

## 213 CHILD ABUSE/NEGLECT & PROTECTION

### 1. General Comments

The Breckenridge Police Department will investigate suspected cases of child abuse in the City of Breckenridge where misdemeanor or felony crimes are believed to have occurred and when the health or welfare of a child(ren) is in jeopardy. We will assist the Wilkin County Welfare (Family services) Department, as requested, in their assessment process and other Departments or agencies as necessary. These investigations will be done as rapidly as possible so as to cause as little trauma as possible to the victims or other members of the family unit.

### b. Child Protective Team

A member of the Police Department, normally the investigator, will be appointed by the Chief of Police to participate in the activities of the Team. He is authorized to receive and give advice, counsel and information of a private or confidential nature when it will facilitate the protection of the child and not compromise an investigation. Other members of the Team from the medical, educational, legal, law enforcement, and social service profession have agreed to treat these matters in confidence.

### c. Reporting of Alleged Incidents - Child Abuse-assault-neglect-sexual abuse/incest

The provisions of MS 626.556 shall be complied with. The report may initially be done verbally via telephone or in person, to the Welfare Department or social worker assigned to the assessment/investigative work. The information will then be prepared in writing and may be given to the welfare Department as needed. The report should also indicate to the Welfare Department what action is felt appropriate in the case, i.e. assessment, counseling, assist in interview, etc.

### 4. Other Police Actions

Taking a child(ren) into protective custody see MS 260.165

Holding a child(ren), time/notification see MS 260.171

Normally these actions are taken with the knowledge of social Workers and in fact Welfare may request officers to assist them in making a determination if the child's surroundings endanger, his/her, health or, welfare. Arrangements for, the child's care should therefore be made prior, to any police action, should such action be necessary .

If it is not possible to contact welfare personnel and these actions are necessary, such as weekends, nights, holidays, etc., the officer, may use his own judgement in placing the child in the protective care of a responsible person. It is suggested that Foster homes known to the officer, be contacted fir-st in attempt to make these arrangements. A list of

foster care homes is attached to this policy.

5. Investigative Procedures

- A. Taking the report for, this type of offense or, incident is most important. It may come from the welfare, School, Medical Center, or, family member. The procedures are the same. Get as much information as possible. The Welfare may conduct an assessment before requesting any assistance from the police, this should be indicated in their initial report if they ask for assistance we will do what we can. It is generally agreed that Law Enforcement will be best suited to interview the victim and/or suspects to provide information to the County Attorney to use in prosecution.
- B. Doing the interview with a close working relationship with the Welfare and the County Attorney is essential. Also, expediting the investigation and reducing the times that victims or, suspects have to be interviewed. The social worker may be included in this interview process and assist the investigator, as needed. The ground rules or assistance should be agreed upon by the investigator, and social worker prior to the interview, using the best investigative and interview techniques possible. If the social worker, is not present during the interview, he/she should be available for consultation should the need arise. It may be advisable to have another person present that is known to the victim and knows of the statements.
- C. Using audio/video recording of the statements given is most necessary. The investigating officer will record the victim's statements via audio or video recording. The investigating officer will choose the location and time that will be most beneficial to the investigation. It is recommended that the interview take place at the LEC and that a video recording be made in a physical abuse incident where photographic evidence can be utilized, See Attachment A.
- D. The use of Polygraph and Stress evaluation will be taken under advisement in each individual case. If, as a last resort, an investigation officer, does request these types of tests to aid in the investigation, the test will be administered or the child victim only if the following criteria are satisfied:
  - A. The request to test the child victim is made by the investigative officer;
  - B. The suspect is first asked to take the test;
  - C. After the results of the suspect's examination are received, the investigating officer, feels that further, establishment of the credibility of the allegations

involved is required.

The polygraph operator, will then make the final determination as to whether, the victim should receive this type of test, based on the advice from the victim's social worker, and psychologist.

- E. The use of anatomically correct dolls can be of benefit in the sexual abuse cases involving younger children. This equipment can be obtained through the Welfare Department. It is advisable to use this equipment along with the video equipment when conducting the interview.

6. The Interview and Probable Cause

1. During the interview the investigating officer, should determine whether, or, not the victim has told anyone else close to him/her, about the alleged incident. The investigating officer, should also be conscious during the investigation that other, members of the family unit may be abused victims. Those members should be interviewed as potential victims/witnesses to the alleged crime. A statement should be taken from the persons named by the victim as having been -told of the alleged incident. This will help corroborate the victim's statement in the event that the witness is a child or, from another family, the parents of that family should be contacted prior, to talking to the child. If the child witness is young and does not understand the facts of life (sexual assault investigation) and example opening statement for the investigator to use with the witness child could be "Has your friend told you anything that you thought to be wrong that has been happening to him/her?" Do not put ideas into the witness's head. The child witness will normally come forth with the information you are looking for. Most victims do confide in a close friend and normally tell their mother. only once. The use of anatomically correct dolls should be considered in the young victims/witness interviews.
2. If, as a result of the interview, the investigating officer, feels he has enough probable cause to believe that the child is a possible victim of a criminal act, and the officer reasonably believes the surrounding or conditions in which the child is now living may endanger the child's health or welfare, the officer can take the child into protective custody, (See Section 4). It is important to tell the child what will happen when he/she is taken into custody, explaining where he/she will be placed and why it is necessary. This procedure should be tactfully done by the officer. After this is done, the officer then turns the child(ren) over to the Welfare Department (Social Worker). Welfare must file a neglect and dependency petition within 72 hours. The children's parents must be informed of the placement location of their child, unless there is reasonable cause to believe the child's health and welfare would be in eminent danger by advising the parent when they should not be notified, (see

Section 4).

3. On some occasions a child victim may not have to be removed from the home. If the police officer and social worker determine, based on the investigation, that the health and welfare of the child is not and will not be in eminent danger due to the fact that total cooperation is given by the other non-suspect parent; the suspect who allegedly committed the act has obtained housing elsewhere; or if the suspect has been jailed and the remaining custodial guardian can offer adequate protection for the victims.
4. After statements have been taken from the victim and witnesses, it is imperative that the investigation move very swiftly and focus on the suspect for, purposes of interrogation. The procedure of this Department is to locate the suspect at his/her place of employment or residence, and upon contact with the suspect, he is advised of the allegations and the Miranda Warning is read to him/her. The suspect may be allowed to hear in part, the recorded allegations of abuse, as told by the victim. Do not allow the suspect to hear what the witnesses have said about the crime. Make the individual aware of the fact that there are witnesses, if they do exist. This technique has resulted in confessions from suspects in other jurisdictions.
5. If the suspect denies the allegations (See Section 50), use of polygraph and stress evaluation could be used. While investigating Child Abuse and the officer has probable cause for an arrest or if the suspect confesses to a felony crime it is the policy of the Department (if the suspect is a threat to himself, any member of his family, or to society) to take the suspect into immediate custody.
6. It should be noted that a husband/wife can testify against each other in child abuse related matters. The first 24 hours are the most crucial, due to the fact that the suspect or the victim may attempt suicide. Also, the suspect may cause a great deal of pressure to be brought on the other legal guardian such as the mother, stepmother, etc. The custodial guardian, normally the mother, may cause a great deal of pressure to be applied on the child, so as to get the child to change his/her story.
7. Once a suspect is jailed, the 36 hour arrest rule is in effect and the police officer must compile all the facts and dates available to support enough probable cause for the issue of a complaint/warrant. If this is not done, the suspect may be released.
8. The social worker, then (within 72 Hours must obtain a petition for, neglect dependency, which is drafted by the County Attorney and presented to the family court. If signed it will be served on the parents by the Sheriff.

9. Person mandated under, law to investigate child abuse matters, must remember that only through cooperation, common sense and compassion, can these cases be dealt with effectively.