

INVESTIGATION

CRIMINAL INVESTIGATION OF SUSPICIOUS BURN INJURIES

—by Phylip J. Peltier

To determine whether suspicious burns are accidental or non-accidental, the investigator must collect specific physical evidence, and histories from the victim, witnesses, and suspect.

Preliminary investigation

In the first stage of the investigation, review all medical and social service reports and photographs. Interview the medical staff to determine their suspicions regarding the injury. What specific points have aroused their suspicions? This information will help you prepare an evidence collection list and formulate specific questions to ask when you interview suspects, victims, and others.

First responders to the scene are also of great assistance, particularly when trained to recognize abuse factors. Always consult these individuals before your scene investigation and interviews. Fire and paramedic personnel are invaluable in the collection of spontaneous statements and scene observations. For example, fire personnel respond to a hot water scald of a six-month-old baby. The lone caregiver tells them the burn occurred during a routine bath. Entering the bathroom, rescuers find a filthy diaper and bathwater twelve inches deep and too hot to immerse their hands in. Communication tapes verify a six-minute response to the scene. The value of this primary information is obvious: babies are not routinely bathed in twelve-inch-deep scalding water, and the dirty diaper could have been a trigger event. None of this information would be available from hospital personnel. Partly because they have access to primary information others miss, paramedics and fire personnel carry credibility that is rarely disputed during courtroom testimony.

Scene investigation

At the scene, photographs, a sketch, and a verbal description of the physical environment in which the injury took place will provide a permanent record. Prepare a detailed sketch of the room in which the injury occurred, including the location of all objects. Photograph the scene with a 35mm camera. A ruler, yardstick, or tape measure should be used in all photos.

When you have identified a source of contact burn (e.g., a cigarette lighter, steam iron, or barbecue grill), it must be collected and impounded if possible. In the case of a hot water scald, photography and temperature data from first responders will be the collected evidence.

A hot tap water scald requires specific details from the scene. Two people armed with an immersion thermometer, tape measure, camera, and stop watch should investigate. Measurements of the basin, tub, or

“Proper techniques will keep a case from ending up as one person’s word against another’s.”

other container should include width, length, depth, height from the floor, and distance from other nearby objects. Documenting the material used to construct the basin is sometimes helpful when determining cooling factors. To determine the peak temperature, one person should turn on the hot water and call out the temperature reading, while the other times and records. (It is important to use a long immersion thermometer to prevent injury to the worker. Additionally, the worker reading the thermometer should not be wearing glasses, since the hot water will steam them up.) Next, fill the basin with straight hot water to a depth of five inches. Immerse the thermometer in the middle of the basin at mid depth and record the temperature. Record readings at five minute intervals for thirty minutes.

Suspect interview

First, ask the caregiver to recreate the

incident. This is often useful in discrediting the initial history. As you interview subsequently, your goal is to obtain truthful statements through legally acceptable techniques from victims, witnesses, and suspects. As you interview, record all information, regardless of how remarkable some may sound. Control your own nonverbal behavior, always appearing interested and empathetic. Carefully note the nonverbal behavior of the person you’re interviewing. Eye contact, facial expressions, posture, voice, and attitude are all keys that can assist you in formulating and asking questions.

People want to tell the truth. It is up to the investigator to determine what will trigger their confessions. Confronting suspects with photographs, suspicions, technical data, prior cases, and investigative logic is often beneficial. Late in the interview, after the suspect has been given ample opportunity to relate his version of the incident and has been confronted with your suspicions, an emotional break may be detected. If so, move to within arm’s reach. At this stage, the suspect may admit to the act while rationalizing the behavior. Help him or her do that. Offer explanations for his or her behavior that don’t cast the suspect as a criminal. Be creative, basing your explanations on the information the suspect has provided through statements and nonverbal behavior. If you have determined that the suspect was abused similarly as a child, you might suggest that they thought it was appropriate discipline for their child. Job stress, finances, relationships gone bad, medical problems, and fatigue are other explanations that make it easier for the suspect to admit what he or she has done.

Proper training, teamwork, evidence collection, and interview techniques will combine to keep a case from ending up as one person’s word against another’s. The result will much more likely be confessions and successful prosecutions, or full exoneration.

Phylip J. Peltier is a criminal investigator for the San Diego County District Attorney’s office.

On January 27, 1992, Dr. Ray E. Helfer—our beloved friend and colleague—passed away after complications from a stroke suffered while abroad. Dr. Helfer was 62. Prolific author, scholar, pediatrician, and teacher, Ray was best known to all of us as the father of the child abuse movement. A co-editor with Dr. C. Henry Kempe of the classic textbook in the field, *The Battered Child*, Ray mapped out a comprehensive approach to prevention years ago which remains the framework for prevention today. His early work on mother-infant bonding has spawned countless support programs for new parents in every kind of community. His innovative idea about creating a permanent funding base for prevention resulted in the creation of Children’s Trust Funds all across the country. One of Ray’s favorite expressions, which has become a watchword for our prevention work is, “If you want to prevent something bad from happening, you have to enhance something good.” Ray was funny, he was cheerful, he was optimistic. He was sensitive and committed, and he cared deeply about all those he knew and so many millions

of children whom he would never know. In speaking at his funeral, Dr. Richard Krugman summarized well what many of us think about Ray:

RAY EUGENE HELFER:

Resourceful Advocate for Youth. Editor. Unbelievably Genuine. Extraordinarily Novel. Exuberant. Honest. Empathetic. Loving Father (and husband and grandfather). Educator. Role model.

Ray was to be awarded the Distinguished Career Award from the International Society for the Prevention of Child Abuse and Neglect at the Congress in Chicago in August of this year. The award will be presented posthumously.

A special fund has been established in lieu of flowers: Ray E. Helfer Children’s Fund, PO Box 1781, East Lansing MI 48826.

Ray will be greatly missed. The impact of his work will continue to be felt for decades.

—Written by Anne Cohn Donnelly, DPH