

## Why would a prosecutor negotiate, reduce or dismiss a child molestation or child pornography case?

The Washington County Prosecutor's office stands united against child molestation and child pornography and similar crimes. We will use every available legal means to pursue justice, protect our children, and send a resounding message that these crimes will not be tolerated in our society.

Negotiating child molestation cases or child pornography cases involves sensitive legal considerations due to the nature of the offenses. Here are some factors that may come into play during negotiations in such cases:

**Severity of Offenses:** The severity of the alleged child molestation or child pornography offenses is a crucial factor. Prosecutors may consider the age of the victim, the nature of the acts involved, and the duration of the abuse when determining appropriate charges and potential plea deals.

**Age of the Defendant:** The age of the defendant at the time of the offenses may be taken into account. In some cases, particularly if the accused is a minor, prosecutors may consider factors such as immaturity, potential for rehabilitation, and the appropriateness of juvenile versus adult court.

**Participation and Age of a State's Witness or Victim:** The involvement and age of a state's witness or victim are pivotal factors in legal proceedings, especially when minors are involved. While justice remains a priority, it's equally vital to prioritize the well-being and preferences of these individuals. Reasons for their reluctance to participate may include the traumatic nature of the experience, difficulty in locating them, or concerns about retraumatization and mental health. Legal authorities and prosecutors must handle such cases with sensitivity and empathy, ensuring that justice is pursued while respecting the autonomy and welfare of those affected.

**Psychological Evaluations:** Both the prosecution and defense may seek psychological evaluations of the defendant to assess factors such as mental health, risk of reoffending, and potential for rehabilitation. These evaluations can inform negotiations and sentencing considerations.

**Victim Impact Statements:** The impact of the offenses on the child victim and their family is a significant consideration. Victim impact statements can provide information about the emotional, psychological, and physical consequences of the crimes, influencing plea negotiations and sentencing.

**Evidence Strength:** The strength of the evidence held by the prosecution and defense can impact negotiations. If there are challenges to the admissibility or credibility of evidence, it may affect the willingness of the parties to negotiate and the terms of any potential plea agreement.

**Registration Requirements:** In cases involving child molestation or child pornography, the defendant may be subject to sex offender registration requirements. Negotiations may involve discussions about the potential duration and terms of registration, which can have significant consequences for the defendant's future.

**Protective Orders and Restraining Orders:** Negotiations may involve the imposition of protective orders or restraining orders to ensure the safety of the victim and prevent contact between the defendant and the victim.

**Restitution:** Negotiations may address restitution for any financial losses suffered by the victim, such as therapy costs, medical expenses, or other related expenses.

**Pretrial Diversion Programs:** Pretrial diversion programs may be available for defendants, providing an alternative to traditional prosecution. These programs may include counseling, education, and supervision as an alternative to incarceration.

It's important to recognize that negotiations in child molestation or child pornography cases require careful consideration of legal, ethical, and societal factors. Prosecutors, defense attorneys, and the court must balance the pursuit of justice with the protection and well-being of the child victim.