

As an interpreter, if you had been interpreting this interview, what would/should be done? If you read the whole story, you'll see where an interpreter (of sorts) might have been the cause of this whole sad story.

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Part one: How to wreck a boy's life

Experts say an Oakland County detective ran roughshod over a 13-year-old in a sexual abuse case against his parents

BY BRIAN DICKERSON • FREE PRESS COLUMNIST • March 16, 2008

In the fading twilight of a Tuesday in early December, a 13-year-old boy sat alone in a West Bloomfield police interrogation room, sobbing as he cradled his head in his hands and rocked from side to side.

For nearly an hour, Detective Joseph Brousseau had grilled the boy about accusations that he and his autistic sister had been sexually molested by their father.

No, the boy insisted, he'd seen nothing to support the detective's lurid suspicions. Three times, he offered to take a lie detector test.

But Brousseau hammered away, challenging the boy's honesty, his manliness, his loyalty to his disabled sister.

Again and again, the detective told the boy his body language betrayed the burden of a terrible secret.

"What if I told you that one of those videotapes confiscated from your parents' house had you in it?" the detective asked suddenly.

The 13-year-old straightened. "Was it me doing something sexually?"

"I don't think I'd be bringing it up if it wasn't," Brousseau answered. "That's what I'm trying to tell you -- it's going to come out."

If it were merely what it purported to be -- the disclosure of a deviant father's treachery -- the videotaped exchange would be excruciating enough to watch.

But the truth is a good deal uglier than that.

Charges have been dropped. In fact, prosecutors now concede, much of what Brousseau told the boy during his Dec. 4 interrogation was a fabrication.

There were no videotapes depicting the boy in sexual situations with his father or sister. There was no new crime lab evidence confirming his sister's allegations, despite Brousseau's repeated assertions to the contrary.

Legal experts who have reviewed the videotaped interrogation, which was obtained by the Free Press, say it reveals multiple violations of the rules Michigan law prescribes for questioning juveniles who may have witnessed sexual abuse.

"I would not hesitate to use the word 'reprehensible,' " David Moran, associate dean of the Wayne State University School of Law, told me after watching the interrogation at the Free Press' request.

Brousseau didn't respond to voice-mail messages I left at his office and home. His supervisor, West Bloomfield Police Lt. Carl Fuhs, said he hadn't seen the videotape but defended Brousseau's motives.

"He didn't mean to harm anyone," Fuhs said. "The bottom line here is that the detective was trying to get to the truth. I don't know whether he went over the line or not."

Case dropped; damage remains

Last week, after a 105-day ordeal that began when a 14-year-old girl with autism, assisted by a teacher's aide at her Walled Lake high school, typed graphic allegations of sexual torture, Oakland County Prosecutor David Gorcyca announced that his office was dismissing criminal charges against the girl's parents and dropping its objections to the family's reunification.

The Free Press is withholding the parents' names to protect their children's anonymity.

The father had spent 80 days in jail without bond on three counts of first-degree sexual assault. His wife, whom prosecutors had charged with abetting her husband's alleged crimes, had been confined by an electronic tether, and their children had been dispatched to separate foster homes.

Prosecutors said the case collapsed when the girl, who cannot speak and communicates only by typing with the physical assistance of a paraprofessional facilitator, indicated that she was afraid of her father and was no longer willing to testify.

But attorneys for the girl's parents rejoined that their daughter's statement had been suspect from the beginning, and reported that she hugged and kissed her father and mother joyfully when the family was reunited last week. "This is a case that should never have been brought," said Jerome Sabbota, the father's lawyer.

In fact, the prosecution's case already had begun to unravel by Dec. 4, when the girl's 13-year-old brother, who has been diagnosed with a mild form of autism known as Asperger's syndrome, was brought in for questioning.

A psychologist who'd treated the girl warned police that the teacher's aide might have unconsciously authored the allegations against the girl's parents. And a nurse's examination revealed that the girl's hymen had three "nonacute" tears but remained intact, casting doubt on her supposed assertion that she had been raped repeatedly from the time she was 6 years old.

In hindsight, the boy's Dec. 4 interrogation can be understood as a desperate attempt to salvage a doomed prosecution -- a charade calculated to conjure credible evidence where none existed.

Former Wayne County Circuit Judge James Lacey, who retired in 2006 after presiding over juvenile cases for more than two decades, said Brousseau got off on the wrong foot by interviewing the 13-year-old without notifying his family or Abbie Shuman, the lawyer a judge had appointed four days earlier to look out for the boy's interests.

"Anything he said in that situation, I would never admit into evidence," Lacey said.

Moran said the boy's youth and what Moran called obvious signs of an autistic disorder made the detective's use of deception and coercion especially difficult to excuse.

"The officer was using tactics that are used to break down adult criminal suspects," Moran said. "It's remarkable those tactics didn't work. But he did succeed in inflicting a lot of damage on an extremely vulnerable young man."

The damage is manifest in the videotaped interrogation when the boy admits that Brousseau's revelations about hard evidence supporting his sister's allegations have undermined his confidence in his father's integrity.

"It's not going to be the same anymore," he tells the detective, "because now I've lost my trust in my dad."

No threats or pressure allowed

Since the early 1990s, when a series of celebrated child abuse prosecutions against workers at the McMartin preschool in southern California ended in acquittals or hung juries, legislators and law enforcement officials across the nation have taken dramatic steps to protect juvenile witnesses from abusive interrogation and to minimize false allegations of sexual abuse.

Michigan's reform efforts culminated in a 1993 Forensic Interrogation Protocol, incorporated in the state's child abuse law, which lays out the ground rules for interviewing children and teenagers about suspected sexual abuse.

The protocol warns interviewers to avoid threats, promises and leading questions. It recommends that they pose open-ended queries without betraying their "surprise, disgust, disbelief or other emotional reactions" to the juvenile witness' answers.

Lt. Fuhs said he didn't know whether Brousseau was familiar with the protocol. In any event, the detective appears to have ignored it throughout the Dec. 4 interrogation.

At one point in the interview, when the boy confesses doubts about his parents' innocence, Brousseau scoffs at his professed confusion:

Boy: I'm starting to believe that my dad might actually have --.

Detective: Let's stop it right there. You *know* what's been going on. You *know* it. You know firsthand what's been going on.

Boy: No! That's --

Detective: You're using this excuse, this crutch of "I *think* I know what's going on, or "I think I've got a *feeling*" -- Bullshit, man! You *know* what's going on, because you've experienced it firsthand."

Accusations and warnings

Later in the interview, under continuing pressure to recall anything that might be construed as inappropriate, the boy tells Brousseau that his father has helped shower his disabled sister, sometimes when both were naked, and once joked about seeing a mouse after the boy glimpsed the father's exposed penis.

"But do you know what?" Brousseau interrupts. "That's how it starts. And things gradually progress. They push the envelope a little bit further to see what they can get away with. So after that, how did it progress?"

Sandra McClennen, a psychologist who treated the autistic daughter for five years, said the girl frequently needed assistance with bathing, and that she was not alarmed to learn that the girl's father had sometimes helped her shower.

"She at times gets stuck, and her body kind of freezes," McClennen said. "Would it have been better if her father pulled on a pair of bathing trunks before helping her? Probably. But any parent of autistic children will tell you that some of the typical rules for how a family functions don't apply, because you have to adapt to the needs of the autistic child."

The Forensic Interviewing Protocol warns investigators not to express their own judgments while interviewing juvenile witnesses about suspected abuse.

Yet in his interrogation, Brousseau repeatedly challenges the 13-year-old's truthfulness, suggesting 35 times in the course of two hours that the boy is holding back.

"It's right on the tip of your tongue," he tells the boy at one point, "and you're kind of like teetering -- *Should I say it? Should I not say it?* ... I can't express to you the relief that you are going to feel when this is no longer a secret. It's an absolute enormous feeling."

On at least a dozen other occasions in the interview, Brousseau challenges the 13-year-old to "be the man" and "speak for your sister."

"You think you feel guilty *now*?" the detective says. "Wait till later. Wait till later, when that guilt just eats at you because you didn't do the right thing, you didn't help your sister."

Lawsuit is a possibility

Christine Henk, a speech and language pathologist who treated the boy for Asperger's syndrome for more than 10 years, said that no one from police or the prosecutor's office ever called her to ask about his condition, although Michigan's interviewing protocol recommends such a query. Henk, who viewed a video of the boy's interrogation at the Free Press' request, said that some of the behaviors Brousseau interpreted as signs of evasion or nervousness were classic Asperger's symptoms that surfaced under the stress of the confrontational interview.

"The rocking and the crying and the constant nose-wiping were all typical of" the boy "under extreme duress, especially when he was younger," Henk said. She said obvious manifestations of the boy's condition, such as an aversion to eye contact, had all but disappeared in recent years, but that they had clearly reemerged during the interrogation.

"Really, he held himself together very well," she said. "But there was some regression, and I think at some point he began to lose confidence in his own thoughts and memories."

Moran and attorney Alan Zweibel, who won a \$750,000 civil judgment against New York's Orange County after suing on behalf of two parents who lost custody of their child in a similar FC prosecution, agreed the boy's interrogation may yet see daylight in a civil action against police and prosecutors.

"There's definitely a potential lawsuit there," Moran said. "People who see it will be horrified."

Sabbota, the attorney who defended the boy's father, wouldn't speculate on the prospect of a civil lawsuit. But he worries that his client's 13-year-old son, who was separated from his parents for more than three months, may have a hard time understanding that he was deliberately deceived by the police.

Near the end of the Dec. 4 video, the weeping boy tells Brousseau: "I've lost the image I've had of my dad -- the image of a trustworthy person."

I'll bet a lot of municipal lawyers are already worrying about the price tag jurors might place on such a loss.

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