



Approved:  
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Subject:

# 515. Child Abuse Investigations

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Page:  
1

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## 515.1: PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Albany Police Department members are required to notify the Department of Human Services (DHS) of suspected child abuse.

### 515.1.1: DEFINITIONS

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

**Child Abuse** – Includes, but is not limited to, assault or physical injury of a non-accidental nature, rape, sexual abuse or sexual exploitation including contributing to the sexual delinquency of a minor, threatened harm, negligent treatment or maltreatment, buying or selling a child, unlawful exposure to a controlled substance or to the unlawful manufacturing of a cannabinoid extract, permitting a child to enter or remain in or upon premises where methamphetamines are manufactured, or any other act described in [ORS 419B.005\(1\)\(a\)](#).

## 515.2: POLICY

**It is the policy of the Albany Police Department to investigate all reported incidents of alleged criminal child abuse and ensure that the Oregon Department of Human Services is notified as required by law.**

## 515.3: MANDATORY NOTIFICATION

Members of the Albany Police Department shall notify DHS when a report of child abuse is received or when there is reasonable cause to believe that a child has suffered abuse (ORS 419B.010). Notification to DHS shall include verbal report to the Oregon Child Abuse Hotline (ORCAH) followed by a written report.

- a. For purposes of notification, a child is an unmarried person under 18 years of age ([ORS 419B.005\(2\)](#)).
- b. For purposes of notification, abuse of a child includes, but is not limited to, assault or physical injury of a non-accidental nature, rape, sexual abuse or sexual exploitation including contributing to the sexual delinquency of a minor, threatened harm, negligent treatment or maltreatment, buying or selling a child, unlawful exposure to a controlled substance or to the unlawful manufacturing of a cannabinoid

extract, permitting a child to enter or remain in or upon premises where methamphetamines are manufactured, or any other act described in ORS 419B.005(1)(a).

### 515.3.1: NOTIFICATION PROCEDURE

- a. Verbal notification to ORCAH shall be made immediately when the officer determines that the report of alleged abuse or neglect requires an immediate joint response.
- b. If the investigating officer finds reasonable cause to believe that abuse has occurred, the officer shall notify ORCAH by oral report followed by written report (ORS 419B.020).
- c. Notification should include:
  - 1) The name and contact information of the confidential reporter.
  - 2) The name, address, and age of the child.
  - 3) The name and address of the child's parents or other person who is responsible for care of the child.
  - 4) The nature and extent of the abuse or neglect, including any evidence of previous abuse or neglect.
  - 5) The explanation given for the abuse or neglect.
  - 6) Where the abuse or neglect occurred.
  - 7) Identity and whereabouts of the alleged perpetrator.
  - 8) Any other information that the person making the report believes might be helpful in establishing the cause of the abuse or neglect and the identity and whereabouts of the perpetrator.
  - 9) The name and contact information for the assigned DHS worker and officer.
- d. When the abuse occurs at a facility or by a person from a facility that requires a state license from the Office of Child Care (e.g., childcare facility), notification shall be made to the Office of Child Care via written report. When abuse occurs at a school facility, by a person from a school facility, or at a school-sponsored activity, notification shall be made to the Department of Education via written report ([ORS 419B.020](#)).

### 515.4: QUALIFIED INVESTIGATORS

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

- a. Conduct interviews in child-appropriate 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 ([ORS 418.747](#)).

### 515.5: INVESTIGATIONS AND REPORTING

- a. 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.
- b. Investigations and reports related to suspected cases of child abuse should address, as applicable:
  - 1) 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.
  - 2) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
  - 3) Any relevant statements the child may have made and to whom he/she made the statements.
  - 4) 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.
  - 5) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practical.
  - 6) Whether the child victim was transported for medical treatment or a medical examination.
  - 7) 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.
  - 8) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
  - 9) Previous addresses of the victim and suspect.
  - 10) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- c. 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). (For reference: [Sudden Unexpected Infant Death Investigation Form](#))

**515.5.1: KARLY'S LAW**

In all cases of suspicious physical injury to a child, the investigating officer shall, in accordance with any relevant county multidisciplinary team protocols (ORS 419B.023):

- a. Immediately photograph or cause to be photographed any visible injuries or any injuries identified by the child if practical, and in the manner described in ORS 419B.028.
- b. Ensure that photographs of the injuries are distributed to the designated medical professional and placed in any relevant files by the end of the next regular business day or within 48 hours, whichever occurs later (ORS 419B.028(2)).
- c. Ensure that a designated medical professional conducts a medical assessment of the child within 48 hours or sooner, according to the child's medical needs. If a designated medical professional is unavailable for the assessment, the investigating officer must ensure that the child is evaluated by an available physician (ORS 419B.020(2)).
- d. Police officers, having jurisdiction, shall complete [Karly's Law Report: Form A86](#) and send the form with photos to the Police Karly's Law distribution list even if a member from an outside agency says they will submit a Karly's Law Report Form. The email address is located at the top of the Form A86.

**515.5.2: INVESTIGATIONS ON SCHOOL PREMISES**

When an investigation of child abuse is conducted on public school premises, the investigating officer shall first notify the school administrator of the investigation, unless the school administrator is a subject of the investigation. At the investigator's discretion, the school administrator or a school staff member designated by the school administrator may be present to facilitate the investigation. Prior to any interview with the affected child, the investigating officer shall be advised of the child's disabling conditions, if any (ORS 419B.045).

**515.6: PROTECTIVE CUSTODY**

- a. Before taking any child into protective custody, the officer should make reasonable attempts to contact DHS. Generally, removal of a child from the child's 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.
- b. 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.
  - 1) 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 DHS.

- c. Whenever practical, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practical, officers should contact a supervisor promptly after taking a child into protective custody.
- d. Children may only be removed from a parent or guardian in the following situations (ORS 419B.150):
  - 1) When the child's condition or surroundings reasonably appear to jeopardize the child's welfare;
  - 2) When the juvenile court has issued a valid order that the child be taken into protective custody;
  - 3) When it reasonably appears that the child has run away from home.

#### **515.6.1: NOTICE TO PARENTS**

When an officer takes a child into protective custody, the officer shall:

- a. Make reasonable efforts to immediately notify the child's parents or guardian, regardless of the time of day;
- b. Advise the reason the child has been taken into custody;
- c. Provide general information about the child's placement and the telephone number of the local DHS office, including any after-hours telephone numbers (ORS419B.020).

#### **515.6.2: SAFE HAVEN PROVISION**

- a. A parent may leave an infant who is not more than 30 days old at an authorized facility, including this department, as long as the child has no evidence of abuse (ORS 418.017).
- b. When an infant is surrendered to this department, members of Albany Police Department shall follow the provisions set forth in ORS 418.017.

#### **515.7: INTERVIEWS**

- a. Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims.
- b. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation.
- c. When practical, investigating officers should defer interviews until a person who is specially trained in such interviews is available.
- d. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

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

### **515.8: MEDICAL EXAMINATIONS**

- a. 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.
  - 1) The officer should also arrange for the child's transportation to the appropriate medical facility.
- b. 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.
  - 1) 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.

### **515.8.1: COURT ORDERS FOR PRESERVATION OF EVIDENCE**

When an officer is taking a child into protective custody and has reasonable cause to believe that the child has been affected by sexual abuse and rape, and that physical evidence of the abuse exists and is likely to disappear, the court may authorize a physical examination for the purpose of preserving evidence, if such examination is in the best interest of the child (ORS 419B.020).

### **515.9: 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 drug manufacturing, trafficking, or ingestion of controlled substances.

**515.9.1: SUPERVISOR RESPONSIBILITIES**

The Detective Unit Supervisor should:

- a. Work with professionals from the appropriate agencies, including DHS, 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. Activate any available interagency response when an officer notifies the Detective Unit 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.

**515.9.2: 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 resides, should:

- a. Document the environmental, medical, social and other conditions of the child using photography as appropriate;
- b. Notify the Detective Unit Supervisor so an interagency response can begin.

**515.10: STATE MANDATES AND OTHER RELEVANT LAWS**

Oregon law requires or permits the following:

- a. 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 (ORS 419B.035).
- b. The Detective Unit Supervisor should ensure that current written protocols and procedures for child abuse investigations developed by the multidisciplinary child abuse team are available to all department members (ORS 418.747 and [Linn County Multidisciplinary Child Abuse Protection Team Protocols](#)).
- c. This department should cooperate with any child fatality review team and investigation (ORS 418.785).

**515.11: TRAINING**

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

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