

ABUSE / NEGLECT / INJURY - CHILD

POLICY:

It is the policy of the Omaha Police Department (OPD) to investigate all reports of child deaths, child abuse, sexual abuse, and neglect, Child Sexual Abuse Material, 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.

DEFINITIONS:

Child: For purposes of this policy, the term “child” refers to persons under eighteen (18) years of age.

Child Abuse: Per Nebraska Revised Statute (NRS) [§28-707](#), Child Abuse is when a person knowingly, intentionally, or negligently causes or permits a minor child to be placed in a situation that endangers their life or physical or mental health, cruelly confined or cruelly punished, deprived of necessary food, clothing, shelter, or care, placed in a situation to be sexually exploited through sex trafficking of a minor per NRS [§28-830](#) or by allowing, encouraging, or forcing a minor child to engage in debauchery, public indecency, or obscene or pornographic photography, films, or depictions, or placed in a situation to be sexually abused (per NRS [§28-319](#), [28-319.01](#) or [28-320.01](#)) or to be a trafficking victim (per NRS [§28-830](#)).

Child Sexual Abuse Material (CSAM): Per Nebraska Revised Statute (NRS) [§28-1802](#), CSAM means any visual depiction of sexually explicit conduct that depicts a child or a person with identifiable physical features of a child as a participant or portrayed observer, regardless of whether the visual depiction is obscene OR is obscene and depicts a person or a computer-generated person as a participant or portrayed observer and such person is a child, appears to a reasonable person to be a child, or is depicted with physical features of a child.

Juvenile: For purposes of this policy, the term “juvenile” refers to persons under eighteen (18) years of age.

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 notify 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.
 5. Child deaths age thirteen (13) and under.
 6. All cases of Child Sexual Abuse Material (CSAM).

NOTE: The Nebraska Child Sexual Abuse Material (CSAM) Act is contained in Nebraska Revised Statutes §[28-1801](#) through [28-1806](#).

- 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 only by a trained CSVU investigator.
- D. During "A"-Shift and on weekends, holidays, and other non-business hours, officers may contact Field Investigations "A" Shift Squad Detectives, or the on-call CSVU command officer. The Field Investigations Detective will notify CSVU if needed.

II. Investigations in Schools, Hospitals, and Daycare Centers

- A. When a complaint of child abuse, neglect, CSAM, 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, CSAM, 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/guardian 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. Uniform Patrol Bureau (UPB) Officers – Initial Response Considerations

- A. Any child who needs medical attention shall be removed from the scene and taken to an emergency hospital. A Rescue Squad shall be requested when appropriate, per the OPD "[Hospital Procedures](#)" policy.
 - 1. Parents/Guardians are allowed to accompany the child to the hospital if they wish, and are NOT required to remain on scene. Officers will advise CSVU investigators of the parent's/guardian's whereabouts, if known, upon their arrival on scene.
- B. Unless exigent circumstances exist, officers shall advise the CSVU and obtain direction from them BEFORE removing children from their residence.
- C. When UPB officers are dispatched to or encounter incidents involving child abuse, neglect, injury, and/or CSAM, the UPB officer(s) may ask the child(ren) minimal questions to determine if Probable Cause of a crime exists.
- D. If the UPB officer(s) determine a felony sexual assault occurred and the victim is fifteen (15) years of age or younger, the officer shall not interview the victim beyond the minimal questions. The officer shall contact the CSVU command officer, and a CSVU investigator will assume responsibility for the investigation.

- E. When the incident 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 or the on-call CSVU command officer for directions. Field Investigations detectives will notify CSVU if needed.

IV. Initial Reporting and Investigation Requirements

- A. 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.
- B. If Probable Cause exists, the officer(s) shall complete an Incident Report.
- C. If the responding 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 complete an Information Report ([OPD Form 42](#)). The Information Report shall be forwarded to the CSVU.
- D. When completing reports of Child Abuse, neglect, CSAM, or sexual abuse officers shall:
 - 1. List the child as the victim.
 - 2. Complete a separate Incident Report for each child when more than once child is a victim in the situation. All reports will carry the same RB Number if the incident is similar in circumstances and place.

NOTE: For each call of possible abuse/neglect or sexual assault, the above procedures shall be followed. This includes situations in which there have been multiple calls to a particular address when the officer has found no evidence of Child Abuse/neglect, or sexual assault.

- E. Officers will collect all evidence of CSAM, whether digital or physical, per OPD policies and procedures. See the OPD "[Evidence – Search and Seizure of Cellular Phones and Electronic Devices](#)" for procedures governing seizures and searches of computers, cellular phones, and other electronic devices.
- F. If persons at the scene of the alleged complaint of Child Abuse/neglect do not cooperate with the investigating officers, and/or exigent circumstances do not exist to force entry to check on the safety of the children, the officer's supervisor should be contacted.
 - 1. If officers are not permitted to check on the safety of the children after the persons talk with the officer's supervisor, an OPD Information Report shall be completed and forwarded to the CSVU.

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 / Protective Custody

- 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 "A" Shift Squad Detectives or the on-call CSVU command officer. Field Investigations Detectives will notify the CSVU for assistance if needed.

NOTE: In those cases where the officer needs additional assistance to determine whether to remove a child, the officer will contact their immediate supervisor for direction.

2. When an officer decides to remove an endangered child(ren) 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](#)) and ensure the Affidavit is notarized.
 - (1) Officers shall list the child(ren)'s age(s) in the Affidavit, but NOT their specific date(s) of birth.
 - (2) Officers shall be specific in the narrative as to why the child(ren) are being placed into protective custody.
 - b. The original, notarized Affidavit shall be brought with the child(ren) to Project Harmony for the removal.
 - c. The original, notarized Affidavit shall be placed in the black Affidavit Box at Project Harmony during non-business hours, weekends, and holidays. The black

Affidavit Box is located just outside of the CSVU entrance within Project Harmony.

- 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 the Incident Report 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, or scanned and emailed to the CSVU in a timely manner.
- B. The CSVU shall provide a copy of all related reports to Douglas County CPS in a timely manner.

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. Individuals 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 and Nebraska Department of Health and Human Services (DHHS) immediately (See PPM [Appendix "A"](#) for the DHHS phone number.).
- C. Employees shall document the surrender with body worn cameras, mobile video recorders, and/or precinct building cameras, when possible.
- D. Employees shall 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 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. The employee will inform 911 Dispatch that this is a Safe Haven transport and will relay the infant's condition (i.e., healthy, obvious injuries, or health issues).
- F. Officers shall complete an OPD Information Report to document the infant surrender, transport, etc.

REFERENCES:

I. Laws

- A. Nebraska Revised Statutes (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, 50-24, and 86-25.
- B. Previous Information Orders: #340-94.

III. Accreditation Standards

- A. Relevant CALEA Accreditation Standards: 44.2.2.

IV. Other

- A. PPM Monthly Updates #07-2018 and 10-2019.