

DAYTON POLICE DEPARTMENT
GENERAL ORDER
CHILD ENDANGERMENT



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POLICY STATEMENT

Crimes perpetrated against children are on the increase. Often, the victim is defenseless, and the crime receives wide press coverage. It is imperative that responding police officers conduct a thorough and humane initial investigation. The purpose of this policy is to provide police officers with guidelines ensuring those serious crimes are handled properly.

I. ENDANGERING CHILDREN / CHILD ABUSE PROCEDURES

A. Endangering Children, ORC (Ohio Revised Code) §2919.22

1. Endangering Children is a crime against persons and a SEPARATE COMPLAINT is made for each incident. Multiple children can go on one DIBRS (Dayton Incident Based Reporting System) report if involved in the same incident.
2. Unless the child or responsible, non-suspect, adult requests otherwise, take abused or assaulted children to the DCH (Dayton Children's Hospital) located at One Children's Plaza, where specialized treatment is available. The DCH is well equipped to handle child abuse or sexual assault cases. The medical staff of the Emergency Department are trained and experienced in obtaining medical histories from children; preparing evidence in these cases; and preparing courtroom testimony. Furthermore, the DCH has an extensive follow-up treatment and counseling program for child abuse and sexual assault victims.
3. An investigation of Endangering Children will include pictures of the child. Montgomery County Juvenile Court has granted permission to take photographs in these cases. Procedure is as follows:
 - a. Telephone the **CSD (Children's Services Division)**, [REDACTED]
 - b. Inform them of the circumstances of the case, and state that a report of the investigation will be forwarded to them.
 - c. Have a Forensic Services Technician take color photographs and upload them to the approved storage database to be used as evidence. **DO NOT give photos to CSD caseworker or anyone else.** If photographing is impossible, explain why in the report. If no other option is feasible, the officer may take digital photographs and place copies of them in the Child Endangering Envelope (Form F-665).
 - d. The Montgomery County Prosecutor's Office has the following guidelines with respect to prosecuting certain Endangering Children cases (**Child left in car**). These details are needed for a successful prosecution.
 - 1) Temperature outside.
 - 2) Temperature inside of car (if possible).
 - 3) Were car windows up or down?
 - 4) What was the state of the child at the time? (Child sweating, hot to the touch, red faced, dehydrated, lethargic, any statements made by a medic if one is called.)
 - 5) How long was the child in the car? (While difficult to establish, if a parent states they were in a grocery, how many groceries did they have? If the parent was in a business or residence, talk to persons inside regarding the parent's length of time there – include names and address of witnesses. Ask if there are surveillance tapes to show how long a vehicle was there.)



These details are crucial in the prosecution of these cases. Keep in mind that even on a cooler day, the inside temperature of a vehicle can be extremely hot if parked in direct sunlight.

4. Officers investigating misdemeanor violations of Endangering Children, ORC §2919.22 must complete a Child Endangering Envelope (Form F-665) and a Child Endangering Injury Map (Form F-670).
5. The Care House conducts the follow-up investigation on these complaints.
6. When an officer is dispatched to the DCH, Social Work Department, for the purpose of a sexual or physical abuse investigation, if the social worker is able to provide the elements of a crime, it is permissible to complete an offense report without interviewing the victim.

This **only** pertains to felony sex crimes and physical abuse involving serious physical harm. The order-in policy remains the same. Misdemeanor offenses will be investigated as usual. **Unless an interview is crucial to the identification and/or apprehension of a suspect, the interview should be avoided.** Detectives will conduct comprehensive interviews during the follow-up investigation.

This procedure only pertains to CARE House cases.

In any case, an officer is required to complete an offense report and appropriate supplemental reports. A complaint memorandum is not acceptable for these offenses.

B. Child Abuse Procedures

1. CHILD ABUSE is now contained in the ENDANGERING CHILDREN statute, ORC §2919.22 (B)(1). Therefore, abuse may now be a felony if the abuse results in serious physical harm or the offender has a prior conviction under the Endangering statute, Neglect, Abandonment, or Contributing to Delinquency. See ORC §2919.22 (E). In these situations, the OFFICER MAY ELECT TO MAKE A PHYSICAL ARREST.
 - a. Any officer dispatched on any incident reporting physical or sexual abuse involving children as victims will execute a crime report and appropriate supplement reports. Information memos are not acceptable as a reporting procedure for these offenses.
2. CRITERIA FOR REMOVAL OF CHILDREN FROM HOME
 - a. The condition of child abuse or neglect has a potential for serious harm or even death to the child involved. Such potential is always possible but not always probable.
 - b. Although law enforcement personnel have the authority to remove children from a home under certain circumstances, officers should consult with their immediate supervisor and a representative from the Montgomery County CSD prior to removal of a child.
 - c. While the final decision as to whether or not to remove a child must be based upon the police officer's on-the-spot judgment of the imminent danger or the potential injury to the child, the following circumstances MAY be indicators that removal is necessary:
 - 1) Child is injured severely and in need of treatment for said injury.
 - 2) Severe abuse is evident by ACTUAL injury to the child, extensive bruises or other marks of injury.
 - 3) The parent, guardian or other custodian is violent due to mental derangement, alcohol, drugs, or other reasons.
 - 4) The child or adolescent is suicidal or violent.
 - 5) The child has a serious illness which, if untreated, will represent a danger to that child or other children in the home (a contagious disease), and parents refuse to permit treatment.



- 6) Very young children are alone or under the care of another person not mentally or physically able to care for them.
- 7) Actual or alleged sexual abuse
 - a) When sexual abuse is alleged, or there is injury, remove the child to the DCH for proper medical treatment and/or necessary evidentiary tests.
 - b) Notify the Montgomery County CSD.
- 8) The child is in IMMINENT risk and in need of protection from child abuse or neglect.
- d. Children in the above situations are not to be removed from the home unless it is determined that arrest or removal is NECESSARY FOR THE CHILD'S WELFARE. THE POLICE HAVE SOLE POWER TO REMOVE A CHILD. Consultation with a supervisor is ADVISABLE before a child is removed.
 - 1) EXCEPTION: A CSD representative may remove a child with a COURT ORDER.

Officers are to contact the CSD and advise them of the conditions prior to removal. Officers are encouraged to follow the advice of the CSD representative.
 - 2) An Information Memo WILL NOT suffice in an Endangering Children case. If any indication exists of an Endangering Children situation, make a crime report.
 - 3) Carefully investigate all such allegations because the line between ABUSE and PARENTAL DISCIPLINE is very thin.
 - 4) Any actual or alleged child abuse will necessitate a police report by the investigating police officer. The investigating detective will forward a copy of the crime report to the Montgomery County CSD.
- e. CONTRIBUTING TO DELINQUENCY OF A CHILD is contained in ORC §2919.24; while NONSUPPORT OR CONTRIBUTING TO NONSUPPORT OF DEPENDENTS is covered in ORC §2919.21.

The INTERFERENCE WITH CUSTODY statute, ORC §2919.23, is amended to include the language concerning Interference with Custody previously found in ORC §2151.41.

NOTE: Each day of a violation under ORC §2919.24, §2919.23 (B), and §2919.21 (B) is a SEPARATE offense.

II. CARE HOUSE UNIT DETECTIVES' RESPONSIBILITIES

- A. The following are the types of cases that should be considered for call outs for the Sexual Assault, Child Endangerment and CARE House detectives:
 1. All infant deaths
 2. Abduction, kidnapping of a juvenile
 3. Rape of a child, 13 and under within 72 hours of the offense
 4. Child victim of pornography or sexual exploitation
 5. Sudden unexplained death of a child (17 and under)
 6. Felony child endangering (serious physical harm)
 7. Missing children aged 6 and under – after 2 hours



8. Missing children foul play suspected
 9. Rape, with serious physical harm
 10. Felony sexual assault involving a family member and occurs in the home
 11. Sexual assault with multiple victims or suspects
- B. Members of the CARE House Unit have received training in child forensic interviewing. These detectives are to be called upon in "critical circumstances" to conduct interviews of children who have been victims or who have witnessed horrific crimes where their immediate interview is critical.
- The supervisor of the CARE House Unit will be available to consult with field supervisors and commanders should there be a question about when to utilize a Child Forensic Interviewer.
- C. CARE House Unit Detectives have the primary responsibility for follow-up investigations on Missing Children, Child Abuse, and Neglect.
- D. They will ensure that juvenile arrests are properly processed, and the necessary paperwork delivered to the Family Court Center on time.
- E. When the CARE House Unit Detective receives a case, which has one or more of the following factors, they should confer with the Juvenile Court Prosecutor to possibly divert the case from the Court system.
1. The offender is extremely young
 2. The offender has no prior record
 3. The offense was minor in nature
 4. The complainant does not desire to pursue the matter in Court.
- F. When a decision is made by the Prosecutor not to file formal charges, the Detective may make a referral to a local rehabilitation program.

III. SUPERVISOR'S RESPONSIBILITY

- A. The supervisor of the CARE House Unit is responsible for coordinating with the DCH, CSD, and the Montgomery County Juvenile Court in designing and implementing programs intended to enhance the effectiveness and cooperation of multi-disciplinary investigations.

IV. ORDER-IN PROCEDURE FOR CHILD SEXUAL ASSAULT, CHILD ABUSE AND CHILD NEGLECT

- A. CARE House will be the order-in location for all cases meeting the below criteria in which the victim is 17 years of age or younger, or in cases which the victim is physically or mentally handicapped and age 21 or under. The criteria for CARE House order-in is as follows:
1. Sexual assault / abuse of a child.
 2. Physical abuse / neglect when serious physical harm exists or any other physical injury that seriously impairs the health or well-being of a child, where abuse is suspected.

If you have any questions on an injury that may require a CARE House order-in, please contact the Care House Unit supervisor.



In abuse cases where an order-in is necessary, the victim and the non-suspect parent / guardian / custodian will be ordered-in to CARE House at [REDACTED] at 0900 hours the NEXT BUSINESS DAY. The CARE House is open Monday through Friday and is closed on holidays. If an investigation is concluded after midnight, DO NOT order in the same morning. Officers will complete and provide an "appointment card" to the non-suspect parent / guardian of the victim with the details of the order-in.

The appointment card is provided by CARE House.

If a suspect order-in is necessary, the order in is always to the Safety Building Investigations Division. SUSPECTS ARE NEVER TO BE ORDERED-IN TO, TAKEN TO, OR ADVISED OF THE CARE HOUSE LOCATION.

This policy does not change the call out procedure in General Order 2.07-1, Call Out – Call Back Procedures Section II.