

Corroborative Points

Investigative Technique

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“ In general... sexually victimized children need more people addressing their needs from the professional perspective and fewer from the personal and political perspectives.”

Ken Lanning

What Protects Children?

Investigation Based Upon. . .

- ☞ Details, Details, Details
- ☞ Corroboration
- ☞ Confession

*“Law Enforcement must listen, assess and evaluate, and then attempt to corroborate any and all aspects of a victim’s statement.”
(Ken Lanning, FBI Behavioral Sciences Unit, Ret.)*

Investigator's Note

- ☞ Always remember there are two stages to every trial: Guilt/Innocence and Sentencing
- ☞ All evidence presented to a judge or a jury, to be compelling, needs to appeal to the five senses three times
- ☞ An Investigator's job is the identification and collection of evidence. A Prosecutor's job is getting that evidence before a judge and a jury.
- ☞ Are you able to testify as an expert?

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

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

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

Disclosure

- ☞ “Story ?”
- ☞ The forensic statement given to a professional who has a criminal or civil reason for posing questions
- ☞ A documented statement of victim, i.e., written, audiotaped, videotaped or investigative notes/supplement

Each Child Abuse Case Presents Six “Windows”

- Forensic interview of victim
- Interview of non-offending parent
- Perpetrator interview
- Medical evaluation
- Crime scene evaluation
- Interview of collateral witnesses
- DV battering incident*

☞ “The Primary Objective of every law enforcement investigation of child sexual abuse and exploitation should be to prove a valid case without child-victim testimony in court. Obviously, In a valid case the best and easiest way to avoid child-victim testimony in court is to build a case that is so strong that the offender pleads guilty.

☞additional evidence bolsters testimony.....

☞ Ken Lanning FBI retired

Direct Evidence

In child sexual abuse cases, that evidence which has the ability to prove a case in a criminal court of law.

- ☞ Victim's ability to testify and identify
- ☞ Eyewitness
- ☞ Confession/incriminating statements
- ☞ Direct link evidence
 - ◆ Videotape of crime
 - ◆ DNA

Circumstantial Evidence

Does not have the ability of direct evidence, but. . .

“It sho’ looks bad”

Constellations of Circumstantial

Need constellations of circumstantial, along with direct.

Excited Utterance

- ✎ The statement must relate to a startling event or condition
- ✎ The statement must be made while the declarant was under the stress of excitement
- ✎ The excitement must have been caused by the event or condition

Present Sense Impression

- ✎ The statement must describe or explain an event or condition
- ✎ The statement must be made while the declarant was perceiving the event or condition or immediately thereafter

Statements for Purposes of Medical Diagnosis or Treatment

- ☞ The statement must be made for the purposes of medical diagnosis or treatment
- ☞ The statement must describe medical history, past or present symptoms, pain or sensations, or the cause thereof as it relates to diagnosis or treatment

Read/Document Initial Report of Incident

Immediately review the source and circumstances of the allegation or outcry

- 👉 Regardless of how it comes in
- 👉 CPS referral
- 👉 Police report
- 👉 Phone call from mandated reporter
- 👉 Call from citizen/lay person
- 👉 SLO/SRO

Apply the Investigative Window of Opportunity standard

Open a File

- 👉 File number
- 👉 Victim name
- 👉 Begin rough notes

Without Report

- ☞ Act on information
- ☞ Encourage caller to make report
 - ◆ PD, CPS, etc.

Immediately Notify Pre-FI Staff

- CPS
- MDT coordinator – forensic interview
- Manage interview of victim, outcry witness(es) and non-offending parent
- Begin anticipating interview of perp and crime scene
- Determine offense
- Post FI
- Interview NOP – create Corroborative Points list

Bio Page

- 👉 Victim
- 👉 Family
- 👉 Suspect
- 👉 Witness(es), especially collateral
- 👉 CH – check all names
- 👉 CPS – all names *Social Security numbers*
- 👉 Consider other search engines
- 👉 Your agency – check names, addresses, other listed addresses agencies

Narrative of Case Report

- Source and circumstance of outcry/disclosure
- Agency intervention
- Victim interview
- Investigation
- Medical evaluation
- Therapeutic evaluation
- Perpetrator arrest

Outcry

☞ Source(s)

☞ Circumstance

- ◆ Purposeful
- ◆ Accidental

☞ Investigative Window of Opportunity

Source and Circumstance of Disclosure

- ☞ Triggering event of disclosure
- ☞ Purposeful or accidental?
- ☞ Child's emotional representation during disclosure – “excited utterance”
- ☞ Child's behavior, i.e., rocking, dissociation

Source and Circumstance of Disclosure

- ☞ What exactly (child's words of disclosure)
- ☞ Adults reaction to disclosure
- ☞ Adult's response or lack thereof
- ☞ Others child spoke to

Law Enforcement/CPS Intervention

- ☞ Date of Case Assignment
- ☞ Date of Contact
- ☞ Date of Interview
 - ◆ Victim
 - ◆ Non-Offending Parent

Investigation

👉 Application of Corroborative Points

Medical Evaluation

- 👉 Per Protocol – why or why not?
- 👉 Date of evaluation
- 👉 Who conducted evaluation
- 👉 Brief result
- 👉 Location of medical reports, if applicable

Clinical Evaluation

- ☞ Per Protocol
 - ◆ Victim
 - ◆ Non-Offending Parent
 - ◆ Siblings

- ☞ Start Date

- ☞ Therapist's Name

- ☞ Therapeutic Referral

Arrest/Search Warrant

- 👉 Date
- 👉 Affidavit/Affiant
- 👉 Who Executed
- 👉 Execution Results

Brainstorm Corroborative Points

 Prioritize

 Assign

 Document

 Disseminate

MDT Application of Corroborative Points Investigative Technique

“Working together as part of an MDT means coordination, not abdication. Each discipline performs a function for which it has resources, training and experience. Although each discipline must understand how its role contributes to the team approach, it is equally important that it understands the respective responsibilities and limitations of that role.”

Corroboration

- ✎ Confession - the ultimate corroboration
- ✎ Crime scene evidence
- ✎ Medical evidence
- ✎ Independent other victims
- ✎ Dependent other victims
- ✎ Criminal history

Corroboration

- Pre-text (or one-party consent) phone calls
- Search warrants
- Sex offender typology
- Private databases
- Canvassing
- Trash runs/abandoned property
- Social history

Corroboration

- ✎ Pornography
- ✎ Background checks
- ✎ Other sexual partners
- ✎ Photo documentation
- ✎ Collateral witnesses
- ✎ Polygraph
- ✎ Audio/Video recording

Advanced Corroboration

- Auto Trac
- DNA test
- Offline search
- Voice Stress Analysis
- SCAN
- Surveillance
- SOAP (Interstate compact)

Confession

The ultimate form of corroboration. . .

- ☞ Partial
- ☞ Detailed
- ☞ Detailed lie

Crime Scene/Evidence Collection

- ✎ Written statements
- ✎ Photograph of victim at age of offense
- ✎ Notes, letters, Father's Day pictures, etc.
- ✎ Underwear, bedding, napkins
- ✎ Chain of custody
- ✎ Crime scene photos
- ✎ Perspective photos

Medical Evidence

- 👉 Medical history from victim or investigator
- 👉 Medical evaluation
- 👉 Forensic medical evidence protocol followed
- 👉 72-hour rule?

Other Victims

- ☞ *Canvassing* – casting a broad investigative net to identify other at risk children, victims, or witnesses
- ☞ *Independent Other Victims* – not known to primary victim
- ☞ *Dependent Other Victims* – known to or related to primary victim

Criminal History

- ☞ Limited to state cooperation with NCIC 2000 III
- ☞ Non-cooperating states (as of January 2004)
 - ◆ Hawaii
 - ◆ Kentucky
 - ◆ Louisiana
 - ◆ Maine
 - ◆ Vermont

Computerized Criminal History

TCIC 2000

- ✎ TCIC CCH Texas Fingerprint and Records
- ✎ Automated Fingerprint ID System
- ✎ JJIS CCH Juvenile Justice Information System

NCIC 2000

- ✎ III Interstate Identification Index
- ✎ Federal Offender File
- ✎ Automated Identification System

Offline/Activity Criminal History Search

- ☞ State CIC analyst
- ☞ Check for activity on name, vehicle, etc.
- ☞ Check for partial information
- ☞ Time may be dated
- ☞ Must have current investigation pending
- ☞ May require manual search

Criminal History

- ☞ Requires local checks
- ☞ State social service checks
- ☞ U.S. Military branches may not be included
- ☞ Federal offender file is included
- ☞ Contact U.S. Postal Inspector for assistance

Pretext Phone Call/One-Party Consent

- ☞ Check for legality
- ☞ Age of victim/caller
- ☞ MDT agreement
- ☞ Logistical requirements
- ☞ Content of call
- ☞ Theme of call
- ☞ Consider parents, friends, etc. as the caller
- ☞ Consider usage in physical abuse cases also

Search Warrant

☞ Verbal

☞ Written

☞ Judge signed

- Expertise
- Evidentiary
- Person

Private Databases

- 👉 Auto Track XP- <http://Atxp.dbt-online.com/>
Fee-based database of public records and applications
- 👉 Provides
 - Named person
 - Relatives
 - Property ownership
 - County appraisal
 - Vehicle registration
 - Voter registration
 - Marriage
 - Court records
- 👉 Has a link feature for people, addresses

Trash Runs/Abandoned Property

- ☞ Legality
- ☞ Procedure
- ☞ Photo documentation
- ☞ Evidence collection techniques
- ☞ Timeliness
- ☞ Logistics

Social History

- Assessment of a person's life
- Employment history
- Mental/medical illnesses
- Functionality of home
- Boundary assessment
- Risk assessment
- Past abuse history
 - chemical, phab, sxab, DV, neglect
- Education level
- Stability of relationships

Background Check

- 👉 Resume
- 👉 CV
- 👉 Employment application records
- 👉 Apartment applications
- 👉 Internet research/investigative search sites
- 👉 School records

Other Sexual Partners

Establishes ritual of sexual routine

- ☞ Access – verbal, mannerism, behavior
- ☞ Foreplay – lubrication, verbal, behavior
- ☞ Act – positions, activity
- ☞ Post-Act – clean-up, emotional state

Photo Documentation

A picture is worth a thousand words. . .

- ☞ Polaroids
- ☞ 35mm
- ☞ Video
- ☞ CT
- ☞ MRI
- ☞ Colposcopy

Collateral Witnesses

- ✎ Any person other than victim, perpetrator, non-offending parent that has direct or indirect knowledge of abuse, including
 - friends
 - teachers
 - therapists
 - relatives

Polygraph

- ✎ Never use as an arrest determinant
- ✎ Investigative tool
- ✎ Second interrogator
- ✎ Only consider test you provide

DNA

- ☞ *Deoxyribonucleic acid* – component of every cell in the human body
- ☞ Examples: blood, saliva, skin cells, semen, hair, sweat, teeth, vaginal fluid, tissue, bones
- ☞ As individual as fingerprint analysis
- ☞ Except in cases of identical twins

Power of DNA is in its. . .

- 👉 Identification
- 👉 Collection
- 👉 Transportation
- 👉 Comparison
- 👉 Storage

DNA Usage – Nontraditional Sources

- ☞ Suspect's DNA taken from saliva in a dental impression mold matched the DNA swabbed from a bite mark on the victim
- ☞ A masked rapist was convicted of forced oral copulation when his victim's DNA matched DNA swabbed from the suspect's penis six hours after the offense
- ☞ Cigarette butts, postage stamps, the area around the mouth opening on ski masks. . .

Identifying DNA Evidence

Evidence	Possible Location of DNA	Source of DNA
baseball bat or similar weapon	handle, end	sweat, skin, blood, tissue
hat, bandanna, or mask	inside	sweat, hair, dandruff
eyeglasses	nose or ear pieces, lens	sweat, skin
facial tissue, cotton swab	surface area	mucus, blood, sweat, semen, ear wax
dirty laundry	surface area	blood, sweat, semen
toothpick	tips	saliva
used cigarette	cigarette butt	saliva
stamp or envelope	licked area	saliva
tape or ligature	inside/outside surface	skin, sweat
bottle, can, or glass	sides, mouthpiece	saliva, sweat
used condom	inside/outside surface	semen, vaginal or rectal cells
blanket, pillow, sheet	surface area	sweat, hair, semen, urine, saliva
“through and through” bullet	outside surface	blood, tissue
bite mark	person’s skin or clothing	saliva
fingernail, partial fingernail	scrapings	blood, sweat, tissue

Avoid Contamination

- 👉 Wear gloves. Change them often.
- 👉 Use disposable instruments
- 👉 Avoid touching area where DNA may be present
- 👉 Avoid talking, sneezing and coughing over evidence
- 👉 Avoid touching your face, mouth, nose when collecting and packaging evidence
- 👉 When possible, air-dry evidence thoroughly before packaging
- 👉 Put evidence into a new paper bag or envelope, never into plastic bags
- 👉 Do not staple

Alternate Hearings

- ☞ Employment
- ☞ Civil
- ☞ Preliminary/Examining/Probable Cause
- ☞ Grand Jury
- ☞ Criminal Trial

Case Report Composition

- 👉 Outcry
- 👉 Law Enforcement/CPS Intervention
- 👉 Investigation
- 👉 Medical Evaluation
- 👉 Clinical Evaluation
- 👉 Arrest/Search Warrant

Investigation and Prosecution of Child Abuse: Third Edition

- 👉 SAGE Publications
- 👉 ISBN: 978-0-7619-3090-7
- 👉 800.818.7243
- 👉 www.sagepub.com

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