

**SAN DIEGO POLICE DEPARTMENT
PROCEDURE**

DATE: JULY 25, 2017
NUMBER: 3.31 - INVESTIGATIONS
SUBJECT: CHILD ABUSE PROCEDURES
RELATED POLICY: N/A
ORIGINATING DIVISION: INVESTIGATIONS I
NEW PROCEDURE:
PROCEDURAL CHANGE: **EXTENSIVE CHANGES**
SUPERSEDES: DP 3.31 - 08/15/2014

I. PURPOSE

This Department procedure establishes guidelines for the reporting and investigating of child abuse cases.

II. SCOPE

This procedure applies to all members of the Department.

III. BACKGROUND

The Child Abuse Unit of the San Diego Police Department was established in 1976. The unit is part of a County-wide multi-disciplinary team. The San Diego Police Department supports and is committed to the San Diego County Child Victim-Witness Protocol, per a Memorandum of Understanding between the San Diego County Police Chiefs' and Sheriff's Association.

The goals of the Child Victim-Witness Protocol are:

- A. Minimize further trauma to child victims/witnesses through a cooperative effort, which will limit the number of times children are interviewed and treat children with dignity and respect.
- B. Increase the effectiveness of the investigative and protective process.

- C. Prevent abuse to other children.
- D. Facilitate the child's access to needed services, such as medical treatment and trauma counseling.

IV. DEFINITIONS

- A. Child Abuse - generally refers to non-accidental infliction of any injury upon a child by another person. It includes physical abuse, neglect, molestation, and emotional abuse.
- B. Disclosure - simply means to tell or reveal. A disclosure occurs when a child has told someone that certain things have happened or have been done to the child.
- C. Physical Abuse - is defined as inflicted physical injury, which most often represents unreasonably severe corporal punishment. Assaults such as burning, biting, poking, twisting limbs, or otherwise torturing a child, are also forms of physical abuse.
- D. Physical Neglect - is defined as the negligent treatment of a child by a parent or caregiver under circumstances indicating harm or threatened harm to the child's health or welfare.
- E. Sexual Abuse - is the sexual assault or exploitation of a child. Molestation may consist of a single act or many acts over a period of time.

V. PROCEDURES

- A. The Child Abuse Unit is responsible for:
 - 1. Investigating all child abuse and neglect cases when the suspect is in a position of guardianship or trust.
 - 2. Investigations of all felony sexual assaults when the victim is 13 years of age and under (at the time of the report), regardless of the relationship with the suspect.
 - 3. Investigations of all child death cases under the age of 18, excluding obvious homicides, traffic-related deaths, suicides, or terminal illnesses.
- B. Patrol officers are responsible for the initial investigation of all child abuse cases. These cases may originate from a variety of sources, including Communications Division, other investigative units, Child Welfare Services, hospitals, schools, etc.

- C. In situations where a child abuse crime has been committed or suspected, the officer should do the following:
1. Document all child abuse incidents on an ARJIS-2 form.
 2. Child Abuse reports require a case number and an incident number. Officers will select the Child Abuse field on the first page of the report, which will default the violation section to 934000 ZZ. Reports will be submitted electronically using CRMS Submit. **Child Abuse incidents are not to be documented on a stand-alone ARJIS-9 form.**
 3. CRMS will route Child Abuse incidents with the 934000 ZZ violation section directly to the Child Abuse Unit. Detectives will evaluate whether the incident meets the criteria for a crime report and utilize the Change of Crime Code process in CRMS to make the appropriate changes.
 4. Law enforcement **MUST** cross-report child abuse incidents to the Child Abuse Hotline at (888) 242-5722 (Code word-LE90) per mandated reporting requirements in Penal Code sections 11164 through 11174.3. Such a report must be made immediately, or as soon as practically possible.

NEW

D. Victim/Witness Interviews

1. Overview

Preliminary interviews of young children are particularly sensitive and require expertise. Increasingly, the initial interview and the patrol officer's lack of expertise are the focus of court scrutiny. Accordingly, if one or more witnesses have provided adequate information necessary to make immediate safety and investigative decisions, such information should be documented on a police report and no attempt should be made to interview the child in the field. **This is especially true if the allegation is for any kind of sexual abuse or molest. Do not interview suspects without express permission and/or guidance from Child Abuse Unit personnel.**

2. Forensic Interview

A forensic interview is the preferred method of interview for child victims. The assigned Child Abuse detective will schedule a forensic interview as part of the investigative process. It is designed to minimize further trauma and repeated interviews. It is also a tool for the prosecutorial process. County Protocol recommends children under the age of 13 be forensically

interviewed at the Chadwick Center. These interviews are digitally recorded for use by detectives, prosecutors, and social workers.

3. Minimal Facts Interview

Sometimes it is necessary to gather information about the abuse directly from the child. This is known as a “minimal facts interview.” This type of interview should only be used if there are no other witnesses and the child’s statement is necessary to make immediate protective and investigative decisions.

- a. The child should be asked a limited number of open-ended questions to determine what has occurred.
- b. The interviewer should not press for details.
- c. Refer to “A Patrol Officer’s Guide to Handling Child Abuse Incidents”, located in the Resource Library, for appropriate questions.
- d. Interview all possible witnesses as well, including siblings, extended family members, and neighbors.
- e. If questions arise about the preliminary interview process, the Duty Child Abuse Sergeant should be notified for clarification.

E. Evidence

1. In physical abuse or neglect cases, immediate documentation of visible injuries or conditions including crime scenes (e.g., photographs, detailed descriptions) and collection of instrumentalities (e.g., belts, spoons, lubricating jelly, etc.) are crucial. Lawfully seized evidence is extremely important and can be used to corroborate the victim/witness statements. Photos are essential for any prosecution.
2. Include a photograph of the victim’s face and entire body for reference.
3. **DO NOT PHOTOGRAPH NUDE OR “PRIVATE” BODY AREAS. If such photographs are necessary, they will be taken by medical personnel during a Sexual Abuse Examination.**
4. When digital photographs are taken, a CD work copy must be made and immediately forwarded to the Child Abuse Unit. The original CD will be impounded per policy (Hand deliver disk if suspect is in custody).

5. If the crime is a sexual molest, a Sexual Abuse Examination must be conducted, especially if the crime occurred in the past 72 hours. However, this evidentiary window is not absolute. Check with the Duty Child Abuse Sergeant for guidance.
6. All evidence will be impounded at the Headquarters Property Room located at 1401 Broadway.

F. Removal of a child and placement in Polinsky Children's Center

NEW

1. Dependent children are defined as victims of child abuse, neglect, or molestation; and children deserted by their parents, children whose parents have been arrested or hospitalized, or children otherwise in need of immediate protection as detailed in Welfare and Institutions Code § 300.

NEW

2. Peace officers have the authority to remove a child from home and transport the child to Children's Hospital and/or Polinsky Children's Center if the child's health or safety is in immediate jeopardy (See Section 3, b).

NEW

3. Under Welfare and Institutions Code section 305, a peace officer may, without a warrant, take into temporary custody a minor when both (a) and (b) exist:
 - (a) The officer has reasonable cause to believe the minor is a person described in Section 300, and
 - (b) The minor has an immediate need for medical care, or the minor is in immediate danger of physical or sexual abuse, or the physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety.

NEW

4. The circumstances outlined in Welfare and Institutions Code section 300 are:
 - (a) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm inflicted non-accidentally upon the child by the child's parent or guardian. A court may find there is a substantial risk of serious future injury based on the manner in which a less serious injury was inflicted, a history of repeated inflictions of injuries on the child or the child's siblings, or a combination of these and other actions by the parent or guardian that indicate the child is at risk of serious physical harm. "Serious physical harm" does not include reasonable and age-appropriate spanking to the buttocks if there is no evidence of serious physical injury.

(b) The child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of his or her parent or guardian to adequately supervise or protect the child, or the willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left, or by the willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse. A child shall not be found to be a person described by this subdivision solely due to the lack of an emergency shelter for the family.

5. In cases where the child is left unattended, the peace officer shall first attempt to contact the child's parent or guardian to determine if the parent or guardian is able to assume custody of the child. If the parent or guardian cannot be contacted, the peace officer shall notify a social worker in the county welfare department to assume custody of the child.
6. If there is any doubt about the child's safety, and an officer is unable to articulate the immediacy of the risk of injury or harm, officers should **not** remove the child from the home. Law enforcement **MUST** cross-report child abuse incidents to the Child Abuse Hotline at (888) 242-5722 (Code word-LE90) per mandated reporting requirements in Penal Code sections 11164 through 11174.3. Such a report must be made immediately, or as soon as practically possible.
7. In all cases when a child is taken into protective custody, officers must document the reasons, including articulating why the child's health or safety was in immediate jeopardy.
8. If a child is removed from their home, **DO NOT** release them to a relative, a neighbor, or a friend. **ONLY** Child Welfare Services can authorize such a release, and only after a thorough background check.
9. Officers are encouraged to call the Polinsky Children's Center, prior to any transport, to facilitate the intake.
10. If an officer takes a child to Polinsky, they must complete the appropriate report (**ARJIS-2, 934000 ZZ**).

NEW

11. **DO NOT** document dependent children on a JCR/arrest report, if they are removed from the home and/or placed into Polinsky.
12. **DO NOT** forget to protect other children in the home (as possible witnesses or potential victims).

G. Arrests

1. Cases involving children can be complex requiring forensic interviews, medical exams, a Sexual Assault Exam, and more. During a preliminary investigation, detectives often need to investigate further to ensure a crime did occur.
2. Circumstances that may indicate an arrest is appropriate, include:
 - a. The suspect is caught committing the crime;
 - b. The suspect is a flight risk; or,
 - c. The suspect is likely to continue offending.
3. Whenever an immediate arrest is made or is pending, the Child Abuse Unit must be notified as soon as practical to facilitate the arrest process.
4. Because of time constraints, in-custody cases must be completed and submitted by the end of the shift.
5. Common reasons to not make an immediate arrest:
 - a. Age of victim (too young to give statement);
 - b. Corroboration is necessary;
 - c. A forensic interview and/or further evidence are necessary; or
 - d. The case needs to be reviewed by the District Attorney.

H. Callouts

1. Patrol officers and sergeants should refer to “A Patrol Officer’s Guide to Handling Child Abuse Incidents” located in the Resource Library. If the patrol sergeant determines a Child Abuse detective is needed, he/she should contact the Watch Commander to access the Duty Child Abuse Sergeant.
2. Child Abuse detectives will respond to the following:

- a. Child Deaths - age 17 years and younger including infant deaths. Exceptions include traffic fatalities, homicides, suicides, and terminal illnesses.
 - b. Molest cases - age 13 years and younger at the time of reporting. The Sex Crimes Unit handles molest cases with victims aged 14 years and older.
 - c. Abuse cases - physical abuse resulting in serious injury (requiring immediate medical attention and/or hospitalization, e.g., burns, bite marks, fractures, or bruising on infants). Does not include cases of minor vs. minor or sibling violence.
 - d. In-Custody Molest or Abuse Cases - when an arrest is made.
 - e. If in doubt, the Duty Child Abuse Sergeant should be contacted to make a determination.
3. The Child Abuse Unit DOES NOT respond to:
- a. Child stealing cases - referred to the District Attorney's Child Abduction Unit at (619) 531-4345.
 - b. Child custody disputes - usually civil and referred back to the courts.
 - c. Kidnapping without sexual molest - handled by the area command or the Robbery Unit.
 - d. Missing or runaway juveniles - handled by the area command Juvenile Services Team.
 - e. Cases involving physical or emotional abuse of pregnant juvenile females are handled by the Domestic Violence Unit.

VI. AREA COMMAND INVESTIGATIVE RESPONSIBILITIES

Area commands are responsible for the following investigations:

- A. 647.6(a) PC - annoying or molesting a minor.
- B. 272 PC - contributing to the delinquency of a minor.
- C. 664/207 PC - kidnapping or attempts (unless molest has occurred).

- D. 314.1 PC - Indecent exposure.
- E. Sibling vs. sibling violence (unless the suspect has been placed into a direct or implied disciplinary role).
- F. Arrests in which child abuse is incidental to the primary crime; i.e., driving under the influence, narcotics violations (possession, sales, under the influence), drunk in public, etc. While a child abuse charge can be added in these circumstances, the cases generally **will not** be investigated by the Child Abuse Unit. These arrests should be submitted through normal prosecutorial channels.

VII. INFANT/CHILD DEATHS

- A. Upon the death or pending death of a child, law enforcement officers will conduct a death scene investigation. Refer to SDPD Procedure 6.30, Death Investigation Reporting.
- B. Investigative Responsibilities
 - 1. Patrol officers and supervisors are responsible for preliminary investigation, scene security, and the completion and submission of all appropriate reports (e.g., death report, officer's reports, etc.).
 - 2. The Child Abuse Unit will respond to all child deaths under 18 years of age with some exceptions (e.g., traffic fatalities, homicides, suicides, and terminal illnesses).
 - 3. The Medical Examiner's Office has jurisdictional rights in death cases.
 - 4. California Department of Social Services, Community Care Licensing, will respond if death occurs at a daycare facility.
- C. Care must be exercised by responding law enforcement officers. A traumatic event has just occurred, which MAY or MAY NOT have been a criminal act. Officers may allow parents to console one another; however, they should not be left alone or unattended.
- D. Sudden Infant Death Syndrome (SIDS)
 - 1. "SIDS" is defined as the sudden death of an infant one year or younger (though there are exceptions), which is unexplained by the infant's history and where a thorough postmortem examination including an autopsy, death scene investigation, and review of infant's medical history fails to demonstrate an adequate cause of death.