



Policy 1201

Subject	
CHILD ABUSE INVESTIGATIONS	
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By Order of the Police Commissioner

POLICY

1. **Child Abuse is a Community Problem.** No single agency has the training, manpower, resources, or legal mandate to intervene effectively in child abuse cases. No one agency has the sole responsibility for dealing with abused children. When a child is physically assaulted or sexually abused, the ideal response is for doctors to treat injuries, therapists to counsel children, social service professionals to work with the family, law enforcement officers to arrest the offender, and attorneys to prosecute the case. This is possible only if the agencies and organizations involved have an established process for working together to respond to child abuse cases. The most effective community response involves establishing a child protection team that includes professionals from the medical, mental health, criminal justice, social services, and education fields who understand and appreciate the different role, responsibilities, strengths and weaknesses of the other team members and can cooperate and coordinate their efforts¹.
2. **Investigations.** It is the policy of the Baltimore Police Department (BPD) to investigate, consistent with the law, all reports of child abuse, rape, and other sexual offenses involving children. These comprehensive investigations by sworn police officers shall display the utmost regard for victims' physical and emotional well-being. The BPD's role in investigating child abuse cases spans from the initial call for service, through the investigation and to the court proceedings.
3. **Governor's Office of Crime Control and Prevention.** The BPD complies with the policy of the Governor's Office on Crime Control and Prevention regarding the investigation of rape and sexual offenses, to wit:
 - 3.1. No law enforcement officer, prosecutor or other governmental official shall ask or require the victim of an alleged sexual offense to submit to a polygraph or other truth verification device as a condition for proceeding with the investigation of that offense.
 - 3.2. The refusal of a victim to submit to a polygraph or other truth verification test shall not prevent an investigation or prosecution from going forward.

DEFINITIONS

Abuse – Physical injury sustained by a minor as a result of cruel or inhumane treatment or as a result of a malicious act under circumstances that indicate that the minor's health or welfare is harmed or

¹ Law Enforcement Response to Child Abuse – U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, NCJ 243907, July, 2014.

threatened by the treatment or act. A parent, family member, household member, or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not cause abuse to the minor that results in the death of the minor or causes severe physical injury to the minor.

Baltimore Child Abuse Center (BCAC) — Provides a multidisciplinary approach to helping families through every step of the investigative process. The coordination of the BPD, Child Protective Services, Office of The State's Attorney for Baltimore City and BCAC staff ensures that families receive proper support to help them cope with the trauma of abuse.

Family Member — A relative of a minor by blood, adoption or marriage.

Household — The location at which the minor resides, where the abuse or neglect is alleged to have taken place, and/or where the person suspected of abuse or neglect resides.

Household Member — A person who lives in or is a regular presence in the home of a minor at the time of the alleged abuse or neglect.

Mandated Reporters — Police officers, health practitioners, educators and human service workers are considered Mandated Reporters under Maryland law. Mandated Reporters must report incidents of child abuse or neglect as soon as they are suspected. Waiting for proof may involve grave risk to the child and impede services to the family. A Mandated Reporter who knowingly fails to make a report of suspected abuse or neglect of a child is subject to civil liability and criminal penalty.

Mental Injury — The substantial impairment of a minor's mental or psychological ability to function.

Minor — Any individual under the age of 18 years.

Neglect — The intentional failure to provide necessary assistance and resources for the physical needs or mental health of a minor that creates a substantial risk of harm to the minor's physical health or a substantial risk of mental injury to the minor. "Neglect" does not include the failure to provide necessary assistance and resources for the physical needs or mental health of a minor when the failure is due solely to a lack of financial resources or homelessness.

Non-verbal — Inability to speak and/or communicate due to age and/or mental and/or physical impairment.

Severe Physical Injury — Severe physical injury means brain injury or bleeding within the skull, starvation or physical injury that creates a substantial risk of death or causes permanent or protracted serious disfigurement, loss of the function of any bodily member or organ or impairment of the function of any bodily member or organ.

Sexual Abuse — Any act that involves sexual molestation or exploitation of a minor, whether physical injuries are sustained or not. Sexual abuse includes rape, incest, sexual offense in any degree, sodomy and unnatural or perverted sexual practices. A parent or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not cause sexual abuse to the minor. A household member or family member may not cause sexual abuse to a minor.

REQUIRED ACTION**Member**

1. Immediately upon receiving a report of suspected physical or sexual abuse of a child, including an anonymous complaint, attempt to locate the child(ren). If the alleged abuse victim is at a location other than where the abuse occurred, the district in which the child is located shall be responsible for conducting the preliminary investigation and promptly notifying the district of occurrence if additional children are involved and are still at the location where the abuse occurred. The district of occurrence will then become responsible for continuing the child abuse investigation.
2. The preliminary investigation report shall be promptly delivered to the district of occurrence to ensure proper investigative continuity is maintained.
3. In the event a child cannot be located, the district of occurrence shall conduct follow-up visits, as necessary, in order to see the child who is the subject of the reported abuse. Maryland law mandates the child be seen within 24 hours of the initial report.

NOTE: If the child cannot be located within the first 24 hours, notify the Department of Social Services at 410-361-2235.

4. Within 24 hours after receiving a report of suspected physical or sexual abuse of a child:
 - 4.1. Interview the child;
 - 4.1.1. Obtain an initial statement from the child. Do not conduct an in-depth interview. Only ask questions necessary to establish the elements of the crime.
 - 4.2. Interview any family members, caretakers or concerned persons who might provide information relative to the suspected abuse;
 - 4.3. Assess the child's safety and that of other children in the household; and
 - 4.4. Assess the safety of other children in the care or custody of the alleged abuser.
5. If physical child abuse is suspected, transport the child(ren) to the Johns Hopkins Hospital Pediatric Emergency Room for medical evaluation and forensic interview to determine the nature and extent of abuse. Request on-site emergency medical service for situations where such service is deemed appropriate. If the child(ren) are registered and undergoing evaluation and treatment at another hospital, contact the Johns Hopkins Hospital Pediatric Emergency Room for guidance.

Johns Hopkins Hospital Pediatric
Emergency Room
1800 Orleans Street
Baltimore, Maryland 21287
410-955-5000

6. Ensure the Crime Laboratory technician photographs all injuries.

7. Notify the Child Abuse Unit at 443-984-7378 for all serious physical child abuse cases where the victim requires immediate medical treatment or hospitalization.
8. For physical child abuse cases involving a school teacher as a suspect, notify the Child Abuse Unit, which shall assume responsibility for the investigation.
9. In cases of child sexual abuse, including an anonymous complaint, members shall adhere to the following:
 - 9.1. Attempt to locate and confirm the incident has occurred;
 - 9.2. Do not conduct an extensive interview. Only ask questions necessary to establish the elements of the crime;
 - 9.3. Upon confirmation that an allegation of sexual abuse exists, contact the Child Abuse Unit at 443-984-7378, or after hours notify the Communication Section's Shift Commander and request a Child Abuse Unit investigator respond;
 - 9.4. Remain on the scene until relieved by a detective from the Child Abuse Unit.
10. Notify the Homicide Section immediately at 410-396-2100 if the child sustained a life threatening injury as a result of suspected child abuse.
11. Notify the Child Abuse Unit immediately when any of the following situations exist:
 - 11.1. The suspected physical child abuse incident becomes significantly complicated and assistance is needed or for clarification of investigative procedures;
 - 11.2. The abuse victim is a student or resident of a licensed day-care center or other institutional facility;
 - 11.3. The child is under 18 years of age and the victim of a sexual abuse;
 - 11.4. The child is nonverbal and has sustained injury.
12. If probable cause exists and an arrest is immediately necessary for child sexual abuse, the Child Abuse Unit shall be notified immediately and a copy of the offense report scanned/mailed to childabuse@baltimorepolice.org by the end of your tour of duty.
13. When a child 12 years of age or younger is a sexual abuse victim that requires immediate medical treatment, transport the child to University Hospital Pediatrics.

University of Maryland Medical Center
Pediatrics Emergency Room
22 South Green Street (main floor)
410-328-6335
14. When a child is between the ages of 13-17 and is a sexual abuse victim that requires immediate medical treatment, transport the child to Mercy Hospital.

Mercy Medical Center
Emergency Department
301 St. Paul Place, (corner of Calvert St. and Pleasant Streets)
410-332-9477

15. Request the Crime Laboratory to respond and take photographs of the child when there is physical evidence of abuse. Photographs shall not be taken of any child's genitalia or the breasts of adolescent female victims, unless there is significant evidentiary value involved, for example, unusual burn marks, bruising patterns, and a Child Abuse Unit supervisor has granted prior approval. Note the approval in the report. Photographs of other injuries do not need prior authorization.
16. Evaluate the safety of the child and any other children in the home. If there is an immediate threat to the well-being of the child or other present children, notify the Department of Social Services at 410-361-2235 who will then advise via telephone if they will respond to the scene or meet the officer with the victim(s) at the hospital. The Department of Social Services will determine whatever appropriate action is necessary to protect the child(ren).
17. In keeping with the Article – Family Law, §5-709, "Temporary removal of child from home without court approval," the Department of Social Services representative may enter the house, if the representative:
 - 17.1. Previously has been denied the right of entry, and
 - 17.2. Has probable cause to believe a child is in serious immediate danger.
18. Members shall accompany the Department of Social Service's representative and may use reasonable force, if necessary, to gain entry. A supervisor must be present before entry is made unless an emergency exists. If entry is gained by force, all pertinent information shall be documented in the preliminary investigative report.
19. When probable cause exists, take appropriate legal action (i.e., make the arrest and obtain a warrant or criminal summons).
20. Write a Crimes Against Persons report indicating "Physical Child Abuse" as the offense when there is probable cause to believe physical child abuse did occur.
21. Recover physical evidence related to the incident, and describe this evidence in the offense report (see Policy 1401, *Control of Property and Evidence*).
22. Write a Miscellaneous Incident report for "Possible" or "Suspected Physical Child Abuse" when the preliminary investigation fails to develop sufficient evidence to substantiate the allegation.

NOTE: This report is mandated by state law.

23. Investigate each alleged incident of child neglect as a reputable criminal offense. Provide for appropriate medical treatment and notify the Department of Social Services by telephone or direct communication as soon as possible. In addition, write a Miscellaneous Incident report for "possible" or "suspected" neglect and print "Send Copy to Department of Social Services" on the first line of the narrative.

NOTE: Arrests cannot be made solely for child neglect.

24. In cases of both neglect and abuse, members shall also make a written report and forward same to the Department of Social Services within 48 hours after the member has reason to believe a child has been subjected to abuse or neglect. Written reports must contain the following information:

24.1. Name, sex, age, home address, and telephone number of the child or other children in the household and of the parents or other persons responsible for the care of the child(ren) in question.

NOTE: If you have multiple children, a report is required for each child, including the following information.

24.2. Whereabouts of the child;

24.3. An evaluation of the parents and home environment of the child, if known;

24.4. Any other information that would help to determine the cause of the suspected abuse or neglect and/or the identity of the individual responsible for the abuse or neglect;

24.5. Cause of injuries and identity of person(s) responsible, if known;

24.6. Nature and extent of the abuse or neglect of the child, including any evidence or information available concerning possible previous instances of abuse or neglect;

24.7. Anything of importance uncovered as a result of a thorough preliminary investigation;

24.8. Name and telephone number of any Department of Social Services personnel who are contacted and/or respond to the scene and whether the child is removed from the house.

25. When necessary contact the State's Attorney's Office for legal advice regarding cases of nonsexual physical child abuse at 443-984-6000 (weekdays from 0830 hours and 1630 hours) or contact the City Hall operator at 410-396-3100 after 1630 hours and weekends to obtain the telephone number of the Division Chief of the Child Abuse Unit of the State's Attorney's Office.

26. All physical child abuse and child sexual abuse calls, including unfounded calls, require a written report (X-Ray).

Patrol Supervisor

Ensure the following:

1. A complete and thorough preliminary investigation is conducted.
2. Officers conducting the preliminary investigation use investigative techniques particularly sensitive toward decreasing the trauma experienced by the child.
3. Officers make continual attempts to see the child if the child was not seen during the preliminary investigation.

4. The Department of Social Services is contacted when investigating complaints of child abuse that did not originate from the Department of Social Services, and provide appropriate details of the preliminary investigation.
5. Officers promptly submit child abuse reports (actual, suspected or unfounded) for supervisory review.
6. When notified a forced entry is necessary for the protection of a child, immediately respond to the scene.

Shift Commander

1. Establish coordination between shifts, if necessary, to ensure the child is seen within 24 hours.

Child Abuse Unit, Special Investigations Section

1. Assume primary investigator responsibilities for all child sexual abuse investigations.
2. Investigate all incidents of child sexual abuse and the rape or sexual assault of children twelve years of age or younger, regardless of custodial issues.
3. Investigate physical child abuse cases that are life-threatening and/or require hospitalization (e.g., burns, broken bones, unconscious victim, etc.). In cases involving life threatening injuries, the Child Abuse Unit shall notify the Homicide Section to have a detective respond. The Child Abuse Unit or the Homicide Section will assume responsibility for the investigation based upon the evaluation by medical personnel and the prognosis for the child's recovery.
4. Investigate all nonverbal child victims who have sustained injury, all teacher/school cases, and assist the Homicide Section with child death cases.
5. Respond to the scene and assume responsibility for the investigation if the incident/allegation falls within the Child Abuse Unit primary responsibility.
6. Complete all related field reports and schedule medical and follow-up examinations.

Commanding Officer, Special Investigations Section

1. Ensure a detective is available to respond daily between 0800 hours and 2400 hours. During all other times, a duty detective shall be available through the Communications Unit.
2. Coordinate all follow-up investigations pertaining to physical and sexual child abuse which fall under your purview.
3. Ensure administrative coordination and sharing of reporting between the BPD, Department of Social Services, Health Department, and State's Attorney's Office as it relates to incidents of physical and sexual child abuse.
4. Upon receipt of a complaint of physical or sexual child abuse, send a complete written report of the findings in the preliminary investigation to the Department of Social Services and the Office of the State's Attorney for Baltimore City within 10 days.

5. Ensure a final report of the investigation is sent to the State's Attorney's Office within 30 days of the date of the preliminary report or request an extension if the investigation is not complete. Each extension may not be more than 30 days.

Homicide Section, Criminal Investigation Division

1. Upon request of the Child Abuse Unit, respond to reports of child abuse involving life threatening injury.
2. After consultation with a Child Abuse Unit detective and qualified medical personnel, assume responsibility for the investigation if the child's survival appears unlikely.

Crime Scene Unit

1. Take photographs of any child who is the victim of suspected physical or sexual abuse when physical injury is evident.
2. Upon request of the investigating officer, only photograph genitalia after the officer has obtained prior approval from a Child Abuse Unit supervisor.
3. Photography shall occur in a private room, out of public view.

ASSOCIATED POLICIES

Policy 708, *Rape and Sexual Assault*

Policy 1008, *Investigative Operations*

Policy 1204, *Safeguarding Children of Arrested Parents*

Policy 1206, *Investigations Involving Children Who Have Witnessed a Domestic Violence-Related Homicide*

RESCISSION

Remove and destroy/recycle General Order L-1, *Child Abuse Investigations*, dated 28 June 2010.

COMMUNICATION OF POLICY

This Policy is effective on the date listed herein. Each employee is responsible for complying with the contents of this policy.