



Colorado Springs Police Department

Standard Operating Procedure

DL-1050-01 Juvenile Victims

Section 1000 – Patrol Functions

Effective Date: 8/2/2021

Supersedes Date: 7/16/2013

.01 Purpose

The purpose of the directive is to describe the expectations for interactions involving juvenile victims, with special attention being given to victims of child abuse.

.02 Cross Reference

[GO 325 Intoxicated Persons](#)

[GO 1050 Juveniles: General Applicability](#)

[GO 1053 Domestic Disturbances & Violence](#)

[GO 1056 Protective Orders](#)

[GO 1102 Interviews and Interrogations](#)

[GO 1618 Juvenile Records](#)

[DL-1050-10 Juvenile Offenders](#)

[DL-1100-03 Crime Scene Assessment](#)

[SOP P1-194 Crimes Against Children and Sex Crimes Investigations/Interview Guidelines](#)

.03 Definitions

Abuse (Child Abuse/Neglect): Defined in CRS § 19-1-103 as an act or omission in one of the following categories that threatens the health or welfare of a child:

- Any case in which a child exhibits evidence of:
 - Skin bruising
 - Bleeding
 - Malnutrition
 - Failure to thrive
 - Burns
 - Fracture of any bone
 - Subdural hematoma

- Soft tissue swelling,
- Death
- **And** either:
 - Such condition or death is not justifiably explained
 - The history given concerning such condition is at variance with the degree or type of such condition or death
 - The circumstances indicate that such condition may not be the product of an accidental occurrence
- Any case in which a child is subjected to unlawful sexual behavior as defined in CRS § 16-22-102 (9)
- Any case in which a child is a child in need of services because the child's parents, legal guardian, or custodian fails to take the same actions to provide adequate food, clothing, shelter, medical care, or supervision that a prudent parent would take. The requirements of this subparagraph (III) shall be subject to the provisions of section CRS § 19-3-103
- Any case in which a child is subjected to emotional abuse.
- Any act or omission described in section 19-3-102 (1)(a), (1)(b), or (1)(c)
- Any case in which, in the presence of a child, or on the premises where a child is found, or where a child resides, a controlled substance is manufactured or attempted to be manufactured, as defined in CRS § 18-18-102 (5);
- Any case in which a child is born affected by alcohol or substance exposure, except when taken as prescribed or recommended and monitored by a licensed health care provider, and the newborn child's health or welfare is threatened by substance use
- Any case in which a child is subjected to human trafficking of a minor for involuntary servitude, as described in CRS § 18-3-503, or human trafficking of a minor for sexual servitude, as described in CRS § 18-3-504 (2).
- In all cases, those investigating reports of child abuse shall consider accepted child-rearing practices of the culture in which the child participates including, but not limited to, accepted work-related practices of agricultural communities.
- Nothing in this subsection shall refer to acts that could be construed to be a reasonable exercise of parental discipline or to acts reasonably necessary to subdue a child being taken into custody pursuant to CRS § 19-2-502 that are performed by a peace officer, as described in CRS § 16-2.5-101, acting in the good faith performance of the officer's duties.

Child (Juvenile): A person under eighteen (18) years of age

Emotional Abuse: An identifiable and substantial impairment of the child's intellectual or psychological functioning or development or a substantial risk of impairment of the child's intellectual or psychological functioning or development.

.04 Procedure

The El Paso County Department of Human Services (DHS) has discretion to conduct a preliminary investigation of child abuse or neglect cases, without notifying law enforcement, and such preliminary investigations are often done in situations involving dirty house complaints, reports of children being left without adult supervision, or upon receiving other allegations that do not appear to involve imminent danger to a child. Once the police department is informed, by any means, of a known or suspected instance of child abuse or neglect, an immediate police investigation will take place, unless DHS, through its own prior investigation, has determined the complaint to be unfounded.

In the interest of conducting a collaborative investigation that minimizes a child victim's trauma, every effort will be made to coordinate a child abuse investigation with representatives from DHS, to include the assigned caseworker. All reports of child abuse/neglect and sexual abuse within a family will be referred to DHS. However, officers should keep in mind that DHS does not undertake criminal actions and DHS caseworkers are not equipped or trained to perform criminal investigations. When an offense report is taken, DHS must still investigate the matter. Police investigations are undertaken in addition to, not instead of, DHS investigations.

As reports of child abuse or neglect can reach the police department in several ways, the following guide should be used in conducting a child abuse investigation.

Mandatory Reporting Requirement

Law enforcement officers are considered mandatory reporters to a variety of situations, to include acts of known or suspected child abuse. This reporting requirement applies to information learned in an officer's personal and professional lives.

Investigation and Reporting Required

Police officers are among the persons specifically required by state statute to investigate and report all known or suspected incidents of child abuse or neglect. Failure to do so may expose the department and the officer to a degree of liability; civil, criminal, or both.

Whenever an officer is dispatched to a call involving a report of child abuse or neglect, the officer will make a thorough inquiry into the allegations. If evidence is discovered that leads the officer to suspect or conclude that a child has been the victim of neglect, physical abuse, or sexual abuse, a case report will be made. If no such evidence is discovered, no report need be made.

Unless otherwise arranged, patrol officers who initiate a misdemeanor abuse investigation will be responsible for conducting the investigation and following up on the information. If the officer is

not sure how to interpret a given set of facts discovered during the investigation, to include information provided by DHS, the officer will consult an on-duty supervisor and/or DHS. The officer will document their contact with DHS in their report.

Officer Investigation

In cases where the investigation is conducted by an officer, the following steps will be taken:

- During the investigation, the officer must observe the child; word of mouth is not sufficient evidence with respect to the child's condition.
- Officers will provide a detailed description of the injuries, both in the report and by taking pictures of the injuries/lack thereof. While photographs of a child's injuries taken by another person should be retained as evidence in the investigation, such photographs cannot be substituted for the officer's responsibility to take their own photographs.
- Generally, any child who can talk will be interviewed regarding how they were injured. A child led interview will be conducted in accordance with the guidelines provided in the [Child Abuse Interview Guidelines for First Responders](#).
- If evidence of abuse/neglect is detected, all children residing in the same residence will be examined for evidence of abuse or neglect. Depending on the scope of the investigation, officers should consider having such an examination conducted by a medical professional in a hospital setting, by an officer with the sex as the child, or in the presence of the child's non-offending parent. The names, dates of birth, and condition of these children will be documented in the officer's report, as well as by taking photographs of any injuries/lack thereof.
- If necessary, officers should seek medical attention for the child, which may include arranging for the child to be taken to the hospital. Such a transport should not be conducted by the offending parent nor an adult who does not have the child's best interest in mind. Such a circumstance may require the officer to take temporary protective custody of the child.
- The officer will examine the scene of an act of abuse (normally the home), to note the general condition and process any evidence pertinent to the investigation. This process will include taking photographs of the scene. In each situation, officers will consider their legal authority to conduct such an examination, to include determining the need to obtain a written/verbal consent or a search warrant.
- Any weapon or object used to cause injury to a child will be photographed, retained, and placed into evidence.
- If a medical examination is made, officers will obtain a statement from a doctor or medical professional involved in the treatment of the child indicating the results of the examination. Such a statement should include the possible cause of the injuries, the extent of the injuries (e.g. bodily injury, serious bodily injury, etc.), and estimated time of when the injuries were sustained. Using this information, the officer will seek to establish a timeline of who had

care/control of the child when they were last known to be uninjured up until the officer's personal contact with the child.

- If a child is taken into protective custody, officers will not discuss the outcome of the investigation with the parent, guardian, or legal custodian of the child. Officers will not give any information as to where the child has been taken, except to indicate that the child is in the custody of DHS.

Enforcement Action

Officers should, when probable cause exists, take enforcement action in any misdemeanor child abuse case, to include child neglect cases.

DHS Notification

In any known or suspected case of child abuse, child neglect, or sexual assaults of children by persons living in the home or persons in a position of trust, the Department of Human Services must be notified. This notification will be accomplished by calling the state's child abuse hotline, 844-264-5437 (844-CO-4-KIDS). The hotline is operated by local DHS personnel during business hours, Monday through Friday, and transitions to a statewide hotline after-hours and on weekends. This is the only acceptable mechanism to advise DHS of the information regarding the investigation.

When calling, officers will need to identify the county they are calling from to ensure the DHS case is routed to the correct county office. In addition, officers should be able to provide the following information:

- The identifying information of all parties involved, including names, dates of birth, and contact information
- A short description of the call for service, including any crimes being investigated
- The call screen and/or case report number
- Any known or suspected drug/alcohol involvement

The DHS screening process is often more expansive than the information officers have access to. If the officer does not have the answers to the question(s) being asked, officers should tell the call taker they don't have the information requested.

After the officer has made the required notification, the call taker will provide the officer with a DHS referral number. This number should be documented in the officer's case report. If no report is taken, then the referral number should be added to the call screen.

Immediate DHS Responses

In situations where the officers believe there is an immediate/imminent concern about the child's safety/well-being, the officer will request the call taker notify the on-call caseworker to discuss an immediate response. Examples of situations that may require an immediate DHS response include:

- A preschool-aged child left unattended for more than one hour
- A child who has suffered an injury directly as the result of a lack of adult supervision
- A parent renders themselves so intoxicated on alcohol or drugs that a small child is left entirely without adult supervision for a prolonged period
- Cases where an injury is inflicted by a parent or caretaker who is knowingly or recklessly engaging in abusive behavior and, because of this behavior, the child suffers an injury

In situations where Crimes Against Children (CAC) detectives are responding to assume responsibility for the investigation, the CAC unit sergeant will typically make the notification to the DHS *critical responder*. This does not take the place of the need for patrol to call the hotline and obtain a DHS Referral Number.

Protection of Investigator

If the DHS investigator encounters hostility or physical violence directed toward the investigator during the investigation, a police officer will be dispatched to the scene for the purpose of keeping the peace. This officer will remain with the DHS investigator if the potential for violence exists or until released by the DHS investigator.

Attachments

[Child Abuse Interview Guidelines for First Responders](#)