

## **Policy 330 Child Abuse**

### **330.1 PURPOSE AND SCOPE**

**I**. The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Mountlake Terrace Police Department members are required to notify the Department of Children, Youth, and Families, Child Protective Services (CPS) of suspected child abuse.

#### **330.1.1 DEFINITIONS**

**I** Definitions related to this policy include:

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

**Child abuse** - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency.

### **330.2 POLICY**

The Mountlake Terrace Police Department will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

### **330.3 MANDATORY NOTIFICATION**

Members of the Mountlake Terrace Police Department shall notify CPS when a report of abuse or neglect of a child is received or when there is reasonable cause to believe that a child has suffered abuse or neglect (RCW 26.44.030).

For purposes of notification, abuse or neglect of a child includes sexual abuse, sexual exploitation, female genital mutilation, and human trafficking; injury inflicted by any person under circumstances that cause harm to the child's health, welfare, or safety, excluding lawful discipline; and the negligent treatment or maltreatment by a person who is responsible for, or providing care to, a child (RCW 26.44.020).

Officers shall promptly notify CPS whenever a child under 16 years of age is in a vehicle being driven by the child's parent, guardian, legal custodian, sibling, or half-sibling and that person is being arrested for a drug or alcohol-related driving offense (RCW 46.61.507).

If, during an investigation of drug manufacturing, an officer discovers that a child is present at the investigation site, the officer shall notify CPS immediately (RCW 26.44.200).

#### **330.3.1 NOTIFICATION PROCEDURE**

Notification should occur as follows (RCW 26.44.030(5)):

- a. In emergency cases, notification to CPS should be made immediately when the child's welfare is endangered but in all such cases within 24 hours.
- b. In non-emergency cases, notification to CPS shall be made within 72 hours after a report is received.
- c. Notification, when possible, should include (RCW 26.44.040):
  - 1. The name, address and age of the child.
  - 2. The name and address of the child's parents, stepparents, guardians or other persons having custody of the child.
  - 3. The nature and extent of the alleged injury or injuries.
  - 4. The nature and extent of the alleged neglect.
  - 5. The nature and extent of the alleged sexual abuse.
  - 6. Any evidence of previous injuries, including the nature and extent of the injury.
  - 7. Any other information that may be helpful in establishing the cause of the child's death, injury or injuries, and the identity of the alleged perpetrator or perpetrators.
- d. The Department shall forward all case dispositions to CPS.

### **330.4 QUALIFIED INVESTIGATORS**

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

- a. Conduct interviews in child appropriate interview 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 (RCW 26.44.180).

### **330.5 INVESTIGATIONS AND REPORTING**

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.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- a. 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.
- b. The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- c. Any relevant statements the child may have made and to whom the child made the statements.
- d. 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.
- e. Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

- f. Whether the child victim was transported for medical treatment or a medical examination.
- g. 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.
- h. Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- i. Previous addresses of the victim and suspect.
- j. Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- k. Applicable local protocol regarding child abuse investigations (RCW 26.44.185).

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).

### **330.6 PROTECTIVE CUSTODY**

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. 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.

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 CPS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (RCW 26.44.050):

- a. A court order has been issued authorizing the removal of the child.
- b. There is probable cause to believe that taking the child into custody is necessary to prevent imminent physical harm to the child due to child abuse or neglect, including that which results from sexual abuse, sexual exploitation, a high-potency synthetic opioid (e.g., fentanyl), or a pattern of severe neglect, and that the child would be seriously injured or could not be taken into custody if it were necessary to first obtain a court order (e.g., the child could be taken and concealed).

### **330.7 INTERVIEWS**

#### **330.7.1 PRELIMINARY INTERVIEWS**

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When

practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

### **330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW**

An officer should not detain a child involuntarily 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:

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

### **330.7.3 TRAINING REQUIREMENT**

Only those members who have successfully completed Washington State Criminal Justice Training Commission (WSCJTC) sponsored training on interviewing child victims of sexual abuse shall participate in or conduct such interviews. Interviews of children who are suspected victims of sexual abuse will be conducted in compliance with the training standards set forth in RCW 43.101.224.

## **330.8 MEDICAL EXAMINATIONS**

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. The officer should also arrange for the child's transportation to the appropriate medical facility.

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. 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.

## **330.9 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 the manufacturing, trafficking, or use of narcotics.

### **330.9.1 SUPERVISOR RESPONSIBILITIES**

The Investigations Division Supervisor should:

- a. Work with professionals from the appropriate agencies, including CPS, 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 Investigations Division 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.
- c. Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

### 330.9.2 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 lives should:

- a. Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- b. Notify the Investigations Division Supervisor so an interagency response can begin.

## 330.10 STATE MANDATES AND OTHER RELEVANT LAWS

Washington requires or permits the following:

### 330.10.1 RELEASE OF REPORTS

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 (RCW 42.56.240).

Records and information may be made available to multidisciplinary investigative team members as necessary for the performance of the member's duties as a member of the team. Members receiving records and information are subject to the same privacy and confidentiality restrictions as the person providing the information or records (RCW 26.44.175).

### 330.10.2 ARREST WITHOUT WARRANT

When an officer responds to a call alleging that a child has been subjected to sexual or physical abuse or criminal mistreatment and has probable cause that a crime has been committed, or the officer responds to a call alleging that a temporary restraining order or preliminary injunction has been violated, he/she has the authority to arrest the person without a warrant (RCW 10.31.100; RCW 26.44.130).

### 330.10.3 CASE SUBMISSION TO PROSECUTOR

The Mountlake Terrace Police Department shall forward all cases of child abuse to the appropriate prosecutor when a crime may have been committed and (RCW 26.44.030):

- a. A child has died or has had a physical injury.
- b. Injuries were inflicted upon a child other than by accidental means.
- c. A child has been subjected to alleged sexual abuse.

### 330.10.4 AGENCY COORDINATION

If this department responds to a complaint of alleged child abuse and discovers that another agency has also responded to the complaint, this department shall notify the other agency of its presence. The agencies shall coordinate the investigation and keep each other apprised of progress (RCW 26.44.035).

### 330.10.5 LOCAL CHILD ABUSE PROTOCOLS

The Investigations Division Supervisor should ensure that local child abuse protocols for the investigation of child abuse are available to those department members who have a role in child abuse investigations (RCW 26.44.185).

### 330.10.6 CONFLICT OF INTEREST IN INVESTIGATIONS

An officer shall not participate as an investigator in a child abuse case concerning a child for whom he/she is, or has been, a parent, guardian or foster parent (RCW 26.44.190).

### 330.10.7 POSTING OF MANDATED REPORTER REQUIREMENTS

The Shift Sergeant shall ensure that the CPS poster regarding mandated reporting requirements for child abuse and neglect is posted in a member common area (RCW 26.44.030).

### 330.10.8 CHILD FATALITY INVESTIGATIONS

The Department should cooperate with any local health department child fatality investigation (RCW 70.05.170).

## **330.11 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.
- g. Recognizing abuse that requires mandatory notification to another agency.