

UPPER MERION TOWNSHIP POLICE DEPARTMENT
POLICY AND PROCEDURE

No. 620

Supersedes: NA

Effective: October 1, 2016

Page: NA Section: NA

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Dated: October 15, 2003

CHILD ABUSE CASES

- I. **PURPOSE:** The purpose of this policy is to provide officers with guidelines for recognizing incidents and accepting reports of child abuse and coordinating the investigation of such cases with appropriate child protective service agencies and prosecuting attorney's offices
- II. **POLICY:** It is the policy of the Upper Merion Township Police Department to protect and ensure the safety and welfare of the children in this jurisdiction. All police officers must be knowledgeable about child abuse, its effect on children, and help the children who become victimized. Coordination with other criminal justice and social service agencies is a necessity. Initial responsibility for investigation of such cases lies with the police department. This department shall comply with the provisions of the Pennsylvania Child Protective Services Law (23 Pa. C.S.A. 6301 et seq.) in regard to persons required to report suspected child abuse.
- III. **DEFINITIONS:** CHILD: A person under eighteen (18) years of age.
- CHILD ABUSE: Child abuse means any of the following:
1. Any recent act or failure to act by a perpetrator which causes non-accidental serious physical injury to a child.
 2. An act or failure to act by a perpetrator which causes non-accidental serious mental injury to a child.
 3. An act or failure to act by a perptrator which causes sexual abuse or sexual exploitation of a child.

4. Any recent act, failure to act, or series of such acts or failures to act by a perpetrator which creates an imminent risk of serious physical injury to, or sexual abuse or sexual exploitation of a child.
5. Serious physical neglect by a perpetrator constituting prolonged or repeated lack of supervision, or the failure to provide essentials of life, including adequate medical care, which endangers a child's life or development, or impairs the child's functioning.
6. The act of intentionally, knowingly, or recklessly leaving a child unsupervised with an individual (other than the child's parent) who the actor knows or reasonably should have known is required to register as a Tier 2 or Tier 3 sexual offender (refer to Tier classification on PSP's Megan's Law website) whose victim was under 18 years of age when the crime was committed; or with an individual designated as a sexually violent predator or a sexually violent delinquent child, regardless of the age of the individual's victim.

IV. **PROCEDURE:**

A. COMPLAINTS OF CHILD ABUSE:

1. Any officer receiving a report of alleged child abuse will take all necessary steps to ensure that the welfare of the child is immediately protected. This may mean removal of the child from the abusive setting as authorized by Title 42, Section 6324 (Taking into custody) which states that a child may be taken into custody:
 - a. Pursuant to an order of the court.
 - b. Pursuant to the laws of arrest.
 - c. By a law enforcement officer or duly authorized officer of the court if there are reasonable grounds to believe that the child is suffering from illness or injury or is in imminent danger from his/her surroundings, and that his/her removal is necessary.
 - d. By a law enforcement officer or duly authorized officer of the court if there are reasonable grounds to believe that the child has run away from his/her parents, guardian or other custodian.
 - e. By a law enforcement officer or duly authorized officer of the court if there are reasonable grounds to believe that the child has violated conditions of his/her probation.
 - f. If this step is taken, contact Montgomery County Office of Children and Youth (MCOCY) as soon as possible. No child may be held in protective custody for

more than twenty-four (24) hours unless the appropriate county agency is immediately notified that the child has been taken into custody and the county agency obtains an order from a court permitting the child to be held in custody for a longer period (Title 23, Section 6315).

g. An individual taking a child into protective custody shall immediately, and within twenty-four (24) hours in writing, notify the parent, guardian or other custodian of the child of the whereabouts of the child, unless prohibited by court order, and the reasons for the need to take the child into protective custody.

2. If not a crisis situation, all available information concerning the act or acts committed against the child should be obtained.

3. Follow-up child abuse investigations will typically be the responsibility of the Juvenile Division.

B. INITIAL COMPLAINT RESPONSE:

1. The dispatcher shall obtain the following information to give to the patrol officer or detective assigned to the case:

a. child's name, age and address

b. child's present location

c. parent's/guardian's names and addresses

d. nature and extent of injury or condition

e. complainant's name, location, and relationship to the child

f. any information about the history of any previous injury to this child and the identification of the person(s) responsible

2. Upon arrival at the scene, if entry to the location is refused, and the responding officer feels entry is necessary, he/she may gain entry in one of several ways:

a. In an emergency, forced entry without a warrant is legal when there is probable cause that a child is in danger.

b. In a non-emergency, obtain a court order or search warrant from a court of proper jurisdiction.

3. The responding officer shall immediately ensure the safety of the child and any other child in the child's home. Summon an ambulance or administer first aid if necessary.

4. Officers shall record and investigate all reports of child abuse irrespective of the source or method of reporting. A preliminary interview will be conducted with the complainant, when known, to determine the basis for the report, to include determination of such factors as:
 - a. the physical condition of the child
 - b. a description of the abusive behavior
 - c. evidence of parental disabilities such as alcoholism, drug abuse, mental illness, or other factors that demonstrate or suggest their inability to care for the child
 - d. descriptions of suspicious injuries or conditions
 - e. the nature of any statements made by the child concerning parental maltreatment
 - f. any evidence of parental indifference or inattention to the child's physical; or emotional needs
5. Photographs shall be taken of all suspected child abuse victims.

C. REPORTING:

1. Law enforcement officers are among the persons specifically required by Title 23, Section 6311(a) to report incidents of child abuse when they have reasonable suspicion, on the basis of their training and experience, that a child coming before them in their official capacity is an abused child.
2. Whenever an officer is dispatched to a call involving a report of child abuse, the officer shall make a thorough inquiry into the matter. If evidence is discovered that leads the officer to suspect or conclude that a child has been the victim of child abuse, the appropriate report shall be completed.
3. If the alleged facts indicate child abuse, then the officer investigating the initial complaint must:
 - a. Notify the Juvenile Division. If a detective from the Juvenile Division is not available, the shift supervisor shall be notified and shall make a decision on whether to initiate the call out of a detective to take control of the investigation.
 - b. Immediately notify the PA Department of Human Services by filing an electronic report of suspected child abuse with PA Child Line at www.compass.state.pa.us/cwis in accordance with Title 23, Section 6334(a). A tracking number (CWIS number) will then be issued and the case will be transferred by PA Child Line to MCOCY. MCOCY will then contact UMPD at their discretion. Written reports should only be forwarded to MCOCY upon

their request and shall include the CWIS number prominently on the paperwork to avoid routing problems.

- c. MCOCY does not take initial oral reports from Police regarding abuse; they must first be made through PA Child Line. MCOCY (610-278-5800) should only be contacted prior to their receipt of a PA Child Line report by Police if an immediate need for special protective custody exists.
- d. If an electronic notification is not possible, an oral report can then be made with PA Child Line by calling (800) 932-0313. A tracking number (CWIS number) will then be issued and the case will be transferred to MCOCY. A written report shall be made to the Montgomery County Office of Children and Youth within forty-eight (48) hours after the oral report to PA Child Line as required by Title 23, Section 6313(a). Written reports forwarded to MCCOY shall include the CWIS number prominently on the paperwork to avoid routing problems.
- e. Any written report made electronically or otherwise to PA Child Line or MCOCY shall contain the following information if available:
 - (1) The names and addresses of the child and the parents or other person responsible for the care of the child if known
 - (2) Where the suspected abuse occurred
 - (3) The age and sex of the subjects of the report
 - (4) The nature and extent of the suspected child abuse, including any evidence of prior abuse to the child or siblings of the child
 - (5) The name and relationship of the person or persons responsible for causing the suspected abuse, if known, and any evidence of prior abuse by that person or persons
 - (6) Family composition
 - (7) The source of the report
 - (8) The person making the report and where that person can be reached
 - (9) The actions taken by the reporting source, including the taking of photographs and X-rays, removal or keeping of the child, or notifying the medical examiner or coroner
- f. All initial reports should be directed to the Juvenile Division for follow-up investigation.

D. INVESTIGATION:

1. During the investigation, an officer must observe the child. Word of mouth is not sufficient evidence with respect to the child's condition. A detailed description of the injuries should be obtained.
2. If evidence of abuse is found, all children residing in the same residence shall be examined for evidence of abuse. The names, dates of birth, and condition of these children shall be noted in the report.
3. The investigating officer shall examine the scene of the incident, normally the home, to note the general condition and process any evidence pertinent to the investigation. Photographs should be taken. This may require a search warrant or a valid consent to search.
4. Any weapon or object used to injure the child must be placed in evidence.
5. An officer investigating suspected child abuse may take or cause to be taken photographs of the child and, if clinically indicated, cause to be performed a radiological examination and other medical tests on the child. Medical summaries or reports of the photographs, X-rays, and relevant medical test taken shall be sent to the Montgomery County Office of Children and Youth at the time the notification is made through PA Child Line (See Section IV-C) and a tracking number is issued (CWIS number) or as soon thereafter as possible.
6. Any child who is able to talk shall be interviewed regarding how he/she was injured. The initial investigating officer or detective should keep this interview brief and only obtain the basic facts so as not to taint the child's statements and the investigation. Children should be interviewed separately from their parents/guardians. Do not lead the child, suggest answers, or pressure the child for answers. Detectives will coordinate a complete forensic interview with the District Attorney's Office at "Mission Kids" Child Advocacy Center. Repeated interviews with the child should be avoided whenever possible.
7. An inquiry should be made to determine whether a court protective order is in force with regard to the child or other members of the family. A criminal records check should also be performed on any suspects.
8. When there is reason to believe that criminal charges may be filed against the parents or others, interviews should be conducted at the department. The District Attorney's office should be consulted before conducting the interviews.

APPROVED: _____
Chief Thomas M. Nolan

DATE: _____

APPROVED: _____
Captain James M. Early

DATE: _____

TO BE REVIEWED: ANNUALLY

DISTRIBUTION: All police officers
All dispatchers
Township Manager
File