



# *San Diego Community College District Police Department Policy and Procedures*

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3.12 CHID ABUSE PROCEDURES

EFF. 10/01/19

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## **I. PURPOSE**

This Department procedure establishes guidelines for the reporting and investigating of child abuse cases.

## **II. SCOPE**

This procedure applies to all members of the Department.

## **III. DEFINITIONS**

- A. Child Abuse - generally refers to non-accidental infliction of any injury upon a child by another person. It includes physical abuse, neglect, molestation, and emotional abuse.
- B. Disclosure - simply means to tell or reveal. A disclosure occurs when a child has told someone that certain things have happened or have been done to the child.
- C. Physical Abuse - is defined as inflicted physical injury, which most often represents unreasonably severe corporal punishment. Assaults such as burning, biting, poking, twisting limbs, or otherwise torturing a child, are also forms of physical abuse.
- D. Physical Neglect - is defined as the negligent treatment of a child by a parent or caregiver under circumstances indicating harm or threatened harm to the child's health or welfare.
- E. Sexual Abuse - is the sexual assault or exploitation of a child. Molestation may consist of a single act or many acts over a period of time.

## **IV. PROCEDURES**

- A. Patrol officers are responsible for the initial investigation of all child abuse cases.
  - B. In situations where a child abuse crime has been committed or suspected, the officer should do the following:
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1. Document all child abuse incidents on an ARJIS-2 form.
2. Child Abuse reports require a case number and an incident number. Officers will use the Child Abuse violation section 934000 ZZ. Child Abuse incidents are not to be documented on a stand-alone ARJIS-9 form.
3. College Police Records personnel will route Child Abuse incidents with the 934000 ZZ violation section directly to the Child Abuse Unit. Detectives will evaluate whether the incident meets the criteria for a crime report and utilize the Change of Crime Code process to make appropriate changes.
4. Law enforcement MUST cross-report child abuse incidents to the Child Abuse Hotline at (858) 560-2191 (per mandated reporting requirements in Penal Code sections 11164 through 11174.3). Such a report must be made immediately, or as soon as practically possible.

#### C. Victim/Witness Interviews

##### 1. Overview

Preliminary interviews of young children are particularly sensitive and require expertise. Increasingly, the initial interview and the patrol officer's lack of expertise are the focus of court scrutiny. Accordingly, if one or more witnesses have provided adequate information necessary to make immediate safety and investigative decisions, such information should be documented on a police report and no attempt should be made to interview the child in the field. This is especially true if the allegation is for any kind of sexual abuse or molest. Do not interview suspects without express permission and/or guidance from Child Abuse Unit personnel.

##### 2. Minimal Facts Interview

Sometimes it is necessary to gather information about the abuse directly from the child. This is known as a "minimal facts interview." This type of interview should only be used if there are no other witnesses and the child's statement is necessary to make immediate protective and investigative decisions.

- a. The child should be asked a limited number of open-ended questions to determine what has occurred.
- b. The interviewer should not press for details.
- c. Interview all possible witnesses as well, including siblings, extended family

members, and neighbors.

- d. If questions arise about the preliminary interview process, the SDPD Duty Child Abuse Sergeant should be notified for clarification.

#### D. Evidence

1. In physical abuse or neglect cases, immediate documentation of visible injuries or conditions including crime scenes (e.g., photographs, detailed descriptions) and collection of instrumentalities (e.g., belts, spoons, lubricating jelly, etc.) are crucial. Lawfully seized evidence is extremely important and can be used to corroborate the victim/witness statements. Photos are essential for any prosecution.
2. Include a photograph of the victim's face and entire body for reference.
3. **DO NOT PHOTOGRAPH NUDE OR "PRIVATE" BODY AREAS.** If such photographs are necessary, they will be taken by medical personnel during a Sexual Abuse Examination.
4. When digital photographs are taken, a CD work copy must be made and immediately forwarded to the SDPD Child Abuse Unit. The original CD will be impounded per policy. (Hand deliver disk if suspect is in custody.)
5. If the crime is a sexual molest, a Sexual Abuse Examination must be conducted, especially if the crime occurred in the past 72 hours. However, this evidentiary window is not absolute. Check with the SDPD Duty Child Abuse Sergeant for guidance.
6. All evidence will be impounded at the SDPD Headquarters Property Room located at 1401 Broadway.

#### E. Removal of a Child

1. Peace officers have the authority to remove a child from home and transport to Children's Hospital and/or Polinsky Children's Center if the child's health or safety is in jeopardy.
2. Any peace officer may, without a warrant, take into temporary custody a minor if the child's welfare is in immediate danger. For example, the child is in immediate need of medical care or is in immediate danger of physical or sexual abuse. Or, the fact that the child is left unattended poses an immediate threat to the child's health or safety.

3. If a child is removed from their home, DO NOT release them to a relative, neighbor, or friend. ONLY Child Welfare Services can authorize such a release, and only after a thorough background check.
4. Officers are encouraged to call the Polinsky Children's Center, prior to any transport, to facilitate the intake.
5. If an officer takes a child to Polinsky, they must complete the appropriate report (ARJIS-2, 934000 ZZ).
6. DO NOT document dependent children on a JCR/arrest report if they are removed from the home and/or placed into Polinsky.
7. DO NOT forget to protect other children in the home (as possible witnesses or potential victims).

#### F. Arrests

1. Cases involving children can be complex requiring forensic interviews, medical exams, a Sexual Assault Exam, and more. During a preliminary investigation, detectives often need to investigate further to ensure a crime did occur.
2. Circumstances that may indicate an arrest is appropriate include:
  - a. The suspect is caught committing the crime;
  - b. The suspect is a flight risk; and,
  - c. The suspect is likely to continue offending
3. Whenever an immediate arrest is made or is pending, the Child Abuse Unit must be notified as soon as practical to facilitate the arrest process.
4. Because of time constraints, in-custody cases must be completed and submitted by the end of the shift.
5. Common reasons to not make an immediate arrest:
  - a. Age of victim (too young to give statement);
  - b. Corroboration is necessary;
  - c. A forensic interview and/or further evidence are necessary; and,

d. The case needs to be reviewed by the District Attorney.

G. Callouts

1. If the on-duty College Police Sergeant determines a Child Abuse detective is needed, he/she should contact the SDPD Watch Commander to access the Duty Child Abuse Sergeant.

V. **INFANT / CHILD DEATHS**

A. Upon the death of a child, law enforcement officers will conduct a death scene investigation. Refer to Procedure 6.17, Death Investigations.

B. Investigative Responsibilities

1. Patrol officers and supervisors are responsible for preliminary investigation, scene security, and the completion and submission of the appropriate report(s) (i.e., death report, officer's reports, etc.).
2. The Child Abuse Unit will respond to all child deaths under 18 years of age with some exceptions (i.e., traffic fatalities, homicides, suicides, and terminal illnesses).
3. The Medical Examiner's Office has jurisdictional rights in death cases.
4. California Department of Social Services, Community Care Licensing, will respond if death occurs at a daycare facility, such as the campus Child Development Centers..

C. Care must be exercised by responding law enforcement officers. A traumatic event has just occurred, which MAY or MAY NOT have been a criminal act. Officers may allow parents to console one another; however, they should not be left alone or unattended.