



Germantown Police Department

Policy and Procedure

Subject	Date of Issue	TACP SCD Reference	Amends	Rescind	Dist.	Number
Child Abuse Investigations	August 7, 2012	15.2	NO	ALL	ALL	7-4
	<i>Effective Date</i>		By order of...			
	August 7, 2012		Richard L. Hall, Chief of Police			
			Previously Revised Date: January 1, 2003			

I. PURPOSE

The purpose of this policy is to provide officers with guidelines for recognizing instances and accepting reports of child abuse and neglect and coordinating the investigation of such cases with appropriate child protective agencies and prosecuting attorney's offices.

II. POLICY

Child abuse and neglect has been traditionally regarded as the principle responsibility of child protective services and social welfare agencies. However, research has demonstrated that a large percentage of repeat offenses, many of which involve serious injury or death, involve known offenders. It is the position and policy of this law enforcement agency that effective response to child maltreatment requires cooperative and coordinated efforts between social welfare and law enforcement agencies, and further, that under certain circumstances, arrest and criminal prosecution is an appropriate and preferred approach to the problem from a preventive standpoint. Therefore, it is the policy of the Germantown Police Department that all reports of child abuse and neglect shall be thoroughly investigated in accordance with the following procedures and all appropriate measures be taken which are consistent with state law and which will best protect the interests of the child.

III. DEFINITIONS

Officers should be aware of state statutes that define instances of child abuse, neglect, and abandonment. However, for purposes of this policy, operational definitions are as follows:

Abandonment: Leaving a child alone or in the care of another under circumstances that demonstrate an intentional abdication of parental responsibility.

Child: A person who is under 18 years of age or who is reasonably presumed to be less than 18 years of age.

Child Abuse: Any situation in which parents, guardians, or other responsible adults have inflicted physical assaults upon a child, to include sexual abuse; when the child has been exploited for sexual purposes such as through prostitution or pornography; when the child has been subjected to reckless

endangerment that has or would likely cause physical harm; or when the child has been subjected to emotional assault such as close, sustained confinement.

Child Neglect: Any situation in which parents, guardians, or other responsible adults have failed to provide for the essential physical needs of the child to include food, clothing, and shelter and that caused or would likely cause serious physical injury, sickness, or disability; failure to provide essential medical care necessary to treat or prevent serious physical injury, illness, or emotional disability; or failure to provide needed emotional nurturing and stimulation that has or could likely cause emotional injury over time.

IV. PROCEDURE

A. Reporting/Initial Complaint Response

State law requires that all instances or suspected instances of child abuse, neglect, or child sexual abuse must be reported. This includes doctors, police officers, teachers, parents, mental health professionals, childcare providers, dentists, family members, and friends. It is a crime to knowingly fail to report child abuse or child sexual abuse. Officers shall record and respond to all reports of child abuse, neglect, and abandonment irrespective of the source or method of reporting.

1. A preliminary interview will be conducted by the responding officer with the reporting individual, when known, to determine the basis for the report, to include determination of such factors as:
 - a. the physical condition of the child;
 - b. a description of the abusive or neglectful behavior;
 - c. evidence of parental disabilities such as alcoholism, drug abuse, mental illness, or other factors that demonstrate or suggest their inability to care for the child;
 - d. description of serious injuries or conditions;
 - e. The nature of any statements made by the child concerning parental maltreatment; and
 - f. any evidence of parental indifference or inattention to the child's physical or emotional needs.
2. When an officer suspects that an incident of child abuse or neglect has occurred, he or she will summon a supervisor to the scene.
3. When the source of the report cannot be identified and/or time is not of the essence, a copy of the complaint shall be forwarded to the Department of Children's Services as prescribed by law. Where reasonable suspicion exists for further investigation, a coordinated investigative effort should be undertaken by the Investigations Division and the Department of Children's

Services, utilizing any appropriate members of the Shelby County Child Protection Investigation Team.

4. Immediate action shall be taken by officers when:
 - a. the complaint warrants arrest or criminal prosecution;
 - b. child protective personnel are not available and time is of the essence;
 - c. the child is in danger and child protective personnel cannot enter the home;
 - d. the suspected perpetrator may flee;
 - e. police presence is required to maintain order or to protect the safety of the child protection officers; or
 - f. when the child must be taken into protective custody against parental wishes.
5. The preferred means of removing a child from the home is by court order. However, in cases of abandonment, severe abuse or neglect, where the child is in imminent danger of death or serious bodily harm and time is of the essence, an officer shall, in compliance with state law, remove the child from the home for purposes of protective custody. The assistance of the Department of Children's Services should be sought if available in a timely manner. Parental permission should also be sought but is not required in order to remove the child under emergency circumstances.
6. In cases where protective custody is warranted and time permits, the Department of Children's Services shall be notified and a court order for protective custody shall be sought prior to the child's removal.
7. Officers will not make an arrest or issue a misdemeanor citation in cases of alleged non-severe child abuse. Cases of non-severe child abuse will be investigated by the Investigations Division prior to any arrests. In such cases and after a complete investigation, the Investigations Division will obtain an arrest warrant.

B. Background Investigation

Investigating complaints of child abuse generally requires contact with several sources of information depending upon the nature of the complaint and the scope of the abuse. In all but emergency situations, the following sources of information should normally be contacted prior to interviewing the family and/or the child.

1. An inquiry should be made to determine whether a court protective order is in force with regard to the child or other members of the family. A criminal records check should also be performed on the suspect.
2. Medical personnel, including family practitioners, emergency room staff, and medical examiners often acquire information that confirms or suggests abuse. Certain types of injuries are particularly characteristic of physical abuse and are most incriminating when they do not correlate with parental explanations of how they occurred. They include:
 - a. “pattern” injuries that may be linked to specific objects used in an attack such as hot irons, coat hangers, fingertip marks caused by tight gripping; straight, curved or curvilinear, or jagged lesions including whipping; bite marks; and scald or peculiar burn marks;
 - b. injuries to specific body parts such as the genitals, buttocks, or rectum, as well as trauma to the torso, upper arms, and thighs in the absence of other common injuries commonly suffered by children in play accidents such as skinned knees, elbows, and forehead;
 - c. signs of old injuries to various parts of the body in different stages of healing, particularly those that are not common to childhood;
 - d. bone fractures of small children and related injuries that are inconsistent with the child’s level of maturity and risk of injury, such as spiral fractures (suggesting vigorous shaking), fractures to the rear and upper skull (suggesting blows to the head), subdural hematomas without scalp contusions (suggesting violent shaking with resultant head whiplash), and fractures of long bones and joints that are suggestive of violent pulling, twisting, or jerking of the extremities;
 - e. a history, pattern, or extent of injury that does not correlate with the alleged cause of death or means of injury;
 - f. inordinate delay in seeking medical attention, evidence of administration of home remedies for relatively serious injuries, history of prior visits to different emergency rooms, frequent changes of physicians, and prior diagnosis of “failure to thrive”; and
 - g. at autopsy, the presence of old injuries and other internal injuries that were not detectable through external examination.
3. Department of Children’s Services investigators may also provide considerable insight into situations of suspected child abuse as many abusive families have had prior contact with local support agencies. These agencies may provide information on family background, employment, economic and domestic stability, and previous contacts with child protective service agencies.

4. School teachers may also provide some insight into cases of suspected child abuse through records of the child's attendance, grades, demeanor, socialization, motivation, and perceived emotional stability. Several behavioral indicators are suggestive of child abuse, including:
 - a. recurrent injuries or complaints of parental physical maltreatment;
 - b. marked changes in the child's behavior or level of achievement;
 - c. strong antagonism toward authority;
 - d. exaggerated reactions to being touched;
 - e. withdrawal from peers or assaultive or confrontational behavior;
 - f. delinquent acts, running away from home, or truancy; and
 - g. refusal to dress for physical education or dressing inappropriately.
5. The foregoing indicators may also be used when interviewing neighbors or any other individuals who may have personal knowledge of the family situation.

C. Family Interview

Based on information generated in the background investigation, reasonable suspicion may exist to conduct an interview with the family and the child.

1. If there is reason to believe that charges may be filed against the parents or others, interviews should normally be conducted at the police station or child advocacy center, and prior contact, when appropriate, should have been made with the prosecutor's office.
2. A Department of Children's Services investigator should participate with the police detective in the interview if at all possible.
3. The interview should be conducted in a non-accusatory, informal, and fact finding manner, and questions should be presented in an open-ended format to allow parents or others complete latitude in responding.
4. In determining whether to accept a parent's explanation, detectives should consider the following questions. Finding consistency with those in parentheses may indicate a greater likelihood of abuse:
 - a. Is it reasonable to believe that the child's injuries were self-inflicted or accidental given the child's maturity, manual dexterity, and ability to walk or stand? (No)
 - b. Was the parent's story consistent with other evidence? (No)

- c. Do the parents claim ignorance of critical details of the incident? (Yes)
 - d. Does the home appear to be clean and well maintained? (No)
 - e. Does the family live in a socially isolated environment without the support of neighbors, friends, or family? (Yes)
 - f. Do the parents appear to support one another in a positive home environment? (No)
 - g. Does there appear to be frequent or ongoing crises in the family? (Yes)
 - h. Does the child in question appear to be regarded by the parent(s) in a negative light? (Yes)
5. Some parents may explain or excuse the incident as a legitimate attempt to discipline the child. However, in order to be reasonable and acceptable, the discipline should:
- a. be appropriate to the misbehavior involved but never involve serious bodily injury;
 - b. be consistent with the child's ability to understand its relevance to the acts in question; and
 - c. be administered with prudence and caution rather than recklessly, brutally, or without sufficient regard for the child's power of endurance.

D. Interviewing Children

Detectives will conduct a standard interview with the abused child. The forensic interview with the abused child will be scheduled with and conducted by a forensic interviewer with the Department of Children's Services or similar child protective agency.

E. Physical Evidence

Collecting physical evidence to document abuse is very important for prosecuting these cases. If the responding officer determines the presence of any physical evidence on the scene, including signs of physical injury (bruises, marks, cuts, burns) and/or the presence of instrumentalities that may have been used in the alleged abuse, the officer should contact a crime scene investigator to photograph and collect such evidence. In this regard, the responding officer and the crime scene investigator should be aware of the following:

1. Color photographs of injuries should be taken and preserved for evidentiary purposes. They may be taken by medical personnel or by a same-sex officer of this agency. All injuries should be described in writing and diagrammed.
2. Photographs of home conditions bearing on the child's maltreatment should be taken.
3. Any instruments that were used in the physical attack should be identified and preserved, as well as any clothing that bears evidence such as blood or semen stains.
4. Any other items that have bearing on the abuse or neglect, such as guns, knives, drugs, poisons, or related items in possession of the suspected perpetrator, should be identified and collected.

V. REVIEW PROCESS

An annual review of this policy shall be conducted to determine if it should be revised, cancelled or revoked in its present form.

This order shall remain in effect until revoked or superseded by competent authority.