

MODEL PRACTICES IN THE INVESTIGATION AND PROSECUTION OF CHILD PHYSICAL ABUSE CASES



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Learning Objectives

- ▣ Identify the challenges associated with the prosecution and investigation of a child physical abuse case
- ▣ Identify potential solutions or means to combat obstacles to investigation and prosecution
- ▣ Approach these cases with the attitude that the problems can be overcome through dedication and teamwork

Good investigations start well
before the 911 Call.

Maintain Relationships in your MDT

- ▣ Regularly attend case staffings
- ▣ Coordinate and attend MDT training
- ▣ Be the one the others come to
- ▣ Be respectful of teammates' job related responsibilities
- ▣ Celebrate success together

Know what each partners' role is during a physical abuse investigation.

- ▣ Medical - heal the child or determine cause of death
- ▣ CPS - determine whether abuse or neglect has occurred and ensure safety of all children involved
- ▣ PD - figure out what happened and who's responsible
- ▣ DA - Justice



MORE INFORMATION

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BETTER DECISIONS

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BETTER OUTCOMES

Challenges for Investigation

- ▣ You didn't go to medical school
- ▣ 2 people, 1 child, no story
- ▣ Fabricated "Controversies" in the Medical Field
- ▣ Timelines are hard to recreate
- ▣ Families in disbelief
- ▣ Circumstantial Evidence
- ▣ Community Expectations
- ▣ Child Witnesses

Basic Checklist

- ▣ Establish a timeline for the past week
- ▣ Forensically Interview the victim if possible, as well as any child in the home
- ▣ Identify and interview all caregivers on the timeline
- ▣ Identify and interview all witnesses who had contact with the child
- ▣ Visit and document the scene, whatever that is
- ▣ Document the child's injuries
- ▣ Make appropriate medical inquiries
- ▣ 911 Call
- ▣ Interview and take affidavits from first responders
- ▣ Cell phones from the caregivers
- ▣ Gather all medical records on the child
- ▣ Surveillance video

SUSPECT INTERVIEWS

Don't assume liars are killers.

Sometimes, they are just
liars.

Suspect Interviews

- ▣ Consider a scene walk through.
- ▣ Consider putting two caregivers in the room together.
- ▣ Consider an alternate charge than an intentional act.
- ▣ Consider offering a polygraph.

**YOU MUST APPRECIATE
THE POTENTIAL
DEFENSES TO COMPLETE
A THOROUGH
INVESTIGATION**

Potential Defenses

- ▣ “Killer Furniture”
- ▣ Accident/Short Fall
- ▣ Somebody else did it
- ▣ Pre-existing medical condition

Charging Decisions

- ▣ Highest Charge?
- ▣ All Possible Charges?
- ▣ Effects on CPS plan?
- ▣ Bond issues?
- ▣ What will your experts commit to?

Investigation doesn't stop after Indictment

Family Court Proceedings

All documents from Defendant's past law
enforcement contact

All documents from past CPS contact

Jail Mail

Jail Incidents

Jail Medical Records

Jail Calls

THE VALUE OF A GOOD JAIL CALL



Voir Dire

Undersell
and
Overdeliver

What does the trial look like?

- ▣ How does the story start? 911? ER? Disclosure to Teacher?
- ▣ Should you play Defendant's statement?
- ▣ What kind of demonstrative aids do you need?
- ▣ How will you show the injuries?
- ▣ How will you handle the defense experts?
- ▣ How will you treat any co-defendants?

Case Study

Questions?

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