

Child Abuse

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Peoria Police Department members are required to notify Child Protective Services (CPS) of the Arizona Department of Economic Security of suspected child abuse.

330.1.1 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.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service or law enforcement agency (ARS § 13-3620(A)).

330.2 POLICY

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

330.3 MANDATORY NOTIFICATION

Members of the Peoria Police Department shall notify CPS when they reasonably believe that a child is or has been the victim of abuse or neglect by a person with care, custody or control of the child (ARS § 13-3620(A) and (H)):

For purposes of notification, abuse or neglect includes physical abuse, sexual abuse, sexual exploitation and other criminal sexual offenses, criminal child abuse under ARS 13-3623, denial of necessary care or nourishment, as provided in ARS § 13-3620; ARS § 8-201.

A notification to CPS is not required under this section for sexual abuse (ARS § 13-1404) and sexual conduct with a child (ARS § 13-1405) if the conduct only involves those who are 14, 15, 16 or 17 years of age and there is nothing to indicate that the conduct is other than consensual.

330.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (ARS § 13-3620(D)):

- Notification shall be made immediately to CPS.
- Notification shall contain at a minimum:
 - The names and addresses of the child and the child's parents or the person or persons having custody.
 - The child's age and the nature and extent of the child abuse, physical injury or neglect, including any evidence of previous abuse, child abuse, physical injury or neglect.

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- Any other information that the person believes might be helpful in establishing the cause of the child abuse, physical injury or neglect.
- A written report shall be forwarded to CPS within 72 hours.

330.4 QUALIFIED INVESTIGATORS

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

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

330.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. 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:

- 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.
- The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- Any relevant statements the child may have made and to whom he/she made the statements.
- 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.
- Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- Whether the child victim was transported for medical treatment or a medical examination.
- 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.
- Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- Previous addresses of the victim and suspect.
- Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

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).

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330.6 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.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. 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.

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.

Children may only be removed from a parent or guardian in the following situations (ARS § 8-821 (B)):

- With a court order authorizing the removal of a child
- Without a court order if temporary custody is clearly necessary to protect the child because probable cause exists to believe:
 - The child is a victim or will imminently become a victim of abuse or neglect.
 - The child is suffering serious physical or emotional injury that can only be diagnosed by a medical doctor or psychologist.
 - If a child is taken pursuant to this provision, the officer shall immediately have the child examined by a medical doctor or psychologist.
 - After the examination the officer shall release the child to the parent or guardian unless the examination reveals abuse or neglect ARS § 8-821(D).
- The child is physically injured as a result of living on premises where dangerous drugs or narcotic drugs are being manufactured.
- CPS has reported the child missing and at risk of serious harm.

330.6.1 SAFE HAVEN LAW PROVISIONS

A person is not guilty of abuse of a child pursuant to ARS § 13-3623(B) solely for leaving an unharmed newborn infant with a safe haven provider, such as hospital staff and firefighters (ARS § 13-3623.01). The law requires the safe haven provider to notify CPS.

330.7 INTERVIEWS

330.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. 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 specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

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330.7.2 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:

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

330.8 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. 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 state 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.

330.9 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.

330.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigation Section Supervisor should:

- 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.
- Activate any available interagency response when an officer notifies the Criminal Investigation Section Supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

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330.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- Notify the Criminal Investigation Section Supervisor so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS

Arizona law permits the following:

330.10.1 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.

330.10.2 LOCAL PROTOCOL

The Criminal Investigation Section Supervisor should ensure that any local protocol regarding child abuse investigations is available to department members.

330.10.3 CHILD FATALITY REVIEW

This department will cooperate with any interagency child fatality review team investigation. Records in a pending criminal investigation may be withheld from the team with prosecution approval (ARS § 36-3503).

330.11 TRAINING

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

- Participating in multidisciplinary investigations, as appropriate.
- Conducting forensic interviews.
- Availability of therapy services for children and families.
- Availability of specialized forensic medical exams.
- Cultural competence (including interpretive services) related to child abuse investigations.
- Availability of victim advocate or guardian ad litem support.