

Child Abuse

313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Colorado State University Police Department members are required to notify the county department of human or social services of suspected child abuse.

313.1.1 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.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (CRS § 19-3-304; CRS § 19-1-103).

313.2 POLICY

The Colorado State University Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the county department of human or social services is notified as required by law.

313.3 MANDATORY NOTIFICATION

Members of the Colorado State University Police Department shall notify the county department of human or social services when (CRS § 19-1-103; CRS § 19-3-308):

- (a) They receive a report of a known or suspected incident of interfamilial abuse or neglect.
- (b) They reasonably believe that the protection and safety of a child is at risk due to an act or omission on the part of persons responsible for the child's care.
- (c) They receive a report of third-party abuse or neglect in which the person allegedly responsible for such abuse or neglect is under age 10.
- (d) They have probable cause to believe a child is a victim of human trafficking of a minor for sexual servitude (CRS § 18-3-504; CRS § 18-7-201.4).

For purposes of notification, abuse and neglect are acts or omissions that threaten the health or welfare of a child, including but not limited to suspicious injuries such as bruising, bleeding, or burns; sex offenses; emotional abuse; failure to provide adequate food, clothing, or care; or exposure to dangerous environments (CRS § 19-1-103).

Interfamilial abuse includes acts by a child's parent, stepparent, guardian, legal custodian, or relative, by a spousal equivalent, or by any other person who resides in the child's home or who is regularly in the child's home for the purpose of exercising authority over or care for the child (CRS § 19-1-103).

Officers shall take into account accepted child-rearing practices of the culture in which the child participates, including but not limited to accepted work-related practices of agricultural

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communities, in determining abuse. Abuse does not include a reasonable exercise of parental discipline or acts that are reasonably necessary to subdue a child who is being taken into custody by law enforcement officers (CRS § 19-1-103).

313.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (CRS § 19-3-308):

- (a) Notifications shall be made immediately to the county department of human or social services.
- (b) A written summary of the investigation or case report shall be forwarded without delay to the county department of human or social services upon completion of any investigation undertaken.
- (c) Notification, when possible, shall include (CRS § 19-3-307):
 1. The name, address, age, sex, and race of the child.
 2. The nature and extent of the child's injuries, including any evidence of previous cases of known or suspected abuse or neglect of the child or the child's siblings.
 3. The names and addresses of the persons responsible for the suspected abuse or neglect, if known.
 4. The family composition.
 5. The source of the report and the name, address, and occupation of the person making the report.
 6. Any action taken by the reporting source.
 7. Any other information that the person making the report believes may be helpful.
 8. The military affiliation of the person suspected of committing the abuse or neglect if the person is a member of the armed forces or is a spouse, significant other, or family member residing in the home of a member of the U.S. armed forces.

An investigating officer and his/her supervisor shall notify the school district superintendent when there is a reasonable belief that an incident of abuse or neglect has been committed by a person acting in his/her official capacity as an employee of the school district (CRS § 19-3-308).

313.4 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.
- (d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

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- (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.

313.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. 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.

Unless unavailable, the county department of human or social services shall be the agency responsible for the coordination of all investigations of all reports of known or suspected incidents of interfamilial abuse or neglect (CRS § 19-3-308).

This agency shall have the responsibility for the coordination and investigation of all reports of third-party abuse or neglect alleged to have been committed by persons 10 years of age or older (CRS § 19-3-308).

When the investigation involves a suspect who was acting in his/her official capacity as an employee of a school district, the investigating officer shall coordinate such investigation with any concurrent abuse investigation being conducted by the Department of Education or the school district to the extent that such coordination is possible and deemed appropriate (CRS § 19-3-308).

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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).

313.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the county department of human or social services. Generally, removal of a child from his/her 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 his/her 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 the county department of human or social services.

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 (CRS § 19-3-401):

- (a) When a court order has been issued authorizing the removal of a child.
- (b) Without a court order when the child is seriously endangered in his/her surroundings or seriously endangers others and immediate removal appears to be necessary for the child's protection or the protection of others.
 - 1. A child shall be removed from his/her home and placed in protective custody if an emergency exists because the child is seriously endangered, as described above, the safety or well-being of the child is immediately at issue, and there is no other reasonable way to protect the child without removing the child from his/her home.
- (c) Without a court order when an arrest warrant has been issued for the child's parent or guardian on the basis of an alleged violation of CRS § 18-3-304.
- (d) A seriously endangered newborn child (less than 72 hours old) may be detained in a hospital, without a warrant, by an officer upon the recommendation of the county department of human or social services, a physician, a registered nurse, a licensed practical nurse, or a physician's assistant, while an order of the court pursuant to CRS § 19-3-405(1) is being pursued. The newborn child must be released if a court order is denied.

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313.6.1 COURT ORDERS

Unless already being addressed by the county department of human or social services, an officer should apply for a court order prior to taking a child into protective custody or as soon as practical thereafter when the officer (CRS § 19-3-405):

- (a) Believes that the circumstances or conditions of the child are such that continuing in his/her place of residence or in the care and custody of the person responsible for the child's care and custody would present a danger to that child's life or health in the reasonably foreseeable future.
- (b) Believes that the child is able to remain safely in his/her place of residence or in the care and custody of the person responsible for the child's care and custody only if certain emergency protection orders are entered.

313.6.2 RELATED NOTIFICATIONS

If the county department of human or social services is unable to take custody of a child, officers taking a child into protective custody shall (CRS § 19-3-402):

- (a) Deliver the child, without unnecessary delay, directly to the court or to a place designated by the court.
- (b) At the earliest opportunity, notify the court that the child has been taken into protective custody.
- (c) Promptly file a brief written report with the court and any agency or person so designated by the court stating the facts that led to the child being taken into custody and the reason why the child was not released.

Whenever a child is taken into temporary protective custody, the child's parent, guardian, or legal custodian shall be notified without unnecessary delay (CRS § 19-3-402(1)). The notification shall include information regarding the right to a hearing.

313.6.3 SAFE HAVEN ACT PROVISIONS

A parent is not guilty of child abuse as defined in CRS § 18-6-401 if the parent surrenders his/her newborn infant (72 hours old or younger) to an on-duty firefighter or staff member at a hospital or community clinic emergency center under the safe haven provisions of CRS § 19-3-304.5. A supervisor and the county department of human or social services should be notified without delay.

313.7 INTERVIEWS

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

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313.7.2 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.

313.8 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.

If injuries are visible, an officer may photograph them with and without scale for documentation purposes. CRS §19-3-306

313.9 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.

313.9.1 SUPERVISOR RESPONSIBILITIES

The Investigations Supervisor should:

- (a) Work with professionals from the appropriate agencies, including the county department of human or social services, 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 their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

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- (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.

313.9.2 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, to include notification of the Northern Colorado Drug Task Force on-call investigator.

313.10 STATE MANDATES AND OTHER RELEVANT LAWS

Colorado requires or permits the following:

313.10.1 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 (CRS § 19-1-307; CRS § 24-72-304).

313.10.2 CHILD FATALITY PREVENTION REVIEW TEAMS

Local critical incident review teams are entitled to access all investigative information of law enforcement agencies regarding the death of a child. This department shall cooperate fully with any such team and investigation (CRS § 25-20.5-404; CRS § 25-20.5-408(1)).

313.10.3 PROCESSING REPORTS AND RECORDS

Members documenting child abuse should make the notation "CHILD VICTIM" on the report or other record (CRS § 24-72-304).

313.10.4 SERVICE OF PROTECTION ORDER

Officers responding to a call for assistance who determine that a civil protection order has been issued and that the restrained person has not been personally served, shall serve the restrained person with a copy of the order (CRS § 19-1-104).

313.11 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.

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- (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.