

# Child Abuse Investigation and Prosecution

- Allegation reported
  - Child Abuse Hotline DHS
  - Law Enforcement
  - Medical Provider
  - School Official
- Investigation by DHS and Law Enforcement
- Referral to DA's Office
- Criminal Prosecution, Delinquency or Dependency



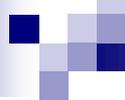
# Child Abuse Investigation and Prosecution

- Investigation is reviewed by district attorney's office
- Dependency matters go through DA juvenile department
- Adult prosecution is reviewed by the child abuse team at the DA's office
- Must meet threshold for criminal prosecution and proof beyond a reasonable doubt

# Child Abuse Investigation and Prosecution

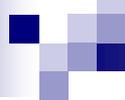
## ■ Why aren't criminal charges filed?

- We only file criminal charges if we have a belief we can obtain a conviction
- Child may not be competent as a witness and therefore unable to testify
- Evidence may be unavailable
- Conduct may be very inappropriate or even “creepy” but not criminal
- Identity of perpetrator may be unknown
- Cannot force a parent/guardian to give a statement to police or testify (5<sup>th</sup> Amendment privilege)



# Child Abuse Investigation and Prosecution

**A decision not to prosecute does not mean the child is lying or that we do not believe the child**



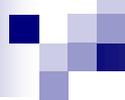
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- After a criminal charge is filed:
  - Defendant may be held in custody pending trial or other resolution
  - Defendant may be released from custody with a no contact provision with victim or other children unless approved by DHS/Juvenile Court
  - Most criminal cases end in guilty pleas and not trial
  - Defendant may be sentenced to prison (Measure 11 or less)
  - Defendant may be sentenced to probation, with varying obligations, including no contact with victim or other children

# Child Abuse Myths

## ■ **MYTH: Child Sex Abuse Isn't Very Common**

- <http://www.childhelp.org/pages/statistics>
- [http://www.acf.hhs.gov/programs/cb/stats\\_research/index.htm#can](http://www.acf.hhs.gov/programs/cb/stats_research/index.htm#can)
- <http://www.childwelfare.gov/pubs/factsheets/fatality.pdf>



# Child Abuse Myths

- **MYTH: Child Sex Abuse is Committed by Strangers**



# Child Abuse Myths

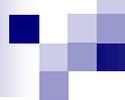
## ■ **MYTH: Children will tell**

- Very few victims of Child Victims of Sexual Abuse tell Anyone
- Abuse can go on for years before a child tells anyone
- Children don't have to be threatened not to tell; they don't tell for a variety of reasons

# Child Abuse Myths

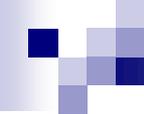
- **MYTH: Good People would never abuse a child**





# Child Abuse Myths

- **MYTH: If a Child is Abused there will be Physical Evidence**



# Child Abuse Myths

- **MYTH: Kids just bruise easily**
- What injuries should draw suspicion?
  - Burns with clear lines of demarcation
  - Burns with protected areas
  - Burns having illogical patterns

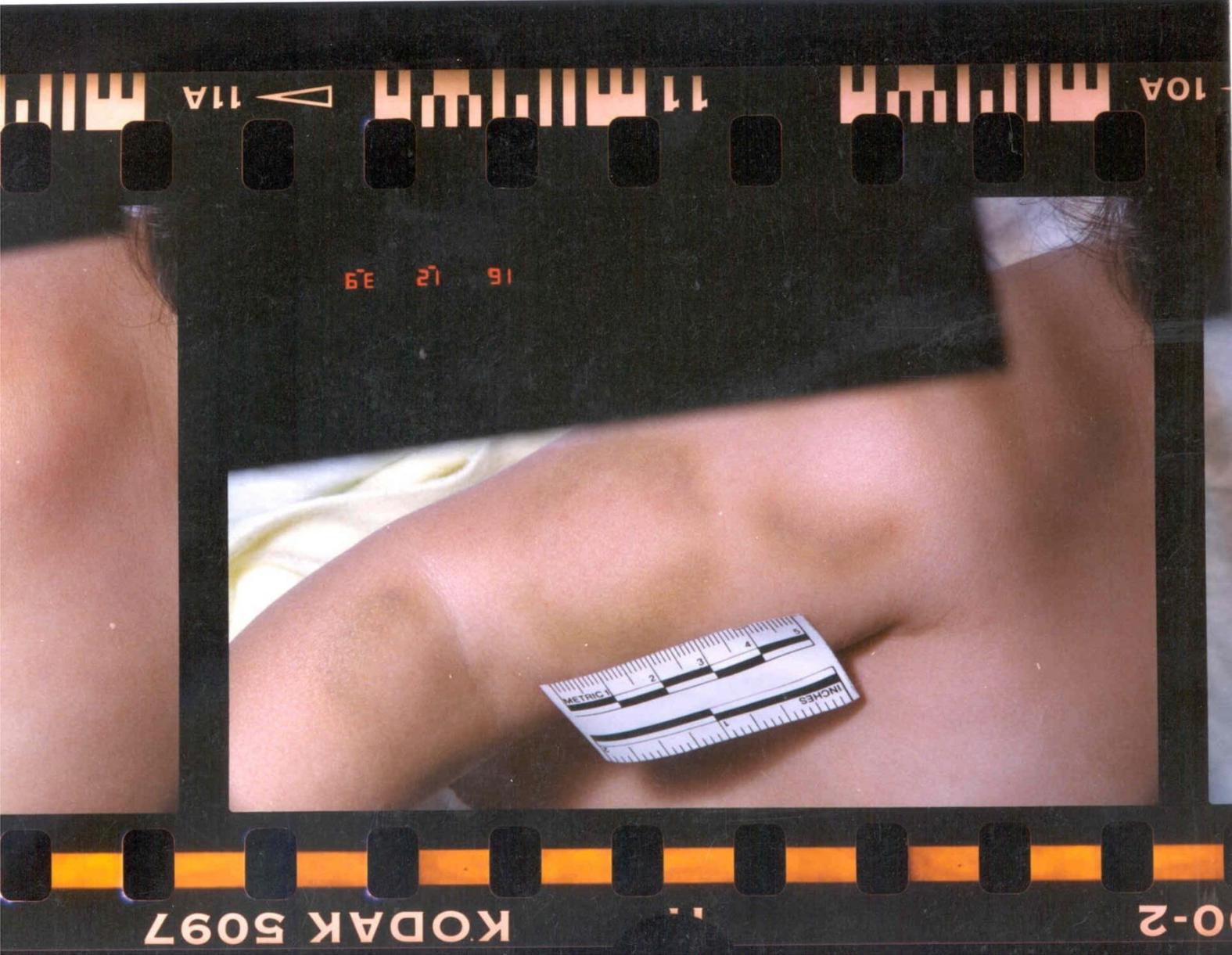




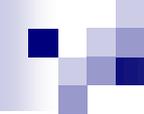












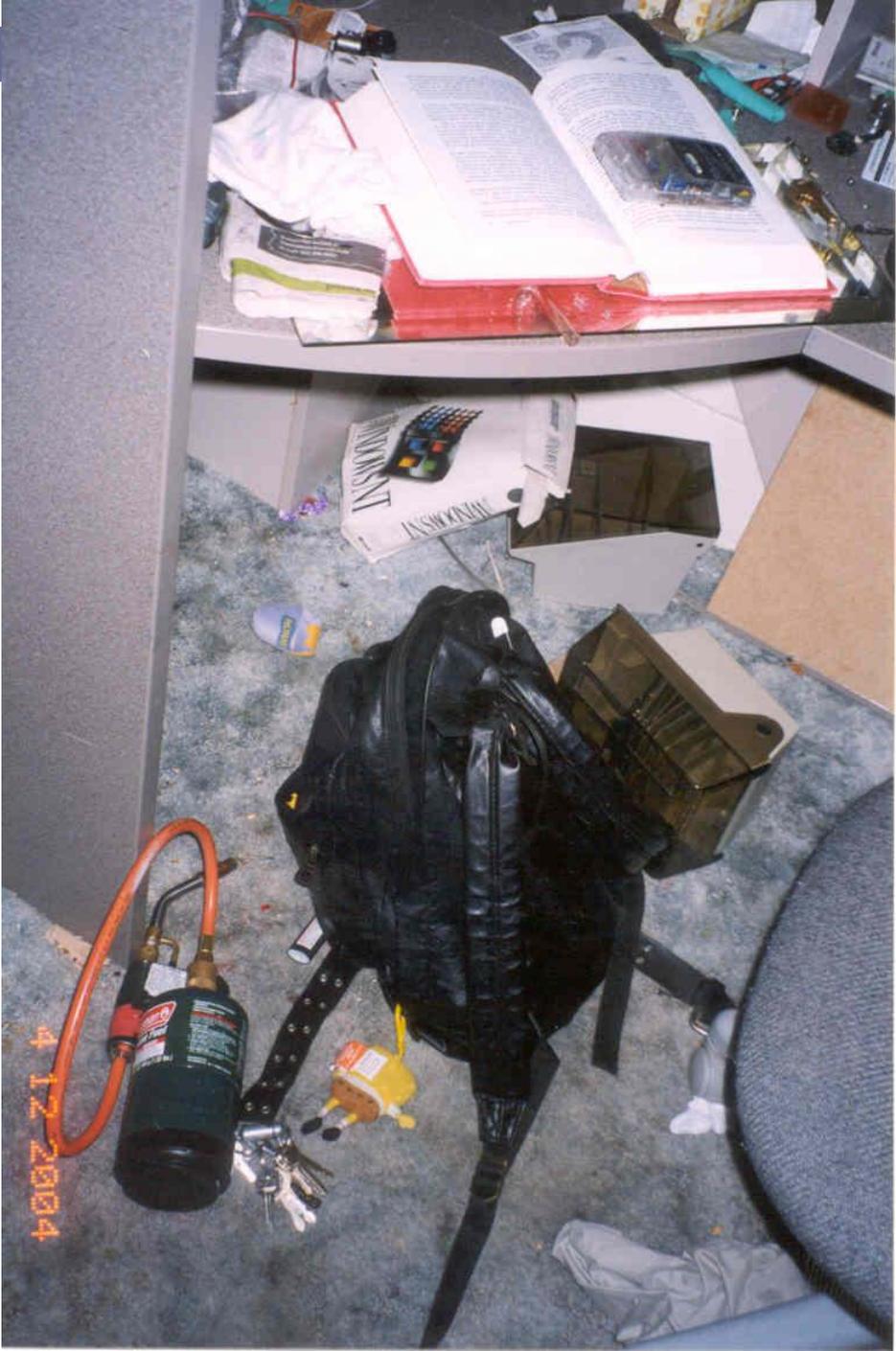
# Child Abuse Myths

- What injuries should draw suspicion?
  - Patterned Bruises
  - Multiple Bruises/Varied Colors
  - Multiple Bruises/Overlapping
  - Bite Marks
  - Bruising to Padded Areas









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# Child Abuse Indicators

- Neglect and Mistreatment
- Exposure to Drug Activity
- Failure to properly treat injuries
- Delay in seeking medical aid
- Explanations for injury inconsistent with injury









