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Criminal Investigation in Child Protective Services Cases

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Criminal investigation and prosecution is appropriate in some child protective services cases

- Consensus that **some** cases of child maltreatment involving CPS should be investigated and prosecuted
- However, criminal justice investment in child maltreatment varies and there can be controversy about which cases to prosecute
- Case study evidence suggests different jurisdictions handle criminal investigation differently



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published Tuesday, April 5th, 2011

Child neglect trial set for Nov. 15 and other court briefs



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Child neglect trial set for Nov. 15

A woman charged in connection with the death of her young daughter will face trial in November, court officials said Monday.

Traci Carpenter is charged with aggravated child neglect stemming from the death of her 18-month-old daughter Sierra. Her trial date is Nov. 15, and attorneys on both sides will meet Oct. 3 to debate pretrial motions.



photo +

Prosecutors first went after Carpenter and her ex-boyfriend, Brian Rutherford, in connection with Sierra's 2006 death. But a jury acquitted Rutherford, and the focus turned to Carpenter.

At Rutherford's 2008 trial, a medical examiner testified that Carpenter's repeated poking of her finger to Sierra's head could have led to the child's death.

Several witnesses said they had seen Carpenter poke the child, but Hamilton County Criminal Court Judge Don Poole ruled that information about Carpenter's parenting that came out at Rutherford's trial cannot be presented to jurors at her trial.

Carpenter's attorney, Lee Davis, recently filed court documents claiming that police promised not to charge Carpenter if she passed a polygraph test, which she did.

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Haslam seeks review of TRA



Little data on criminal justice response to maltreatment in CPS cases

- 4% of CPS cases prosecuted Tjaden & Thoennes, 1992
- But how often do they have criminal investigations and are not prosecuted vs. not have criminal investigations?
- Almost no research on how often CPS cases receive criminal investigations or what determines whether they have criminal investigations



Sedlak et al. 2006

- One anonymous county chosen from the National Incidence Study of Child Maltreatment
- N=225 **substantiated** CPS cases that met criteria for being **serious** cases
- Law enforcement agencies investigated 71%
- “Anecdotally, case referral patterns appeared to be influenced by communication patterns and mutual positive regard, regardless of the collaborative protocols in place.”



Research Questions

- How often are there criminal investigations in CPS cases?
- What factors explain whether a CPS case has a criminal investigation?
- Do agency factors as well as case factors play a role?



National Survey of Child and Adolescent Well-Being (NSCAW)

- Longitudinal national probability study of child protective services investigations
- Two cohorts
 - NSCAW 1: 1999-2000 cases
 - NSCAW 2: 2008-2009 cases
- This analysis used interviews with caseworkers about the investigation
- Preliminary analysis pending multilevel weights



Samples

NSCAW 1

(1999-2000 cases)

- 92 primary sampling units (communities)
- 5097 cases of CPS investigations

NSCAW 2

(2008-2009 cases)

- 81 primary sampling units (communities)
- 4939 cases of CPS investigations



Question asked in investigating caseworker interview

Sample	Question
NSCAW 1, (1999-2000 cases)	<p>Tell me which child welfare or police department staff conducted this investigation/assessment? CODE ALL THAT APPLY.</p> <p>1 = A CPS OR CHILD WELFARE INVESTIGATOR Y/N</p> <p>2 = A POLICE DEPARTMENT INVESTIGATOR Y/N</p>
NSCAW 2, (2008-2009 cases)	<p>Was there a criminal investigation regarding this investigation?</p>



Criminal investigation (CI) rates

NSCAW 1 (1999-2000 cases)

Group	N	Rate
All investigations	5097	24.0%
Sexual abuse	582	46.6%
Physical abuse	1142	27.5%
Neglect	2375	17.5%

NSCAW 2 (2008-2009 cases)

Group	N	Rate
All investigations	4939	21.0%
Sexual abuse	296	55.7%
Physical abuse	818	24.6%
Neglect	1398	11.2%



Predictor Variables Tested

Case Level Predictors Tested

- Type of Maltreatment
- Child Age
- Child Sex
- Level of Harm to Child
- Sufficiency of Evidence

Variables listed in red were statistically significant in a preliminary logistic regression with fixed and random factors

Community Level Predictors Tested

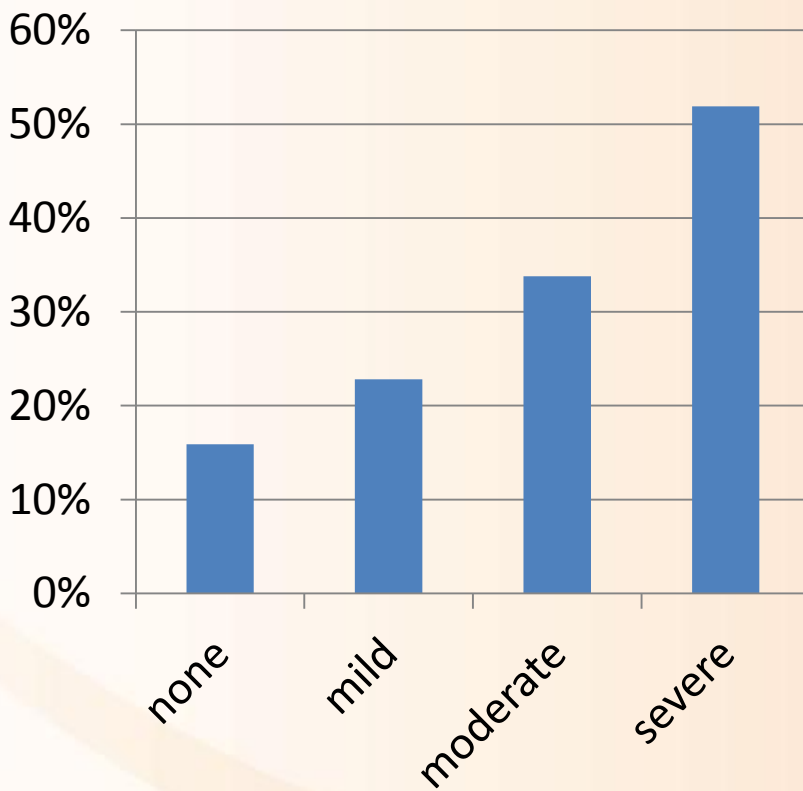
- Which Community is Involved
- CPS-Police Memorandum of Understanding
- CPS-Police Cross Training
- CPS-Police Co-location
- CAC Availability

NSCAW 2 only



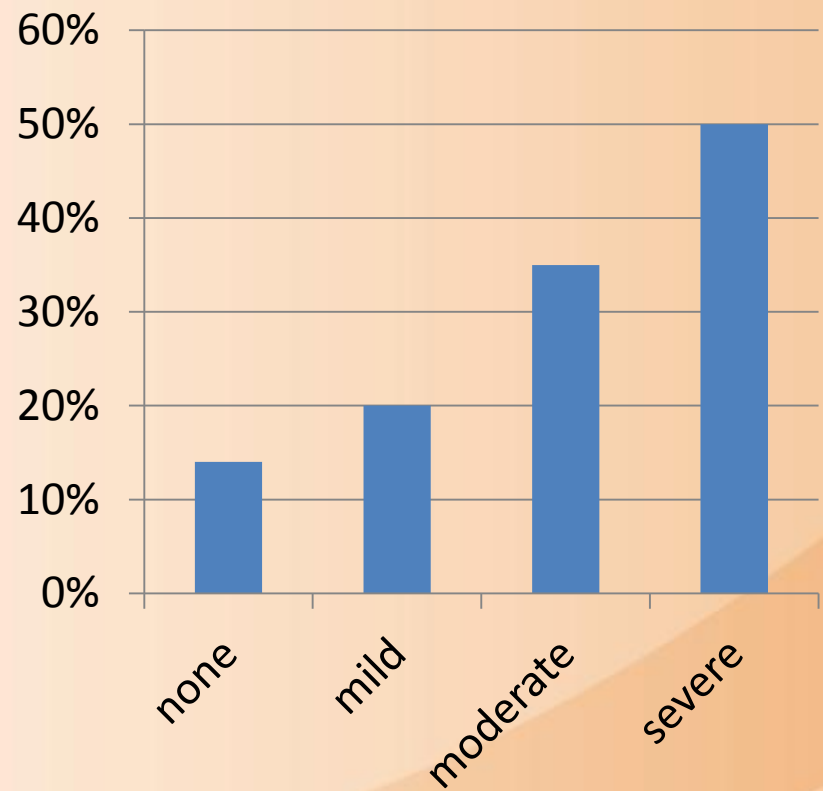
CI Rate by level of harm

NSCAW 1, (1999-2000 cases)



n 1306 1391 1468 868

NSCAW2 (2008-2009 cases)

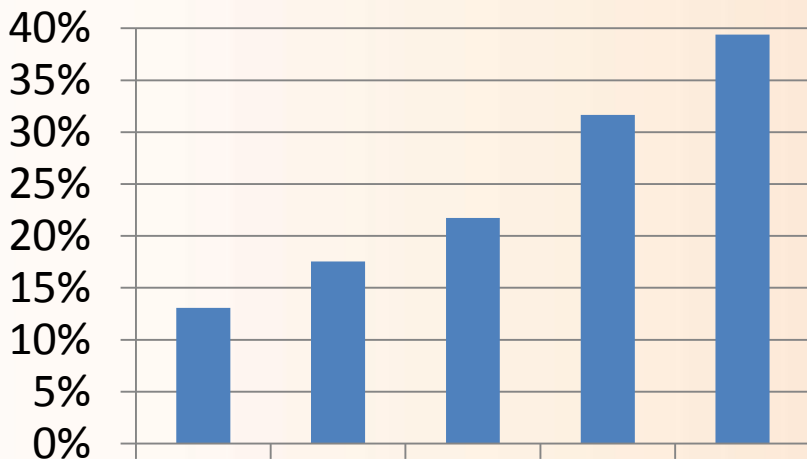


n 1444 1297 1417 843

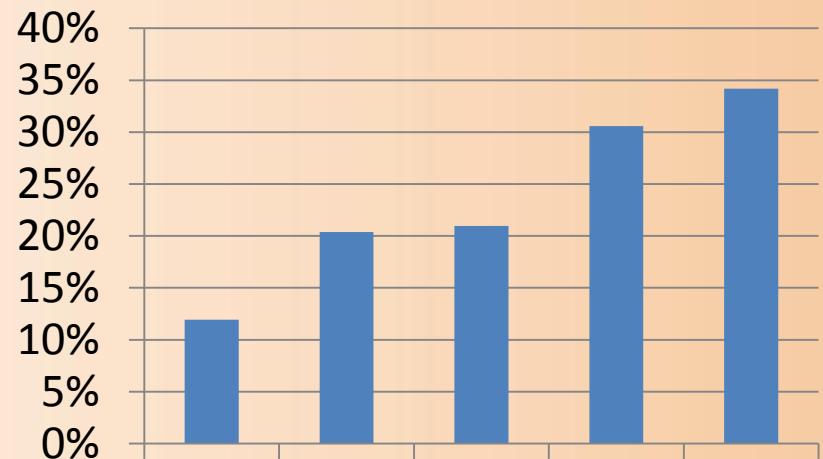


CI rate by evidence of maltreatment

NSCAW 1, (1999-2000 cases)



NSCAW 2 (2008-2009 cases)



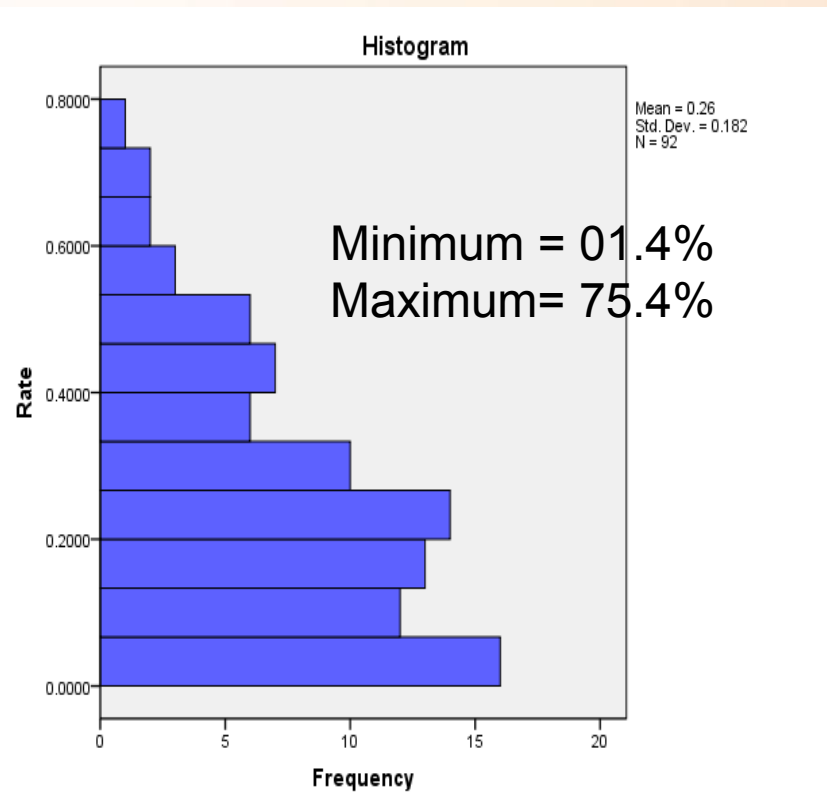
n 883 498 413 698 2548

n 949 452 332 566 2716

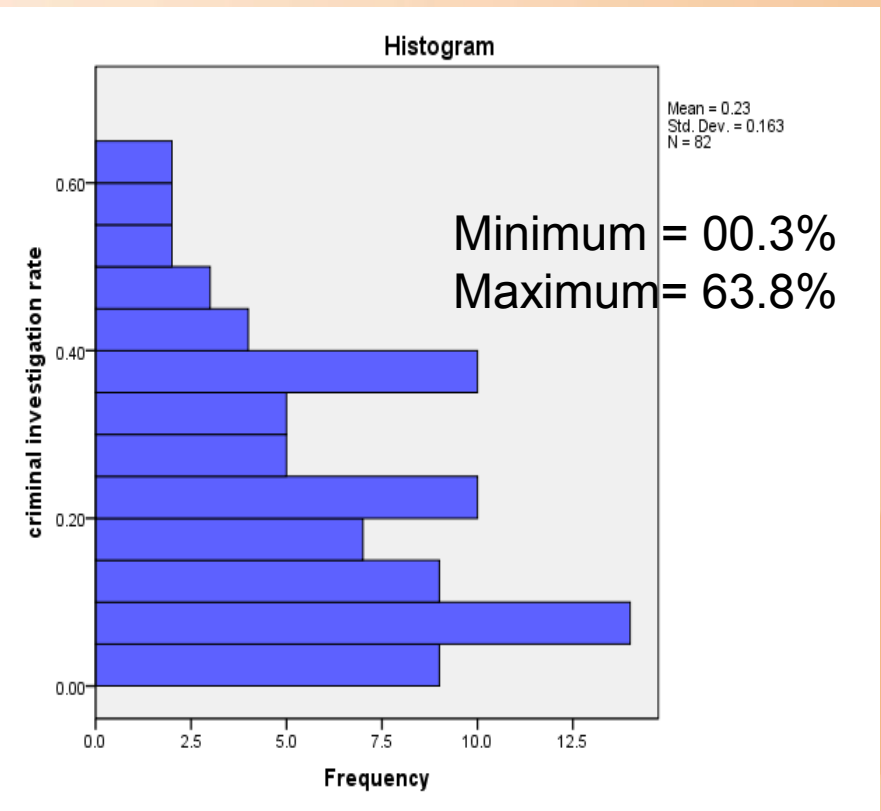


Significant variation in CI rate across communities

NSCAW 1 (1999-2000 cases)

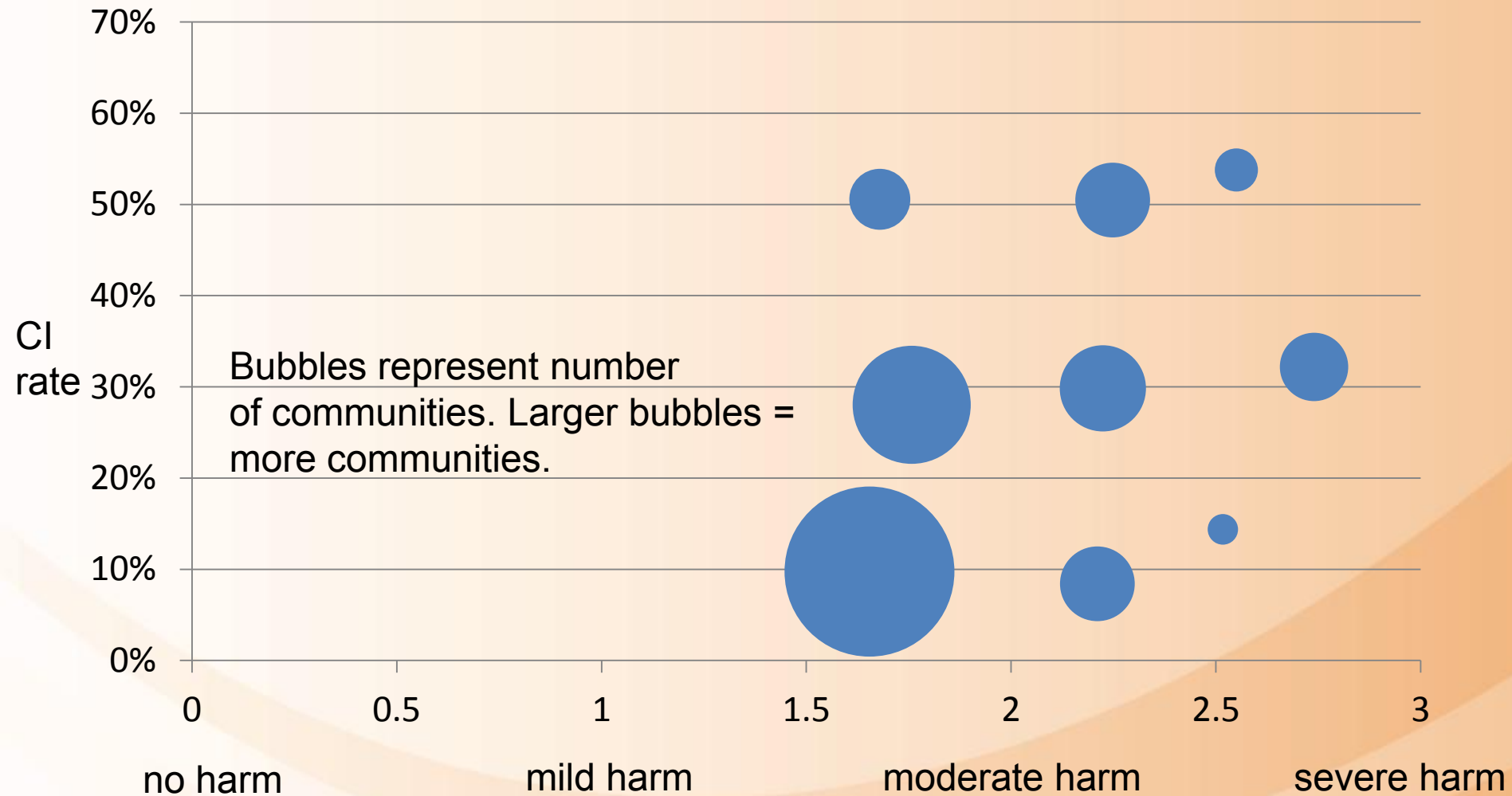


NSCAW 2, (2008-2009 cases)



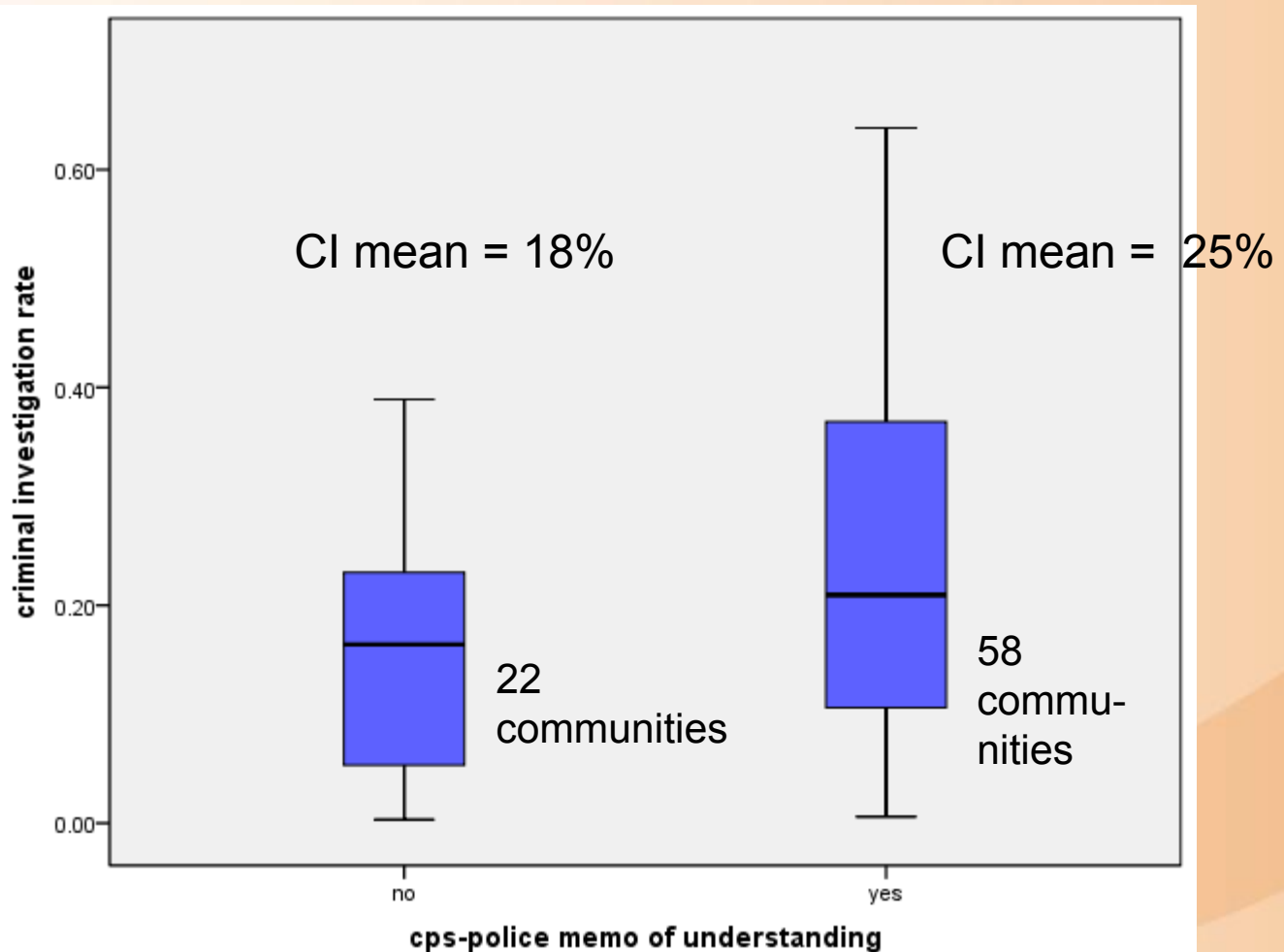


Significant differences in CI rate across communities even at same level of harm





CPS-Police memorandum of understanding explains some of the differences between communities





Significant predictors of CI in a logistic regression of NSCAW 2

Factor	Odds Ratio
Sexual abuse	8.03
Neglect	0.77
Level of harm to child	1.35
Level of evidence of maltreatment	1.30
CPS-Police memorandum of understanding	1.92
Community (Level 2 unit)	An odds ratio could not be calculated but this variable explained 7% of the variation in criminal investigation over and above case factors

Preliminary analysis pending multilevel weights



Summary

- 1/5 to 1/4 of CPS cases have criminal investigations
- Sexual abuse > physical abuse > neglect
- CI is more likely with greater harm and evidence
- Communities vary greatly in rate of criminal investigation
- Some community variation explained by CPS-police memo of understanding



Limitations

- Some communities have small n's
- Relevant NSCAW questions are not ideal
- Caseworkers may not always have accurate info
- What findings represent causes?
 - Level of evidence could be related to CI because CIs lead to more evidence-gathering
 - Communities more committed to prosecution could write MOUs
- Analysis can't distinguish between criminal investigations that occurred before, during and after CPS investigation
- Most results we are presenting are substantial enough to be meaningful despite limitations



Major policy question

Is there equity for children and families when criminal investigation rates vary so much between communities?



References

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- Tjaden, P. G., & Thoennes, N. (1992). Predictors of legal intervention in child maltreatment cases. *Child Abuse & Neglect, 16*, 807-821.



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