

## Systematization of the pilot implementation of a Gesell dome in a Family Court

### Sistematización de una experiencia piloto de implementación de una Sala Gesell para la entrevista de niños en un Tribunal de Familia

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Received: 24-1-2018; Approved: 13-7-2018

#### Abstract

**Introduction:** Children and adolescents who are victims of sexual abuse or severe mistreatment are exposed to secondary victimization –understood as the revictimization resulting from the constant memory of the mistreatment or the abuse suffered when they are subject of multiple questions about what happened– when they have contact with the justice system. In 2012, the Chilean State implemented a pilot Gesell dome in order to reduce this risk and move towards a single interview process, with probative value in the context of the judicial process. **Objective:** To systematize the implementation process of a Gessel Dome in a Chilean Family Court. **Subjects and Method:** Qualitative, non-experimental, exploratory and descriptive study. Ten representatives of institutions of the inter-institutional network of the Family Court at the city of Melipilla were interviewed. Purposive sampling was used for the selection of participants, which seeks to obtain a representative discourse of the participants. The Semi-structured Individual Interview was used, based on seven research dimensions: 1) knowledge of the Gesell dome; 2) knowledge of the right of the child to be heard; 3) knowledge regarding severe mistreatment and sexual abuse; 4) knowledge about secondary victimization; 5) organization and operation of the institutional network; 6) training; and 7) general evaluation of the Gesell dome of the Melipilla Family Court. **Results:** There are differences in knowledge and information management among the institutions associated with the project. Coordination difficulties of the local network that affect the objectives of the project are identified. **Conclusions:** There are problems of coordination and networking in the implementation and use of the Gesell dome. In order to achieve the objective of reducing secondary victimization, in addition to the investment in physical facilities and specialized training, a strong investment in local network management and coordination is required. The results facilitate the development of plans to avoid such difficulties in the future implementation of Gesell domes as public policy.

#### Keywords:

Family court;  
Chile; Secondary  
victimization;  
institutional networks

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## Introduction

Secondary victimization is what happens not as a direct result of the criminal action, but rather, through the response of specific institutions and individuals to the victim<sup>1</sup>, such as making repeatedly relate what happened and/or in an unconditioned place<sup>2</sup>. This happens after the commission of the crime, from the moment where the victim informs the authority of it, and the institution is inoperative<sup>3</sup> causing the victim the feeling of being ignored or even humiliated due to the denial of his or her rights<sup>4</sup>, which, in a judicial process can result in extensive trials, repeated and questioned statements<sup>5</sup>, without the presence of specialized professionals in charge of the process<sup>6</sup>, and in inadequate environments.

Regarding children, this victimization violates the right to psychological integrity, intimacy and health, among others, constituting a form of abuse to which attention must be paid due to the physical, emotional and cognitive effects it may cause in the short-, medium- or long-term<sup>7</sup>, considering that child abuse is an increasing medical-social fact<sup>8</sup>.

The impact of secondary victimization is such that the European Union considers that each State should be responsible for protecting those affected<sup>9</sup>, where the protection of the victim is the first priority<sup>10</sup>, considering that victimization is a form of harmful aggression that affects all dimensions of the person<sup>11</sup>.

Having adequate spaces for interviews with children and adolescents who have been victims or witnesses of serious abuse or sexual crimes constitutes a substantial public policy need and a debt as a country. Regarding this, the Committee on the Rights of the Child recommended to Chile to ensure that all child victims or witnesses of a crime receive protection<sup>12</sup>. This situation is even more worrying given that the reporting rate of sexual crimes among underage victims has increased in the last two decades and especially in the last few years<sup>13</sup>.

Therefore, it is necessary to work on practices that contribute to the reduction of secondary victimization in child and adolescent witnesses or victims of crimes, adopting measures that protect the guarantees that avoid confrontation with the aggressor at the time of testifying<sup>14</sup>, having a conditioned environment, in which the process is also carried out by specialized professionals in order to avoid the testimony repetition<sup>15</sup>, contributing to the exercise of the child's right to express his/her opinion without coercion<sup>16,17</sup>, which affects his/her subjective well-being and capacities to exercise his/her rights in an actively<sup>18</sup>.

Thus, at the beginning of 2012, the Judicial Branch began a pilot program in the Melipilla Family Court to conduct interviews with children and adolescents,

which would contribute to reducing secondary victimization through the protection of the child's right to be heard in the dimensions of Space, Voice, Hearing, and Influence<sup>17</sup>. For this, a Gesell dome was built, which is a conditioned space to record the behavior of the interviewed child who was a victim or witness of a crime, without disturbances, with furniture and decoration adapted to a child. The room has two spaces connected by a one-way mirror, the first one for conducting the interview and the second one for observation, so that the professionals involved in the process can see and hear the interaction, through intercoms and other means suitable for communication between the observers and the professional interviewer, who should have training in child psychology and forensic psychology<sup>19,20</sup>.

In summary, the Gesell dome is an infrastructure that contributes to diminishing and preventing secondary victimization through an investigative interview, executed by a professional interviewer specialized in psychology or psychiatry, with the participation of other professionals involved in the process, who participate behind the mirror<sup>21</sup>, in a controlled environment inside the court.

In order to reduce secondary victimization among child and adolescent victims or witnesses of crime, we propose to work in two areas: a) to improve the conditions in which the interview is conducted, and b) to reduce the number of interviews conducted.

The first proposal has been addressed by several instances in our country, through the preparation of a single specialized interview and training in it<sup>19</sup>, as well as the creation of appropriate environments where children and adolescents are heard, in order to protect their physical and mental health in family courts<sup>22</sup>. The second proposal has recently been addressed with the publication of Law 21,057<sup>23</sup>, which regulates in criminal proceedings how videotaped investigative interviews and judicial declarations are conducted, in order to prevent secondary victimization of child and adolescent victims of sexual and other serious crimes; regulating particular aspects of the process such as the interviewer must have specialized training in videotaped interview methodology and techniques, in addition to being accredited by the Ministry of Justice and Human Rights.

However, the participation of children or adolescents in judicial proceedings or as subjects of police activity is still an area in which greater specialized professional staffing is needed in order to intervene appropriately to the evolving development characteristics of the subject of care.

In this sense, European evidence points to the need to work on the articulation of networks to address the reduction and prevention of secondary victimization,

through an effective coordination of professionals to ensure the protection of child and adolescent victims or witnesses of crime<sup>24</sup>, so that coordination, through referral protocols and joint action, contributes to the quality and a reduction in the number of investigative interviews.

Thus, the objective of this investigation is to systematize the implementation process of the Melipilla Family Court Gesell dome, in order to identify elements that facilitate its implementation in other jurisdictions, as well as to reduce possible problems arising from its implementation.

## Subjects and Method

### Design

It is a qualitative research of non-experimental, exploratory, and descriptive design<sup>25</sup>.

### Participants and sample characterization

Ten counterparts from public and private institutions related to the implementation of the pilot project were interviewed (table 1). Six of the interviewees were female and four were male, with an average age of 36.8 years (ranging from 27 to 45 years) and with an average of 12 years of experience in the respective institutions (ranging from 5 to 27 years). To select the participants, the purposive sampling was used, which seeks to obtain the representative speech of the participants, thus the following were included: a) heads or designated representatives of the institutions that are part of the court's network; b) who receive cases of serious abuse and child molestation; and c) who agreed to be interviewed, of which 60% were directors or heads of the institutions and 40% were heads of areas.

### Instrument

The Semi-structured Individual Interview was used, based on the following research dimensions: 1) Gesell dome knowledge; 2) knowledge of the child's right to be heard; 3) knowledge on serious and sexual abuse; 4) knowledge on secondary victimization; 5) organization and functioning of the institutional network; 6) training; and 7) general evaluation of the Melipilla Family Court Gesell dome.

### Procedure

An introduction letter of the research project and a meeting and interview request was sent to institutions which are part of the Melipilla Family Court network. Subsequently, telephone calls were made to confirm receipt of the letter and the date and time of the interview which took place between March and May 2012.

An interview pattern with seven main dimensions was used, from which the conversation with each of the interviewees began, which was later guided by their own interests: 1) Gesell Dome (general and court process knowledge); 2) Children's rights, especially the right to be heard; 3) Physical and sexual abuse (prevalence and procedural protocol); 4) Secondary victimization (general knowledge and existence in the territory); 5) Institutional network (link with the different institutions of the network and protocols for referral of cases); 6) Received training regarding the Gesell Dome use; and 7) General evaluation of the implementation process.

### Data analysis

The data analysis was carried out from the procedures set by the grounded theory, which maximizes the advantages of simultaneity in sample selection, data collection, and analysis<sup>26</sup>, working with emerging ca-

**Table 1. Institutions in the sample**

Institution	Quality
Community development directorate (DIDECO)	Public service (Municipal)
Municipal Health and Education directorate (DAEM)	Public service (Municipal)
Children's Rights Protection Office (OPD)	Public service (National)
Programme of Specialized intervention (PIE)	Voucher funded
Carabineros de Chile (Chilean Police) (CDCH)	Public service (National)
Policía de Investigaciones (Chilean Civil Police) (PDI)	Public service (National)
Judicial Assistance Corporation (CAJ)	Public service (National)
Public Defence Office (DPP)	Public service (National)
Short-term diagnosis and protection programme (DAM)	Voucher funded
Foster family Programme (FAE)	Voucher funded

\*The local Public Prosecutor (Fiscalía Local de Melipilla) did not participated on this research.

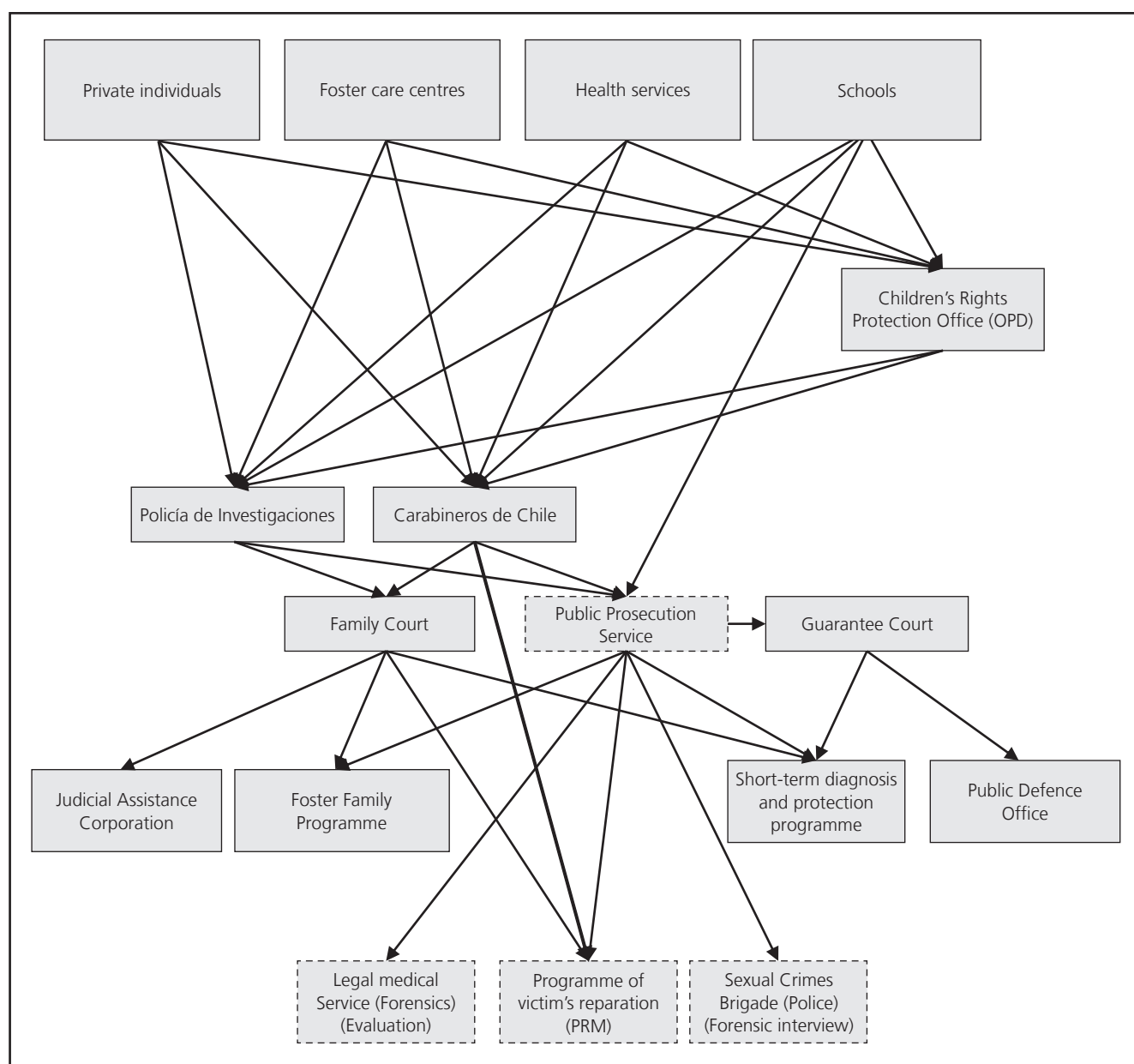
tegories. The categories indicated by the actors, within the analysis process, focused on three critical points: secondary victimization, activity knowledge of other participants in the network, and participation in the dome implementation.

## Results

1. There is general knowledge of the Gesell dome regarding its use in cases of sexual abuse and the decrease of secondary victimization. However, not all institutions are clear about the objectives

of the dome implementation in the Family Court, without prejudice that some institutions express the importance of its use for the exercise of the rights of the child to be heard.

2. Although most of the institutions are able to observe that the pilot dome is related to the Convention on the Rights of the Child objectives, it is difficult for them to identify whether this situation is fulfilled in practice since many of them do not have information regarding the installation and implementation process.
3. With regard to the cases admission of serious abuse and sexual abuse (figure 1), there are no pre-



**Figure 1.** Flux of access and diversion in cases of grave mistreatment and sexual abuse in the area of Melipilla at baseline time.

established or agreed-upon referral channels to organize and unify the process by which a case of serious abuse or child molestation goes through in the commune.

4. All institutions report that the secondary victimization phenomenon occurs in the commune and evaluate it as a serious situation. Some institutions try to take some actions to minimize this situation, but they are isolated.
5. The relationships in the network are good, but there is no clear or organized vision of a single network facing serious abuse and child molestation. The institutions are related only between some of them, depending on the issues that are treated and not all of them interact with each other, not allowing to diminish the secondary victimization in the commune.
6. Most institutions state that they cannot evaluate the project in general due to lack of information. However, in abstract terms, the idea of the project is well received and there is hope that it can be a contribution to the reduction of victimization in cases of serious abuse and child molestation in the commune.

## Discussion

Carrying out the systematization and evaluation at the beginning of the installation and implementation of the pilot program provides a baseline on which to carry out future evaluations to identify the results and impact of that experience. This systematization is one of the main contributions of our research, considering that this experience was replicated in more family courts in the country.

The collected data show the coordination and transfer difficulties of information on a specific topic, in this case, the decrease in secondary victimization of children and adolescents who are victims of sexual crimes and serious abuse, in a network made up of institutions with different profiles: a) those in which the violation is revealed; b) those in which it is reported, and c) those that subsequently carry out the diagnosis and/or intervention.

The scarce information of the pilot project managed by the institutions linked to the court's network is a constant that is presented each time innovative experiences are implemented in our country, which usually means that many good proposals do not go beyond being an isolated experience.

This situation reflects the challenge that institutions have to generate the necessary, stable and permanent instances (such as meetings, trainings and seminars), in which the objectives, criteria and internal

operating procedures of the Gesell dome pilot project can be presented and worked with the extended network, in order to generate trust among the institutions and allow them to disseminate and strengthen their implementation process.

The entry and referral routes diversity between institutions through which a case of serious abuse or child molestation must pass, in which they may even pass more than once through the same institution (figure 1), explains why part of secondary victimization occurs, and this is where the work must focus to contribute to the prevention and reduction of it.

For this reason, it is important to carry out transformations aimed at the articulation of different local networks, in a gradual process that allows for the generation of a communal network that addresses cases of serious abuse and child molestation, designing and establishing a procedure with entry and derivation channels, in which all the institutions that in one way or another have a relationship participate, in order to share and feedback among the three areas or groups of identified institutions in this research.

In this sense, and given the pilot project quality, it is not necessary only to have a law, but also to manage and articulate the local networks.

Therefore, and given that this line of work is complex and sensitive, this process must be carried out with due external technical accompaniment, which allows modeling the network work, and with it the possibility of transferring a model of implementation and work that supports the intervention carried out in the Gesell domes at the country level. However, the mere infrastructure or videotaped interview system directed by a specialized professional is not a guarantee for reducing and preventing secondary victimization if it is not accompanied by work with joint action protocols for a multidisciplinary approach between the involved public and/or private institutions or organizations.

In simple words, without a network that refers and protects the rights of the child, the existence of infrastructure such as Gesell domes or the intervention of qualified professionals in the techniques of the investigative interview will be nothing more than the backdrop of a process that does not safeguard the rights of child victims or witnesses of crime, or who have suffered a violation of their rights.

It is necessary to point out that one of the limitations of the research was the difficulty in accessing interviews with the different institutions, including the local prosecutor's office and the family court itself, which makes it even more necessary to consider the local context and the participation of the different actors in the children's network, within the design and policies implementation that have an impact on the lives of children and adolescents.



## Ethical responsibilities

**Human Beings and animals protection:** Disclosure the authors state that the procedures were followed according to the Declaration of Helsinki and the World Medical Association regarding human experimentation developed for the medical community.

**Data confidentiality:** The authors state that they have followed the protocols of their Center and Local regulations on the publication of patient data.

**Rights to privacy and informed consent:** The authors have obtained the informed consent of the patients and/or subjects referred to in the article. This document is in the possession of the correspondence author.

## Financial Disclosure

This Project was supported by the following grants: PIA CONICYT CIE160009 and FONDECYT F1181533 of the Chilean Science and Technology Commission (CONICYT) and FNSP11-ESP-14 of the National Fund on Public Safety of the Chilean Ministry of Interior.

## Conflicts of Interest

Authors declare no conflict of interest regarding the present study.

## Aknowledgments

To the National Fund on Public Safety of the Chilean Ministry of Interior.

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