

**Child Protection Accountability Commission  
Training Committee**

*CAN Best Practices Workgroup*

Thursday, August 11, 2016

9:00 a.m. – 11:00 a.m.

*Middletown Police Department  
130 Hampden Road, Middletown, DE*

**Minutes**

**In Attendance:**

Debbie Colligan	Division of Family Services
Jen Donahue, Esq.	Office of the Investigation Coordinator
Lt. Randy Fisher	Delaware State Police
Chief Laura Giles	Delaware Police Chiefs' Council
Marjorie Hershberger	Child Death Review Commission
Kathy Hudson	Nanticoke Health Services
Diane Klecan	Children's Advocacy Center of Delaware
Sgt. Reginald Laster	New Castle County Police Department
Josette Manning, Esq.	Department of Justice
Det. Joe Miller	Wilmington Police Department
Rosalie Morales	Office of the Child Advocate
Cpl. Adrienne Owen, Chair	Delaware State Police
Denise Parsons	Wilmington University Graduate Student
Linda Shannon	Division of Family Services
Ashlee Starratt	Office of the Investigation Coordinator
Rebecca Walker	Division of Forensic Science
Cheri Will	Beebe Healthcare
Lt. Teresa Williams	New Castle County Police Department

**I. Welcome and Introductions**

Cpl. Adrienne Owen opened the meeting and welcomed attendees.

**II. Minutes – 5/20/16**

The minutes were approved with noted revisions.

**III. Review of Serious Physical Injury Protocol**

The workgroup reviewed the draft Serious Physical Injury Protocol. There were several discussion points that require further direction from CPAC or a legislative solution. For example, the group considered whether nurse practitioners are able to request temporary emergency protective custody of children. In addition, there was concern that primary care physicians are referring children to the local hospitals for further evaluation, and the children are no-showing at the hospitals or the caregivers are transporting the children. Further, the workgroup mentioned the concern with law enforcement agencies transporting children to medical evaluations or forensic interviews in place of DFS workers. Finally, there was discussion about cases awaiting an AG decision and the

timeliness of these decisions being made. However, the creation of the DOJ Special Victims Unit should address the last discussion point once the unit is fully operational.

The workgroup recommended the following revisions:

- Civil offenses - the definition for Abusive Head Trauma/Shaken Baby Syndrome was revised to read “*and/or an impact injury*”;
- Table discussing the required actions - the language about the DFS Serious Injury/Sexual Abuse Unit was removed;
- Common elements of child torture - the language was revised to read “Child torture is not immediately identified until the abuse and/or neglect results in serious physical injury or death often after multiple interventions for less serious offenses. Therefore, MDT members should consider the elements of child torture in every case and communicate any identified elements to other members of the team”;
- Temporary emergency protective custody - the language was revised to read “Physicians and LE must immediately notify DFS upon invoking this authority. This shall end once DFS responds. A reasonable attempt shall also be made to advise the parents, guardians or others legally responsible for the child’s care, being mindful not to compromise the investigation.” The first sentence was also revised to show that this authority applies to DFS investigators;
- Safety assessment - the language regarding team decision making meetings was removed and replaced with “DFS shall consider whether an out-of-home intervention is warranted.” The first sentence of the last paragraph was revised to read “LE will notify DFS if removal of a child *appears* necessary”;
- Arrest - the language was revised to read “LE, *when possible, should* consult with the DOJ reference appropriate charging”; and,
- Confidentiality, information sharing and documentation – the language “in accordance with agency policies and existing agreements (e.g. MOUs)” was added to the first sentence.

The above revisions will be applied to the other protocols as appropriate.

#### **IV. Review of Child Death Protocol**

The workgroup reviewed the draft Child Death Protocol, and the following revisions were recommended:

- Civil offenses - the language was revised to read “Death occurred in a child care facility” and the definition of child care facility was listed in a footnote;

- Table discussing the required actions – LE was listed as the only responsible agency to complete the SUIDI form and doll/scene re-enactment;
- Preservation of evidence - the language was revised to read “The crime scene(s) and other corroborative evidence (e.g. diapers) should be collected and photographed or video recorded.” In addition, the sentence that discusses how DFS does not audio or video record its interviews was removed. As it relates to preservation of the body, the following language was added: “In nearly all child death cases, the body will be transported to the hospital. In cases where the death is suspicious and the child is pronounced at the hospital, parents and caregivers will not be permitted to touch the body. However, parents and caregivers may be permitted to touch the body with supervision by LE in cases where there is a sudden unexpected infant death (i.e., sudden infant death syndrome (SIDS), unknown cause, and accidental suffocation in bed). For cases in which the child is pronounced and remains on scene, LE will preserve the body and maintain the scene until the ME assumes responsibility”;
- Post-mortem examination - the following language was added: “Samples of blood and hair follicles will be obtained and tested for drugs and/or toxins. Evidence will be cleared with DOJ prior to disposal (e.g. diapers).” In addition, the second sentence was revised to read that ME, LE and DOJ *may* be present for the exam; and,
- Arrest – the language was revised to read “Communication with DOJ should be ongoing throughout the criminal investigation and prior to charging, whenever possible to ensure the best outcome for the criminal case.”

The workgroup also discussed concern that DFS is screening out child deaths that are unexpected/unexplained. Ms. Morales agreed to address this issue with DFS administrators.

#### **V. Next Meeting Date**

- October 24, 2016 from 1:00 pm to 3:00 pm – Middletown Police Department