

The Joint Investigative Team Experience

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Introduction

In 1993 the New South Wales Police Service's Action Plan for the Investigation and Management of Child Abuse was officially launched by the Police Service. This Action Plan was developed with the mission to "Improve the Police Service response to child abuse cases in New South Wales".¹ The plan draws together the NSW Police Service's current strategies, as well as a number of new strategies, which, with recommendations, form an overall plan to enhance care, protection and justice for victims of child abuse.

Essential to the plan is the tenet that child abuse investigation is a shared responsibility between the NSW Police Service and the NSW Department of Community Services (DCS), and that key roles are also played by the Office of the Director of Public Prosecutions, the NSW Health Department and the Department of School Education.

The central strategy of the Action Plan was a proposal to trial two joint investigative teams. The joint teams would comprise officers from DCS and the NSW Police Service. These officers would work together as a team and jointly investigate notifications of serious child abuse. The teams commenced operation on 25 November 1994, and are being evaluated over a 12 month period. One team is located at Bankstown and the other at The Entrance on the Central Coast. Both teams have eight members, comprising four police officers and four District Officers from DCS. The personnel were selected because of their prior expertise in the area of child protection and their personal commitment to the joint approach. All 16 members underwent a rigorous one month training program prior to the commencement of the project.

This article will examine the rationale for the joint teams and the problems associated with the current approach. The evaluation framework for the joint teams is outlined together with the early findings.

Rationale for the joint investigative approach

The NSW Police Service has a responsibility to investigate alleged criminal offences against children, and to commence criminal proceedings against offending persons where appropriate. What is unique about child abuse investigation in comparison with other types of crime, is that the Police Service shares a statutory responsibility to investigate these matters with DCS. The role of DCS is to receive information concerning the abuse

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¹ NSW Police Service, *Action Plan for the Investigation and Management of Child Abuse* (1993) Government Printer, Sydney.

of children and to investigate those allegations to ensure the welfare and safety of the child. This may result in DCS initiating care proceedings through the Children's Court.

Although there are some distinct responsibilities unique to each agency, there is also a substantial overlap in the investigative processes of both agencies. This overlap is very important, and requires both agencies to effectively cooperate and coordinate their investigations, so that both agencies can provide protection, justice and treatment for child abuse victims.

The need for cooperation and coordination between agencies in the child protection field is well recognised.² However, in reality coordination and cooperation has been difficult to achieve, and this fact is well documented.³ For example, the Ombudsman reported that although there was an awareness of the need to coordinate, on a "practical level, significant change is not evident".⁴

Inter-agency cooperation and coordination in investigation is critical, because it establishes the framework for other facets of child abuse management, such as medical treatment and counselling of child abuse victims, as well as future casework with abusive families. Thus, the need for DCS and the Police Service to coordinate their investigative response is important for the child and for the other stakeholders in the system. Ultimately, positive outcomes for the child and family can be severely jeopardised if inter-agency coordination and cooperation in the investigative phase does not occur.

Other joint investigations and projects undertaken by DCS and the Police Service have highlighted the difficulties of inter-agency coordination and cooperation. The Interviewing Children and Recording Evidence (ICARE) Project is a particularly good illustration of this.

The ICARE Project was established in 1991 to implement the pilot program on the out-of-court videotaping of children's evidence. This project ran for a period of 12 months in the Newcastle Police District. The subsequent evaluation of the program highlighted three main deficiencies: the inadequate skill, expertise and training of the interviewers; the lack of appropriate legislation in New South Wales to allow the videotape to replace the child's evidence-in-chief; and the lack of inter-agency cooperation and coordination.⁵

Stressful aspects of New South Wales child protection investigations

Cashmore et al⁶ describe a range of factors that are stressful aspects of the current investigative system related to the lack of coordination between agencies. They include: delays,

2 Depanfilis, D, *A Co-ordinated Response to Child Abuse and Neglect* (1992) National Center on Child Abuse and Neglect, Washington.

3 Ombudsman, *The NSW Ombudsman Annual Report* (1993) Government Printer, Sydney; Humphreys, C, *The Referral of Families Associated with Child Sexual Assault* (1993) NSW Department of Community Services, Sydney; Bennett, J, *Evaluation of the Handling of Child Sexual Abuse Notifications in the NSW Police Service* (1992) Government Printer, Sydney; and Lynch, D and Lowe, R, *Report for the NSW Police Service and the Department of Community Services on a Joint Training Initiative* (1994) unpublished report, Sydney.

4 Ombudsman, *ibid*.

5 NSW Child Protection Council, *Discussion Paper on the Out-of-Court Videotaping of the Statements of Children Who are the Alleged Victims of Child Sexual Assault* (1993) NSW Child Protection Council, Sydney.

6 Cashmore J, Dolby, R and Brennan, D, *Systems Abuse — Problems and Solutions* (1994) NSW Child Protection Council, Sydney.

repeated interviews and assessment, lack of coordination between agencies, and lack of specialist staff in training, investigations and medical examinations.

Delays

Delays can occur both prior to the police commencing an investigation, and during the course of the investigation. These delays are significant. Cashmore et al found that delays of up to eight months occurred prior to the commencement of a police investigation, and that delays of six to eight weeks were cited as normal.⁷

These delays place extra stress on children, since they do not understand why the delay occurs and need an immediate response. These delays also inhibit criminal proceedings, because as time passes the child's memory may diminish and important detail is lost. Since children tend to talk when they feel safe, and this usually only occurs sometime after the episode of abuse, the need for prompt interviewing immediately after the child's disclosure is of significant importance.⁸

Delays during the investigative phase are also compounded by the lack of information. Long periods of time between investigations are not explained and as a result victims and their families experience a great deal of frustration.⁹

Repetitive interviewing and assessment

One of the problems that emerges through the lack of inter-agency cooperation is that the child goes through a number of interviews and assessments as he or she passes through the systems of each agency involved in the investigation. Not only is this confusing for children, but it can also reduce the reliability of a child's evidence in the criminal court. This is because it can be suggested that a child's account has been influenced or contaminated by the professionals who have repeatedly interviewed a child about one particular set of events.¹⁰

Lack of coordination

Although formal protocols and policies exist between all agencies, outlining how they should coordinate with each other, hard evidence of cooperation is difficult to find. Research by Lynch and Lowe found that there was broad misunderstanding between agencies in relation to their respective legislation, role and functions.¹¹ The phenomena of "agency capture" also exists, where one particular agency, usually the first one, sets the framework for how the case will be dealt with, despite the existence of formalised policies and procedures for inter-agency cooperation.

The lack of coordination between agencies is highlighted by a case cited by Cashmore et al, where the police and the prosecuting solicitor were unaware that vital medical evidence was available until the committal proceedings at court.¹²

7 Ibid.

8 McCarthy, K, *Balancing the Scales for Children* (1993) NSW Police Service, Sydney.

9 Humphreys, C, above n3.

10 Whitcombe, P, *When the Victim is a Child* (1992) National Institute of Justice, Washington at 25.

11 Lynch and Lowe, above n3.

12 Above n6.

Lack of expertise in investigation

Lack of specialist staff in the investigation of child abuse also makes it difficult for inter-agency coordination to occur. If the individual worker is not a specialist, it is more likely that he or she will have other areas of responsibility besides child protection. This means that child protection work will be prioritised with other commitments, with the result that workers from each agency are often unable to liaise together. It also takes longer to develop rapport with staff of other agencies when not working with them every day.¹³ Cashmore et al found that where the Police Service did not have a specialised response, problems with inter-agency work were apparent.¹⁴ There was also a tendency for workers from other agencies not to contact police.

In order to address the problem of inter-agency coordination a number of international jurisdictions have adopted a model of multi-agency teams. These include New Zealand, a number of States in America, and Essex and Fife in the United Kingdom.¹⁵

Advantages of inter-agency cooperation

The rationale for providing a joint response to child abuse is based on the multi-dimensional nature of child abuse and the need for a wide range of specialised resources, skills and knowledge to ensure that the intervention is effective and in the best interests of the child. As early as the 1950s Dr Henry Kempe, a pioneer in the child protection field with his identification of the "Battered Baby Syndrome", advocated the need for a multi-agency response in the field of child protection.

The advantages of effective inter-agency coordination are clear and have been well documented. They include:

- providing a structure for shared decision making, responsibility and accountability;
- enhancing the assistance given to children and their families;
- providing moral and professional support for the workers involved;
- reducing systems abuse upon children;
- combining different skills and resources;
- allowing for the exchange of information and the development of networks; and
- assisting in breaking down the barriers between different professionals and agencies.¹⁶

The La Raibida Children's Hospital in Chicago found clear evidence that the team approach to child abuse investigation had obvious benefits. Their empirical outcome data showed increases in:

- the identification of the perpetrator;
- the charges pressed if the perpetrator was identified; and
- the number of reports of indicated cases of sexual abuse.¹⁷

13 McCarthy, above n8.

14 Above n6.

15 Above n8.

16 Hallett, C, *Interagency Work in Child Protection* (1993) NSW Child Protection Council, Sydney.

17 Martone, M, "The Victim Sensitive Interviewing Program" (1992) 5 *The APSAC (American Professional*

The evaluation strategy

The success of the joint investigative teams project will be measured in terms of how the joint team approach, with its enhanced inter-agency cooperation, improves outcomes for an abused child.

The following outcomes will be measured as indicators of success.

OUTCOME	KEY DIMENSIONS
1. Reduced emotional trauma for the victim and non-abusive carers, stemming from the investigation process.	(a) timeliness and appropriateness of response (b) utilisation of most appropriate interviewing environment (c) reduced number of repetitive interviews for victim (d) one contact point for the investigation (e) clarity of decisions regarding the progress of cases
2. More effective investigation process.	(a) quality of criminal evidence (b) timeliness of response to notification (c) client satisfaction (d) quality of Children's Court evidence (e) reduced number of repetitive interviews
3. Improved levels of cooperation and co-ordination between DCS and the Police Service.	(a) more accurate and timely information sharing (b) improved professional satisfaction with work (c) improved referrals process (d) improved understanding of roles and responsibilities of respective agencies

Progress of the evaluation

The project is being independently evaluated by the company Social Systems and Evaluation, which is based in Western Australia.

The evaluation project formally commenced in December 1994. Evaluation forms from the four week training course were analysed. Data collection forms were introduced at both pilot sites. Client interview protocols and questionnaires were also implemented at both the pilot and control sites.

Early impressions

The impressions reported below are based on first round interviews with all members of the two Joint Investigative Teams (JIT), preliminary interviews with staff at the Community Service Centres (CSC) in Wyong and Bankstown, and staff at the Parramatta, Gosford, Newcastle and Campbelltown Child Protection and Investigation Teams (CPIT), and very preliminary analysis of 39 cases referred to the teams.

Timely investigative process

There is consistent anecdotal evidence from all members that investigations are being done much more quickly by the JITs than by CSCs and Police investigating separately.

The main thing here is it gets done a lot quicker. Instead of us [DCS] doing it and then referring it [to police] a few weeks or a few days [later] or whatever, it's done at the same time. It is just done a lot quicker. *DCS team member*

I think it speeded things up tremendously. *DCS team leader*

... here within the space of four days or something from the time we get the notification we've had two matters now and in four days the person's been charged, AVOs are done and everything's done ... it's the way to go, it's just so much better. *Police team member*

The quantitative data available also supported these views. Of the cases on which such data were available, 67 per cent were referred to the JIT on the same day as the notification was received by the CSC and 26 per cent on the next day. All referrals had been made by the fourth day after notification.

From the information currently available it appears that the JIT response time will be similar to that of DCS. Notifications come to the JIT prior to any investigation by DCS, whereas elsewhere notifications are generally referred to the police by the CSC, only after an initial investigation has confirmed the notification. The evaluators have been told by JIT members and by CPIT staff that there can be delays of days or weeks between DCS receiving a notification and referring it to the police. Once it has been referred there can be further delays in the police following up with the victim. The following comment on a patrol investigation is representative.

... it was a really protracted investigation. It went through the detectives and I read somewhere in one of the reports that the success rate when you went through a patrol, was nowhere near as good as when you went through one of the CPITs, the reason being is because when a notification comes to DCS the DCS officer goes out, interviews the child and they come back, then they might type up a notification, they send that to CPIT who then adjudicate on that again, if it fell into their ambit they did it, if not they sent it back to patrol. This is all taking days so by the time it got back to a patrol and was allocated to a detective in the office it may be a week or two weeks since the actual notification was made. By that time the victim and family are wondering what is going on. Then when the police get it, the detectives office, it's just one of the jobs, there's fraud, stealing and a whole lot more. It's got to be slotted in there and if it's not given priority ... it might sit there for another week and while we tried to do it, well there might be instances where it sat there for weeks. *JIT Police team member*

Finally, the impression gained from perusal of CSC files as part of the data collection process is consistent with the views expressed above, and it is confidently expected that quantitative analysis will confirm the qualitative information obtained from the interviews conducted.

Constructive and coordinated information sharing between the Police and DCS

Both JITs routinely access both the Police and DCS computer systems when preparing for an investigation. The briefing and debriefing processes ensure that information is shared in the early stages of the investigation. This contrasts with the very limited amount of information contained in the referrals made by CSCs to Police.

We didn't know enough about police procedures to give them information they could have used. *JIT DCS member*

... access to so much more information. *JIT DCS member*

There is so much better sharing of information ... *JIT Police member*

I never on my own initiative provided information [to DCS] and they never sought it. *JIT Police member*

Inter-agency cooperation

Police and DCS officers are working closely together in the JITs, and all members see the JIT model as appropriate and desirable; "fantastic" in the words of one team member. Each party is seen as bringing complementary skills to the investigation process. The following comments are typical:

I notice what's good about the DCS role so far is that they pick up so much, they pick up more than we [do] ... I've heard them say the same about us. *JIT Police member*

We very much like the police officers personally as well as professionally. Although we are Police and DCS we're very much one team. *JIT DCS member*

[The police] can verify quickly things we can't do. If the police have grounds they can get search warrants. In one of my cases I wouldn't have had a leg to stand on and I would have had to take the word of the parents. The police could get a search warrant and search. *JIT DCS member*

Approximately 70 per cent of interviews for the 39 cases analysed were conducted jointly.

Improved outcomes for the child

Only anecdotal evidence from the teams is available at present. While this suggests that the JIT model is bringing improved outcomes for children and families, no reliable comments can be made until the client interviews become available and there is quantitative data on the number of interviews. The following example does, however, give cause for optimism.

... one of the cases I've got to see had dealt with disclosures by her children with both Departments separately. She was basically thrown back and forth and had to ring up each different one. They'd say we're doing this and that's not our role, that's the police's and the police would say that's not our role and they didn't get anywhere in court, they didn't do anything and now that she's had both of us at the same time things just seem to be done smoother to her and a lot faster — she seems to have gotten somewhere and not mucked around and when I saw her this morning and said the police want to talk to her she said that's on the same number isn't it — like it was just "wow". I know she'd definitely be experiencing that and I can understand that instead of waiting to speak to someone else and making different appointments it's just the one building, the one number to get all your questions answered in the same sort of hit. *JIT DCS team member*

Training

The evaluation forms from the four week training program have been analysed. All participants who completed the full course evaluation forms rated the course as adequate, and

most rated it somewhere between adequate and excellent or as excellent. A comparison of pre- and post-course rating showed that participants' confidence about their knowledge and skills increased as a result of the training program.

Comments from a number of staff, particularly police, three months after the training suggest that although training was necessary to bring people together it could have been shortened by up to two weeks. Other suggestions included splitting the training into two blocks and getting people with "coal face" experience to lecture. In the training evaluation the five days of joint investigative interviewing was the most commonly liked or disliked session. This polarisation was still evident three months later.

Conclusion

Overall, policing services are moving into an environment where they need to be more responsive and accountable to the community they serve. Part of this approach has focused on improving services to consumers of policing services. In terms of child protection, the consumers are not only the child victims and their families, but also the other government and non-government agencies involved in child abuse management.

Inter-agency cooperation is the fundamental concept that underpins child protection work. In reality, however, it is very difficult to achieve. Certainly in New South Wales, inter-agency cooperation in the investigative phase has been problematic. The joint team approach offers a structure in which this cooperation can effectively occur. It is a significant step forward, and the lessons learnt so far, and the early outcomes indicate that it is far superior to the current approach.