



ACRA-A Child's Rights Association

Kansas Child Abuse Activists
Celebrating Children | Confronting Abuse

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Donna Roberts/Founder

February 25, 2013

Testimony of:

Donna Roberts, founder of ACRA-A Child's Rights Association
Wichita, Kansas

Presented to:

The Hon. Connie O'Brien and Honorable Members of the
Kansas House Committee on Children and Senior's:

Testimony on HB 2233

Chair O'Brien, Vice-Chair Meigs, Ranking Member Wilson and Honored Members:

I am Donna Roberts, founder of ACRA-A Child's Rights Association located in Wichita Kansas.
Thank you for the opportunity to provide testimony in support of HB 2233.

HB 2233 creates the Protective Parent Reform Act (PPRA) amending statutes governing custody and visitation orders concerning children under the jurisdiction of the court as children in need of care or pursuant to a domestic relations dispute.

In 2005 I lobbied for Jessica's Law to better protect children from those who prey on them. I thought I was truly doing a great thing for children, then I found out in cases of children being sexually abused by a parent the case is treated as if it is a family issue and no longer a crime. To be honest, I shouldn't have to be here presenting testimony or even drafting a bill because children should be protected no matter who the offender is. A child victim and their parent should not be punished for making a report of abuse when it is in good faith.

Last year the Protective Parent Reform Act was introduced in the Children and Families Committee but it didn't move due to a busy schedule in the committee. There were minor oppositions to the bill and I have addressed them below.

Clock On The Wall And Video Recorder

There was a question about the expense for the clock on the wall and a video recorder during an investigation. I have given each of you a handout of an evaluation of a recording that was done with a child here in Kansas. The only evidence that the State provided of the child's interview was audio WAV files. Paul Ginsberg, who did the evaluation of one of the recordings, is nationally known as the most qualified expert in the field of tape-recorded evidence.

I will read parts of what Mr. Ginsberg wrote about the audio recording of the child interview.

"It was observed that, despite being recorded by law enforcement, the file format of the source CD was WAV. This is an unprotected, or "open" file format.....

Surely every police department possesses a cam-corder and can afford a 10 dollar clock. Instead we have here an unprotected file format, with no preamble or postscripts, with the possibility of editing.

As such, this statement, in my expert opinion is unreliable and not representative of the conversation as it occurred at the time of the recordings."

Additionally and very concerning, Mr. Ginsberg did evaluate a specific portion of the recording and wrote...

"I have reviewed a portion of the recording in Segment 1 at time 23:08...The female officer says, "Does she help you remember the truth?" following which she whispers to the child. The whisper appears to be "I hate your mother".

Mr. Ginsberg's professional opinion recommends that all interviews of children be videotaped and recorded with a clock on the wall. The handout I have given you describes how these WAV files are not credible evidence or a reliable source of the event as it happened. Also very concerning is the audio that Mr. Ginsberg reviewed and noted that the "female officer", whispered to the child, "I hate your mother". The child from this interview was never protected and was placed in the home of his abuser. Kansas cannot protect children and convict child abusers if the State isn't willing to record these investigations with a video recorder and clock on the wall. As a child advocate, who's only interest is to protect children, I agree with Mr. Ginsberg.

Forensic investigator - VS - Social Worker conducting interview

Research has been done in the drafting of this bill in regards to the terminology. The wording of "forensic investigator" is used instead of "social worker". The need for a "forensic investigator" over these child abuse investigations can be the difference of whether the child is protected and a prosecution.

A study was done in Alabama which compared the outcomes of prosecution where there were forensic interviewers versus the regular social worker and law enforcement. **Results revealed that criminal indictments occurred twice as often with forensic interviewed cases than with the social worker and law enforcement.**

http://etd.auburn.edu/etd/bitstream/handle/10415/1268/BRADFORD_ANGELA_3.pdf?

As a mother, grandmother, child abuse activist and a parent of a child who is a survivor of kidnapping, rape and sexual exploitation Kansas can do better at protecting children from abuse, when the child protection system fails one child that is one child to many. Children depend on us adults to protect them and when they disclose abuse and the system places them in the home of the abuser then we only accomplished one thing, we taught these child victims to not tell again.

I will conclude my testimony by asking the committee to incorporate a penalty to the bill, if we don't protect children when they tell of abuse, then someone should be held accountable. Not only are we allowing child abusers not to be punished because of the failures, we are also allowing certain individuals involved in these cases who recommends to place the child/children in the home of the abuser and in turn are ignoring and abusing the laws of our state. We already have penalties for interfering with parental rights and in my opinion if anyone knowingly and maliciously conceals the crime of child sexual abuse and recommends custody change then the individuals should be charged with a felony. The child victims deserve no less.

I have one agenda and that is to protect children, no matter who the offender is. What is happening in these types of cases is no different than the Sandusky case, children are telling and telling and certain individuals who are in the position to protect are protecting the abuser and failing the child victims.

Thank you for your time.

Sincerely,

Donna

Donna Roberts/Founder
ACRA-A Child's Rights Association

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PAUL GINSBERG
PRESIDENT

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June 12, 2006

[REDACTED]
[REDACTED]
[REDACTED]

Re: Recordings of Interview of [REDACTED]

Dear [REDACTED]

Enclosed you will find the following:

1. Three digitally enhanced CD's containing parts 1 and 2 of [REDACTED]'s interview (WAV file format)
2. Three digitally enhanced CD's containing parts 1 and 2 of [REDACTED]'s interview (CD file format)
3. Three digitally enhanced copies of a DEMONSTRATION EDITED version of [REDACTED]'s interview (WAV file format)
4. Three digitally enhanced copies of a DEMONSTRATION EDITED version of [REDACTED]'s interview (CD file format)
5. The two source CD's submitted for enhancement and examination

Initially I downloaded the files from the source CD into a state-of-the-art digital enhancement system. Then, after considerable experimentation, an optimum setting was attained, and enhanced files were produced, corresponding to the two parts of the interview. Finally six digitally enhanced CD's were produced, three in CD file format, and three in WAV file format, each containing enhanced versions of both parts of the interview.

It was observed that, despite being recorded by law enforcement, the file format of the source CD was WAV. This is an unprotected, or "open" file format. Any kid with a standard PC computer and some free software can alter a WAV file to suit his needs. Words can be replaced, deleted, or added without any telltale signatures of erasures as with cassettes or microcassette recording.

As a result, a WAV file has no evidentiary value since there is no guarantee that it represents the conversation as it occurred at the time of recording. In fact, it can be made to say just the

opposite of the words actually spoken. To demonstrate this, I have enclosed three sets of Demonstration Edited CD's in CD format as well as in WAV file format. On these demonstration CD's I have replaced some of ~~Albino's~~ responses to show how easy one can eliminate and change words to alter a statement recorded in WAV format.

Specifically his responses to the various parts of the body at times 2:28, 2:34, 2:43 and 2:56 have been changed to "pee pee". Also his response to the question of his brother's age was changed from twenty-two to two at 1:20. At 3:54, when asked about whether there are places on the body that should not be touched, his answer has been changed to "no", and finally his answer to whether his father has inappropriately touched him, he now appears to answer "no".

Law enforcement DOES have tools and procedures with which to produce recordings that do have evidentiary value. The simple act of doing a preamble and post script, giving date and times would provide a comparison to measured elapsed time of a recorded statement.

Further, there are recorders, with proprietary impenetrable file formats that have interwoven date-time information, such that they cannot be edited, and, during playback, a display of recorded time is present and incrementing, demonstrating continuity.

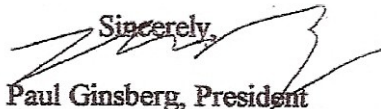
But the simplest way to record a statement where nobody could object on grounds of discontinuity, is to simply videotape it with a clock on the wall with a sweep second hand. Surely every police department possesses a cam-corder and can afford a 10 dollar clock. Instead we have here an unprotected file format, with no preambles or postscripts, with the possibility of editing.

As such, this statement, in my expert opinion is unreliable and not representative of the conversation as it occurred at the time of recordings.

Additionally, at your request I have reviewed a portion of the recording in Segment 1 at time 23:08. The female officer says, "Does she help you remember the truth?" following which she whispers to ~~Albino~~. The whisper appears to be "I hate your mother".

Please call if there are any questions, or to arrange for additional recordings to be examined or enhanced, and to advise of testimony, if required.

Sincerely,



Paul Ginsberg, President
Professional Audio Laboratories, Inc.



Professional Audio Labs

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.....Paul Ginsberg is widely accepted as the most qualified and renowned expert in the field of tape-recorded evidence. With Bachelors and Masters degrees in Electrical Engineering and 33 years experience, Mr. Ginsberg has participated in well over 1,700 trials and has testified on over 170 occasions in 27 federal districts as well as in Canada. Mr. Ginsberg has TOP SECRET clearance and was the sole tape expert in the Branch Davidian trial at Waco, as well as in the World Trade Bombing Case II. More recently he digitally enhanced the Texaco tapes, and was retained by the U.S. Senate to examine the White House "coffee" tapes for authenticity.

.....Mr. Ginsberg has been profiled in numerous publications, and has appeared on C.N.N. and various news talk shows. He has participated in seminars sponsored by M.I.T. Lincoln Laboratories and Bell Telephone Laboratories in the area of enhancement of electronic signals, and was invited to lecture to federal technical law enforcement agents about how to best use electronic surveillance and successfully gather tape-recorded evidence at the national meeting of N.A.T.I.A. (National Technical Investigators Association).

.....Mr. Ginsberg authored "A Prosecutor's Guide to the Use of Audio Taped Evidentiary Material" and "An Agent's Guide to the Use of Audio Taped Evidentiary Material" and is a member of the I.E.E.E., S.B.E., A.E.S., and A.B.F.E.

.....Professional Audio Laboratories regularly enhances and examines tapes for the U.S. Department of Justice, U.S. Attorneys Offices, Antitrust Division, F.B.I., S.E.C., D.E.A., Customs, I.R.S., Secret Service, A.T.F., I.N.S., the intelligence community, foreign governments, state and local governments, law firms, Fortune 500 companies, and civil litigants from coast to coast. Special projects include unscrambling encrypted tapes, neutralizing voice-changers, and design of a system to automatically detect and catalog telephone numbers dialed on 60 channel Dictaphone 911 logger tapes.

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