

Child Abuse

330.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when East Carbon Police Department members are required to notify the Division of Child and Family Services (DCFS) of suspected child abuse.

330.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Non-accidental harm (e.g., physical, emotional, or developmental injury or damage) or threatened harm of a child (e.g., actions, inactions, or credible verbal threats, indicating that the child is at an unreasonable risk of harm or neglect), sexual abuse (e.g., bigamy, incest, lewdness), sexual exploitation of a child, human trafficking of a child, or causing the intentional death of the child's parent by the child's natural parent. Abuse does not include reasonable discipline, restraint, weapon removal, or management of a child or other legally justifiable acts (Utah Code 80-1-102).

330.2 POLICY

The East Carbon Police Department will investigate all reported incidents of alleged criminal child abuse and ensure DCFS is notified as required by law.

330.3 MANDATORY NOTIFICATION

Members of the East Carbon Police Department shall notify DCFS when there is reason to believe that a child has been subjected to child abuse, when they observe a child being subjected to conditions or circumstances that would reasonably result in child abuse, or when any person notifies the member of child abuse (Utah Code 80-2-602).

330.3.1 NOTIFICATION PROCEDURE

Notification should be made as soon as practicable to the nearest DCFS office (Utah Code 80-2-602).

Notification should also be made to the County Prosecutor in cases where suspected child abuse resulted in death (Utah Code 80-2-604).

330.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. These investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Present all cases of alleged child abuse to the prosecutor for review.

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- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

330.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

330.5.1 COMMERCIAL SEX OR SEXUAL SOLICITATION INVOLVING A CHILD

When an officer encounters a child engaged in commercial sex or sexual solicitation, the officer should (Utah Code 76-10-1315):

- (a) Investigate possible human trafficking of the child.
- (b) Refer the child to DCFS.

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- (c) Bring the child to a receiving center.
- (d) Contact the child's parent or guardian.

330.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact DCFS. Generally, removal of a child from the child's family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from the child's parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to DCFS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (Utah Code 80-2a-202):

- (a) When a court order has been issued authorizing the removal of the child.
- (b) Without a court order, when there exist exigent circumstances sufficient to relieve an officer of the requirement to obtain a warrant.
- (c) Without a warrant when an officer obtains the consent of the child's parent or guardian.

The above apply to removing a child from a home or school as well as from a parent or guardian.

330.6.1 NOTICE AFTER PROTECTIVE CUSTODY

An officer who takes a child into protective custody shall immediately use reasonable efforts to locate and inform, through the most efficient means available, the child's parents, non-custodial parents, guardian, or responsible relative of the information set forth in Utah Code 80-2a-203. This notice should include the written information prepared by DCFS. Such efforts to provide this notification should be documented in the related report.

330.7 INTERVIEWS

330.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained

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in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

330.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 - 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

330.7.3 INTERVIEWS OF CHILDREN IN STATE CUSTODY

Officers should not interview a child who is in the custody of DCFS without the consent of the child's guardian ad litem. If a guardian ad litem has not been appointed, consent may be given by DCFS (Utah Code 80-2-705).

330.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

330.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

330.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Supervisor should:

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- (a) Work with professionals from the appropriate agencies, including DCFS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Investigations Supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child.

330.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Investigations Supervisor so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS

Utah requires or permits the following:

330.10.1 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Utah Code 77-37-4; Utah Code 80-2-608).

330.10.2 RECORDED INTERVIEWS

A parent or guardian of a child victim may view a recorded interview of the child unless (Utah Code 77-37-4):

- (a) The suspect is also a parent or guardian of the child victim;
- (b) The suspect resides in the home with the child victim; or
- (c) The investigator reasonably believes that allowing the parent or guardian to review the recording would compromise or impede the investigation.

The investigator should coordinate with the Children's Justice Center to ensure the viewing takes place within two business days of the request.

330.10.3 RETENTION REQUIREMENTS

Recordings of any interview of a child during the investigation of an allegation of any sexual abuse of the child shall be retained for 18 years following the date of the last recording, unless the prosecuting attorney requests in writing that the recording be retained for an additional period of time (Utah Code 53-13-110.5).

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330.10.4 NOTIFICATION UPON ARREST OR ISSUANCE OF A CITATION

When an officer arrests or issues a citation to a person 18 years of age or older for child abuse, the officer shall provide the individual with the written notice required by Utah Code 78B-7-802. Victims shall be provided notice in accordance with the Victim and Witness Assistance Policy.

330.10.5 NOTICE TO THE DEPARTMENT OF CORRECTIONS

The Police Chief supervisor or the authorized designee shall ensure that the Department of Corrections is notified (Utah Code 77-43-103):

- (a) Within three business days of the receipt of a report or complaint of an offense listed in Utah Code 77-43-102(2)(a) (child abuse or human trafficking of a child).
- (b) Within five business days after the arrest of a suspect for any of the offenses listed in Utah Code 77-43-102(2)(a).

330.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.