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

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**Presentation at the 8<sup>th</sup> Annual Conference of Upstate Child Advocacy Studies**

**March 31, 2017**

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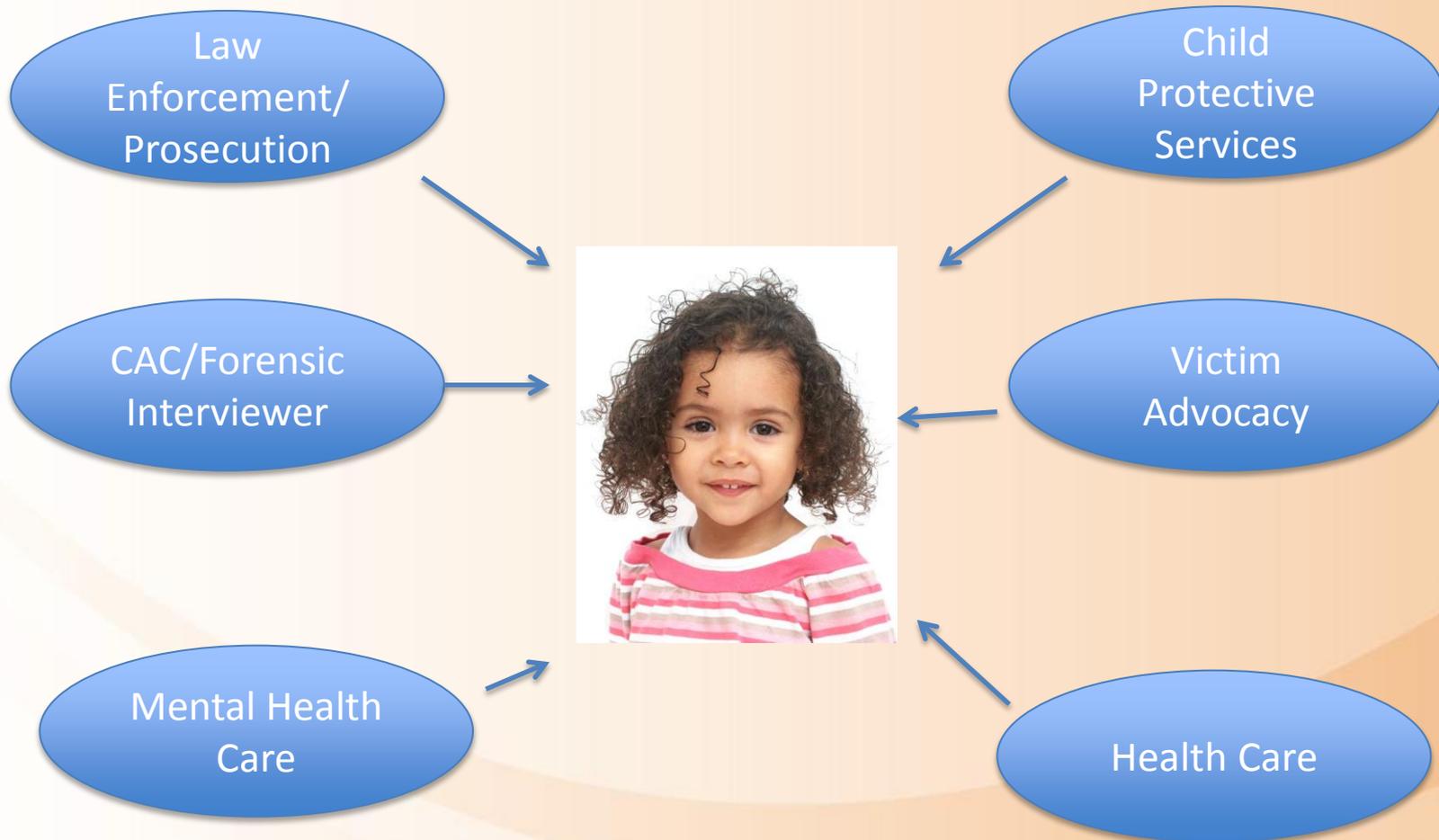
# Accountability/Justice

- 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





# 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

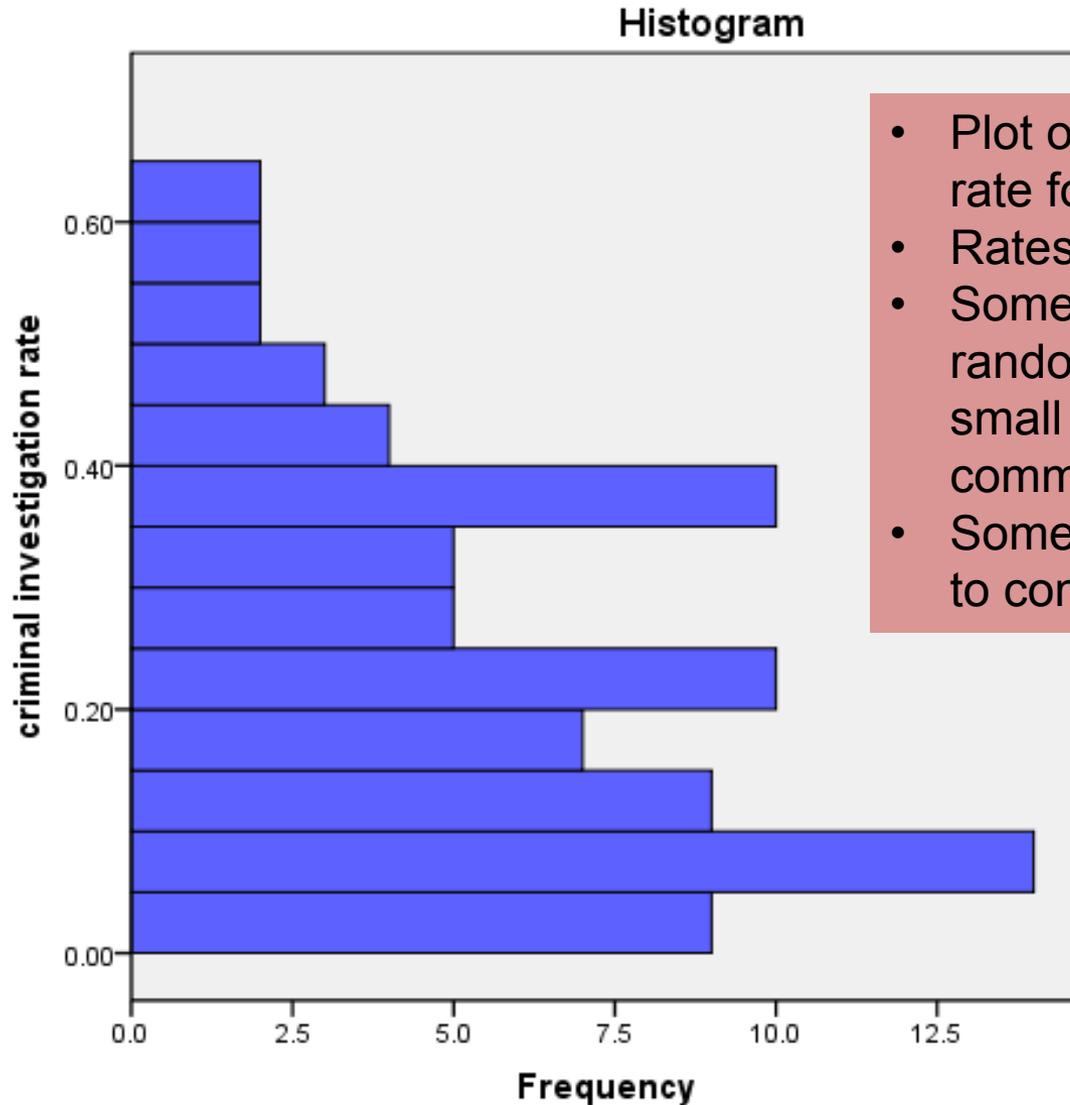
- Sample of 2,910 cases of CPS investigations nationally in 2008-2009
- National Survey of Child and Adolescent Well-Being (NSCAW) data set
- Overall, 25% of sample CPS cases had a criminal investigation
- What factors were related to a case receiving a criminal investigation?

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

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

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

PALM BEACH COUNTY  
CHILD ABUSE PROTECTIVE INVESTIGATIONS PROTOCOL  
(revision August 2014)

INTRODUCTION/OVERVIEW

The purpose of the Palm Beach County Child Abuse Protective Investigations Protocol is to coordinate services to the families of Palm Beach County through cooperation, collaboration, and the sharing of appropriate information by agencies within this jurisdiction. This Palm Beach County Child Abuse Protective Investigations Protocol was revised with updates in August 2014.

To the extent set forth in this written protocol that was established by the Community Alliance of Palm Beach County in the *Child Abuse Protective Investigation Protocol Final Report*, revised July 2002, all parties assume partial or full responsibility for conducting certain components of protective investigations. Specifically, the Child Abuse Protective Investigations Protocol establishes operational procedures for the joint investigation of child abuse reports in Palm Beach County, Florida in order to:

1. Provide standard, consistent and thorough investigations,
2. Maximize the resources through a joint investigative process,
3. Minimize the number of interviews for children who are victims of abuse or neglect,
4. Allow for the orderly collection of evidence in the criminal investigative process,
5. Ensure the provision of appropriate services when deemed necessary for children and their families, and
6. Provide a forum for on-going communication and resolution of issues involving family safety in this community and foster an effective collaboration among:
  - Law Enforcement
  - Office of the State Attorney
  - Judiciary
  - Domestic Violence providers
  - Child Protection Team
  - Local school system
  - Department of Juvenile Justice (DJJ)
  - Department of Children and Families (DCF)
  - Medical Examiner

Key elements of the Palm Beach County Abuse Protective Investigations Protocol include the following:

1. A countywide policy (General Order) – Memorandum of Understanding between the Law Enforcement Planning Council, the Palm Beach County Sheriff's Office, the State Attorney's Office, the Department of Children and Families, Community Alliance, and others on an as needed basis.

Example:

The MOU is a  
“key element” of  
Palm Beach  
County’s  
Investigations  
Protocol

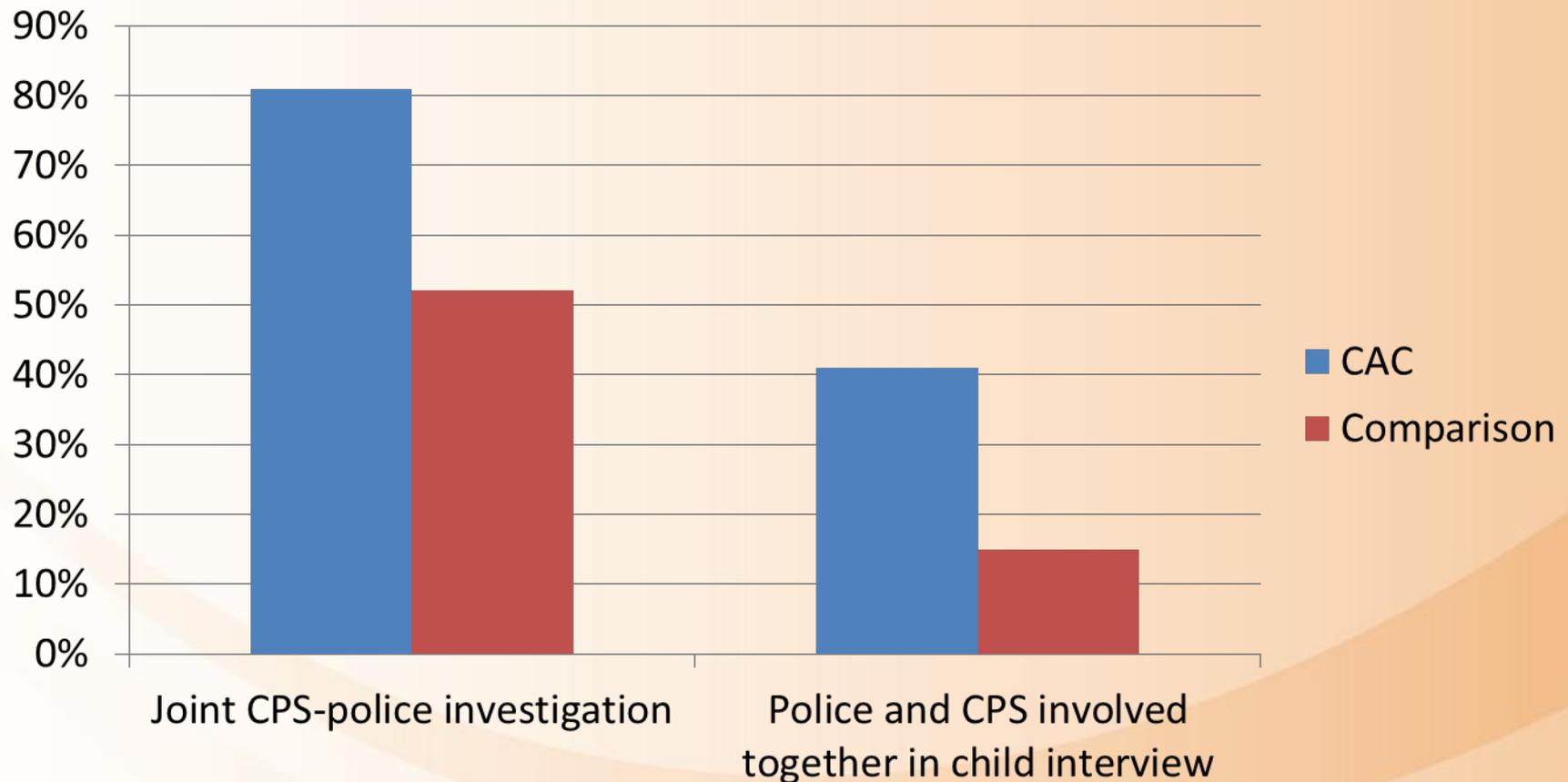
LAW ENFORCEMENT PROTOCOL INVESTIGATING CHILD ABUSE  
IN PALM BEACH COUNTY

Initial Response

”When the call comes from the Florida Abuse Line or Child Protective Investigator, an officer shall be dispatched to conduct a criminal investigation”

- A. When the child abuse call comes in through dispatch or 911:
  1. Communications (dispatch) will not alter the reported child abuse classification.
  2. The responding officer should collect dispatch information.
  3. Dispatch should secure the 911 recording for 90 days.
  4. Once the officer arrives on the scene and assesses the complaint, he/she shall make a determination whether an investigation is warranted. If an investigation is warranted, the officer must contact the Florida Abuse Hotline at 1-866-LE ABUSE, pursuant to s. 39.201(1).
- B. When the call comes from the Florida Abuse Line or a Child Protective Investigator, an officer shall be dispatched to conduct a criminal investigation. Dispatch shall not classify call as Assist Other Agency.
  1. Upon notification of a report of abuse from the Hotline, DCF shall immediately confirm the venue of the crime and then forward allegations of criminal conduct to the appropriate law enforcement agency in which the alleged conduct has occurred s. 39.301(2)(a).
  2. Law enforcement agency shall await telephonic contact from DCF prior to dispatching law enforcement officer.
  3. DCF and law enforcement shall coordinate their response. Law enforcement dispatch shall classify the call as a “priority call”.
  4. If DCF investigative interview is outside jurisdiction and law enforcement cannot respond, the law enforcement agency will seek assistance from other agencies utilizing Mutual Aid Agreement.
  5. Law enforcement will notify the agency with jurisdiction.
- C. Obtain recent and historical protective investigative reports from the Department of Children and Families. The name of any person reporting child abuse, abandonment, or neglect may not be released to any person other than employees of the Department responsible for child protective services, the central abuse hotline, law enforcement, the Child Protection Team, or the appropriate state attorney, without the written consent of the person reporting s. 39.202(1).
- D. Upon arriving at the scene the officer and the Child Protective Investigator (CPI) shall immediately assist each other to assess and secure the alleged crime scene.
  - When the alleged abuse and neglect has resulted in a child’s death, the initial responder shall report such death and circumstances forthwith to the district medical examiner pursuant s. 406.12.
  - The law enforcement designee shall call out the Rapid Response Team.
  - Identify the victims, suspects and witnesses, including other children and third parties.
  - Secure control of any weapons present.
  - Determine extent of injuries.
  - Provide medical first responder treatment and request emergency medical assistance if needed.
  - Conduct preliminary interview of victim and witnesses. Children should not be interviewed in the presence of parent or guardian unless and until the perpetrator has been determined.
  - Evaluate the welfare and safety of the victim.

## 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

| Benefits   | Concerns   |
|--|--|
| <ul style="list-style-type: none"><li>• Team interviews of children<ul style="list-style-type: none"><li>-- trained forensic interviewer</li><li>-- avoid redundant interviews</li></ul></li><li>• Joint investigations – more thorough</li><li>• Greater accountability between investigators</li><li>• Police help assure safety</li><li>• Helps access victim service funds</li></ul> | <ul style="list-style-type: none"><li>• CPS may tip off perpetrator, making criminal investigation more difficult</li><li>• CPS concern that police may frighten family</li><li>• Police and CPS may act at a different pace</li><li>• If only CPS conducts interviews, will enough evidence be collected?</li><li>• Different judgments about child removal, family preservation etc.</li></ul> |

Source: Cross, Finkelhor & Ormrod, 2005

## Research shows that police involvement with CPS increased odds of outcomes (odds ratios)

| Police variable                             | Abuse allegation judged credible | Services provided or referral to service made |
|---|----------------------------------|---|
| Police and CPS both involved investigation  | 3.0                              | 2.3   |
| Police and CPS both involved in planning    | --                               | 2.2   |
| Multidisciplinary team involved in planning | --                               | 4.2   |

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

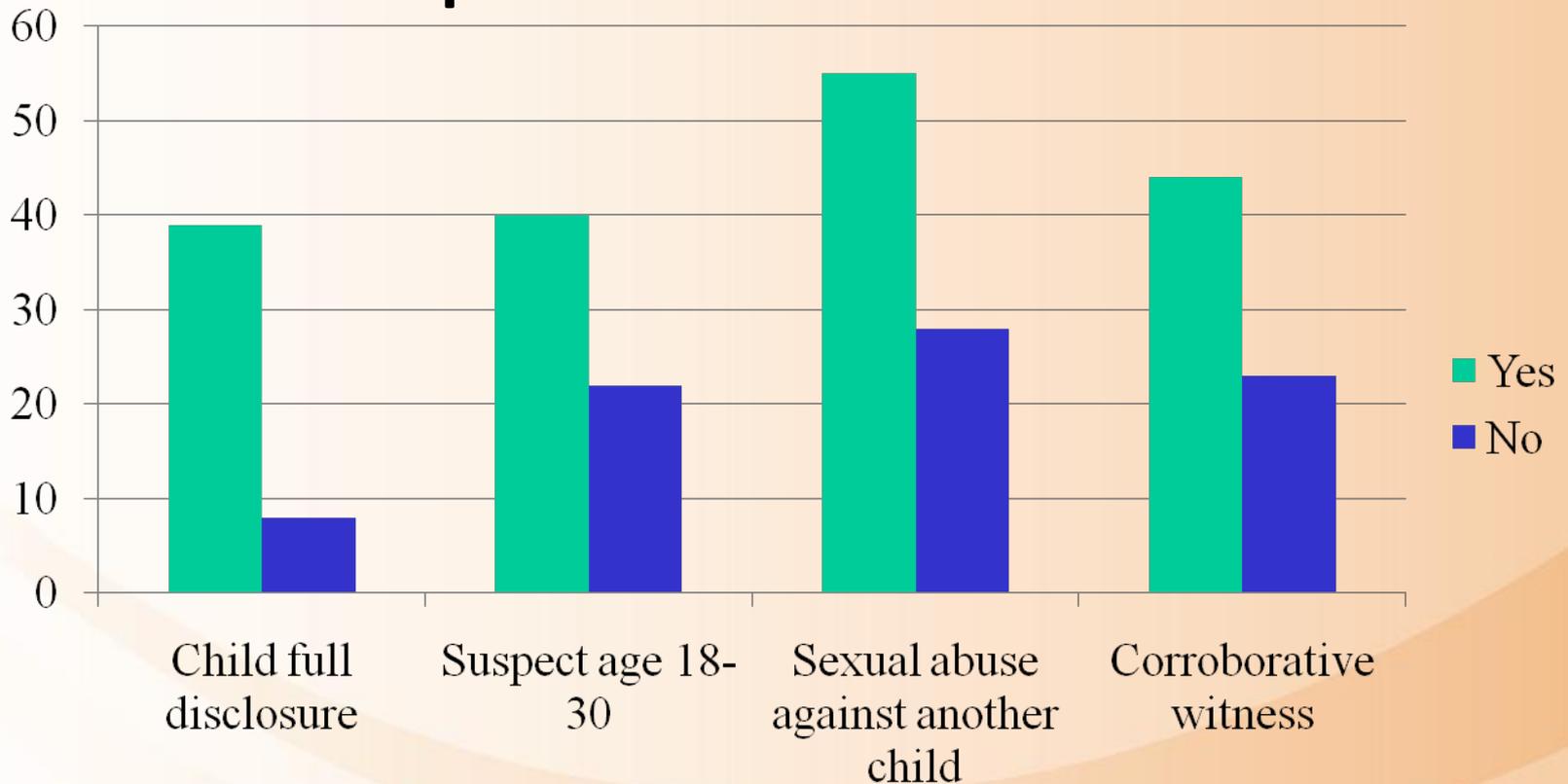
Source: Analysis of NSCAW data, Cross, Finkelhor & Ormrod, 2005



# 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

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

Sources: Vieth, 1999, 2010



## Selected factors related to filing criminal charges

| Factor                                     | Cross, et al., 1994 | Walsh, et al., 2010 |
|--|---------------------|---------------------|
| Amount and quality of evidence             | X                   | X                   |
| Corroborating evidence                     | NA                  | X                   |
| Offender confession                        | X                   | X                   |
| Child disclosure                           | NA                  | X                   |
| Maternal support                           | X                   | NA                  |
| Child mental health problems<br>(negative) | X                   | NA                  |

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



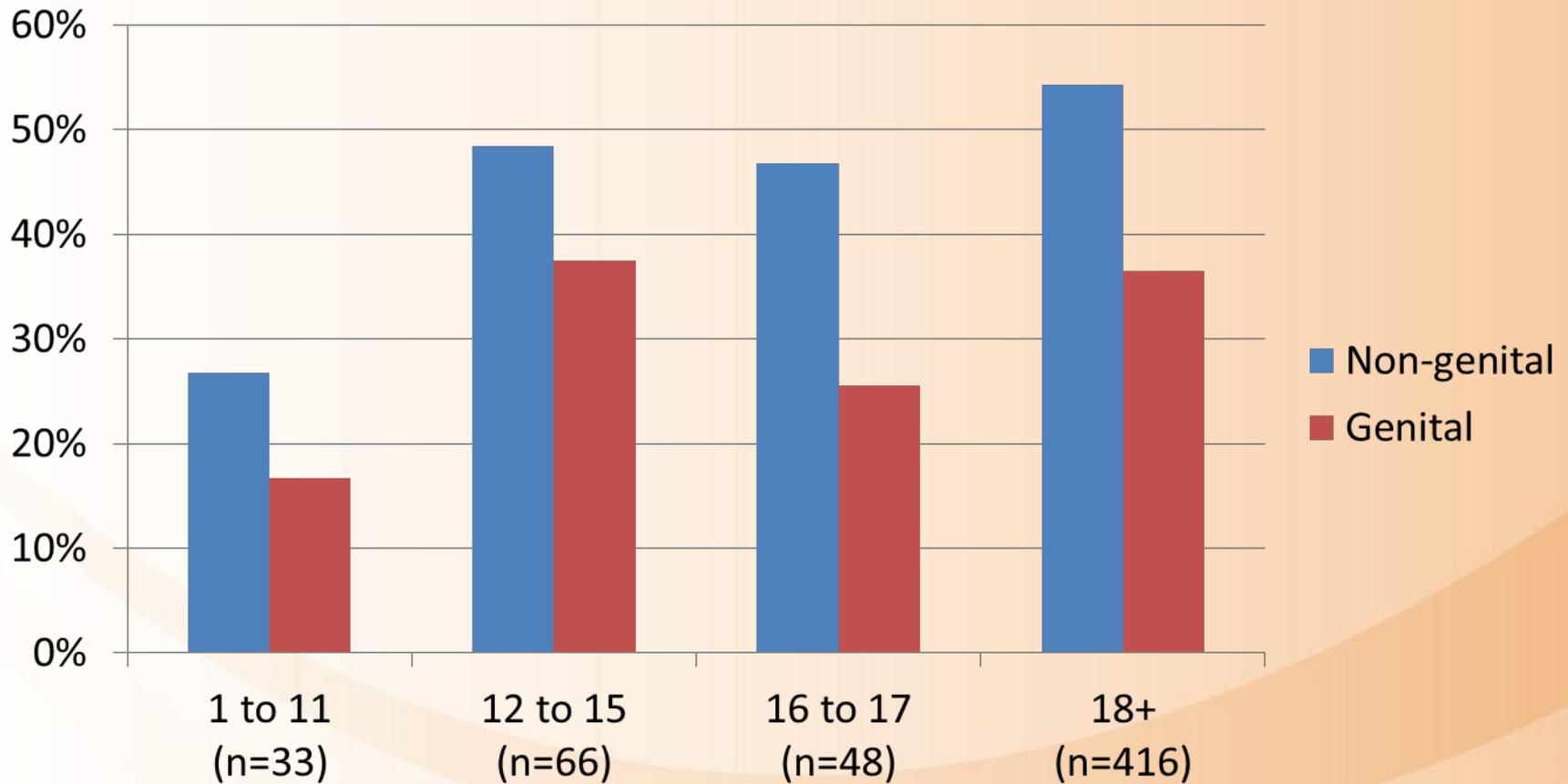
# Study of biological evidence and police actions in sexual assault cases

- 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

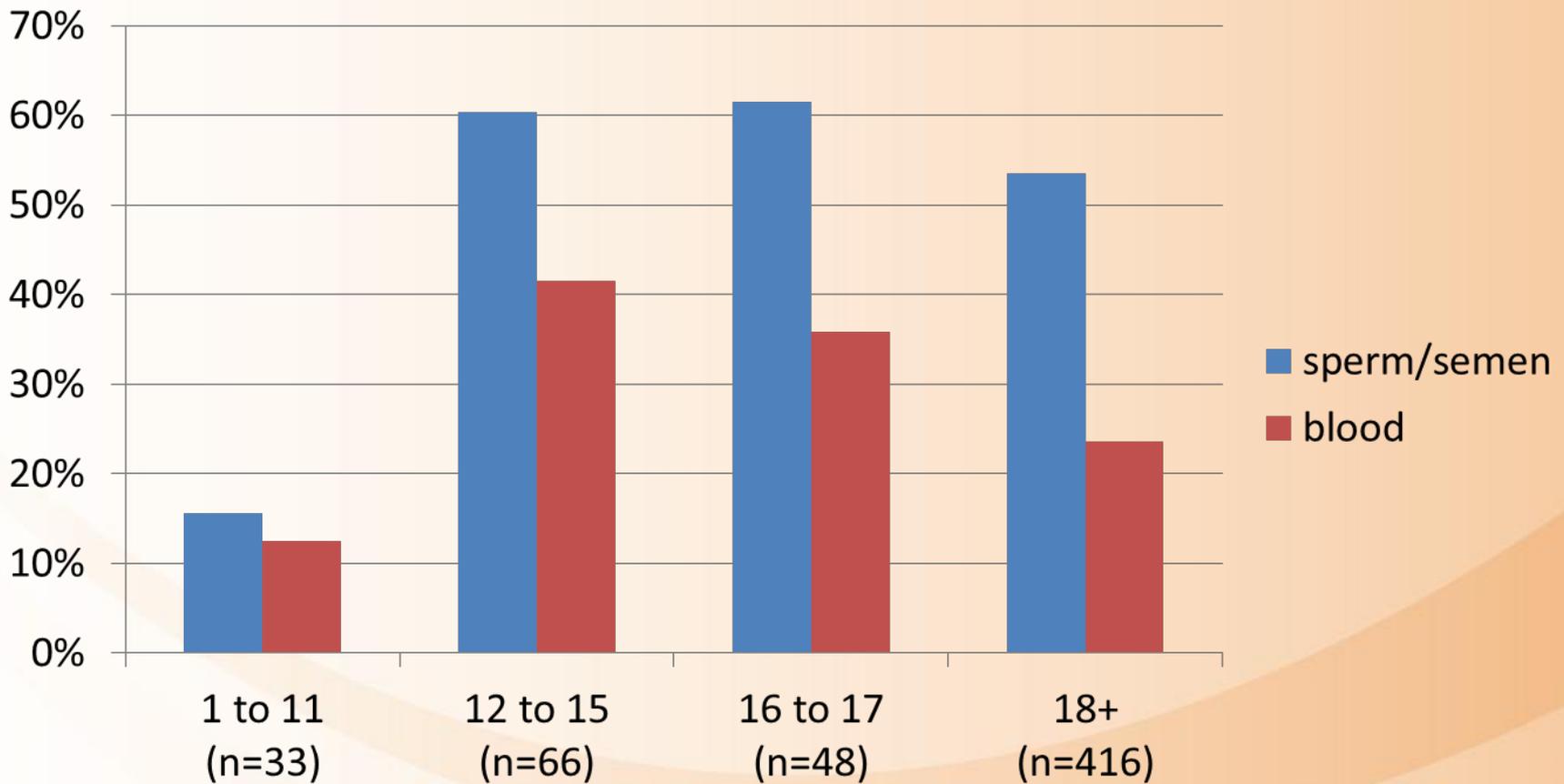
Sources: Cross, et al., 2014; Cross, Schmitt, et al., 2016



# Injury rates by victim age

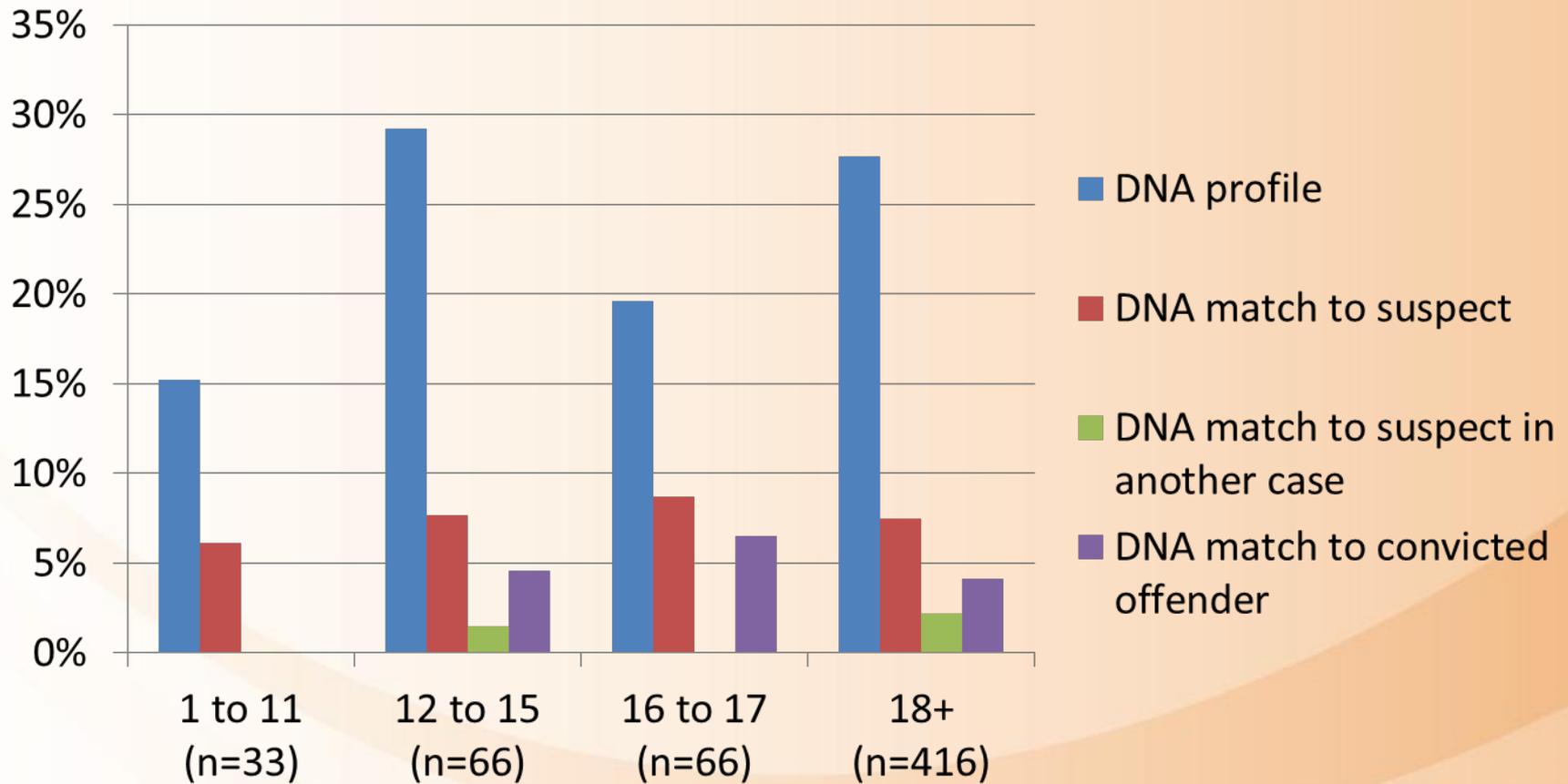


# Crime lab evidence by victim age



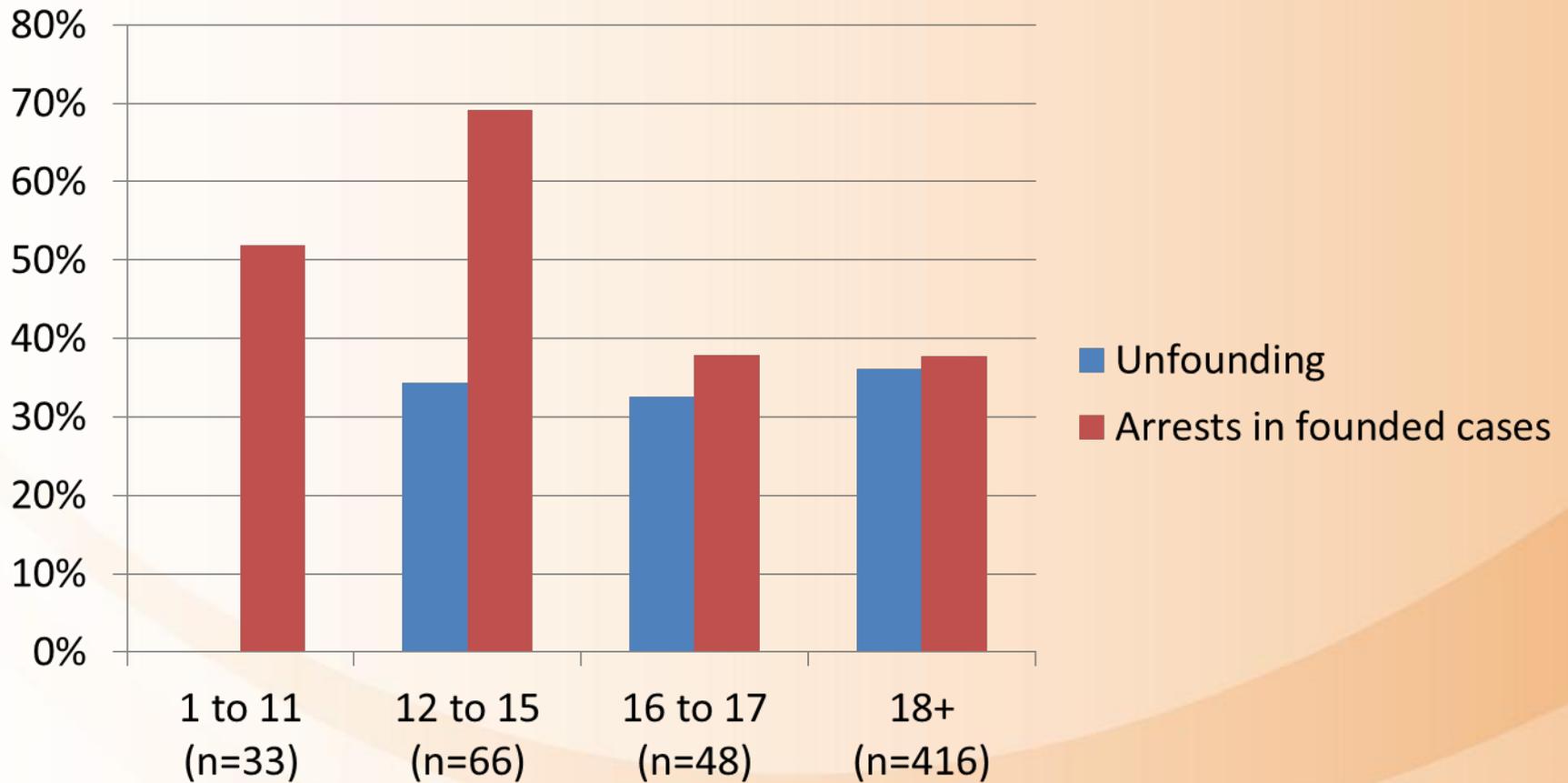


# DNA Results by Victim Age

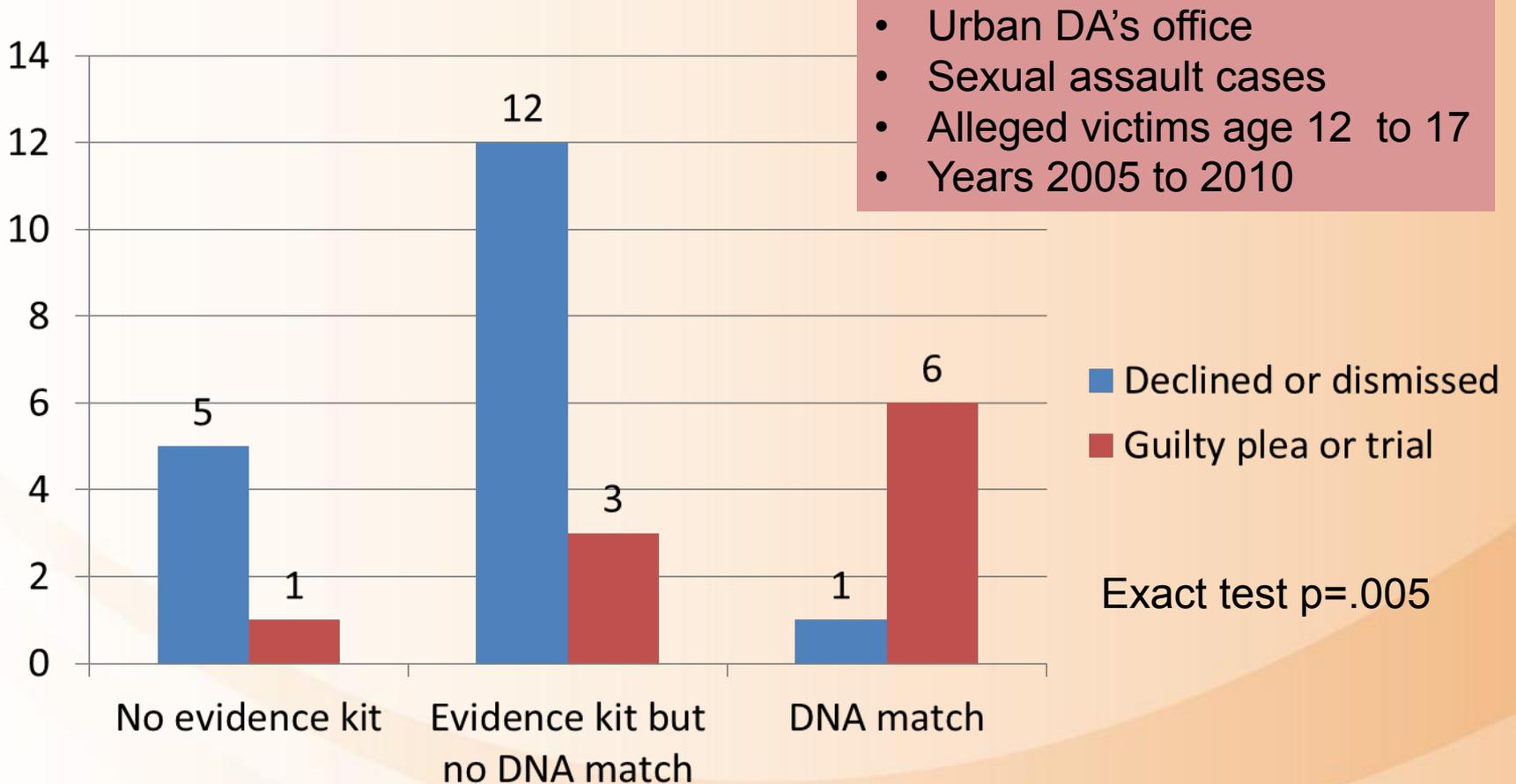




# Police actions by victim age



## DNA Match to Suspect Can Be Important When Cases Move Forward in the Criminal Justice System



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?



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