



Bowie Police Department - General Orders

TITLE: CHILD ABUSE INVESTIGATIONS		NUMBER: 451
EFFECTIVE DATE:10/11/17		REVIEW DATE:
<input checked="" type="checkbox"/> NEW _ AMENDS _ RESCINDS		DATE:
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I. PURPOSE

To provide guidelines and direction in the investigation of child neglect and physical and sexual child abuse cases.

II. POLICY

The Bowie Police Department, is responsible for conducting initial investigations of Child Abuse and/or neglect. The Department of Social Services and Prince George's County Police Department, will follow up depending on the severity of the crime.

III. DEFINITIONS

1. Child: A person under the age of eighteen (18) years.
2. Physical Child Abuse: The sustaining of a physical injury, as a result of cruel or inhumane treatment or as a result of a malicious act, perpetrated by:
 - i. A parent or other person (does not have to be an adult) who has permanent or temporary care or custody or responsibility for supervision of a child, such as a babysitter, teacher, scoutmaster, day care provider, sports coach, etc.; or,
 - ii. Any household member; or,
 - iii. Any family member; and
 - iv. The child's health or welfare is harmed or threatened.
3. Sexual Child Abuse: Any act that involves sexual molestation or exploitation of a child perpetrated by:
 - i. A parent or other person (does not have to be an adult) who has permanent or temporary care or custody or responsibility for supervision of a child, such as a babysitter, teacher, scoutmaster, day care provider, sports coach, etc.; or,

- ii. Any household member; or,
- iii. Any family member; and
- iv. The child's health or welfare is harmed or threatened.

NOTE: Sexual abuse includes incest, rape, sexual offense in any degree, sodomy, and any unnatural or perverted sexual practice. Annotated Code of Maryland, Family Law Section 5-107 (q).

The suspected victim is the subject of sexual abuse whether physical injuries are sustained or not. Annotated Code of Maryland, Family Law Section 5-701(b). Criminal charges are governed by the Annotated Code of Maryland.

4. Injury: Any bodily damage, including but not limited to, bruises, bone fractures and burns, and those not always readily apparent, as in some internal injuries.

5. Household Member: A person who lives with, or maintains a regular presence in, a home of a child at the time of the alleged abuse or neglect. Annotated Code of Maryland, Family Law Section 5-701 (j).

6. Neglect: The sustaining, by a child, of significant physical or mental harm or injury from:

- i. The absence of the child's parents, guardian, or custodian; or
- ii. The failure of the child's parents, guardian, or custodian to give proper care and attention to the child and the child's problems under circumstances that indicate that the child's health or welfare is harmed or threatened, unless the failure consists only of providing the child with non-medical remedial care and treatment recognized by State law instead of medical treatment. Annotated Code of Maryland, Family Law Section 5-70.

7. Good Faith Clause: The law provides that any person reporting suspected child abuse in good faith is immune from civil liability or criminal penalty.

8. Child Abuse is **NOT**:

- 1. Neglect by reason of incompetence on the part of the parent or guardian.
- 2. Normal, acceptable discipline of a child administered as a result of the child's violation of a normal, acceptable standard set by the parent/guardian; discipline does not result in injury to the child.

IV. PHYSICAL CHILD ABUSE INVESTIGATIONS

A. The responding patrol officer shall be responsible for conducting the investigation into minor physical child abuse cases. Serious physical abuse which includes hospitalization or cases involving multiple victims, day care facilities, foster homes or injuries that occur during school will be investigated by the CIS.

B. Investigative Responsibilities of Patrol Officers:

- 1. Determine if the victim needs immediate medical attention and facilitate the acquisition of medical services.

2. Notify the on-duty Shift Supervisor and request that he/she respond to the scene.
3. Interview the victim in a non-threatening environment in order to establish if a crime was committed.
4. Photograph the victim if there are any visible signs of physical abuse present. Use discretion if injuries are sustained in personal areas of the body. A member of the same sex shall be required for these photographs. The officer will take color photographs of the victim. As with Domestic Violence cases, bruises may not be apparent until the following day and may require a follow-up to obtain evidentiary photos.
5. Assess the need to remove the child from the home. Only in the most extreme circumstances and with supervisory approval may the officer remove the child from the home without first contacting the Department of Social Services. An on-call Department of Social Services Child Protective Service Worker is available after hours. 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 a Child Protective Service Worker may take the child into protective custody and arrange for temporary shelter/medical treatment. If the parent(s)/guardian(s) are not at home when the child is removed, the patrol officer will ensure that they are notified and document the notification in the incident report, indicating to whom notification was made.
6. Identification and collection of any physical evidence which is associated with the alleged child abuse. Physical evidence includes, but is not limited to, clothing or items used to inflict the abuse.
7. Identify witness(es)
8. Identify suspect(s)
9. Depending on the complexity or severity of the abuse, the patrol supervisor may request the expertise of Criminal Investigative Section (CIS) Detective to assist with the investigation. Upon approval of the Shift Supervisor the on-call CIS Detective shall be contacted after normal hours.
10. Any officer, including a CIS Detective, handling a confirmed child abuse or neglect case will notify the Department of Social Services prior to the end of his/her shift.
11. A Department of Social Services Child Protection Service Worker can be reached during normal business hours.
12. At the conclusion of the preliminary investigation, the patrol officer will prepare an incident report. This report will be completed prior to the end of the tour of duty. The reports will be forwarded to the Department of Social Services by the investigating officer.
13. Determine the validity of the case and if sufficient evidence exists to pursue criminal charges. Consultation with the State's Attorney's Office may be required in some cases.

V. SEXUAL CHILD ABUSE INVESTIGATIONS

The Bowie Police Department, along with the Department of Social Services, will conduct a joint investigation into allegations of third and fourth degree sexual child abuse. Any patrol officer who determines that a child has been the victim of a sex crime by a parent or other person who has permanent or temporary custody or responsibility for supervision of that child, such as a babysitter, teacher, scoutmaster, day care provider, sports coach, etc., or any household member, or any family member will conduct the following preliminary steps:

- A. Interview the reporting person (non-offending parent or guardian). An interview with the victim will be conducted by a detective assigned to the case.
- B. Determine when and where the abuse occurred. If the incident is reported within seventy-two (72) hours the child should be transported to a medical facility for an examination.
- C. Identification and collection of any physical evidence which is associated with the alleged sexual child abuse.
- D. If the Shift Supervisor believes that a CIS Detective should respond to the scene, the Shift Supervisor will contact the CIS Detective.
- E. All first and second degree sexual child abuse shall be handled by Prince George's County Police Department.

VI. INVESTIGATIONS ON SCHOOL PROPERTY:

When the need arises to secure information from a student who is a possible victim of child abuse or has knowledge about abuse or neglect cases, the following procedures will be adhered to:

- A. The School Principal will be contacted and the School Resource Officer notified. The Principal may permit an interview of the child to take place on school grounds, provided that:
 - i. The interview is not contrary to the student's best interest; and,
 - ii. The student is willing to be interviewed.
- B. All questioning of the victim, must be done by a police officer or a representative of the Prince George's County Department of Social Services. If the suspected victim is interviewed without school personnel present, the student may not be removed from the school grounds for questioning without parent/guardian approval. An exception exists if there is a court order for removal, or if the Department of Social Services has guardianship.
- C. Notification of parents or guardians concerning the interview is not the responsibility of the school. The officer or the Child Protective Service Worker conducting the interview must attempt to notify the parent/guardian of the interview, but parental consent for the interview is not required for the interview to take place.
- D. School personnel who have knowledge of child abuse cases may be interviewed on school property during school hours after notification to the School Principal.

VII. CHILD NEGLECT INVESTIGATIONS

- A. Contact with the Department of Social Services shall be made whenever:

i. There is evidence of child neglect; and,

ii. The officer believes the child is in immediate danger.

B. Telephone notification will be made to the Department of Social Services prior to the end of the shift. A Department of Social Services Child Protective Service Worker can be reached during normal business hours at (301) 808-5624 or (301) 699-8605.

C. In all cases, the officer will prepare an incident report which will be forwarded through normal report handling procedures to the Department of Social Services prior to the end of the shift.

VIII. FELONY SCREENING

All cases involving an arrest for child abuse will be reviewed by the State's Attorney's Office.