

## ABUSE / NEGLECT / INJURY - CHILD

### POLICY:

It is the policy of the Omaha Police Department (OPD) to investigate all reports of child abuse, sexual abuse, and neglect, as well as serious or suspicious injuries to children. Procedures for report taking and investigation will vary depending on the location and age of the child.

### PROCEDURE:

#### I. Mandatory Notification of the Child Special Victims Unit (CSVU)

- A. When an officer determines there is a violation of Nebraska Revised Statute (NRS) [§28-707](#) Child Abuse, NRS [§28-713](#) requires law enforcement officers “to take immediate steps to protect the child, and to institute legal proceedings if appropriate.”
- B. Officers SHALL contact the CSVU in the following cases:
  - 1. All misdemeanor and felony child abuse/neglect cases or sexual assaults with juvenile victims.
    - a. Felony child abuse/neglect cases or sexual assaults with juvenile victims SHALL be reported to the CSVU IMMEDIATELY, twenty-four hours a day, seven days a week.
  - 2. Serious injury to a child.
  - 3. Suspicious injury to a child reported by a medical professional.
  - 4. Homicides in which a child may have died as the result of abuse.
- C. Responding officers may ask the child minimal questions to determine if probable cause of a crime exists. However, the detailed interview of child victims shall be conducted by a trained CSVU investigator.
- D. During “A”-Shift and on weekends, holidays, and other non-business hours, officers may contact Field Investigations Detectives, weekend duty detectives, or the on-call CSVU member. If officers contact Field Investigations Detective/weekend duty detectives, the Field Investigations Detective/weekend duty detective will make appropriate notifications to the CSVU.

#### II. Investigations in Schools, Hospitals, and Daycare Centers

- A. When a complaint of child abuse, neglect, or sexual abuse is received by school, hospital, or daycare center officials, NRS [§28-711](#) requires that they report the complaint to either law enforcement or the Child Protective Services (CPS) Hotline.
- B. UPB officers responding to such calls may ask the child minimal questions to determine if probable cause of a crime exists. However, the detailed interview of child victims shall be conducted by a trained CSVU investigator.
  - 1. Once probable cause is established, the UPB officer shall contact the CSVU for further direction.
- C. In cases of suspected child abuse, neglect, or sexual abuse, NO ONE shall contact the child’s parents unless the investigating officer specifically requests they do so.

1. In all cases, regardless of notification by school, hospital, or daycare center staff, the investigating officer is responsible for notifying a parent regarding a child's interview or child placement in protective custody.
2. The investigating officer will make certain the notification is made in a timely manner.

### III. Investigations by Uniform Patrol Bureau Officers

- A. When responding to radio calls of child abuse/neglect, the UPB officer will determine if, in fact, abuse/neglect exists. If an officer determines that there is abuse/neglect, they shall complete an Incident Report.
- B. If the UPB officer determines upon arrival that a felony sexual assault occurred and the victim is 15 or younger, the officer shall not interview the victim. The officer shall contact the CSVU, and an investigator will assume responsibility for the investigation.

**NOTE:** Responding UPB officers may ask the child minimal questions to determine if probable cause of a crime exists.

- C. When the abuse/neglect occurs during "B" and "C" Shifts, the CSVU shall be notified. During "A" Shift and on weekends, holidays, and other non-business hours, officers will contact Field Investigations Detectives, weekend duty detectives, or the on-call CSVU member for directions. If officers contact Field Investigations Detectives/weekend duty detectives, the Field Investigations Detective/weekend duty detective will make appropriate notifications to the CSVU.
- D. When an officer is unable to substantiate a complaint of child abuse/neglect or sexual assault (i.e., no visible injuries or the victim refuses to cooperate, etc.), the officer shall advise CSVU and shall prepare an Information Report ([OPD Form 42](#)). The Information Report shall be forwarded to the CSVU.

### IV. Initial Report and Investigation Requirements

- A. Reports of child abuse, neglect, or sexual abuse will list the child as the victim.
- B. When there is visible evidence of abuse, neglect, or sexual abuse of a child, the OPD Forensic Investigations Unit shall be called to take photographs.
- C. Any child who needs medical attention may be removed from the scene and taken to an emergency hospital.

**NOTE:** Officers shall not remove children from their residence before advising the CSVU and receiving directions. During "A"-Shift and on weekends, holidays, and other non-business hours, officers will contact Field Investigations Detectives, weekend duty detectives, or the on-call CSVU member for directions. If officers contact Field Investigations Detectives/weekend duty detectives, the Field Investigations Detective/weekend duty detective will make appropriate notifications to the CSVU.

- D. If persons at the scene of the alleged complaint of abuse/neglect do not cooperate with the investigating officers, and no "reasonable cause facts" exist for forced entrance to check on the safety of the children, the UPB Sergeant should be contacted.
  1. If entrance for inspection purposes is denied after the persons talk with the UPB Sergeant, an Information Report ([OPD Form 42](#)) shall be completed and forwarded to the CSVU.

- E. When more than one child is a victim in an abuse/neglect or sexual assault situation, officers shall complete one Incident Report for each child. All reports will carry the same RB Number if the incident is similar in circumstances and place.
- F. For each call of possible abuse/neglect or sexual assault, the above procedures shall be followed. This includes multiple calls to a particular address when the officer has found no evidence of child abuse/neglect or sexual assault.

## **V. Victim and/or Witness Immunity**

- A. During an investigation of a sexual assault of a child, an officer may find that a victim and/or witness has committed an alcohol or drug offense that is eligible for arrest or prosecution. Under NRS § [28-1701](#), a victim or a witness of a sexual assault of a child SHALL NOT be arrested or prosecuted for committing an eligible alcohol or drug offense if:

- 1. They reported the sexual assault of a child to law enforcement in good faith and/or requested emergency medical assistance for the victim of the sexual assault;

- AND -

The evidence supporting the arrest or prosecution of the victim or witness who committed the eligible alcohol or drug offense was obtained or discovered as a result of such person reporting the sexual assault of a child to law enforcement and/or requesting medical assistance for the victim of the sexual assault;

- OR -

- 2. The evidence supporting the arrest or prosecution of the victim or witness who committed the eligible alcohol or drug offense was obtained or discovered as the result of the investigation or prosecution of the sexual assault of a child;

- AND -

Such person cooperates with law enforcement in the investigation or prosecution of the sexual assault of a child.

**NOTE:** The definition of an eligible alcohol or drug offense means a violation of NRS Sections [28-416 \(3\)](#), [28-416 \(13\)](#), [28-441](#), [53-180.02](#), or [53-180.05](#); or violation of any city or village ordinance similar to those sections; or attempt, conspiracy, solicitation, being an accessory to, aiding and abetting, aiding the consummation of, or compounding of a felony with any of the offenses mentioned in those sections as the underlying offense.

## **VI. Affidavit for Removal**

- A. If the child's well-being is endangered due to neglect, abuse, or sexual abuse, the child shall be placed into protective custody. The following protective custody placement procedures apply to child abuse/neglect or sexual assault investigations.
  - 1. When a determination is made to place the child into protective custody, the investigating officer shall contact the CSVU, prior to removing the child, to make further arrangements.
    - a. During "A"-Shift and on weekends, holidays, and other non-business hours, officers will contact Field Investigations Detectives, weekend duty detectives, or the on-call CSVU member. If officers contact Field Investigations Detectives/

weekend duty detectives, the Field Investigations Detective/weekend duty detective will make appropriate arrangements for placement and/or notify the CSVU for assistance.

**NOTE:** In those cases where the officer needs additional assistance to determine whether to remove a child, the officer will contact their UPB Sergeant.

2. When an officer decides to remove an endangered child for their safety during the criminal investigation, the investigating officer shall complete the following steps, in addition to completing an Incident Report:
  - a. Complete an Affidavit for Removal of Juvenile(s) from Parental/Custodial Home ([OPD Form 96](#)).

**NOTE:** Officers need to be specific in the narrative as to why the child(ren) are being placed into protective custody.

- b. Fax or email a copy of the notarized Affidavit to the CSVU.
    - c. Place the original Affidavit in the CSVU tray at the CIB console.
  - B. When a juvenile is placed into protective custody, at no time should the parents or legal guardian be given the address or location of the child(ren). Officers will note in original reports only that the child was placed into protective custody.

## **VII. Distribution of Reports**

- A. Upon completing an investigation, the investigating officer shall make certain copies of all reports pertaining to the investigation are hand-carried, faxed, or scanned and emailed to the CSVU.
- B. The CSVU shall provide a copy of all involved crime reports to Douglas County CPS.

## **VIII. Follow-Up Investigation**

- A. All investigations will be carried through to the prosecution level when warranted. All cases will be closed by:
  1. Arrest of the suspect.
  2. Request for a warrant.
  - OR –
  3. Turning the case over to CPS on all cases that do not reach the level of need for prosecution of the suspect.

## **IX. Newborn Safe Haven Act (NRS [§43-4901](#) – [§43-4903](#))**

- A. People shall not be prosecuted of any crime based solely on leaving a child ninety (90) days old or younger in the custody of an employee on duty at a hospital, staffed fire station, staffed law enforcement agency, or an emergency care provider.
- B. Any time a child 90 days or younger is left in the custody of an on-duty, staffed OPD facility, personnel will notify the CSVU Lieutenant and Nebraska Department of Health and Human Services (DHHS) immediately.

- C. Document the surrender with body worn cameras, mobile video recorders, and/or precinct building cameras, when possible.
  - D. Ask the surrendering person if they are willing to complete the Newborn Safe Haven Act Voluntary Information form ([OPD Form 151](#)). That person is under no obligation to do so but it will be beneficial to the care of the surrendered infant.
    - 1. The Newborn Safe Haven Act Voluntary Information Form ([OPD Form 151](#)) shall be given to hospital staff.
- NOTE:** The information on this form will not be shared except to provide immediate care for the infant.
- E. The employee shall call 911 or your local dispatch to request a Safe Haven transport of the infant via the Omaha Fire Department (OFD) to Children's Hospital for further assessment, unless injuries would require a different hospital (i.e. trauma).
    - 1. Inform dispatch or 911 that this is a Safe Haven transport and include the infant's condition (i.e., healthy, obvious injuries, or health issues).
  - F. Complete an Information Report.

## REFERENCES:

### I. Nebraska Revised Statutes

- A. Referenced NRS: [§28-416 \(3\)](#), [§28-416 \(13\)](#), [§ 28-441](#), [§ 28-707](#), [§28-711](#), [§28-713](#), [§28-717](#), [§43-4901](#), [§43-4903](#), [§53-180.02](#), [§53-180.05](#)

### II. Previous OPD Orders

- A. Previous General Orders: #9-86, 89-87, 33-88, 35-88, 107-88, 58-90, 60-91, 21-95, 3-97, 6-14, 3-15, 37-20, 41-22, and 050-24.
- B. Previous Information Orders: #340-94.

### III. Accreditation Standards

- A. Relevant CALEA Accreditation Standards: 44.2.2.

### IV. Other

- A. PPM Monthly Updates #7-2018 and 10-2019.