

EFFECTIVE: 1 July 2000

REVISED: 1 December 2008
1 January 2010
20 June 2011

SUBJECT: Investigation of Child Abuse

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I. PURPOSE:

Children, by definition, are immature in their physical, cognitive and emotional development. Many times the person who is abusing them is a person whom the child loves and trusts, and this can include a parent or caretaker. Often, the offenses take place repeatedly over an extended period of time, and in the privacy of a home. There is little if any evidence to collect to substantiate the allegation of abuse unless the officer knows what to look for. Many times the offenders are sophisticated in their operations and intimidate the child victim into remaining silent. The child feels guilt and fear about the abusive environment, but in many cases, it is all they know. They fear that their revelation will mean loss of a loved one through incarceration, and their own placement in a childcare facility.

With little or no evidence to corroborate the child's statement, the criminal justice system must rely on the skill of the law enforcement officers handling the investigation to provide the necessary information leading to the successful prosecution of the offender. This investigation must be carried out in a professional and sensitive manner to protect the welfare of the suspected victim and the suspected offender.

On January 1, 2013 the California Child Abuse and Neglect Reporting Act (PC 11164-11174.3) was amended to include University employees who come in contact with children as mandatory reporters. CSU Executive Order 1083 expanded the mandatory reporting requirement to **all CSU employees**.

II. POLICY:

It shall be the policy of the CSU Long Beach Police Department to investigate all reported allegations of child abuse. Each member of this Department shall conduct these investigations with the responsibility to do so objectively and without bias. Furthermore, this Department shall conduct all such investigations with the following priorities:

- (a) The primary objective of the investigation shall be the protection of the child.
- (b) All members of this Department shall protect the legal rights of all:
 - (1) Victims
 - (2) Suspects
 - (3) Witnesses

III. PROCEDURES:

- (a) Upon initial receipt of the allegation, the dispatcher should:
 - (1) Gather pertinent facts (who, what, when, where, how, why)
 - (2) Begin a preliminary assessment of the risk to the child involved
 - (3) Coordinate cause-associated agencies likely to respond
 - (4) University employees reporting suspected child abuse are mandated to provide, if known, at the initial phone contact with the Department the following information:
 - 1. Their name, business address/location, and telephone number
 - 2. The child's name, address, and present location
 - 3. The names, addresses, and telephone numbers of the child's parents or guardians
 - 4. The source of information that led them to suspect child abuse/neglect.
 - 5. The names, address, telephone number, and other personal information of person(s) who might have abused the child.
- (b) The first officer on the scene should assess the risk to each child involved, and determine what action should be taken. Assessment may include observing and photographing the scene and child (as appropriate); collecting and preserving evidence; and interviewing the following:
 - (1) Reporting Party
 - (2) All witnesses
 - (3) Victim(s)
 - (4) Sibling(s)
 - (5) Parents/caretakers
- (c) The officer should gather and/or preserve evidence from all potential crime scenes relative to the allegations of child abuse including those specific to:
 - (1) Neglect
 - (2) Emotional abuse/deprivation
 - (3) Physical Abuse
 - (4) Sexual Assault
 - (5) Sexual Exploitation
- (d) The officer should determine the need for protective custody of the victim(s), sibling(s) and others under the Welfare and Institutions Codes 300-305, by taking into consideration the following factors:
 - (1) Need for medical care
 - (2) Imminent danger of continued abuse/intimidation/retaliation

- (3) Whether physical environment poses an immediate threat to the child's health and safety
 - (4) Parent of guardian is unwilling or unable to protect or care for the child
 - (5) History of prior offenses or allegations of child abuse
- (e) The officer should seek to identify the suspect(s) and take appropriate action.
 - (f) The officer shall be responsible for ensuring that all notifications required by law, and those required by Department Regulation, are made.
 - (1) The University Police shall promptly notify, and provide information regarding the incident to the campus Mandated Reporting Coordinator.
 - (g) The preliminary investigative report should contain the necessary documentation, to include:
 - (1) All statements
 - (2) Observations
 - (3) Physical evidence
 - (4) Actions taken by the investigating officer and others
 - (5) The existence of photographic, audio, or video recordings
 - (h) Every officer should be aware of the fact that the actions taken during the preliminary investigation, coupled with the quality of the police report, will have a crucial bearing on the protection of the children and the successful prosecution of the case. The investigator(s) need to be aware of defense strategies that focus upon:
 - (1) The interview of the victim
 - (2) The victim(s) themselves
 - (3) The officer/investigator
 - (4) The victim's family
 - (5) The investigation
 - (6) The medical vs. non-medical case
 - (i) CSU employees reporting suspect child abuse and/or neglect are mandated to complete and deliver to University Police Form SS 8572. A copy of this form is to be attached to the case report. A copy of this form shall be forwarded to the campus Mandated Reporting Coordinator.

IV. MANDATED REPORTERS:

The law requires that certain professional occupations report suspected child abuse to the proper authority. These occupations include the following:

- (a) All CSU Employees
- (b) Childcare custodians
- (c) Health practitioners
- (d) Commercial film and photographic processors
- (e) Peace officers

- (f) Firefighters, animal control officers, or human society officers
- (g) Clergy
- (h) Employees of child protective agencies
 - (1) Members of a police department and sheriff's department
 - (2) Child Protective Services

These mandated reporters are provided immunity from civil and criminal liability as a result of making a required or authorized report of known or suspected child abuse (Penal Code Section 11172(a)). Failure of a mandated reporter to report suspected abuse is a misdemeanor. Penal Code Sections 11167 and 11167.5 provide confidentiality for these persons.

V. REPORTING REQUIREMENTS:

In all known or suspected child abuse cases, the California Penal Code mandates specific reporting requirements by law enforcement, listed below:

- (a) When child abuse is known or suspected, telephone (immediately or as soon as possible) and cross-report in writing within 36 hours to the Los Angeles County District Attorney's Office and to Child Protective Services (Penal Code Section 11166(g)).
- (b) Notify the Department of Justice (Child Abuse Investigation Report-SS Form 8583) (Penal Code Section 11169).
- (c) Upon starting an investigation, notify the Los Angeles County Department of Social Services within 36 hours of starting the investigation (Penal Code Section 11166.3).
- (d) Current telephone numbers for mandated reporting offices are to be maintained in Communications.
- (e) In addition to the above, cross-report immediately or as soon as possible to the appropriate licensing agency if the case involves a child daycare or community childcare facility.
- (f) When child abuse is reported by a CSU employee the incident shall be reported immediately to the campus Mandated Reporting Coordinator.

Additionally, this Department is further required to make the following notifications to mandated reporters of suspected child abuse offenses:

- (a) Upon completion of the investigation, or after there has been a final disposition in the matter, we shall inform the person required by law to report the suspected child abuse of the results of the investigation and of any action the agency is taking in regard to the child or the family (Penal Code Section 11170(b)(2)).
- (b) This agency shall make information in the Department of Justice Child Abuse Central Index available to the following persons (Penal Code Section 11170(b)(1)):
 - (1) Reporting medical practitioner

- (2) Child custodian
- (3) Guardian
- (4) Attorney for the child appointed by the juvenile court under W & I Section 317/318.
- (5) District Attorney
- (c) The Chief of Police, Field Services Division Commander are to be notified as soon as possible.

VI. LAWS TO ASSIST DURING INVESTIGATIONS:

The following California Penal Code sections may assist Department personnel in conducting investigations into suspected child abuse cases by:

- (a) Permitting information relevant to the incident of child abuse to be given to an investigator following up on an initial report (Penal Code Section 11167 (b)).
- (b) Permitting a police officer to apply to a magistrate for an order directing that the victim of child abuse be x-rayed without parental consent (Penal Code Section 11171.5(a)).
- (c) Protecting mandated reporters from civil or criminal liability for providing access to a suspected child abuse victim when required by a law enforcement officer (Penal Code Section 11172(b)).

VII. SUPPLEMENTAL RESOURCES

Officers are reminded that supplemental information sources are available. These resources include:

- (a) The California POST *Guidelines for the Investigation of Child Physical Abuse and Neglect, Child Sexual Abuse and Exploitation Handbook*. This manual is maintained within the Report Writing Room.
- (b) The Long Beach Police Department's Child Abuse Unit, telephone number (562) 570.7321.
- (c) The Los Angeles County Child Abuse Hotline, telephone number (800) 540.6340.
- (d) The Child Abuse Unit of the Los Angeles County District Attorney's Office, telephone number (562) 491.6340.
- (e) The Los Angeles County Department of Social Services, accessible via the Internet at <http://dpss.co.la.ca.us/>
- (f) The Los Angeles County Department of Children and Family Services, telephone number (213) 351-5602. Also accessible via the Internet at <http://dcfs.co.la.ca.us/>

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