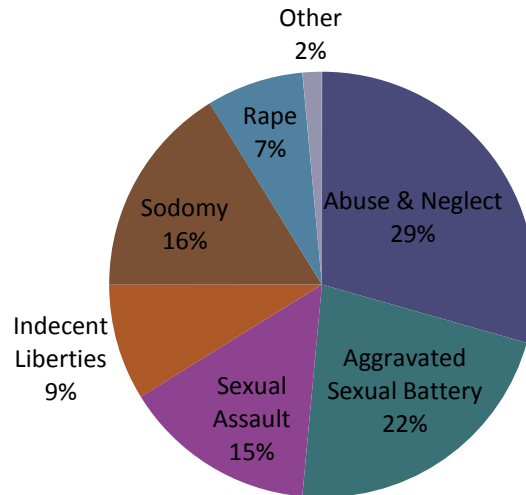
During the most recent five-year period reviewed, 2007 to 2011, requests were received from 74 jurisdictions throughout the Commonwealth. The locality requesting State Police CCTV technical assistance most often was Prince William County. Their 29 requests were followed in frequency by Halifax County and Virginia Beach with 18 and 15 requests, respectively. During 2011, the heavy users were Prince William (13 requests), Bristol City (4) and Martinsville (3).



During 2011, 72% of the requests were initiated for Juvenile and Domestic Relations Court proceedings. This is up from the measure 5 years ago of 53%.

The case distribution by type of hearing for 2011 shows a spread of preliminary hearings at 41%, jury trials and civil hearings each with 20% and bench trials at 17%. This configuration seems to have remained fairly constant over the years.

2011 Reported Charges



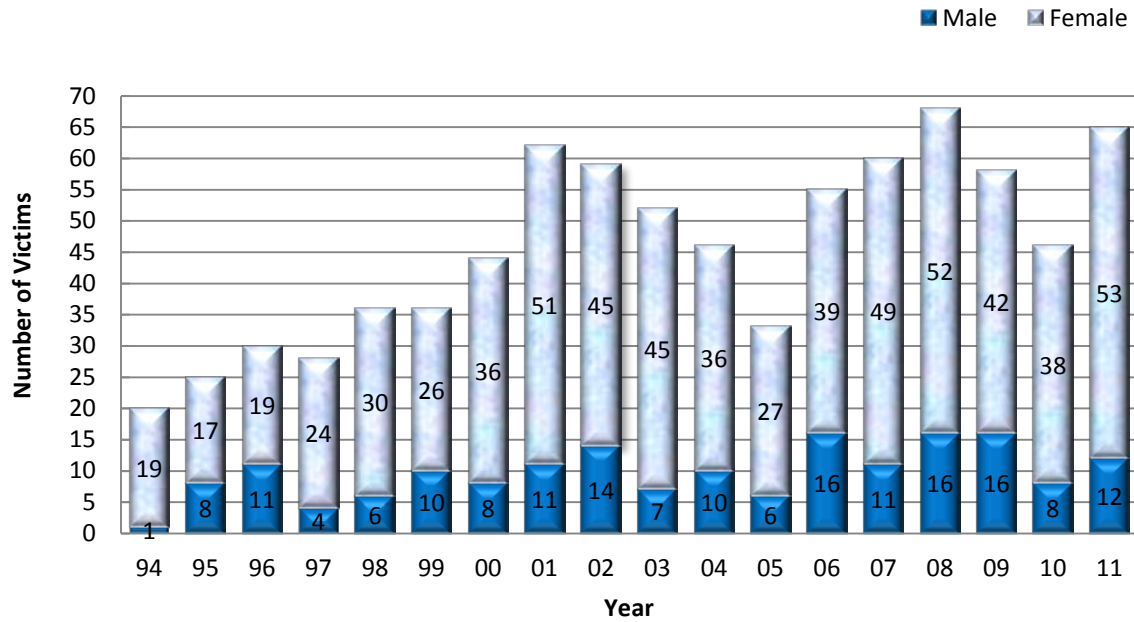
In 2011, the most frequently reported charge justifying the use of CCTV was Abuse and Neglect (29%). Over half of all requests noted charges of either Aggravated Sexual Battery (22%), Sodomy (16%) or Sexual Assault (15%).

A review of previous years' data shows yearly variations in this distribution. For example, in the ten year period 1994 – 2003, Abuse and Neglect charges were reported only in 4% of the requests, and Aggravated Sexual Battery was the most frequent charge at 32% of all requests.

Child Specific Data

Since its implementation, over 850 children were the subjects of closed circuit equipment requests. The following chart depicts the total victims involved by year and gender. In a few instances, the sex of the victim was not reported and thus not included. More than 75% of all requests involved female children.

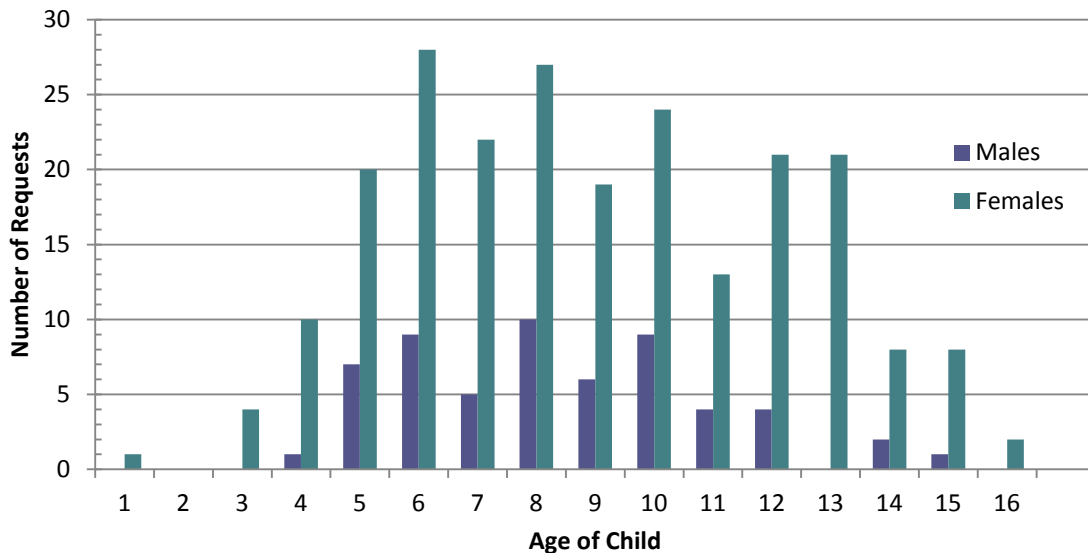
Gender of Victims: 1994-2011



CCTV is being used in cases involving children as young as one year old and up to 16 years old. Comparing data on boys and girls from 2006 to 2011, the equipment is used most frequently with boys between the ages of 5 and 10 and with girls between the ages of 5 and 13.

Requests By Gender By Age

2007 - 2011



Operational Data

The Virginia State Police (VSP) has provided the onsite technical assistance, equipment and service necessary to enable the use of CCTV technology since the enactment of the statute. Some requests require two Special Agents, others just one. On the average, VSP expended approximately 12 hours per 2011 request – regardless of whether the equipment was utilized or not. Additionally, in order to install the CCTV equipment in 2011, the VSP logged over 10,000 miles of travel. These services are provided at no cost to the court, the prosecution or defense.

How to Access Equipment & Technical Assistance

CCTV equipment and technical assistance is provided at no cost to a local court, on a first-come, first-served basis. Contact the Virginia Department of State Police Technical Unit at (804) 674-2669 for the initial request for CCTV equipment and the form for the written confirmation request.

Requests for this service should be submitted in writing by mail or FAX (NOT e-mail) to:

[Virginia Department of State Police](#)

Bureau of Criminal Investigations
Criminal Intelligence Division
P.O. Box 27472
Richmond, Virginia 23261
FAX: (804) 674-2198

Direct questions about this service to:

Assistant Special Agent-in-Charge
Virginia State Police Technical Unit
(804) 674- 2669

To cancel or reschedule requests contact:

Virginia State Police Technical Unit
(804) 674-2669

It is important to contact the State Police as soon as possible if CCTV equipment will be needed. This request should include a copy of the motion filed with the court for the use of closed-circuit testimony. The State Police will not be able to set up equipment until a decision on the motion is made. The State Police need as much advance notice as possible in order to schedule the equipment and technicians.