



National Institute of Justice *Update*

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Prosecuting Child Physical Abuse Cases: Lessons Learned From the San Diego Experience

There are many more incidences of child physical abuse and neglect than of sexual abuse. In fact, over 200,000 incidences of child physical abuse occur each year in this country. A national survey sponsored by the National Center on Child Abuse and Neglect revealed that despite this number, district attorneys' offices prosecute far fewer cases of child physical abuse and neglect than cases of child sexual abuse. To discover what can be done about this situation, the National Institute of Justice and the Office of Juvenile Justice and Delinquency Prevention sponsored a study of a prosecutor's office that aggressively pursues child physical abuse and neglect cases by coordinating with other agencies and using specialized staff. The results, reported in the Research in Brief also entitled *Prosecuting Child Physical Abuse Cases: Lessons Learned From the San Diego Experience*, indicate that the San Diego's prosecutor's office multi-agency approach has resulted in high felony conviction rates for child physical abuse cases. They ranged from a low of 77 percent in 1986 to a high of 94 percent in 1992, and averaged 85 percent in the 7-year period from 1986 to 1992.

A multiagency approach

San Diego's multiagency approach involves coordination among child protective services (CPS), the police, the medical community, and the prosecutor's office. A CPS worker is usually the first official to respond to a report of suspected child abuse. Initial referrals to CPS come in via a 24-hour hotline. Every hotline report and every case that results in an investigation are forwarded to law enforcement.

Law enforcement officers have full access to all the information contained in any CPS report. The police department is also required by law to report any alleged cases of child abuse to CPS. Under the interagency agreement, CPS's prime responsibility is to protect the child and law

enforcement's is to investigate the alleged perpetrator. Prosecutors in the San Diego District Attorney's Family Protection Division work closely with law enforcement officers to answer any questions regarding the sufficiency of evidence or the type of evidence the prosecutors will need to convict.

Because of the importance of collecting and interpreting medical evidence, the medical community also plays a crucial role in prosecuting physical abuse cases. The Child Protection Center at San Diego's Children's Hospital and CPS cohost a weekly meeting for representatives from the police department, CPS, the district attorney's office, and the health and medical community to discuss problematic cases and share expertise.

Specialization and training

The San Diego police department's specialized unit of 14 investigators handles all physical abuse, severe neglect, and sexual abuse cases. All investigators assigned to the unit must request the assignment, and they are required to attend four training classes conducted by the State of California on various aspects of investigating child abuse.

The unit that handles child abuse cases in the district attorney's office, the Family Protection Division, consists of 10 deputy district attorneys, a division chief, 2 investigators, and a victim witness counselor. Deputies must request assignment to the division, and they receive training from the division chief and through State and national seminars.

In addition to developing expertise, specialization has enabled the police department and the district attorney's office to build a close working relationship. Both police and prosecutors would like to see specialization return to CPS as well (special units for sexual abuse and severe physi-

cal abuse were recently disbanded due to budgetary constraints). In the view of law enforcement, the lack of specialization among San Diego's 600 CPS workers makes building a rapport with individual workers difficult, and although newly hired workers attend a 6- to 8-week training program on investigating child abuse and neglect cases, the need for more intensive training was seen as acute.

Dissatisfaction with child abuse prosecution

Interviews with CPS, the police, and the prosecutors in San Diego, revealed great dissatisfaction with the leniency of sentences imposed in child abuse cases, which recalled the similar complaint of many of the 600 prosecutors interviewed in the 1993 survey. Sentences were usually described as "mere slaps on the wrists."

Although San Diego gives priority to physical abuse cases and has allocated resources for successful prosecution, the chief of its Family Protection Division expressed the opinion that physical abuse prosecutions are at the stage now where sexual prosecutions were 10 years ago. Jurors tend to not believe that parents, or caretakers, intentionally harm their children. They tend to see injuries as the accidental result of discipline that parents can, and often should, impose. Unless the public is made aware of the nature of child physical abuse cases, prosecution and conviction will remain difficult.

Implications for action

Public education in the area of physical abuse has yet to reach the same level that has been reached by public knowledge of sexual abuse. Every professional interviewed in San Diego believed that the jurors needed to be enlightened about the dynamics and seriousness of physical abuse cases.

The study also indicates the importance of prosecutors communicating to law enforcement and CPS that they will pursue physical abuse prosecutions when appropriate. A case in which a child's injury appears suspicious requires careful scrutiny for possible criminal action and coordinated investigations to ensure the preservation of evidence.

Concerns that CPS workers "tip off" suspects can be minimized by an interagency understanding that delineates each agency's role and responsibilities. San Diego's agencies have such a memorandum of understanding among units dedicated to child abuse cases. The researchers recommend other communities consider San Diego's approach since it permits close, collaborative working relationships that can lead to successful resolutions of these cases.

The Research in Brief of this case study, *Prosecuting Child Abuse Cases: Lessons Learned From the San Diego Experience*, by Barbara E. Smith, Ph.D., of the Center on Children and the Law, American Bar Association, can be obtained from the National Criminal Justice Reference Service. Ask for NCJ #152978.

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