



CHILD ABUSE & NEGLECT INVESTIGATIONS

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I. CHILD ABUSE & NEGLECT

A. General Policy

The department's response to child abuse or suspected child abuse is not limited to investigation, but includes responsibility for preliminary detection of evidence suggestive of child abuse, as well as aiding in subsequent efforts to affect a satisfactory resolution in the child's and families best interest. The protection of the child, above any other concern, is the intent of the law and of primary importance to the officer. All reports of suspected child abuse and subsequent investigations will be kept strictly confidential. The law provides that any person reporting suspected child abuse in good faith is immune from civil liability or criminal penalty.

B. Child Abuse & Neglect Definitions

"Abuse" means the physical injury of a child as a result of cruel or inhumane treatment or as a result of a malicious act under circumstances that indicate the minor's health or welfare is harmed or threatened by the treatment or act.

"Family Member" means a relative of a minor by blood, adoption, or marriage.

"Household Member" means a person who lives with or is a regular presence in a home of a minor at the time of the alleged abuse.

"Severe Physical Injury" means brain injury or bleeding within the skull; starvation; or physical injury that creates a substantial risk of death; or causes permanent or protracted serious disfigurement, loss of the function of any bodily member or organ, or impairment of the function of any bodily member or organ.

"Sexual abuse" means any act that involves sexual molestation or exploitation of a minor, whether physical injuries are sustained or not by a parent or other person who has permanent or temporary care or custody or responsibility for supervision of a child, or by any household or family member. Sexual abuse includes: incest, rape, or sexual offense in any degree, sodomy, and unnatural or perverted sexual practices.

"Neglect" means the intentional failure to provide necessary assistance and resources for the physical needs or mental health of a minor that creates a substantial risk of harm to the minor's physical health or a substantial risk of mental injury to the minor. "Neglect" does not include the failure to provide necessary assistance and resources for the physical needs or mental health of a minor when the failure is due solely to the lack of financial resources or homelessness.

C. Child Abuse & Neglect Offenses

First Degree Child Abuse – A parent, family member, household member, or other person who has permanent or temporary care of custody or responsibility for the supervision of a minor may not cause abuse to the minor that results in the death of the minor; or causes severe physical injury to the minor (Felony, Criminal Law Article Title 3-601).

Second Degree Child Abuse – A parent, family member, household member, or other person who has permanent or temporary care or custody or responsibility may not cause abuse to a minor (Felony, Criminal Law Article Title 3-601).

Sexual Abuse of a Minor - A parent, household member, family member, or other person who has permanent or temporary care or custody or responsibility for the supervision of a minor may not cause sexual abuse to the minor (Felony, Criminal Law Article Title 3-602).

Neglect of a Minor – A parent, family member, household member, or other person who has permanent or temporary custody or responsibility for the supervision of a minor may not neglect the minor (Misdemeanor, Criminal Law Article Title 3-602.1)

D. Evidence Suggestive of Child Abuse

Officers called to conduct preliminary investigations in cases of suspected child abuse will look for evidence which is suggestive of child abuse. Characteristic injuries of child abuse:

1. Cigarette burns, or scars caused by cigarette or hot liquid burns; burns having a glove or sock like appearance
2. Distended fingers or limbs
3. Swelling or tenderness of extremities
4. Non-accidental bruising patterns such as impressions from instruments, tools, etc.
5. Repeated injuries
6. "Wrap around injuries" which denote the use of a flexible object used to strike the child
7. Evidence of malnutrition if it appears to be the result of deliberate withholding of food by the parent/guardian
8. Unusual behavior of the child
9. Attitude or conduct of the parent(s)/guardian towards the child or toward the situation such as evidence of delay in seeking help, the injury is blamed on a sibling or third party, the parents are reluctant either to give information or to consent to further investigation, or the parents have an inappropriate reaction to the extent of the injury
10. The inability to locate parents after a case of trauma has been brought to the Emergency Room, or the parents(s)/guardian's failure to visit the child following admission
11. Unusual or abnormal parent/guardian child relationship(s)

It is extremely important for officers to be aware of common attitudes toward sexual abuse. The abuser tends to be very secretive about the abuse. If the family as a whole learns of the abuse, secrecy increases, making reports of abuse infrequent and cases difficult to investigate. The abused child, and the family if it knows, feels guilt, shame and embarrassment. If the investigation or rehabilitation efforts are badly handled, the sexually abused child may sustain trauma which will affect the child's adult life. Sexual abuse of a child is regarded as a heinous and repulsive crime. Community over-reaction may result if suspected sexual abuse in a family becomes known to the public. Contrary to prevailing belief, sexual child abuse is not confined to any one segment of society; it crosses all socioeconomic lines.

E. Evidence Suggestive of Child Neglect

Officers called to conduct preliminary investigations in cases of suspected child neglect will look for evidence which is suggestive of child neglect. These include:

1. *CDS usage by either parent or caretaker*
2. *Unfit living conditions that create a risk of harm to the child i.e.: no running water, no electricity, unsafe housing structure*
3. *Violent living conditions where the child has witnessed domestic violence and or family violence*
4. *Physical Neglect: Failure to provide food, water, clothing, shelter, inadequate hygiene, etc.*
5. *Medical neglect: Failure to provide medical care or the failure to report medical injury/emergency*

6. *Supervisory neglect: Lack of supervision*
7. *Educational neglect: Failure to send a child to school*

F. Investigating Officer's Responsibilities

As required by State law, child abuse and neglect investigations are a joint responsibility of the Police Department and the local Department of Social Services. Promptly after receiving a call of suspected abuse or neglect, the officer will make a thorough preliminary investigation as follows:

1. The officer will assess the need to remove the child from the home if there is reason to believe that the child could be the victim of further abuse. The officer will also determine if the child is in need of immediate medical attention. It is only in the most EXTREME CIRCUMSTANCES that the officer will remove the child from the home without first contacting the Department of Social Services. If circumstances do require this action, the officer will arrange for the child to be taken into protective custody by the Protective Service Worker. If the parents/guardian are not at home when the child is removed, the officer will ensure that the parents are notified. In the majority of cases where it appears to the officer that there is cause to remove the child from the home there will be time to contact the Department of Social Services so that the Child Protective Services Worker may take the child into protective custody and arrange for temporary shelter/medical treatment. Whenever possible, the officer will follow the procedure of contacting Social Services when removal of the child appears necessary.
2. The preliminary investigation should include the identification of any physical evidence associated with the alleged child abuse. Such evidence would include instruments and objects which were used to inflict abuse. The officer should also arrange for an Evidence Technician to take photographs if there are any visible signs of physical abuse present on the child.
3. At the conclusion of the preliminary investigation, the officer will prepare an Offense/Incident Report which must be completed prior to the end of the tour of duty. It is essential that the report be completed within this prescribed time frame so that the requirements of the law to initiate the investigation within 24 hours can be accomplished. The investigating officer will check the "Child Abuse/Vulnerable Adult Incident" Stat Reporting box on the Event Information Card of the Offense/Incident Report. In addition to the procedures outlined in this Index Code, the procedures outlined in Index Code 1605 will be followed if the relationship between the victim and suspect meets the parameters of "Family Violence".
4. Officers investigating child abuse & neglect, sexual abuse of a minor cases, *or human trafficking (Section VI. D)* will contact the Department of Social Services (*1-800-917-7383*; or through their answering service if necessary). The Department of Social Services will be consulted and *may* approve a "safety plan" for the child while the case is under investigation. The CID Child & Vulnerable Adult Abuse Unit will also be contacted. After normal working hours, the patrol supervisor will contact the on-call CID supervisor if it is determined an investigator is needed to respond. A copy of the completed report will be faxed (*410-508-2041*) *or emailed (aadss.intake@maryland.gov)* to the Department of Social Services *before the end of the investigating officer's tour of duty*.
5. All physical and sexual child abuse cases should be screened by the Child & Vulnerable Adult Abuse Unit supervisor prior to charging a suspect. The patrol supervisor may do so by contacting the Child & Vulnerable Adult Abuse Unit supervisor via office telephone during normal work hours (410-222-4733); or by requesting the on-call CID supervisor after hours. The patrol supervisor and CID supervisor will determine if immediate action is necessary by the patrol officer or if immediate follow-up is necessary by a detective. If immediate follow-up is necessary and the case does not meet the criteria for case assignment within the Child & Vulnerable Adult Abuse Unit, it will be immediately referred back to the District Detective Unit for follow-up.

If follow-up is needed, but not immediately, and the case does not meet the criteria for case assignment within the Child & Vulnerable Adult Abuse Unit, it will be referred back to the District Detective Unit for follow-up on the next workday.

The detective completing follow-up will complete any necessary supplement reports that documents what action was taken and the final disposition of the investigation.

6. An officer who suspects a child is the victim of a sex offense must determine by whom the crime was committed to establish if there is “sexual abuse of a minor”. If the crime was committed by a parent, household member, family member or other person who has permanent or temporary care or custody or responsibility for supervision of the minor the officer will contact the Department of Social Services and the CID Major Crimes Section Child & Vulnerable Adult Abuse Unit. If the crime was not committed by a parent, household member, family member or other person who has permanent or temporary care or custody or responsibility for supervision of the child, the officer will contact the CID Major Crimes Section Sex Offense Unit. In either case, personnel will follow the procedures outlined in Index Code 1806 (Rape & Sex Offense Investigations) regarding evidence collection, Sexual Assault Forensic Examinations, etc.

G. CID Major Crimes Section Child & Vulnerable Adult Unit Responsibilities

To the extent possible, a child abuse investigation is to be completed within sixty (60) days of case assignment. If the investigation is still ongoing at that time, the investigator will submit an investigative report documenting the investigation up to that point. The remainder of the investigation should then be completed on a supplement investigative report.

II. UNATTENDED CHILDREN

A person who is charged with the care of a child under the age of 8 years may not allow the child to be locked or confined in a dwelling, building, enclosure or motor vehicle while the person responsible for the child is absent and the child's location is out of his/her sight. Persons responsible for the care of children under the age of 8 years may leave them in the care of a reliable person at least the age of 13 years. A person who violates this section of Family Law Article 5-801 is guilty of a misdemeanor and on conviction may be sentenced to a fine not exceeding \$500.00 and imprisonment not exceeding 30 days or both. Charging options for a person who violates this section are:

1. Since the maximum penalty for this violation is less than 90 days imprisonment, officers should follow the charging procedures described in Index Code 2190 (Adult Uniform Criminal Citation); or Index Code 1700 (Juvenile Operations) if the suspect is under 18 years of age.
2. If there is probable cause, but the offense did not occur within the officer's presence, an Application for a Statement of Charges should be submitted to the District Court Commissioner.

III. TEMPORARY REMOVAL OF CHILDREN FROM THE HOME BY DSS WITHOUT COURT APPROVAL

The Family Law Article Title 5-700 allows for the temporary removal of a child from a home without court approval by a representative from the Department of Social Services (DSS). A DSS representative may enter a household if the representative previously has been denied the right of entry and has probable cause to believe that a child is in serious, immediate danger. At the representative's request, a police officer shall accompany the representative and may use reasonable force, if necessary, to enable the DSS representative to gain entry. The DSS representative may remove the child temporarily, without prior approval by the juvenile court, if the representative believes that the child is in serious immediate danger. If a child is removed from a household under these circumstances, the DSS shall have the child thoroughly examined by a physician. If time permits, a police supervisor will respond to the scene before any entry is made or a child is taken into protective custody. The police supervisor will make contact with a Social Services supervisor, to ensure an appropriate course of action.

IV. FAMILY PROBLEMS

In situations where no crime has occurred, and a child is not in immediate danger, officers should seek guidance from the Mobile Crisis Team as outlined in Index Code 1611 (Mobile Crisis Team); from the “Warm Line”; and/or from the Department of Social Services.

In situations involving children with mental illness and/or emotional crisis, the procedures outlined in Index Code 1830 (Responding to Persons with Mental Health Issues or Physical Disabilities) should be followed.

V. PARENTAL CHILD ABDUCTION

The information contained in this subsection is designed to summarize laws regarding parental child abduction, and in no way will be construed to amend any procedure on missing children.

A. Maryland State parental child abduction laws are contained in the MD. Code, Family Law, Section 9-301 through 9-307 (Child Abduction) which defines a lawful “custodian” as a person who is authorized to have custody of and exercise control over a child who is under the age of 16 (sixteen) years. A lawful custodian includes a person who is authorized to have custody by an order of a court of competent jurisdiction in this State or any other state. “Relative” means a parent, grandparent (or other ancestor), brother, sister, aunt, uncle, or an individual who was a lawful custodian before the act of the child abduction.

B. If a child is under the age of 16 (sixteen) years, a relative who knows that another person is the lawful custodian of the child may not:

1. Abduct, take, or carry away the child from the lawful custodian to a place within or outside of this State;
2. Having acquired lawful possession of the child, detain the child within or outside of this State for more than 48 hours after the lawful custodian demands that the child be returned;
3. Harbor or hide the child within or outside of this State knowing that possession of the child was obtained by another relative in violation of this section; or
4. Act as an accessory to an act prohibited by this section.

C. Preliminary investigations of parental kidnapping are the responsibility of patrol officers. Follow-up investigations of parental kidnapping are the responsibility of the District Detective Units.

VI. CHILD PORNOGRAPHY, EXPLOITATION AND OTHER OFFENSES INVOLVING CRIMES AGAINST MINORS

The information contained in this section is designed to summarize the laws and investigative responsibilities related to child pornography; sexual molestation/exploitation; human trafficking; harassment of a minor via electronic communication (“cyber-bullying”); and Revenge Porn.

A. Definitions

“Assignment” means making of an appointment or engagement for prostitution or any act in the furtherance of the appointment or engagement.

“Distribute” means to transfer possession.

“Electronic Communication” means the transmission of information, data, or a communication by the use of a computer or any other electronic means that is sent to a person and that is received by the person.

“Interactive Computer Service” means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a system that provides access to the Internet and cellular phones.

“Intimate Parts” means the naked genitals, pubic area, buttocks, or female nipple.

“Knowingly” means having knowledge of the character and content of the matter.

“Matter” means a book, magazine, newspaper, or other printed or written material; a picture, drawing photograph, motion picture, or other pictorial representation; a statue or other figure; a recording, transcription, or mechanical, chemical, or electrical reproduction; or any other article, equipment, machine, or material.

“Prostitution” means the performance of a sexual act, sexual contact, or vaginal intercourse for hire.

“Sadomasochistic Abuse” means flagellation or torture committed or inflicted on an individual who is nude; wearing only undergarments; or wearing a revealing or bizarre costume.

“Sexual Act” means any of the following acts, regardless of whether semen is emitted: anilingus; cunnilingus; fellatio; anal intercourse, including penetration, however slight, of the anus; or an act in which an object or part of an individual’s body penetrates, however slightly, into another individual’s genital opening or anus; and that can reasonably be construed to be for sexual arousal or gratification, or for the abuse of either party.

“Sexual Conduct” means human masturbation; sexual intercourse; or whether alone or with another individual or animal, any touching of or contact with: the genitals, buttocks, or pubic areas of an individual; or breasts of a female individual.

“Sexual Contact” means the intentional touching of the victim’s or actor’s genital, anal, or other intimate area for sexual arousal or gratification, or for the abuse of either party.

“Sexual Excitement” means the condition of the human genitals when in a state of sexual stimulation; the condition of the human female breasts when in a state of sexual stimulation; or the sensual experiences of individuals engaging in or witnessing sexual conduct or nudity.

B. Child Pornography

Child Pornography – A person may not cause, induce, solicit, or knowingly allow a minor to engage as a subject in the production of obscene matter or visual representation or performance that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct. A person may not photograph or film a minor engaging in an obscene act, sadomasochistic abuse, or sexual conduct. A person may not knowingly promote, advertise, solicit, distribute, or possess with the intent to distribute any matter, visual representation, or performance that depicts a minor engaged as a subject in sadomasochistic abuse or sexual conduct. A person may not use a computer to knowingly compile, enter, transmit, make, print, publish, reproduce, cause, allow, buy, sell, receive, exchange, or disseminate any notice, statement, advertisement, or minor’s name, telephone number, place of residence, physical characteristics, or other descriptive or identifying information for the purpose of engaging in, facilitating, encouraging, or soliciting unlawful sadomasochistic abuse or sexual conduct of or with a minor (Felony, Criminal Law Article Title 11-207).

Possession of Visual Representation of Child under 16 Engaged in Certain Acts – A person may not knowingly possess and intentionally retain a film, videotape, or other visual representation showing an actual child under the age of 16 years: engaged as a subject of sadomasochistic abuse; engaged in sexual conduct; or in a state of sexual excitement. Note: This law does not prohibit a parent from possessing visual representations of the parent’s own child in the nude unless the visual representations who the child engaged as a subject of sadomasochistic abuse; or in sexual conduct and in a state or sexual excitement (Misdemeanor, Criminal Law Article Title 11-208).

C. Sexual Molestation or Exploitation

A person may not allow or encourage a child to engage in obscene photography, films, poses, or similar activity, pornographic photography, films poses, or similar activity, or prostitution. Sexual molestation or exploitation also includes incest, rape, sexual offense in any degree, and unnatural or perverted sexual practices of a child. (Md. Family Law Title 5-701)

D. Human Trafficking

In general, and in the case of a minor; a person may not knowingly take or cause another to be taken to any place for prostitution; place, cause to be placed, or harbor another in any place for prostitution; receive consideration to procure for or place in a house of prostitution or elsewhere another with the intent of causing the other to engage in prostitution or assignation; engage in a device, scheme, or continuing course of conduct intended to cause another to believe that if the other did not take part in a sexually explicit performance, the other or a third party would suffer physical or serious harm; or destroy, conceal, remove, confiscate, or possess an actual or purported passport, immigration document, or government identification document of another while otherwise violating or attempting to violate this subsection. A parent, guardian, or person who has permanent or temporary care of custody or responsibility of another may not consent to the taking or detention of the other for prostitution. A person may not knowingly take or detain another with the intent to use force, threat, coercion, or fraud to compel the other to marry the person or a third person or perform a sexual act, sexual conduct, or vaginal intercourse (Felony if Minor, Criminal Law Title 11-303).

Abduction of Child Under 16 – For the purpose of committing a crime under Criminal Law Title 3 Subtitle 3 (Sexual Crimes), a person may not persuade, entice or aid in the persuasion or enticement of an individual under the age of 16 years from the individual’s home or from the custody of the individual’s parent or guardian; and

knowingly secrete or harbor or aid in the secreting or harboring of the individual who has been persuaded or enticed (Felony, Criminal Law Title 11-305).

E. Misuse of Electronic Communication or Interactive Computer Service (“Cyber-Bullying”)

A person may not maliciously engage in a course of conduct, through the use of electronic communication, that alarms or seriously annoys another: with the intent to harass, alarm, or annoy the other; after receiving a reasonable warning or request to stop by or on behalf of the other; and without legal purpose. A person may not use an interactive computer service to maliciously engage in a course of conduct that inflicts serious emotional distress on a minor or places a minor in reasonable fear of death or serious bodily injury with the intent: to kill, injure, harass, or cause serious emotional distress to the minor; or to place the minor in reasonable fear of death or serious bodily injury (Misdemeanor, Criminal Law Title 3-805).

F. Revenge Porn

A person may not intentionally cause serious emotional distress to another by intentionally placing on the Internet a photograph, film, videotape, recording, or any other reproduction of the image of the other person that reveals the identity of the other person with his or her intimate parts exposed or while engaged in an act of sexual contact: Knowing that the other person did not consent to the placement of the image on the Internet; and under circumstances in which the other person had a reasonable expectation that the image would be kept private (Misdemeanor, Criminal Law Title 3-809).

G. Investigative Responsibility

In general, the CID- Major Crimes Section Child & Vulnerable Adult Abuse Unit has responsibility for follow-up investigations of child pornography and molestation/exploitation cases.

The CID- Major Crimes Section Child & Vulnerable Adult Abuse Unit; Sex Offense Unit; and the CID Narcotics & Special Investigations Section Vice Squad have shared responsibility for follow-up investigations of human trafficking cases involving minors.

The District Detective Units have responsibility for follow-up investigations of “cyber-bullying” cases and “revenge porn” cases that do not involve child pornography.

VII. PROPONENT UNIT: Child & Vulnerable Adult Abuse Unit.

VIII. CANCELLATION: This directive cancels Index Code 1704, dated *12-14-21*.