

**Conducting a Multidisciplinary
Child Abuse Investigation**

**National Symposium on Child
Protection in Indian Country**

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**Multidisciplinary Team
Members**

- Law Enforcement
- CPS/Social Work
- Prosecution
- Forensic Medical Professionals
- Clinical/Therapeutic
- Community



**Roles and Responsibilities of
MDT Members:**

**An Issue of Boundaries (and
When They Cross)**



Law Enforcement

Law Enforcement brings to the team expertise in collecting and preserving evidence, examining crime scenes, taking statements, and securing confessions. The Law Enforcement officer also is able to make arrests and is best able to present the criminal case in the appropriate forums because of his or her training and familiarity with criminal law and procedures.



Law Enforcement Roles and Investigative Responsibilities

- Early detection of child abuse
- Create/Receive reports
- Provide needed emergency services
- Notify CPS



Law Enforcement Roles and Investigative Responsibilities

- Initial investigation
 - Preparation
 - Interviews
 - Gathering evidence
 - Interrogations and interviews
 - Gathering additional information
- Follow-up investigations
 - Interviews/interrogations
 - Gathering additional information/evidence
- Case preparation



Law Enforcement Roles and Responsibilities

- Responds to calls in an appropriate manner (that is, one commensurate with the urgency of the call), stabilizes the crime scene, and takes initial statements as appropriate
- Performs criminal history record checks on alleged offenders
- Collects and preserves physical evidence (e.g., trace evidence or instruments used in the assault)
- Interviews child victims or witnesses consistent with the team's decision
- Conducts photo lineups or live lineups to confirm the identification of perpetrators, if necessary



Law Enforcement Roles and Responsibilities

- Interviews adult witnesses in cooperation with Social Services
- Facilitates the use of technological investigative tools, such as monitored telephone conversations
- Interviews alleged perpetrators
- Takes suspects into custody, when and if appropriate
- Presents criminal cases in lawsuits
 - To obtain warrants
 - To grand juries, if used in jurisdiction
 - At preliminary hearing, if appropriate
 - In criminal court




Law Enforcement Roles and Responsibilities

- Testifies in juvenile or family court, if necessary, to ensure the child's protection
- Takes child into protective custody if the Social Services worker assesses that the risks require the child's removal



Law Enforcement Mission

- Maintain order
- Execute public law
- Protect persons and property
- Prevent crime
- Provide limited direction and control for behavior that is not criminal
- Investigate crime, find the perpetrator, charge him/her with the offense, present him/her to the court along with evidence to prove that:
 - A crime was committed
 - The accused specifically committed the crime



Social Services Mission

- A service provided to children and families by local government agencies, designed to protect endangered children and rehabilitate families so they can ensure the safety of their children and meet their children's developmental needs



Social Services Roles/Process

- Intake/screening
 - Receive reports of maltreatment
 - Determine validity of allegations
 - Make referrals to other services, if appropriate




**Social Services
Roles/Process**

- Investigation
 - Investigate allegations of maltreatment
 - Interview entire family and appropriate others (collaterals)
 - Assess risk to the children and determine safety plan of action (removal from home, if necessary)




**Social Services
Roles/Process**

- Continuing On-going
 - Provide or arrange for services to help families meet children's needs
 - Monitor safety needs of children on an ongoing bases




**Social Services
Roles and Responsibilities**

- Accepts reports of abuse
- Interviews alleged child victims
- Interviews siblings or other possible child witnesses
- Interview non-offending parent(s)
- Interviews other adult witnesses and collateral contacts
- Interviews the alleged offender if the team determines this to be appropriate (such an interview is typically performed by LE)




**Social Services
Roles and Responsibilities**

- Arranges medical examination and psychological examinations of child and parents, if needed
- Performs risk assessment (an analytical process to assess the likelihood of future abuse)
- Develops a safety plan to protect the child in his or her home or the home of a relative or family friend



**Social Services
Roles and Responsibilities**

- Petitions the juvenile or family court (through the attorney representing the agency) for custody to place the child in foster care
- Secures a foster home or other appropriate placement
- Develops a case plan to meet the child's needs and reduce the risk of future abuse
- Arranges community services to support the plan, such as counseling or financial support for the mother if the offender has moved out of the home



**Social Services
Roles and Responsibilities**

- Evaluates the service delivery process and the progress (or lack of progress) by the involved family member
- Testifies in court proceedings (juvenile, family, or criminal court, as well as grand juries, if appropriate) and makes recommendations to the court about the long-term plan for permanence for the child



Prosecution

The Prosecutor will serve as leader of the MDT , helping guide the field investigators until the case is ready for disposition



Prosecution Mission

- Seek justice
 - The primary responsibility of the prosecution is to see that justice is accomplished
 - The prosecutor's client is society as a whole; therefore, the prosecutor must balance the interests of all members of society
 - The primary duty of the prosecutor is to seek justice while fully and faithfully representing the interests of the state. The safety and welfare of the community, including the victim, is their primary concern




Prosecution Roles and Responsibilities

- Provide legal advice related to the investigation of criminal cases to local law enforcement agencies concerning sufficiency of evidence, arrest, and search warrants, etc.
- Protect rights of the accused and right of the public to know in criminal cases
- Determine whether to initial or pursue criminal charges
- Engage in plea negotiation when the interest of the state in the effective administration of criminal justice will be served




**Prosecution
Roles and Responsibilities**

- Assist and protect victims and witnesses
- Promote speedy trials and efficient case processing
- Prepare for and conduct trials of criminal cases, proving allegations beyond a reasonable doubt
- Make sentence recommendations




**Prosecution
Roles and Responsibilities**

- Actively participate in developing the case's overall investigative strategy
- Assess the evidence collected to determine its potential utility in court
- Assist in drafting search warrants
- Advise on suspect interview, when appropriate
- Give guidance on legal issues, such as statute of limitations problems and jurisdictional issues



**Prosecution
Roles and Responsibilities**

- Negotiate bail or plea agreements and restrictions
- Prepare witnesses for court or oversee a court school program for children
- Present the state's case at trial



Mental Health Professionals

Mental Health professionals can play many important roles on investigative teams. On the conservative level, they are trained to help bridge conflicts among the team's members and focus on team building and maintenance activities. They also come to teams with the most advanced formal clinical training on child development and human behavior. With this background they are in a good position to help guide the actual interview strategies based on the child's developmental level.



Mental Health Professional Roles and Responsibilities

- Providing guidance or suggestions on interviewing strategies for children that are specific to their developmental level, gender, and emotional state
- Assisting in the implementation of psychological information received by the team (e.g., explaining the implications of various *Diagnostic and Statistical Manual* diagnoses to the team) as it evaluates the credibility of witnesses
- Making treatment recommendations for children
- Advising prosecutors on the appropriateness of community-based sentencing options for offenders



Mental Health Professional Roles and Responsibilities

- Conducting extended assessments of the children



Forensic Medical Professionals

Medical professionals function as members of the team. They give the distinct advantage of providing the team with consistent information from a physician or specially-trained nurse who understands the medical issues and can help the team understand the medical findings. As with other team members, frequent contact builds trust.



Forensic Medical Professional Roles and Responsibilities

- Interpreting medical findings to the team
- Performing forensic medical examinations
- Recording the verbal statements made by the children during the examination (which are admissible in court heresay exception)
 - Medical history
 - Diagnosis and treatment



Forensic Medical Professional Roles and Responsibilities

- Preserving any physical evidence secured during the examination (e.g., semen) or any photographs taken of injuries (rape kit)
- Identification of abuse or non-abuse
- Affidavits of abuse
- Second, third opinion of injury
- Expert testimony



Best Practices for MDTs

- Prosecution-led leadership
- Highly specialized (trained) team members
(see Victims of Child Abuse Act of 1990 Mandates for MDTs)
- Clear definition of overall purpose
- Ability to respond immediately and apply protective/investigative resources
- Identification of, participation of, defined roles of MDT members (see Indian Child Protection and Family Violence Prevention Act (Public Law 101-630))



Mandates for MDTs

- Use of Multidisciplinary Child Abuse Teams
 - A multidisciplinary child abuse team shall be used when it is feasible to do so. The court shall work with State and local governments that have established multidisciplinary child abuse teams designed to assist child victims and child witnesses, and the court and the attorney for the government shall consult with the multidisciplinary child abuse team as appropriate

Victims of Child Abuse Act of 1990, Subtitle D – Federal Victims’ Protections and Rights, Section 225. Child Victims’ Rights



Indian Child Protection and Family Violence Prevention Act (Public Law 101-630)


- The development and implementation of a multidisciplinary child abuse investigation and prosecution program which may -
 - Coordinate child abuse prevention, investigation, prosecution, treatment, and counseling services
 - Develop protocols among related agencies to ensure that investigations of child abuse cases, to the extent practicable, minimize the trauma to the child victim, and
 - Provide for the coordination and cooperation of law enforcement agencies, courts of competent jurisdiction, and other Tribal, Federal, and State agencies through intergovernmental or interagency agreements that define and specify each party’s responsibilities



CPTs and MDTs


- CPTs (Protection Focused MDT)
 - A protection focused multidisciplinary team that focuses on child protection and intervention to assist families in child abuse and neglect cases

- MDTs (Prosecution Focused MDT)
 - A prosecution focused multidisciplinary team that focuses on the criminal investigation and prosecution of child abuse and neglect




Why Have a MDT?

- Family violence (and its subcategory child abuse and neglect) is a tribal community problem
- No single person, agency or discipline has the ability, skills or resources needed to address the protection and interventive needs of children and families in crisis



CAC (NCA Defined)

- A Children's Advocacy Center is a child-focused, facility-based program in which representatives from many disciplines, including law enforcement, child protection, prosecution, mental health, medical and victim advocacy, **child advocacy**, work together to conduct interviews and make team decisions about investigation, treatment, management and prosecution of child abuse cases.



CACs/MDTs in Non-Indian Country

- Address all sexual abuse
- Address major physical abuse
- Some fall under an “umbrella” agency which may address a broader range of child and family maltreatment issues
 - Family violence
 - Crisis intervention, etc.



CACs/MDTs in Indian Country

Due to cultural needs and limited resources, a broader range of child and family violence issues must be addressed

- Sexual abuse of children
- All forms of physical abuse of children
- Child fatality
- Child exploitation
 - Trafficking
 - Prostituted children
- Drug-endangered youth
- Suicide
- Homicide
- Domestic violence
 - Assault
 - Homicide
- Children/youth in gangs
- Death notifications



Whereas non-Indian Country can compartmentalize child abuse with families, Indian County MDT response must be able to respond sensitively to extended family involvement in each of these forms of abuse/maltreatment/exploitation.

Thus Tribal “Cultural Sensitivity” is not a two-hour course that one attends and receives a certificate, but a Native MDT way of life and a respect for the Nation being served.

- Detective Mike Johnson



Major Obstacles to MDT Functioning

- Two-way path that never crosses
 - “When an Assistant U.S. Attorney can compare the corn soup and flatbread amongst Tribal elders, we may be on our way.”



Major Obstacles to MDT Functioning

- Jurisdiction
 - Where the crime occurred
- Investigative/Prosecutorial
 - Type of crime
 - Race of victim
 - Race of perpetrator
 - Review of statutes specifying Federal, State and Tribal jurisdiction



The “Investigative Window of Opportunity”

- Is the optimum time to perform an investigative function and glean the most detailed information
- Failure to appreciate this “window” will cause information critical to case evaluation to be lost

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Child Protection Teams Must Realize

- Children *outcry* for a multitude of reasons
- Children are not “respectful” of work schedules or procedures
- CPT’s must be ready to mobilize when a child is ready to tell
- A CAC provides an environment which is conducive for the child to tell

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Outcry

- First person victim tells of abuse, whether reported or not
- Legal exception to hearsay rule – first person usually above the age of 18 that child tells of abuse – person may be able to testify about that conversation

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Investigative Windows of Opportunity*

The optimum time to conduct an investigative function for the purpose of accessing detailed information needed for case evaluation

- Forensic interview of child abuse victims
- Interview of non-offending parent/ caregiver
- Interview of collateral witnesses
- Perpetrator
- Medical evaluation
- Crime scene evaluation


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*See attached article



The Big Four (Criminal Evidence)


- Victim's ability to testify
- Witness to offense
- Incriminating statements/confession
- Direct link evidence
 - DNA
 - Video of offense

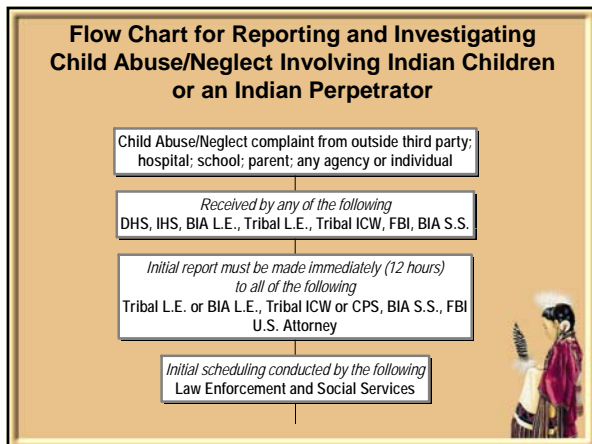


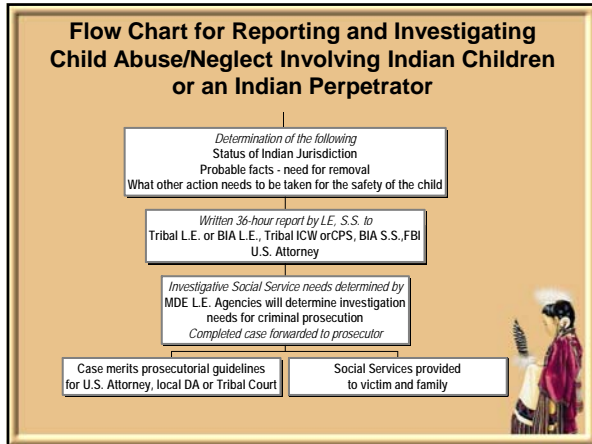
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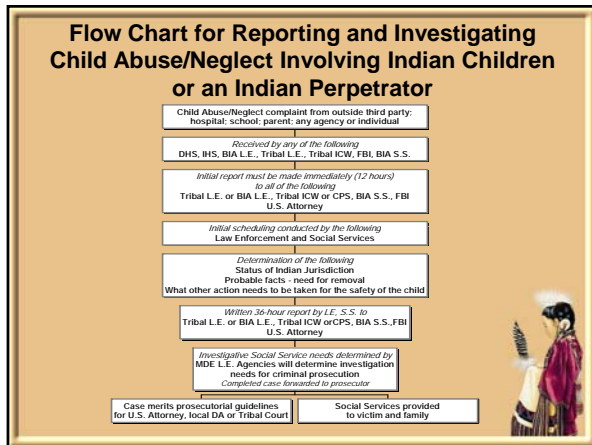
Effect of Race and Type of Crime on Criminal Jurisdiction

RACE	TYPE OF CRIME	
	"Major" Crime (as defined by Major Crimes Act)	All Other Crimes
Indian perpetrator, Indian victim	Federal (under Major Crimes Act) and Tribal jurisdiction	Tribal jurisdiction
Indian perpetrator, Indian victim	Federal (under Major Crimes Act) and Tribal jurisdiction	Federal (under General Crimes Act) and Tribal jurisdiction
Non-Indian perpetrator, Indian victim	Federal jurisdiction (under General Crimes Act)	Federal jurisdiction (under General Crimes Act)
Non-Indian perpetrator, Non-Indian victim	State jurisdiction	State jurisdiction











Little to No Resources

- “. . . reservations face unemployment. . . of 80%. . .”
- “. . . roughly a quarter of all Native Americans live in poverty”
- “. . . more than 14% of all reservation homes don't have electricity”
- “. . . and 12% don't have access to a safe water supply”
- “. . . some reservations as many as 20 people live together. . .”

Remarks by President Barack Obama during the opening of the Tribal Nations Conference and interactive discussion with Tribal Leaders in Washington, D.C., 11.5.09



“. . . shocking and contemptible fact that one in three Native American women will be raped in their lifetimes is an assault on our national conscience that we can no longer ignore.”

“. . . on some reservations, violent crime is more than 20 times the national average.”

Remarks by President Barack Obama during the opening of the Tribal Nations Conference and interactive discussion with Tribal Leaders in Washington, D.C., 11.5.09



Lack of (or Inadequate) Training

- “The training in IC is sometimes conducted by ‘ACME’ level trainers”
- “You are going to need to ‘dumb down’ your training”
- On some reservations, the protection of women and children is 10-15 years or more behind Best Practice as compared to non-IC



The Answer

- Commitment by Federal Government
 - *“So tribes need support in strengthening their law enforcement capability. They need better resources and more training. And my administration fully appreciates the complexity and challenges you face when it comes to the criminal justice system on tribal lands. But we need to have a serious conversation with regard to all aspects of your public safety, and that’s a conversation my administration is committed to doing.”*

President Barack Obama during the opening of the Tribal Nations Conference and interactive discussion with Tribal Leaders in Washington, D.C., 11.5.09



Law Enforcement

- Tribal police
- Bureau of Indian Affairs
- Local police
- Sheriff’s office
- State police
- Federal Bureau of Investigation
- Attorney General’s office
- Other Federal Law Enforcement agencies



Prosecution

- Tribal courts
- County court
- District/commonwealth
- Juvenile/Civil/Family court
- State Attorney General
- U.S. Attorney



Social Work

- Tribe's social services
- County/state social services
- Faith-based social services
- No social services



Forensic Medical Services

- Indian health services
- SANE/SRT
- Local hospitals
- Independent doctors
- Nurses
- Physician assistants



Forensic Interview

- Must comport with Nationally recognized Forensic Interview Model

Must be a multidisciplinary agreement on who attends training and conducts the interview.



Advocate

- Domestic violence-based
- Rape crisis-based
- Tribal advocate
- Prosecution-based victim advocate



Clinical/Therapeutic Services

- HIS
- Private practitioners
- Traditional healers
 - Medicine Man/Woman
- Private clinician



Best Practice #4

MDT communication must have leadership, structure and coordinated intervention.


- Five stages of MDT practice and communication
 - Pre-forensic interview meeting
 - Forensic interview
 - Post-forensic interview meeting
 - Special case staffing
 - Case review
 - Prosecutor-led MDT meeting



Pre-Forensic Interview Meeting

- Notify MDT Coordinator immediately
- First coordinated MDT discussion initiated by either LE or CPS
- Share information on the **sources and circumstances** surrounding the outcry
- Mobilize additional resources as needed


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Forensic Interview

- Must take place in a safe, child- and family-friendly setting
- Investigators must be present to observe
 - Emotions and behaviors
 - Details to be corroborated immediately
- Forensic interviewer must be trained in nationally-recognized forensic interview model(s)

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Post-Forensic Interview Meeting

Corroborative Points Investigative Technique utilized to prioritize and assign investigation

- Details discussed
- Corroboration assigned to MDT members
- Course of action planned
- Meet with non-offending caregivers
- Referrals for additional services

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Special Case Staffing

Exceptional circumstances (e.g., clarification) exist that require more discussion with first responders, other witnesses, resource providers and experts

- Called by any member of MDT
- Case needs immediate attention
- All MDT members should be present
- Prosecutor led or LE/CPS lead investigator


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Case Review

- Regularly scheduled meetings
- NCA mandate (case tracking)
- Resource specialist looks for cracks
- Organized by MDT coordinator
- All MDT members shall be present
- Share information and report status of child/family and case
- Review until MDT agrees case closed

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MDT Leadership

Who should provide leadership?

THE PROSECUTOR

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Comments?

- *“Why (have a Prosecution-led Investigative Multidisciplinary Team)? Many teams are effectively led by others.”*

- *“The downside is an overly investigative approach which neglects the needs of the child.”*

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What others?

I strongly suggest that LE/CPS/FI not take investigative procedural advice from anyone other than the local prosecutor.

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Bud Cramer’s Response

“Recognizing that something had to be done, I redesigned the existing, ineffective approach to child sexual abuse cases in late 1981. I scheduled case review meetings more frequently (biweekly) and invited law enforcement detectives to attend from both the Huntsville Police Department and the juvenile unit of the Madison County Sheriff’s Department. We designed forms for presentation of cases at the team review sessions. We documented all decisions, including referrals for therapy and recommendations for criminal prosecution. The cases were reviewed repeatedly to allow the team to develop a complete profile of the victim, family, and offender. . . Team review strengthened relations between the police detectives and the protective service workers.”

See 40 U. Miami L. Rev. 209 (November 1985)


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Prosecutor-Led MDT

- Ideally, prosecutor views the FI
- Prosecutor should lead meetings
 - Guidance throughout investigation
 - Most effective if trained with MDT members
- Scheduling of meetings should be provided by the CAC/MDT coordinator
 - Otherwise, the prosecutor or a designee is responsible

Detective Mike Johnson




Prosecutor-Led MDT

- Investigation and Prosecution of Child Abuse: Third Edition, 2004
 - SAGE Publications, www.sagepub.com, 800.818.7243
 - ISBN: 978-0-7619-3090-7

“Communities in which the prosecutor has taken a leadership role in designing the investigation process tend to be the same communities that have demonstrated the greatest success prosecuting child abusers. . . Because of the prosecutors’ prominence in the charging process, they are in the best position to ensure the success of a coordinated approach.”


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Suggested Reading

Many protocols/MDTs are being adversely affected by loss of or lack of resources. This is a specific problem in Indian Country.

Please read *Difficult Economic Times Prove Value of Multidisciplinary Approaches to Resolve Child Abuse* by Robert H. Giles, Senior Attorney for the National District Attorney’s Association (published in the National Center for Prosecution of Child Abuse UPDATE, Volume 22, Number 1, 2009).




Native American Children's Alliance (NACA)




Who is NACA?

- An inter-tribal, multicultural, interdisciplinary group composed of individuals concerned about child victims of maltreatment in Native American and Alaskan Native communities
- Tribal elders, chiefs, leaders and councils, law enforcement, forensic medical professionals, social workers, victim advocates, traditional healers, clergy, mental health professionals, forensic interviewers, educators, researchers, judges, lawyers, prosecutors and survivors of abuse
- Supporters and friends, including both organizations and individuals who share in NACA's vision and mission



NACA Vision

Children, our most precious resource, are sacred and are to be protected.



NACA Mission

Native American Children's Alliance is committed to improving the response to Native American and Alaskan Native child victims of maltreatment and their families.



NACA Goals

- Increase multidisciplinary teams in Native American and Alaskan Native communities
- Advocate for culturally appropriate prevention, response to and healing of child victims of maltreatment in Native American and Alaskan Native communities



Seven Activity Areas

- Engage NACA advocates and experts
- Grow and strengthen NACA
- Focus on community preparedness
- Develop MDT curriculum
- Develop skills-based training
- Monitor and advocate legislation
- Secure funding resources



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