

## Child Abuse

### 509.1 VERSION

Review Date	Effective Date	Approving Authority
02/23/19	07/09/18	Eric D. English, Chief of Police

### 509.2 POLICY AND PURPOSE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Harrisonburg Police Department members are required to notify Virginia Department of Social Service (VDSS) or their local department of social services' Child Protective Services (CPS) of suspected child abuse.

### 509.3 ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

### 509.4 DEFINITIONS

**Child abuse** - Injuries, neglect or abandonment of a child less than 18 years of age, including sex offenses, caused by any person(s) responsible for his/her care.

### 509.5 MANDATORY NOTIFICATION

Employees of the Harrisonburg Police Department shall notify CPS when the employee has reason to suspect that a child may be a victim of abuse or neglect (Va. Code § 63.2-1509).

For purposes of notification, abuse and neglect include, but are not limited to, the following if undertaken by the caretaker of a child (Va. Code § 63.2-100; 22 VAC 40-705-30):

- (a) An intentional act or omission that causes, threatens or permits a physical or mental injury to the child
- (b) Creating a substantial risk of death, disfigurement or impairment of bodily or mental functions
- (c) Failing to provide adequate food, clothing, shelter, supervision or medical care
- (d) Committing or allowing any sexual exploitation of or sexual act upon the child

Abuse and neglect also include sex trafficking or other severe forms of trafficking of a child, regardless of whether the alleged perpetrator is a caretaker of the child (Va. Code § 63.2-100).

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#### **509.5.1 CHILD PROTECTIVE SERVICES**

Notification to Child Protective Services (CPS) should occur immediately, but no later than 24 hours after becoming aware of the abuse or neglect, by directly contacting the local CPS office (540-574-5104-intake or 540-271-4871-on-call worker) or by calling the child abuse and neglect hotline (540-434-2272 (24/7 hotline coverage)). The report should include the following information, if known (Va. Code § 63.2-1509):

- (a) The name, address and telephone number of both the child and parent or other person responsible for the child's care
- (b) The child's date of birth, age, sex and race
- (c) The names and ages of the other persons who reside with the child and their relationship to the child
- (d) Whether or not there is a family member who can protect the child
- (e) The name, address and telephone number of the suspected abuser and his/her relationship to the child
- (f) The nature and extent of the abuse or neglect, including any knowledge of prior maltreatment of the child or his/her siblings
- (g) Any special language needs of the family
- (h) Any child or adult developmental issues
- (i) Whether the child has a disability and the ways in which the disability affects the child's functioning and care
- (j) The name and contact information for the investigating officer
- (k) Any other pertinent information

#### **509.6 OFFICER RESPONSE**

Whenever an officer responds to a call for service and his/her observations or investigation reveals a suspected or actual case of child abuse, neglect or abandonment, the officer will:

- (a) Ensure the safety of the child, to include providing necessary first aid, or removing the child from the scene if necessary.
- (b) Conduct an initial investigation to determine what has happened. When appropriate, the victim should not be interviewed.
- (c) Protect any crime scene.
- (d) Make notifications to his/her supervisor, Child Protective Services (CPS), and other agencies as necessary.
- (e) Notify MCU if a crime has occurred and assist investigators with further investigation as required.

First Responder's Guide to Child Sexual Abuse & Serious Physical Abuse Cases: 177-First Responder Guide Child Sexual Physical abuse.pdf

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### **509.7 MAJOR CRIMES UNIT**

Investigators should be available for child abuse investigations. Responsibilities include:

- (a) Conducting interviews in child-appropriate interview facilities.
- (b) Familiarity with forensic interview techniques specific to child abuse investigations.
- (c) Presenting appropriate cases of alleged child abuse to the prosecutor for review.
- (d) Coordinating with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Providing referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participating in or coordinate with multidisciplinary investigative teams as applicable.

The Major Crimes Unit shall assist the Department of Social Services upon request when it is necessary to conduct an investigation for criminal conduct resulting from child abuse or neglect. If a detective is not available, a patrol officer may be requested to process and preserve evidence.

### **509.8 INTERVIEWS**

#### **509.8.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, officers should record preliminary interviews. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is forensically trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred. Officers should not include opinions indicating that the case may be a false report; only observations of what he/she observed.

#### **509.8.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW**

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
  - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
  - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
  - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued

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#### 509.8.3 INTERVIEW OF VICTIM OR VICTIM'S SIBLINGS

An officer may interview any child suspected of being abused or neglected or to any of his/her siblings without the consent of and outside the presence of the parent, guardian or legal custodian of the child (Va. Code § 63.2-1518).

#### 509.9 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if Commonwealth law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination (Va. Code § 63.2-1524).

#### 509.9.1 SEXUAL ASSAULT

If the child is a victim of sexual assault, refer to sexual assault investigations policy.

#### 509.10 PROTECTIVE CUSTODY

Children will normally only be removed from a parent or guardian pursuant to a court order. However, children may be removed for up to 72 hours without a court order or consent from a parent or guardian when (Va. Code § 63.2-1517):

- (a) It appears that there is an imminent danger to the child's life or health.
- (b) A court order is not immediately obtainable.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

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#### **509.11 HAZARDOUS ENVIRONMENTS**

A coordinated response by law enforcement and social services agencies is crucial in meeting the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

Officers responding to a drug lab or scene where narcotics trafficking is involved, and a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child to include photography as appropriate.
- (b) Ensure that the Major Crimes Unit sergeant is notified so an interagency response can begin.

#### **509.12 REPORTING**

In all reported or suspected cases of child abuse, officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse include:

- (a) Any relevant statements the child may have made and to whom he/she made the statements.
- (b) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (c) Whether the child victim was transported for medical treatment or a medical examination.
- (d) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (e) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (f) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

##### **509.12.1 RELEASE OF REPORTS**

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Va. Code § 63.2-1509).

#### **509.13 CHILD FATALITY REVIEW TEAM**

The Department shall cooperate fully with state and local child fatality review teams in accordance with Va. Code § 32.1-283.1 and Va. Code § 32.1-283.2.

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#### **509.14 SAFE HAVEN LAW**

A parent may safely deliver a child who is 14 days old or younger to a hospital that provides 24-hour emergency services or to an attended rescue squad that employs emergency medical services personnel (Va. Code § 18.2-371.1).

#### **509.15 TRAINING**

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases.