

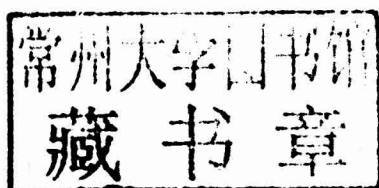
D'MICHELLE P. DUPRE AND JERRI SITES

CHILD ABUSE INVESTIGATION FIELD GUIDE



Child Abuse Investigation Field Guide

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Foreword

As a boy growing up in Iowa, I can remember each morning, before I left for school, my mother would remind me to stay away from any stranger who was looking for little kids willing to share candy or look for a lost puppy. I never encountered that person, and I honestly did not pay much attention to mom's warnings then—because, in my mind, adults like my teachers, baseball coaches, and scout leaders were nice people who always wanted to help me rather than hurt me. I grew up unafraid and unaware of the horrifying experiences some children had to withstand, and I suppose—as is probably the case for most of us—it took a real life situation to open my eyes.

For me that experience took place on a freezing, snow-covered day in January of 1983. I had been a police officer in a small Kansas community for 13 years. My previous encounters with children usually focused on vandalism and runaways, and I never imagined the nightmare I was about to encounter when I was dispatched to an abandoned airport in the rural part of our community. According to our police dispatcher, somewhere in that cold, dark place with decaying hangers and crumbling runways, an unknown male had dumped a little girl. He told the dispatcher where the girl could be found, and this would be my first experience with a crime committed against a child.

It is hard to understand how, in broad daylight, a man could pull his car into a driveway, blocking the sidewalk, and convince a 10-year-old girl to help him with directions. Unfortunately, when she stepped too close to the driver's door, he grabbed her coat collar and pulled her through the open window and onto the passenger's floorboard. How she must have trembled as she was driven some 15 miles to this dark, eerie place where she was pulled out of the car, disrobed, and sexually assaulted. Horribly injured, she was forced to stand as her abductor stretched duct tape across her mouth and wrapped a pair of panty hose around her neck. Within seconds, she fell to the freezing cold ground and was left for dead.

Since that horrific day in 1983, I continued my law enforcement career and eventually retired as a Deputy Chief. More importantly, I was

able to devote a great deal of that 30-year period protecting little ones by lecturing on offenses committed against children and the strategies that could be used in an effort to reduce these terrible crimes.

I recall that during the early 1990s attitudes seemed to change, and it became obvious that the worst action we could take if a child was abused, molested, or raped was inaction. Mandated reporting developed and law enforcement officers, along with social services agencies, found themselves tossed into an arena for which many were unprepared. That led to more advanced training and, subsequently, a new approach on both county and state levels with agencies developing specialized procedures that focused on interview and investigative techniques. This was a desperately needed and necessary change, but in many jurisdictions territorial issues still seemed to continually interfere.

Today, even though most professionals in this field understand the dynamics of child victimization, inadequate procedures, and a lack of interagency cooperation still create dramatic shortcomings in the entire investigative process. Currently, agencies are being encouraged to revise their policies to include uniform and detailed procedures that promote the best practices for dealing with missing, abducted, neglected, sexually abused, exploited, or trafficked children. Model policies have been developed to include first-responder guides and checklists that emphasize a multidisciplinary approach as the recommended standard that enables law enforcement, Child Protective Services workers, Social Services, and Child Advocates to work in unison while investigating crimes against children. Without this we risk investigative oversights that could be detrimental to such a time-sensitive incident involving the life and welfare of a child.

My greatest fear is that some of us who are responsible for handling physical and sexual abuse cases may still be too complacent in our approach, thus allowing victims to slip through the cracks only to be victimized again. I believe it is imperative that we bring our experience, qualifications, skills, and resources together to create a much more organized approach to investigating these horrible crimes. Expanding on a statement from the National Center for Missing & Exploited Children (NCMEC): **Our mission is to make children safer—safer from sex offenders, from abductors, from those who would steal their childhood and even their lives. Our job is to help prevent and solve crimes against the innocent.** I believe these principles should apply to all of us.

The investigation of any form of child abuse is extremely difficult. From the moment the initial call is received, every action taken has the

potential to make the difference between a successful investigation or tragic outcome. From my personal experience and those shared with me by law enforcement plus child protective service professionals across this county, the one common concern has been the lack of investigative resources. Armed with the information, knowledge, and operational resources gained through this investigative guide, one can better position themselves to respond more comprehensively and effectively when a child's life may be at stake.

It takes an incredible coward to hurt a little boy, rape a little girl, or force an unwilling teen into sex trafficking. However, I believe we would be cowards if, through our own shortcomings, we allowed those responsible for abusing children to continue down this path of destruction.

Craig E. Hill

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Preface

Child abuse investigations often involve multiple agencies in need of information about the case. Law enforcement must investigate all criminal cases and seek justice and often punishment for the offender(s) and protection for the child. Child protective services must investigate the case and provide assistance and treatment plans with the objective of keeping the family unit together if possible. In our experience, much of the same information is needed by each jurisdiction. This guide is intended to walk the investigator, whether law enforcement or civilian agency, through the investigation process from the initial report through court preparation and testimony. By utilizing ideas and resources in this field guide, the child is spared from numerous attempts at interviews, the investigators are spared from seeking the same information through numerous channels, and each agency gets the information and assistance needed to resolve the case. When each agency and each team member is “on the same page,” sharing resources and information gets the job done more quickly and efficiently.

DuPre's Acknowledgment

I have been so fortunate throughout my personal and professional life to have had many supporters who gently guided me along the way and nudged me when I needed it. Teaching and helping others is a passion for me, especially in the areas of child abuse and sexual assaults. I am particularly grateful to those who have generously shared their wisdom and knowledge and inspired me to help others through my chosen profession: Doctors Vincent J. DiMaio, Emma Lew, Bruce Hyma, and Joel Sexton, along with the Dean of Basic Medical Sciences at the University of the West Indies, Deputy Dean Wayne McLaughlain.

To my dear friends and colleagues, Gaile Heath and Gayle Byers, your friendship since college has lasted throughout the years and your staunch support is greatly appreciated.

To Jerri Sites, thank you for sharing your knowledge and expertise in coauthoring this publication. It has been a pleasure.

And most importantly, I would like to thank my mom who has always encouraged me to follow my dreams. Her unconditional love and support has given me the strength to overcome demanding obstacles and the courage to speak for those who cannot speak for themselves.

Jerri Sites' Acknowledgments

Over the past two decades, countless multidisciplinary team members and many children and families have provided the inspiration for me to continue working to improve the system's response to child abuse. A number of professional colleagues have directly influenced me during the course of my professional life. I would like to express my sincerest gratitude to those who generously shared their wisdom and knowledge, and supported me in different stages of my career, specifically: Kim Edgar-Avery, Craig Hill, Michael Johnson, Victor Vieth, Tracy Wiecking, and Robert Wilkins.

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Investigative Best Practices and the Purpose of This Guide

Every investigation is different. This guide is meant to be just that ... a guide. It may not be possible to spend a lot of time on each step suggested here, but investigators know that there are certain steps that must be done in every investigation; these “best practices” are standards that ensure nothing is overlooked and the best possible outcome is obtained.

Child safety has long been a primary focus of child welfare. With the passage of the Adoption and Safe Families Act of 1997 (ASFA), the federal government underscored the importance of safety, permanence, and well-being in the delivery of all child welfare services, including family foster care.

It is troubling when a report of suspected maltreatment is filed regarding any child. Reports of maltreatment occur for a variety of reasons. In situations in which maltreatment has occurred, it is crucial that the agencies involved identify the children at risk and protect them from further harm. Sometimes reports may be unfounded, emerging from the complex dynamics of the home situation. This experience can be disruptive for children, families, siblings, and family members. In each situation, it is important to ensure the safety of children during the investigation process. Public child protection agencies generally have well-developed strategies for investigating reports of maltreatment of children. In some cases practices are inconsistent across jurisdictions. More guidance is often needed to inform the many agencies and jurisdictions charged with the investigation of these cases, in the process of investigating reports of maltreatment of children. This field guide is intended to assist law enforcement officers, child protective services (CPS) workers, child advocates, solicitors, prosecutors, and other agencies working together for the welfare and protection of children.

The field needs consistent, quality practices in the investigation of child maltreatment. Currently, no uniform guidelines exist for such

investigations, and practices vary across states and even within state agencies. These guidelines provide law enforcement and workers from various agencies with guidance that can minimize the distress and trauma often experienced by families and children in suspected abuse cases.

The guide is useful for jurisdictions already using the multidisciplinary team (MDT) approach or wishing to establish an MDT, emphasizing increased communication among those who are involved in the investigation of child abuse. The information provided is based on national standards for best practice as recommended by federal guidelines from various agencies and research conducted by experts in the field. These guidelines outline issues that should be addressed by child protection and child placement agencies when someone files a report regarding a child in jeopardy, and are based on best practices in the industry.

The field guide is intended to be a resource for anyone working with cases involving abuse, neglect, or sexual assault of children. It is designed to be a quick reference of best practices, and yet portable enough to carry in a briefcase or back of the car and affordable enough for each team member to have a copy.

We recognize that every state has different statutes regarding these topics and even jurisdictions within the same state have varying policies and procedures for handling these types of cases. However, the objectives of recognizing, reporting, and investigating cases of this nature are essentially the same. Just as every crime scene is different, every case involving a child is different. By promoting the MDT, the victim-centered approach to these difficult cases, we will help ensure that children are protected and receive the help they need and that cases are discovered, reported, and investigated properly in order to obtain solid documentation for prosecution and conviction of the perpetrator. State and national resource information are included in this guide, and a reference web site is highlighted for users to check current and updated information in their own jurisdiction.

Background and Statistics

Each state has its own definitions of child abuse and neglect, and sexual abuse statutes that are based on standards set by federal law. Federal legislation provides a foundation for state laws by identifying a set of acts or behaviors that define child abuse and neglect. The Child Abuse Prevention and Treatment Act (CAPTA) (42 USC §5101), as amended

by the CAPTA Reauthorization Act of 2010, retained the existing definition of child abuse and neglect as, at a minimum: *Any recent act or failure to act on the part of a parent or caretaker which results in death, serious physical or emotional harm, sexual abuse or exploitation; or an act or failure to act, which presents an imminent risk of serious harm.* Most states recognize four major types of maltreatment: neglect, physical abuse, psychological maltreatment, and sexual abuse. Although any of the forms of child maltreatment may be found separately, they can, and often do, occur in combination. This guide focuses on each of those types of abuse as well as child fatalities, and different types of child exploitation (US Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau (2013). *Child maltreatment 2012*; available from <http://www.acf.hhs.gov/programs/cb/research-data-technology/statistics-research/child-maltreatment>).

Reporting Child Abuse and Neglect

Who it is that is required to report suspected child abuse or neglect also varies by state. Several states have laws requiring *anyone* who suspects that a child is being abused or neglected to report it. Many states specifically designate professions that are called mandated reporters, and personnel in those professions are required by statute to report suspected child abuse or neglect. It is not possible or feasible to include a list of states and their requirements; however, the web site https://www.childwelfare.gov/systemwide/laws_policies/state/can/ offers valuable information on numerous topics including links to state resources that identify this information by state jurisdiction. Check your state for updated information. According to the National Conference of State Legislatures, "all 50 states, the District of Columbia, American Samoa, Guam, the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands have laws and policies that specify procedures for making and responding to reports of suspected child abuse or neglect. Mandated reporters are required by most states to make an immediate report when they suspect or know of abusive or neglectful situations."

How to report suspected child abuse or neglect also varies by state but essentially Law Enforcement is involved in all criminal cases or crimes against children. In most states for purposes of abuse or neglect, a person

is considered a child if under the age of 18 years (17 in some states, 16 in others). Special circumstances may also be a factor, for example if the person is disabled in some way but chronologically older. There are also state and federal statutes against abuse of disabled or impaired persons. *When in doubt shout!* In other words, if abuse or neglect is suspected it should be reported. Some jurisdictions have a hotline for reporting. If your jurisdiction does not, report it to your local law enforcement office and to your agency that oversees the welfare of children, such as department of social services or CPS. The Resources section at the back of this guide lists contact numbers by state.

What to report depends on what you believe or suspect is or has happened to the child. The level of certainty that you must have depends on several factors. Law enforcement and the criminal side of the house require *proof beyond a reasonable doubt*. That means that a reasonable person would come to the same conclusion that you did, given the same set of circumstances. This is a higher degree of certainty or proof than is required of the average lay person. The non-law enforcement person, however, only has to have a *reason to believe* that abuse or neglect is or has happened. Persons reporting suspected child maltreatment do not have to have proof: they are reporters of the abuse or neglect and not the investigators.

Every state has statutes that define child abuse and neglect. This guide lists general categories defined in most states. Be familiar with statutes in your jurisdiction and use this guide as a general reference. There is also a section for you to record your own helpful notes and information you use on a regular basis.

Confidentiality and Protection from Liability

It is also important to point out that most states offer a reporter of child abuse or neglect the comfort and protection of confidentiality. Reports can be made anonymously. While it is very helpful to have contact information, it is generally not required. Many states have statutes that protect the reporter when the report is made in good faith, even if it later turns out to be unfounded.

In other words, when a report is made by someone who suspects child maltreatment, and, after an investigation, the report is concluded with a finding that no abuse or neglect has occurred, the reporter is not at risk