

## Child Abuse

### 329.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Vancouver Police Department members are required to notify the Department of Social and Health Services, Child Protective Services (CPS) of suspected child abuse.

#### 329.1.1 DEFINITIONS

Definitions related to this policy include:

**Child** – Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

**Abuse / Neglect** - sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section. (RCW 26.44.020(1))

**CJC** – Children's Justice Center

### 329.2 POLICY

The Vancouver Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

### 329.3 MANDATORY NOTIFICATION

Members of the Vancouver Police Department shall notify CPS or cause CPS to be notified when a report of abuse or neglect of a child is received or when there is reasonable cause to believe that a child has suffered abuse or neglect (RCW 26.44.030). This report shall be made through the CPS intake phone line.

Officers shall promptly notify CPS whenever a child under 16 years of age is in a vehicle being driven by the child's parent, guardian, legal custodian, sibling or half sibling and that person is being arrested for a drug or alcohol-related driving offense (RCW 46.61.507).

If, during an investigation of drug manufacturing, an officer discovers that a child is present at the investigation site, the officer shall notify CPS immediately.

#### 329.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (RCW 26.44.030(5)):

- (a) In emergency cases, notification to CPS should be made immediately when the child's welfare is endangered but in all such cases within 24 hours.

## *Child Abuse*

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- (b) In non-emergency cases, notification to CPS shall be made within 72 hours after a report is received.
- (c) Notification, must contain the following information, if known (RCW 26.44.040):
  1. The name, address and age of the child.
  2. The name and address of the child's parents, stepparents, guardians or other persons having custody of the child.
  3. The nature and extent of the alleged injury or injuries.
  4. The nature and extent of the alleged neglect.
  5. The nature and extent of the alleged sexual abuse.
  6. Any evidence of previous injuries, including the nature and extent of the injury.
  7. Any other information that may be helpful in establishing the cause of the child's death, injury or injuries, and the identity of the alleged perpetrator or perpetrators.

### **329.4 QUALIFIED INVESTIGATORS**

Qualified investigators from CJC should be available for child abuse investigations. These investigators should:

- (a) Conduct the forensic interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable (RCW 26.44.180 et seq.)

### **329.5 PATROL INVESTIGATIONS AND REPORTING**

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

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.

## *Child Abuse*

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- (b) Any relevant statements the child may have made and to whom he/she made the statements.
- (c) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and the name/title/agency of the person who responded and retrieved the child(ren).
- (d) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable. Under no circumstances should photographs be taken, by law enforcement, of the child's genital area. Those photographs must be taken by the health care provider.
- (e) Whether the child victim was transported for medical treatment or a medical examination.
- (f) 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.
- (g) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (h) Each officer's role in handling cases and how he/she has coordinated with other local agencies or systems. (RCW 26.44.180 et seq.).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

### **329.6 PROTECTIVE CUSTODY**

If it is determined a child needs to be taken into protective custody, a supervisor shall be notified and the CPS hotline must be called for a social worker to respond. Law enforcement does not have the authority to transfer custody of a child. A report will be completed and forwarded to CPS.

Children may only be removed from a parent or guardian in the following situations (RCW 26.44.050):

- (a) A court order has been issued authorizing the removal of the child.
- (b) There is probable cause to believe that the child is abused or neglected and that the child would be injured or could not be taken into custody if it were necessary to first obtain a court order (e.g., the child could be taken and concealed).

#### **329.6.1 SAFE HAVEN LAW**

A parent is not guilty of abandonment when leaving a newborn 72 hours old or younger with a qualified person at the emergency department of a licensed hospital or a fire station while personnel are present (RCW 13.34.360). The qualified person shall notify CPS. CPS shall assume custody of the newborn.

### **329.7 INTERVIEWS**

## *Child Abuse*

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### 329.7.1 PRELIMINARY INTERVIEWS

The investigating patrol officer shall avoid interviewing juvenile victims of felony related crimes. If a preliminary interview is necessary due to exceptional circumstances, only the information necessary to begin an investigation should be collected. . The patrol officer shall defer any in-depth or forensic interview with the victim to a specialty trained investigator from the CJC. While on scene a more detailed interview may be conducted with witnesses, medical staff, parents, or guardians.

### 329.7.2 FORENSIC INTERVIEWS

A forensic interview is a structured conversation with a child intended to elicit detailed information about a possible event(s) the child may have experienced or witnessed. These interviews are to only be conducted by trained CJC investigators. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

### 329.7.3 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.
  4. CPS hotline must be called and a social worker respond.
- (b) A court order or warrant has been issued.

### 329.7.4 TRAINING REQUIREMENT

Only those members who have successfully completed Washington State Criminal Justice Training Commission (WSCJTC) sponsored training on interviewing child victims of sexual abuse shall participate in or conduct such interviews. Interviews of children who are suspected victims of sexual abuse will be conducted in compliance with the training standards set forth in RCW 43.101.224.

## **329.8 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.

## *Child Abuse*

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In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify CPS and a social worker will respond.

Juvenile victims of sexual and physical abuse that require a medical examination shall be taken to Legacy Salmon Creek Medical Center, Randalls Childrens Hospital, or Doernbecher Childrens Hospital.

### **329.9 DRUG-ENDANGERED CHILDREN**

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

The investigating patrol officer should:

- a. Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- b. Notify a supervisor to determine the need to activate any available interagency response when a child is present or there is evidence that a child lives at a drug lab or other narcotics crime scene.
- c. Document the environmental, medical, social and other conditions of the child using photography and completing a thorough report.

### **329.10 STATE MANDATES AND OTHER RELEVANT LAWS**

Washington requires or permits the following:

#### **329.10.1 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 Release and Security Policy (RCW 42.56.240).

#### **329.10.2 ARREST WITHOUT WARRANT**

When an officer responds to a call alleging that a child has been subjected to sexual or physical abuse or criminal mistreatment and has probable cause that a crime has been committed, or the officer responds to a call alleging that a temporary restraining order or preliminary injunction has been violated, he/she has the authority to arrest the person without a warrant (RCW 10.31.100; RCW 26.44.130).

#### **329.10.3 CASE SUBMISSION TO PROSECUTOR**

The Vancouver Police Department shall forward all cases of child abuse to the appropriate prosecutor when a crime may have been committed and (RCW 26.44.030):

- (a) A child has died or has had a physical injury.
- (b) Injuries were inflicted upon a child other than by accidental means.

## *Child Abuse*

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- (c) A child has been subjected to alleged sexual abuse.

### 329.10.4 AGENCY COORDINATION

If this Department responds to a complaint of alleged child abuse and discovers that another agency has also responded to the complaint, this Department shall notify the other agency of its presence. The agencies shall coordinate the investigation and keep each other apprised of progress (RCW 26.44.035).

### 329.10.5 LOCAL CHILD ABUSE PROTOCOLS

The CJC Supervisor should ensure that local child abuse protocols for the investigation of child abuse are available to those same members who have a role in child abuse investigations (RCW 26.44.180 et seq.).

### 329.10.6 CONFLICT OF INTEREST IN INVESTIGATIONS

An officer shall not participate as an investigator in a child abuse case concerning a child for whom he/she is, or has been, a parent, guardian or foster parent (RCW 26.44.190).

## **329.11 TRAINING**

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