



CONCURRENT CRIMINAL AND CHILD PROTECTIVE SERVICES INVESTIGATIONS

RESEARCH BRIEF | THEODORE P. CROSS, JESSE J. HELTON, EMMELINE CHUANG | June 2012

In some cases, child abuse and neglect is a crime and law enforcement needs to investigate. Child sexual abuse is almost always a crime, but criminal charges can also be filed in cases of serious child physical abuse and child neglect. Concurrent child protection and criminal investigations of the same alleged abuse and neglect take place in every community, and law enforcement and child protective services (CPS) conduct joint investigations in many.¹ Over 700 communities have Children's Advocacy Centers in which forensic interviewing and other investigative functions are coordinated and police and CPS share information and collaborate on decision-making within the context of a multidisciplinary team.² Some professionals raise concerns that law enforcement and child protective services may interfere with each other's work, but others suggest that police and caseworkers can provide substantial assistance to each other.³ One study found that families were more likely to receive a range of services when police were involved in child protective service investigations, even when differences in case characteristics were taken into account statistically.⁴

Despite its importance, law enforcement investigation in CPS cases has rarely been studied. We do not know how frequently police are also investigating when a CPS investigation is under way or how this varies across communities. Nor do we know what factors might explain whether or not a law enforcement investigation takes place. Yet this is important information to have to evaluate the criminal justice response to child maltreatment. This research brief addresses these questions in a large national probability study of child protective services investigations.

Methods

Data to explore these questions came from two cohorts of the National Survey of Child and Adolescent Well-Being (NSCAW), the country's largest and most comprehensive study of cases of child maltreatment investigated by CPS.⁵ The first cohort of NSCAW (NSCAW I) sampled 5,501 child protective service investigations in 1999-2000 from 92 different primary sampling units (PSUs, which correspond to communities) in 36 states. The second cohort of NSCAW (NSCAW II) sampled 5,873 CPS investigations in 2008-2009 from 81 different PSUs in the same states. Because of NSCAW's random sampling methodology, the studies provide valid national estimates within a specified margin of error.

CPS caseworkers were interviewed about the child and the investigation, and asked whether there was a law enforcement investigation of the allegations.⁶ Caseworkers also rated the degree of harm the child suffered on a 4-point scale from none to severe, and how sufficient evidence for substantiating maltreatment was on a 5-point scale from no evidence of maltreatment to clearly sufficient evidence. Cases were coded for the most serious type of child maltreatment reported: sexual abuse, physical abuse, or neglect (all types of neglect were combined for this analysis). In addition, agency directors completed a survey which included a number of questions about their agency's coordination with law enforcement.

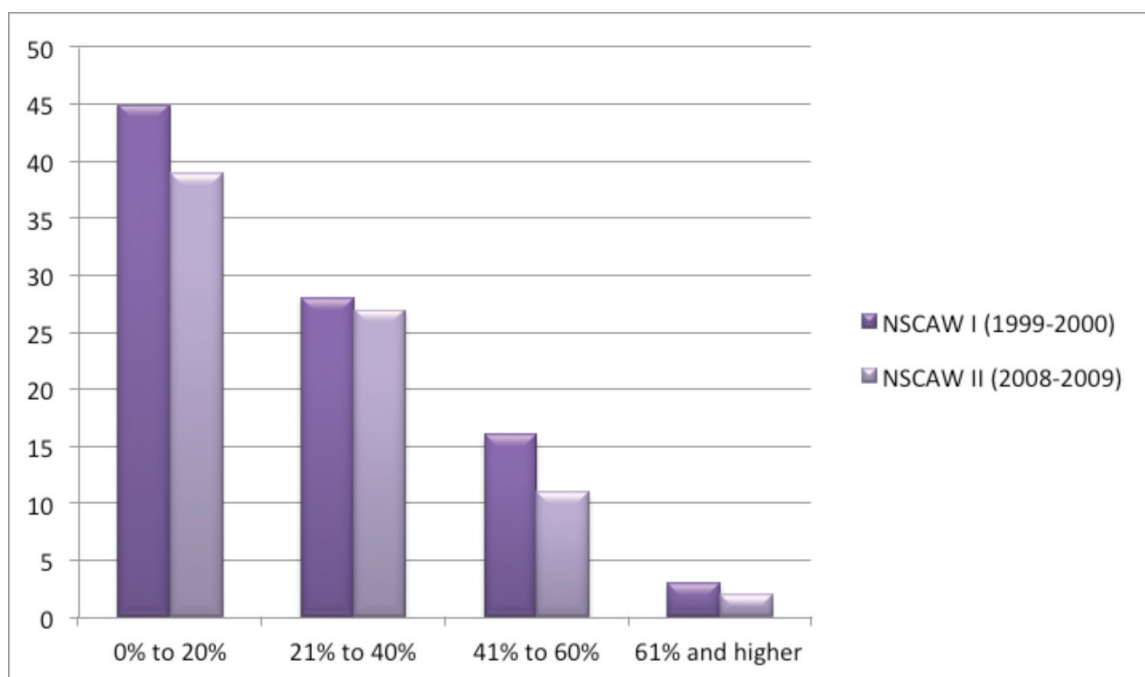


Analyses first examined the overall rate of criminal investigation in CPS cases and how that rate varied across communities. The rates of criminal investigation for child sexual abuse, child physical abuse, and child neglect were examined. Finally, analyses looked at those case and agency variables that predicted whether or not a case received a criminal investigation. Most analyses were conducted for both NSCAW I and NSCAW II.

Results

Criminal investigation rates. Overall a little more than a fifth of CPS investigations also had concurrent criminal investigations (24% in NSCAW I and 21% in NSCAW II). Sexual abuse was the most likely to be criminally investigated by far (47% and 56%), followed distantly by physical abuse (28% and 25%), and neglect (18% and 11%). However, the percentage of cases in which caseworkers reported a concurrent criminal investigation varied enormously between communities. In NSCAW I, this rate ranged from 1.4% to 75.4%, and in NSCAW II from 0.3% to 68.3%. Figure 1 graphically illustrates the variation across communities. It shows that the largest number of communities had rates of concurrent criminal investigations in CPS cases of between 0% and 20%. Yet over 35 communities in each cohort had rates between 20% and 60%, and a handful had rates that were even higher.

FIGURE I: Number of Communities by Rates of Concurrent Criminal Investigations in CPS Cases





Factors that predicted whether cases were criminally investigated. We next analyzed a number of variables to try to understand what factors explained whether or not a case was criminally investigated. However, we were constrained by what questions were asked in the caseworker and agency director interviews and some information (such as types of evidence in the case) was not available.

The following case variables were analyzed: type of maltreatment, child age, child sex, the CPS caseworker's judgment about how severely the maltreatment harmed the child, and the CPS caseworker's judgment about how sufficient the evidence was to substantiate the allegation. Agency level variables were: a) whether there was a memorandum of understanding guiding the interaction between CPS and the police, b) whether CPS and police investigators were co-located in the same service location, c) where CPS and police had cross-training, which teaches each professional about aspects of the other's job, and d) whether a Children's Advocacy Center was available.

In a multi-variable statistical model, five variables were significantly related to whether or not a CPS case had a concurrent criminal investigation:

Type of maltreatment. The odds of a criminal investigation were over 8 times greater in sexual abuse cases compared to others, while the odds of a criminal investigation were decreased in neglect cases.

Level of harm. The odds of a criminal investigation increased by 35% with every one point increase on the 4-point level of harm scale.

Level of evidence. The odds of a criminal investigation increased by 30% with every one point increase on the 5-point sufficiency of evidence scale.

CPS-police memorandum of understanding. The odds of criminal investigation were 92% greater when CPS and police had a written memorandum of understanding governing their interactions.

Community. Communities varied significantly even when differences between them on all other variables were taken into account. Community differences explained 7% of the overall variation in likelihood of criminal investigation.

Limitations

Our measurement of criminal investigation is based on the CPS investigating caseworker's report, and the caseworker may lack information about whether a police investigation actually did take place. This is likely to be rare, however, since police investigators normally communicate with CPS workers for information, interview the same people, and often participate in multidisciplinary meetings. In some communities, the number of cases included in NSCAW is too small for the criminal justice rate to be very reliable. Yet the variation in rate of criminal investigation is so great across so many different communities that it strongly suggests that the finding of community differences is valid. Definitions of police department investigator and criminal investigation were not provided to the caseworkers who were interviewed, so caseworkers might have varied in their responses in part because they defined these terms differently.

Implications

These results show that many CPS cases also receive a concurrent criminal investigation, but the likelihood of investigation varied greatly based on the type of case and the specific community involved. Since sexual contact with minors is almost always a crime according to statutes while the law recognizes physical abuse and neglect as criminal only when it exceeds certain thresholds, it is not surprising that sexual abuse cases are investigated much more frequently. The fact that a large proportion of child sexual abuse cases that CPS investigates are not investigated by police, despite



its criminal status, raises interesting questions about law enforcement policies and procedures—one question is whether police departments sometimes rely on CPS to do an initial investigation and only become involved based on the child protective assessment.

It makes sense that severity of harm is related to likelihood of criminal investigation, since physical abuse and neglect cases need to meet harm thresholds before criminal charges are considered. The fact that sufficiency of evidence predicts criminal investigation independently of degree of harm also raises interesting questions. How exactly is the CPS workers judgment about evidence related to whether or not there is a criminal investigation? Is this also an indication that there are sometimes screening processes in which police are engaged only when evidence reaches a certain threshold? If so, how is that decision made? Another possibility is that police involvement leads to greater evidence.

One variable explaining differences between communities in likelihood of a criminal investigation is the presence of a written CPS-police memorandum of agreement.

Such a written agreement may clarify procedures in a way that makes it easier for police to become involved. The presence of such an agreement may also be an indicator of greater commitment by CPS and police in that community to work together, and that commitment may drive greater police involvement.

Yet a substantial portion of the variation between communities in rate of concurrent criminal investigation in CPS is not explained by any of the case or agency variables we tested. In all likelihood, rates of criminal investigation in CPS maltreatment cases vary based on the tangible and intangible resources invested by different law enforcement agencies. Such variables as agency priorities, budgets, staff training and experience may all play a role. The differences in rates raise questions about equity for child victims. However, this research is at such an early stage that it is difficult to make any policy or practice recommendations. More research is needed to explore the processes underlying police involvement in child protective services cases. Everyone who cares about an effective and just response to child maltreatment has a stake in understanding these processes better.



Recommended Citation

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¹ See, e.g., Tjaden, P.G. & Anhalt, J. (1994). *The impact of joint law enforcement-child protective services investigations in child maltreatment cases*. Denver, CO: Center for Policy Research.

² See National Children Alliance (2009). *Ending Child Abuse and Neglect*. Retrieved from <http://www.nationalchildrensalliance.org/index.php?s=24>. See also Cross, T. P., Jones, L.J., Walsh, W., Simone, M., Kolko, D.J., Szczepanski, J. Lippert-Luikart, T., Davison, K., Cryns, A., Magnuson, S., Sosnowski, P. & Shadoin, A. (2008). *The Multi-Site Evaluation of Children's Advocacy Centers: Overview of the results and implications for practice. OJJDP Crimes Against Children Series*. Bulletin.

³ Cross, T.P., Finkelhor, D. & Ormrod R. (2005). Police involvement in child protective services investigations. *Child Maltreatment*, 10, 224-244.

⁴ Cross, Finkelhor, & Ormrod, *ibid*.

⁵ See, e.g., Administration for Children and Families. (2012). *National Survey of Child and Adolescent Well-Being*. Retrieved from http://www.acf.hhs.gov/programs/opre/abuse_neglect/nscaw/.

⁶ In NSCAW I, caseworkers were asked if a police department investigator conducted an investigation. In NSCAW II, caseworkers were asked if there was a criminal investigation.