The Criminal Justice Response to Child Maltreatment: A View from the Multidisciplinary Team

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Accountability/Justice

• Important element of the response to child maltreatment
• Important value for multidisciplinary teams (MDTs)
• Different disciplines on the MDT influence the criminal justice response
• Theme of this presentation:
  Multiple disciplines contribute to holding offenders accountable
Some of the disciplines involved

- Law Enforcement/Prosecution
- CAC/Forensic Interviewer
- Mental Health Care
- Child Protective Services
- Victim Advocacy
- Health Care
Chicken or the egg
limitation of this research

• Often we can’t tell which factor or event came first, for example
  – Does a memorandum of understanding (MOU) cause police to work with CPS on investigations?
  – Or are police departments and CPS agencies who already work closely together more likely to write an MOU?
  – Both might be true

• To resolve this for certain, we would have to do controlled experiments with police, social workers and prosecutors !??!
Professional/community differences on prosecution

• People and communities differ on which cases they think should be investigated and prosecuted
• People and communities differ on the importance they place on crimes against children
• Research suggests that criminal justice agencies are more involved when there are stronger links with other disciplines
Study of police investigation in CPS cases in 82 communities

• Sample of 2,910 cases of CPS investigations nationally in 2008-2009
• National Survey of Child and Adolescent Well-Being (NSCAW) data set
• Overall, 25% of sample CPS cases had a criminal investigation
• What factors were related to a case receiving a criminal investigation?

Source: Cross, Chuang, Helton & Lux, 2015
Communities differed on the frequency of criminal investigation

Look at the range is in the next figure
• Plot of criminal investigation rate for 80 CPS agencies
• Rates were variable
• Some of this is probably random because we had small samples in each community
• Some of this is probably due to community differences
Comparing the odds of a criminal investigation for different factors

<table>
<thead>
<tr>
<th>Factor</th>
<th>Significant Odds Ratios</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical abuse vs. neglect</td>
<td>4.09</td>
</tr>
<tr>
<td>Sexual abuse vs. neglect</td>
<td>15.84</td>
</tr>
<tr>
<td>Other maltreatment vs. neglect</td>
<td>1.57</td>
</tr>
<tr>
<td>CPS investigator rates greater harm to child</td>
<td>1.71</td>
</tr>
<tr>
<td>CPS investigator rates greater evidence of maltreatment</td>
<td>1.18</td>
</tr>
<tr>
<td>CPS assessment vs. CPS investigation (negative relationship)</td>
<td>.41</td>
</tr>
<tr>
<td>CPS police memo of understanding (MOU) vs. none</td>
<td>2.38</td>
</tr>
</tbody>
</table>

The odds of a criminal investigation were more than twice as great when a community had an police-CPS MOU
Example:

The MOU is a “key element” of Palm Beach County’s Investigations Protocol.
"When the call comes from the Florida Abuse Line or Child Protective Investigator, an officer shall be dispatched to conduct a criminal investigation"
Police more involved with CPS in communities with Children’s Advocacy Centers (CACs) than in non-CAC communities

Source: Cross et al., 2007
## CPS-Police Interaction

<table>
<thead>
<tr>
<th>Benefits</th>
<th>Concerns</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Team interviews of children -- trained forensic interviewer</td>
<td>• CPS may tip off perpetrator, making criminal investigation more difficult</td>
</tr>
<tr>
<td>-- avoid redundant interviews</td>
<td>• CPS concern that police may frighten family</td>
</tr>
<tr>
<td>• Joint investigations – more thorough</td>
<td>• Police and CPS may act at a different pace</td>
</tr>
<tr>
<td>• Greater accountability between investigators</td>
<td>• If only CPS conducts interviews, will enough evidence be collected?</td>
</tr>
<tr>
<td>• Police help assure safety</td>
<td>• Different judgments about child removal, family preservation etc.</td>
</tr>
<tr>
<td>• Helps access victim service funds</td>
<td></td>
</tr>
</tbody>
</table>

Source: Cross, Finkelhor & Ormrod, 2005
Research shows that police involvement with CPS increased odds of outcomes (odds ratios)

<table>
<thead>
<tr>
<th>Police variable</th>
<th>Abuse allegation judged credible</th>
<th>Services provided or referral to service made</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police and CPS both involved investigation</td>
<td>3.0</td>
<td>2.3</td>
</tr>
<tr>
<td>Police and CPS both involved in planning</td>
<td>--</td>
<td>2.2</td>
</tr>
<tr>
<td>Multidisciplinary team involved in planning</td>
<td>--</td>
<td>4.2</td>
</tr>
</tbody>
</table>

This suggests that CPS & Police do not typically interfere with each other’s work!

Source: Analysis of NSCAW data, Cross, Finkelhor & Ormrod, 2005
The MDT and progression in the criminal justice system

• Suspect confession a key outcome
  – Child forensic interview plays a role

• Multiple factors related to filing criminal charges
  – Support for child and non-offending parent is important
What factors predict suspect confession?

Source: Lippert, Cross, Jones & Walsh, 2010
Methods for obtaining corroborative evidence

• Seek corroboration for every detail provided by child in forensic interview
  – Direct evidence of a crime
  – Evidence to support child’s credibility
• Enhanced crime scene evaluation, especially photos
• Interviewing suspects effectively and obtaining self-incriminating statements

Sources: Vieth, 1999, 2010
## Corroboration Examples

<table>
<thead>
<tr>
<th>Child Statement</th>
<th>Investigative Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Father read <em>Goodnight Moon</em> to me before he touched me.</td>
<td>Search suspect’s house and seize the book</td>
</tr>
<tr>
<td>Uncle George always took me to the blue house</td>
<td>Take photograph of the house</td>
</tr>
<tr>
<td>Grandpa pulled my pants down on our fishing trip</td>
<td>Look for campground registration, photographs of the trip, fishing equipment at Grandpa’s</td>
</tr>
<tr>
<td><em>All About the Bass</em> was playing on the radio on Jersey’s finest 99 FM</td>
<td>Obtain radio playlist</td>
</tr>
</tbody>
</table>

Sources: Vieth, 1999, 2010
Selected factors related to filing criminal charges

<table>
<thead>
<tr>
<th>Factor</th>
<th>Cross, et al., 1994</th>
<th>Walsh, et al., 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount and quality of evidence</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Corroborating evidence</td>
<td>NA</td>
<td>X</td>
</tr>
<tr>
<td>Offender confession</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Child disclosure</td>
<td>NA</td>
<td>X</td>
</tr>
<tr>
<td>Maternal support</td>
<td>X</td>
<td>NA</td>
</tr>
<tr>
<td>Child mental health problems (negative)</td>
<td>X</td>
<td>NA</td>
</tr>
</tbody>
</table>

Forensic interviews and support for parents and children play an important role!
Medical examinations and the criminal justice response

- Child abuse pediatricians and Sexual Assault Nurse Examiners (SANEs) are an important part of the MDT
- Medical exams are important to help assure the well-being of child victims
- Medical exams can also provide evidence in some cases
  - Injuries
  - Biological products (semen/sperm, saliva, blood, hair)
  - DNA may confirm sexual contact and/or identify suspect in FBI DNA database.
Biological evidence of sexual abuse

- Biological evidence may be available if victims are seen within days of the abuse
  - 72 hours was thought to be the limit but sometimes evidence is found beyond that limit
- Most child victims are seen much later than this but some are seen acutely—% unknown
- Biological evidence is more likely for adolescents than children because of increased probability of penetration and force
Study of biological evidence and police actions in sexual assault cases

- Massachusetts statewide sample of emergency department exams in sexual assault cases that had police reports (N=563)
- Years: 2008-2010
- Victims age 1 to adult
- Relevant age cutoffs:
  - Pediatric kit: Age 11 and younger – less invasive and collects less information by design
  - Age of consent: 16
- Results for adolescents look like those for adults

Sources: Cross, et al., 2014; Cross, Schmitt, et al., 2016
Injury rates by victim age

- 1 to 11 (n=33) - Non-genital: 20% Genital: 15%
- 12 to 15 (n=66) - Non-genital: 50% Genital: 40%
- 16 to 17 (n=48) - Non-genital: 40% Genital: 30%
- 18+ (n=416) - Non-genital: 55% Genital: 50%

Legend:
- Blue: Non-genital
- Red: Genital
Crime lab evidence by victim age

- **1 to 11 (n=33)**
  - Sperm/semen: 10%
  - Blood: 10%

- **12 to 15 (n=66)**
  - Sperm/semen: 60%
  - Blood: 40%

- **16 to 17 (n=48)**
  - Sperm/semen: 70%
  - Blood: 30%

- **18+ (n=416)**
  - Sperm/semen: 50%
  - Blood: 50%
DNA Results by Victim Age

- DNA profile
- DNA match to suspect
- DNA match to suspect in another case
- DNA match to convicted offender

1 to 11 (n=33)
12 to 15 (n=66)
16 to 17 (n=66)
18+ (n=416)
Police actions by victim age

- 1 to 11 (n=33)
- 12 to 15 (n=66)
- 16 to 17 (n=48)
- 18+ (n=416)

- Unfounding
- Arrests in founded cases
DNA Match to Suspect Can Be Important When Cases Move Forward in the Criminal Justice System

- Urban DA’s office
- Sexual assault cases
- Alleged victims age 12 to 17
- Years 2005 to 2010

New data analysis from Cross et al., in press
Summary

• Police departments differ in how frequently they investigate in CPS cases
• Police investigate more frequently when there is an MOU with CPS and work more closely with CPS where there is a CAC
• Odds of judging allegation to be credible and of service involvement are greater when police are involved
• Child forensic interview may assist police with gathering corroborative evidence
Summary (continued)

• Several factors touching on different disciplines are related to suspect confession and filing criminal charges
  – Corroborative evidence
  – Child disclosure
  – Maternal support
  – Child mental health
• DNA evidence from forensic medical exams can play an important role in prosecution, especially for adolescents
Questions

• Should the MDT and community have a say in which cases receive criminal investigations?
• MDT members are not deputies of the police. Is there role conflict? (see Cross, Fine, et al., 2012, 2014)
• Can and should more be done to help police gain and use clues from forensic interviews and from MDT?
• Can more be done to obtain biological evidence?
• What is the role of child advocacy for adolescents, whose risks and outcomes in acute sexual assault cases look like those of adults?
• What should be done in the criminal justice system if sexual assault cases do not have a DNA match to suspect?
My email

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References


References (continued)


References (continued)
