

21.00.150 CHILD SEXUAL ABUSE

It is the policy of the Department that all personnel will respond to a report of child sexual abuse or exploitation, as defined in RCW 26.44.020 and as prohibited in Chapter 9.68A RCW, in accordance with its significance as a felony or gross misdemeanor and as a matter of great community concern.

Department personnel are to be sensitive and responsive to the apprehensions of and dangers to victims. Department personnel are to make every reasonable effort to involve state and community social services in providing the victim refuge from recurrent sexual abuse or exploitation.

Whenever this crime is brought to the attention of any member of the Department, an immediate preliminary investigation will be conducted and all relevant evidence preserved. Command and supervisory officers are to be especially diligent in insuring that all reports are properly documented. Follow-up investigation will be given priority attention for expeditious completion to both identify and charge the person(s) responsible for the crime.

Crime Types

Child sexual abuse and exploitation include, but are not limited to the following crimes:

- ❖ Statutory Rape in the First Degree (RCW 9A.44.070)
- ❖ Statutory Rape in the Second Degree (RCW 9A.44.080)
- ❖ Statutory Rape in the Third Degree (RCW 9A.44.090)
- ❖ Indecent Liberties (RCW 9A.44.100)
- ❖ Communication with a Minor for immoral Purposes (RCW 9.68A.090)
- ❖ Incest (RCW 9A.64.020)
- ❖ Sexual Exploitation of a Minor (RCW 9.68A.040)
- ❖ Lewd Act (Exposing) (BCC 10A.88.030)

Protective Separation of Child from Abuser Authorized

The Revised Code of Washington establish legal means whereby a child subjected to sexual or physical abuse can be separated from the person accused of committing the abuse. The statutory provisions are:

- ❖ RCW 13.34.050 Court Order To Take Child Into Custody
- ❖ RCW 26.44.050 Taking Child Into Custody Without Court Order
- ❖ RCW 26.44.063 Temporary Child Abuse Restraining Order. This occurs in dependency court and not in criminal court. It is a civil action usually initiated by CPS or other Guardian Ad Litem

Custody of Child Victim

In those incidents where the offender is believed to be in the home, there is a need to determine whether there is a reasonable risk of continuing abuse/exploitation. Here separation of the offender and the child are necessary to protect the child from further abuse, it is important that the investigator gather as much information as possible to establish "reasonable cause to believe that the child is abused or neglected and would be injured or could not be taken into custody if it were necessary to first obtain a court order pursuant to

RCW 13.34.050. With such probable cause, the investigator/officer may take, or cause to be taken, the child into custody without a court order (RCW 26.44.050).

Duties of Responding Officer/Investigator

When a report of child sexual abuse or exploitation is received by Patrol, the Patrol Supervisor will:

- ❖ Direct the responding officer to document the complaint and take the initial case report. In most cases, the child victim interview will be delayed to a more appropriate time with a trained child interview specialist pursuant to the King County Special Assault Network Agreement. However, the patrol officer may perform a limited interview of the child victim if it is necessary to establish probable cause in the case of continued contact with the suspect where the officer fears for the immediate safety of the child.
- ❖ Expeditiously notify a Detective Supervisor who will determine if a detective call out is necessary

When a report of child sexual abuse or exploitation is received by Detectives, the Detective Supervisor will immediately assign an investigator.

The assigned investigator will initiate an offense report and conduct a preliminary investigation to determine the elements and sufficiency of the complaint. The City of Bellevue adheres to the King County Special Assault Network Agreement and follows the protocols set forth therein. The investigation should also include the following, without interfering with the integrity or completeness of the investigation:

- ❖ A determination of the need for a child abuse restraining order, or to take the child into custody and place the child in shelter care. Where a need for either option is apparent, the investigator will so inform the appropriate prosecutor or Child Protective Services and assist in serving the order/taking the child into custody.
- ❖ Determine the appropriate method of interview determined by the age of the child. Children ages 4 through 11 shall be interviewed by the King County Prosecutor's Child Interview Specialist; Children ages 12 to 16 Joint Interview with the King County Prosecutor; All other cases to be interviewed by the Detective.
- ❖ The Child Victim's Bill of Rights shall be provided in all cases to either the child or the primary caregiver. A referral to community support services where applicable.

Where facts obtained in the preliminary investigation support the validity of the complaint, the investigator will arrange for the appropriate interview and will notify all appropriate persons including parents or guardian, the CPS case worker and victim advocate of the date and time for this interview.

In those situations where the Juvenile Court hearings are pending or where the offender is likely to leave the jurisdiction, or where an arrest of the offender has been made, the investigator will attempt to arrange for the joint interview immediately (usually within 24 hours) as dictated by the situation.

Except in those cases where there is clear evidence that the complaint is fabricated, all investigations will be completed in a timely manner and presented to the appropriate prosecuting authority for filing of criminal charges or a written "decline."