



Accident or Crime?

Accident or Crime?

- ▶ Not really the right question...
- ▶ Not a zero-sum game.
- ▶ The real question is: Does the claim/suspicion of accident rise to the level of creating reasonable doubt?

Accident or Crime?

Non-fatal physical abuse

▶ Scenario 1:

▶ Two-year-old child presents to daycare and the daycare workers notice that the child has fresh looking bruising to different planes of the body:

- ▶ Bruising to the ear
- ▶ Bruising to the neck
- ▶ Bruising between the shoulder blades
- ▶ Abrasions to the knees
- ▶ Redness on the elbows
- ▶ Cut on the inside in the bottom lip

▶ **Accidental or inflicted?**



Accident or Crime?

Non-fatal physical abuse

- ▶ Scenario 1:
 - ▶ What we already know:
 - ▶ Two-year-olds are mobile and can injure themselves
 - ▶ Bumps and bruises are not automatically suspicious
 - ▶ Toddlers injure themselves in specific ways
 - ▶ It is unlikely the child will be verbal enough to say what happened
 - ▶ Certain areas of injury are unlikely to be self-inflicted

Accident or Crime?

Non-fatal physical abuse

- ▶ Scenario 1:
 - ▶ What we need to find out:
 - ▶ Who are the caretakers, and what do they say about these specific areas of injury?
 - ▶ Does the child have a pre-existing condition?
 - ▶ What is the child's homelife like?
 - ▶ What have non-suspects observed about the child's behavior?
 - ▶ Are there prior incidents of observed bruising?
 - ▶ What is the child's records of absences at daycare?

Accident or Crime?

Non-fatal physical abuse

- ▶ Scenario 2:

- ▶ Five and seven year old siblings present to the burn unit with second and third degree burns:

- ▶ Stepmother caretaker reports she started the bath for them, left the room, and the 7 year old turned up the hot water

- ▶ Stepmother claims the water heater at the apartment complex is unusually hot

- ▶ Children are sedated and thus cannot give a statement

- ▶ Burns are to the buttocks and feet

- ▶ Medical personnel confirm stepmother took measures to treat the burns before taking them to the ER

- ▶ **Accidental or inflicted?**

Accident or Crime?

Non-fatal physical abuse

- ▶ Scenario 2:

- ▶ What we know:

- ▶ Children are old enough to manipulate the water temperature
 - ▶ Water heaters can malfunction
 - ▶ Third degree burns require very hot water
 - ▶ The area of the burns are consistent with sitting in a tub
 - ▶ Attempted treatment of the burns suggests concern

Accident or Crime?

Non-fatal physical abuse

- ▶ Scenario 2:
 - ▶ What we need to find out:
 - ▶ Are there other witnesses/caretakers?
 - ▶ What do the victims say happened?
 - ▶ Is this particular water heater malfunctioning?
 - ▶ What is the presentation of the burns? Is there sparing?
 - ▶ Are there any prior incidents of abuse/neglect?
 - ▶ What is the relationship like between suspect and victims?

Accident or Crime?

Non-fatal physical abuse

- ▶ Scenario 3:
 - ▶ One-and-a-half month old presents at children's hospital with altered mental status, agonal breathing, arrested heartrate:
 - ▶ No outward signs of injury
 - ▶ Father/sole-caretaker reports a drop headfirst into the bathtub
 - ▶ Initial CT scan shows chronic and acute subdural hematomas
 - ▶ Victim is first and only child of father
 - ▶ No complications at birth
 - ▶ No other incidents of abuse reported
 - ▶ **Accidental or inflicted?**

Accident or Crime?

Non-fatal physical abuse

- ▶ Scenario 3:

- ▶ What we know:

- ▶ 1.5 month old infants are not mobile
 - ▶ Acute subdural hematomas can be inflicted or accidental
 - ▶ Subdural hematomas can be caused by birth
 - ▶ Short falls can cause injury to infants
 - ▶ Infants are resilient
 - ▶ Altered mental status, agonal breathing, arrested heartrate are not normal symptoms of a short fall

Accident or Crime?

Non-fatal physical abuse

- ▶ Scenario 3:
 - ▶ What we need to find out:
 - ▶ Are there other witnesses/caretakers?
 - ▶ What precisely is father's account of what happened?
 - ▶ Does the scene match the story?
 - ▶ What is the child's condition?
 - ▶ What do the doctor's say?
 - ▶ Does the child have a pre-existing condition?
 - ▶ What is the child's homelife like?

Accident or Crime?

Non-fatal physical abuse

- ▶ Scenario 4:
 - ▶ Five-year-old child brought to children's hospital by maternal grandma for excessive swelling and blackness to both eyes
 - ▶ Bruising to abdomen, scalp, arms and legs discovered on physical exam
 - ▶ Bio mother and father are main caretakers
 - ▶ Father reports child closed his head in truck door
 - ▶ Father and mother reports child is clumsy and rambunctious
 - ▶ Maternal grandmother and grandfather report child is not clumsy or rambunctious
 - ▶ Child interviewed and does not disclose physical abuse
 - ▶ **Accidental or inflicted?**

Accident or Crime?

Non-fatal physical abuse

- ▶ Scenario 4:
 - ▶ What we know:
 - ▶ Five-year-olds are mobile and can injure themselves in various ways
 - ▶ Bruising to most planes of the body are not inherently suspicious
 - ▶ Bruising and swelling to both eyes is suspicious but not dispositive
 - ▶ Observations of “clumsiness” and “rambunctiousness” are subjective

Accident or Crime?

Non-fatal physical abuse

- ▶ Scenario 4:
 - ▶ What we need to find out:
 - ▶ Who are the caretakers, and what do they say about these specific areas of injury?
 - ▶ Does the child have a pre-existing condition?
 - ▶ What is the child's homelife like?
 - ▶ What have non-suspects observed about the child's behavior?
 - ▶ Are there prior incidents of observed bruising?
 - ▶ Does the scene contain surfaces that match the location and presentation of the injuries?

Accident or Crime?

Fatal physical abuse

- ▶ Scenario 5:
 - ▶ Two-and-a-half year old found unresponsive in the back of the family car after 4 hours in 100 degree weather.
 - ▶ Autopsy revealed cause of death as heatstroke
 - ▶ Interior of the car showed child struggled to get out
 - ▶ 4-year-old sibling had been in the car with the child, got himself out, and shut the door behind him
 - ▶ No prior reports of abuse or neglect
 - ▶ Mother, father, grandmother and aunt immediately tried to render aid
 - ▶ All adults denied putting the child in the car
 - ▶ **Accidental or inflicted?**

Accident or Crime?

Fatal physical abuse

- ▶ Scenario 5:
 - ▶ What we know:
 - ▶ Leaving children in cars in the heat is inherently dangerous
 - ▶ Infants and toddlers are more susceptible to heat exhaustion/stroke due to their underdeveloped body temperature regulation processes
 - ▶ Some 2.5 year olds can enter and exit cars themselves
 - ▶ 2.5 year olds are mobile enough to leave the house and enter an unlocked car
 - ▶ 4 year olds aren't reliable stewards of the whereabouts of their siblings
 - ▶ Children can view cars as places to play

Accident or Crime?

Fatal physical abuse

- ▶ Scenario 5:
 - ▶ What we need to find out:
 - ▶ What were the circumstances of the child entering the car?
 - ▶ Who was responsible for watching the child that day?
 - ▶ What does the 4 year-old brother say happened?
 - ▶ How hot was the car?
 - ▶ Were the doors locked/unlocked?
 - ▶ Does this child normally get himself in and out of the car himself?

Accident or Crime?

Fatal physical abuse

- ▶ Scenario 6:
 - ▶ 911 is called because 16-month-old child is unresponsive, agonal breathing, no heartrate after a reported fall off of a couch
 - ▶ Initial CT shows diffuse thin subdural hemorrhage near the area of a occipital skull fracture
 - ▶ Couch is standard height, area of fall is reported as thin carpet over concrete
 - ▶ Sole caretaker/bio-mom's boyfriend reacts appropriately emotional
 - ▶ No outward signs of injury besides an innocuous bruise to center of forehead
 - ▶ **Accidental or inflicted?**

Accident or Crime?

Fatal physical abuse

- ▶ Scenario 6:

- ▶ What we know:

- ▶ Household falls can cause certain types of skull fracture and subdural hemorrhages
 - ▶ Impact to the head can cause brain swelling and resulting disruption of respiration and heartrate
 - ▶ 16 month-old children are mobile and can climb and fall
 - ▶ Couches are common play/rest areas for children
 - ▶ Back of head/Occipital area is not an uncommon area of fracture
 - ▶ Altered mental status is unusual for a household fall even with a skull fracture
 - ▶ Immediate disruption of breathing and heartrate is unusual for household fall

Accident or Crime?

Fatal physical abuse

- ▶ Scenario 6:
 - ▶ What we need to find out:
 - ▶ Are there other acute injuries?
 - ▶ Are there pre-existing conditions?
 - ▶ Is there a history of falls and/or suspicious injuries?
 - ▶ What is precise mechanism of fall as reported by caregiver?
 - ▶ Were there any other adults/possible perpetrators present?
 - ▶ How mobile/clumsy was the child?
 - ▶ How familiar was the child with this couch/environment

Accident or Crime?

What's Important

- ▶ The details of the suspect's account
- ▶ Scene investigation to confirm or deny the claim of accident
- ▶ History and timeline
- ▶ Knowing/understanding the literature
- ▶ Not fearing the word "accident"
- ▶ Understanding the *real* issues

- ▶ Email: clarkj01@mcao.Maricopa.com
- ▶ Phone: 602-736-0672
- ▶ 301 W. Jefferson St., Phoenix, 85003
- ▶ 225 W. Madison St., Phoenix, 85003
- ▶ Email is preferred, but if you call please leave a message

Joshua Clark
Maricopa County Attorney's Office
Family Violence East