


# **GAINESVILLE POLICE DEPARTMENT**

## **GENERAL ORDER**

	<b>TITLE</b> Investigations of the Physical and/or Sexual Abuse of Children		<b>ACCREDITATION</b> CALEA Chapter 42
	<b>PROponent UNIT</b> Criminal Investigations Division (CID)		<b>PRIOR REVISIONS</b> 06/27/05, 06/30/08, 01/03/18
		<b>ATTACHMENT:</b>	
<b>NUMBER</b> 40.8	<b>ISSUE DATE</b> 07/01/98	<b>REVISION DATE</b> 07/19/22	<b>TOTAL PAGES</b> 8

**I. PURPOSE:** The purpose of this order is to instruct members on the proper and sensitive handling of crimes involving the physical and/or sexual abuse of children, and to identify the resources available to support the victim and the investigation.

**Note:** The Gainesville Police Department has entered into an Inter-Agency Agreement with the Child Advocacy Center. The Gainesville Police Department has agreed to follow the Multi-Disciplinary Team approach and protocol established with the Child Advocacy Center when investigating physical and/or sexual abuse of children. This General Order outlines policy that follows the protocol guidelines established for the Multi-Disciplinary Team approach.

**II. POLICY:** It is the policy of the Gainesville Police Department to thoroughly investigate crimes involving the physical and/or sexual abuse of children to ensure the protection of children and the prosecution of offenders. Members will also properly report complaints of physical and/or sexual abuse of a child to the appropriate agencies.

**III. DISCUSSION:** In accordance with Florida State Statutes Chapters 39, 794, and 827, "physical and/or sexual abuse of a child" will be defined broadly to ensure instances of abuse are properly categorized and investigated. Ultimately, the crime charged will be based upon the facts and results of the investigation.

### **III. DEFINITIONS:**

1. **Child:** A person under the age of 18 years.

2. **Child Advocacy Center (CAC):** A non-profit organization that coordinates investigative efforts among the Multi-Disciplinary Team Members. The CAC conducts forensic interviews of children and provides access to appropriate mental health evaluations and treatment. The CAC is a part of the Multi-Disciplinary Team.

3. **Child Protective Investigator (CPI):** An employee of the Department of Children and Families who investigates child abuse for the purpose of assessing the welfare of the child and making decisions on his/her disposition and protection. The CPI is NOT responsible for investigating criminal allegations.

**4. Child Protection Team (CPT):** Medical professionals specifically trained in conducting Forensic Medical Exams of children who have been physically or sexually abused. Forensic Medical Exams are conducted at CPT. CPT has the ability to medically diagnose a child's injuries as resulting from physical and/or sexual abuse. CPT has someone on-call 24 hours a day, seven days a week. CPT is a part of the Multi-Disciplinary Team.

**5. Department of Children and Families (DCF):** A state agency that primarily investigates allegations of the physical and/or sexual abuse of a child or the neglect of a child. DCF has a supervisor and investigator on-call 24 hours a day, seven days a week. DCF is a part of the Multi-Disciplinary Team.

### IV. PROCEDURE

**A. Police Response/Assignment:** Complaints of the physical and/or sexual abuse of a child, including those from DCF, that occurred within the City Limits of Gainesville will be fielded by the Combined Communications Center (CCC). The CCC will evaluate the information received to determine the appropriate Police response.

**1. Front Desk Officer:** An Incident/Investigative Report may be taken over the phone when the CCC determines:

a. There is a significant time delay (several weeks or months have passed) in the reporting of the alleged abuse **and** the child is not in danger of further abuse, and/or

b. The victim/child is not in Alachua County **and** there is no potential crime scene.

\*\*\* **Note:** Disputes over whether or not the report should be taken by phone will be resolved by a Patrol supervisor.

**2. Dispatch:** An officer will be dispatched to investigate criminal allegations of the physical and/or sexual abuse of a child in all other instances.

**B. Investigative Responsibility:** Department Members investigating a case involving an allegation of the physical and/or sexual abuse of a child will conduct an initial investigation to evaluate the complaint and determine whether or not the allegations are criminal. [CALEA 42.2.1.d]

**1. Initial Investigation:** The Department Member is responsible for taking the lead in the criminal investigation, even if a Child Protective Investigator from DCF is involved.

i. Initially, the Member will interview: the complainant, witnesses, neighbors, family members, parents, medical personnel, and any other person with knowledge. [CALEA 42.2.1.b]

ii. The Member should not interview the child/victim unless there are extenuating circumstances:

a. The suspect is on-scene and will not be easily located at a later date.

b. There is a concern the parent/guardian will not protect the child.

iii. If the Department Member determines it is necessary for the child/victim to be interviewed immediately, the Member will:

a. Contact the Criminal Investigations Division (CID) for assistance in arranging for a Forensic Interview of the child/victim. The CAC is the preferred means of interviewing the child/victim.

b. In the rare instance the CAC and/or CID is not able to assist immediately, the Member will interview the child/victim to determine:

1). Location of incident;

2). Time and date of incident(s);

3). Potential suspect(s) and their relation to the victim;

4). Type of abuse.

c. If possible, Members should wait until the DCF Investigator arrives on scene to interview the child/victim because there is a statutory limit on the number of interviews.

d. Statutorily, the number of times a child may be interviewed is limited to three.

iv. The Member **WILL NOT** obtain written statements from any child involved in the investigation, regardless of whether they are a victim or a witness.

**2. Interviewing the Suspect:** It is recommended the suspect not be interviewed prior to the child/victim being interviewed or prior to a Forensic Medical Exam of the child/victim. If the circumstances of the investigation dictate it is necessary to interview the suspect, the Member should:

i. Contact CID for assistance;

ii. If CID is not able to assist, the Member will conduct the interview with the suspect.

iii. If at all possible, the Member will videotape or record the interview;

iv. Ask questions as to how the child/victim sustained any injuries;

- e. Consider whether the suspect's explanation is consistent with the child/victim's injuries;
- f. Evaluate the suspect's explanation compared to other information gathered during the investigation.

**C. Department of Children and Families:** DCF investigates cases involving suspected physical and/or sexual abuse of a child, child abandonment, and child neglect. DCF will conduct an investigation if the suspect was in a caregiver role at the time of the incident. DCF will also conduct an investigation of a case involving child-on-child sexual abuse under certain circumstances.

**\*\*\* Note:** A goal of the multi-disciplinary team approach is to coordinate investigative efforts between Law Enforcement and DCF to reduce the amount of duplicated efforts by each agency.

### **1. DCF Notification:**

i. Unless initially reported by DCF, Members who investigate a report of a crime against a child must immediately notify DCF. In order to decrease the amount of time it takes to make a report the following reporting options are suggested. Members may use any of the reporting methods listed below regardless of day or time.

a. During Business Hours (Mon-Fri 0800-1700): Notification may be made by calling the DCF Central Abuse Hotline at 1-866-LE-ABUSE (1-866-532-2873). Members will obtain the operator's name and I.D. number and include that information in the Investigative Report.

b. After Hours and Weekends: Notification may be made via fax or electronically through the Florida Abuse Hotline web site. Online and fax reporting procedures are provided on the GPD intranet under Florida Abuse Hotline. Members will confirm notification of DCF by printing the confirmation screen or the fax confirmation and providing the form to the Records Section to be scanned with the report.

ii. If the circumstances of the investigation require immediate action or assistance from DCF, the Member will call the Abuse Hotline to request an immediate response.

iii. If Members investigate a case involving a crime against a child and DCF is not involved or notified of the investigation the CID supervisor reviewing the report shall ensure the proper notifications have been made.

**2. Protective Custody:** In order to protect a child, a Member may take into protective custody a child who has been abandoned, or is suffering from, or is in imminent danger of illness or injury as the result of abuse, neglect, or abandonment.

**\*\*\* Notification:** After taking a child into protective custody, the Member must immediately contact DCF personnel, who shall conduct a protective investigation to determine placement of the child. Members will also notify their immediate supervisor.

**D. Child Protection Team (CPT):** Forensic Medical Exams are conducted at CPT. CPT has the ability to medically diagnose a child's injuries as resulting from physical and/or sexual abuse. CPT has someone on-call 24 hours a day, seven days a week. The Member will assess the child/victim's physical condition to determine the extent of any injuries to the child/victim. Members themselves will not conduct any form of examination that is inappropriate or for which they are not qualified or trained.

**\*\*\* Note:** Members should be familiar with Florida State Statute 39.304, which authorizes Members to seek medical attention for a child **without** the consent of the parent(s) or legal guardian.

1. The Member will request EMS if the child/victim has injuries requiring immediate medical attention. If the child/victim has to be taken to a hospital, the Member will ensure the child is taken to Shands at UF and CPT is contacted to respond to Shands at UF.

2. In circumstances where a Forensic Medical Exam needs to be completed on an urgent basis at CPT, the Member will contact CPT to schedule the exam. The circumstances will include:

i. Sexual abuse cases alleged to have occurred within 120 hours in which there is a likelihood physical evidence may be collected and preserved, or

ii. Physical abuse injuries likely to be altered before the next regular workday by either the healing process or treatment measures. If there is a question as to whether a Forensic Medical Exam will be completed on an urgent basis, the Member should contact CPT (on-call if after hours) or CID (Detective On-Call if after hours) to determine if and when the Forensic Medical Exam needs to be completed.

3. CPT Forensic Medical Exams that are not urgent will be conducted on a regularly scheduled workday. The Member will notify CID to have a Detective assist in scheduling the Forensic Medical Exam. Forensic Medical Exams that are not urgent will be conducted under the following circumstances:

i. Sexual abuse cases with specific allegations that did not occur within the last 120 hours, involving penetration, or the possibility of penetration, or other specific allegations which might lead to sexually transmitted disease (oral/genital contact). Fondling of breasts or genital areas over clothing **DOES NOT** meet the criteria for a Forensic Medical Exam.

ii. Physical abuse allegations involving injuries to the child/victim that will persist until the next regular workday. CPT has the ability to medically diagnose the injuries to a child/victim as physical abuse, which is necessary for the criminal prosecution of the case.

**E. Evidence Collection:** Members assigned responsibility for investigating a case involving the physical and/or sexual abuse of a child will perform, or ensure the performance of, the following tasks:

**1. Photograph:** The child, any injuries to the child, the crime scene, and surroundings.

**2. Collect Physical Evidence:** Ensure all related items of evidence are identified, photographed, and collected.

In physical abuse cases, anything of evidentiary value relating to the condition, or leading to or causing the harm (such as medicine, substances, an instrument, or weapon).

In sexual abuse cases, immediately secure, or ensure the security of, all related crime scenes/areas. Request the Forensic Crime Unit to respond to process the crime scene(s). [CALEA 42.2.1.c]

**F. Reports:**

**1. Non-criminal Incident:** If the facts of the investigation indicate a crime did not occur, the investigating Member(s) will briefly document their investigation in an Incident/Investigation Report. If DCF is involved in the investigation, the member will include the DCF Protective Investigator's name and the DCF Abuse Report Number in their Incident/Investigative Report.

**2. Criminal Incident:** If the facts of the investigation indicate a crime did or may have occurred, the investigating Member(s) will conduct a thorough, complete investigation. The Member will write an Incident/Investigation Report and any other supplemental reports relevant to documenting the investigation.

**3. Content:** Depending on the circumstances of the case, Members should include the following information in the report:

i. Biographical information of the victim(s), parent or guardian, suspect(s), witnesses, and any other siblings or adults who are living in the household;

ii. Detailed description of abuse or neglect, to include dates, circumstances, cause, age/extent of the injury, and condition of the child(ren); [CALEA 42.2.1.a]

iii. Exact location of where the abuse occurred, to include the location/room within the residence;

iv. Location of the abused child, if the child is removed from the home by DCF;

v. Note the relationship between the child/victim and the suspect;

- vi. Summary of any investigative interviews;
- vii. Information regarding the medical treatment and/or evaluation of the child/victim;
- viii. Information received from any other agency involved in the investigation;
- ix. Status of the investigation regarding what type of crime occurred, if any, and any information regarding criminal charges;
- x. Include a copy of the DCF Abuse Report and CPT Medical Examination Report, if available.

**F. Physical Indicators of Abuse:**

**1. Physical Abuse:** Repetitive physical assault may be indicated by multiple bruises, wounds, abrasions, or skin lesions in various stages of healing.

**i. Skin Injuries:** Intentional skin injuries may be determined by their location and pattern, the presence of multiple lesions of different ages, or the failure of new lesions to appear after hospitalization.

**ii. Bruises:** Bruises are due to leakage of blood into skin tissue damaged by a direct blow, a crushing injury, or other traumatic contact.

**iii. Potentially Intentional Injuries:** Bruising on the child's upper arms, trunk, front of thighs, side of face, ears, neck, genitalia, stomach, or buttocks may indicate an intentional injury.

**iv. Accidental:** Accidental injuries usually occur in areas such as the shins, hips, lower arms, forehead, hands, knees, chin, and elbows.

**v. Burns:** Intentional burns are usually located on the buttocks or in the area between the legs near the anus or genitalia. The burns may have sharply defined edges; be thick, symmetrical, or infected; or conform to the pattern of an instrument. Guardians may ascribe blame to another child or not have the wounds treated.

**vi. Head Injuries:** Head injuries due to abuse (such as shaking and hitting) are more likely to occur to children under the age of two. Besides obvious wounds and injuries, signs of head trauma include irritability, lethargy, poor appetite, vomiting, seizures, or coma.

**vii. Internal Injuries:** There are few signs of internal injuries, so medical examination is important. Indications include tenderness in the trunk area, vomiting, swelling, non-specific pain, and other symptoms.

**2. Death Investigations:** The investigation of a child's death will be handled in accordance with General Order 40.4 – Death Investigations. Members will be sensitive when dealing with family members who are dealing with the death of a

child. Any investigation regarding the death of a child requires notification of CID. Detectives will respond, as deemed appropriate by the Detective Commander on-call.

i. Members will consider the circumstances of the death and conduct a thorough investigation to determine if the death resulted from child abuse.

ii. If there is any indication or concern of suspicious circumstances, the Member notifying the Detective Commander on-call will clearly articulate those circumstances. The Detective Commander on-call will determine if it is necessary to have the Forensic Crime Unit respond.

**3. Corporal Punishment:**

i. Parents have the right to dispense corporal punishment for disciplinary reasons or to correct a child's behavior.

ii. Corporal punishment does not necessarily constitute child abuse when the action is not malicious, excessive, cruel, inflicted for frivolous reasons, or does not result in permanent injury or disfigurement. For instance, minor bruising on the buttocks may not constitute child abuse.

iii. When investigating instances of corporal punishment, members shall consider acceptable and reasonable guidelines when assessing whether or not the actions constituted abuse.

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**By Order of**

***Signed Original on file in the  
Accreditation Section***

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**Tony R. Jones  
Chief of Police**