

Child Abuse

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Lorain Police Department members are required to notify the Lorain County Children Services (LCCS) of suspected child abuse.

315.1.1 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 years.

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 (ORC § 2151.421).

315.2 POLICY

The Lorain Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the Lorain County Children Services (LCCS) is notified as required by law.

315.3 MANDATORY NOTIFICATION

Members of the Lorain Police Department shall notify the Lorain County Children Services (LCCS) when they receive a report of possible abuse or neglect of a child, or the possible threat of abuse or neglect of a child. This mandated notification applies to allegations involving a child who is under the age of 18 years or an individual who is under the age of 21 years and is intellectually disabled, developmentally disabled or physically impaired (ORC § 2151.421).

For purposes of notification, abuse and neglect includes sexual offenses, child endangering, physical or mental injury or death, out-of-home care child abuse or neglect, abandonment, illegal adoptions, or withholding or refusing care or treatment necessary for the child's health, morals or well-being, and any other act, as provided in ORC § 2151.03 and ORC § 2151.031.

315.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (ORC § 2151.421):

- (a) Notification should be made immediately by telephone, electronically, or in person to the PCSA in the county in which the child resides or in which the abuse or neglect is occurring or has occurred.
- (b) Notification, when possible, should include:
 1. The name, address, and age of the child.
 2. The name and address of the child's parents or other person having custody of the child.
 3. The nature and extent of the injury, abuse, or neglect.

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4. Any evidence of a threat of injury, abuse, or neglect, including any evidence of previous injuries, abuse, or neglect.
 5. Any other information that might be helpful.
- (c) The member shall notify the person who provides information regarding the alleged abuse or neglect of the child of their right to request certain basic information regarding the investigation. The member shall document the notification along with the person's name, address, and telephone number in the related report (ORC § 2151.421).
- (d) Any other notifications should be made as set forth in the existing Memorandum of Understanding (MOU) with the PCSA (ORC § 2151.421).

If the child is a delinquent in the custody of a Department of Youth Services controlled or contracted institution, any notification shall be made to the Ohio State Highway Patrol (ORC § 5139.12).

315.4 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.
- (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 and in accordance with the existing MOU with the PCSA (ORC § 2151.421).
- (g) Be familiar with and confirm that any applicable mortality review committees or boards receive information and documentation as required by state law. See the Death Investigation Policy for additional guidance.

315.5 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.

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- (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 including a Sexual Assault Kit if needed.
- (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.
- (k) The investigatory steps, as set forth in the existing MOU with the LCCS, that should be followed when the terms apply to an allegation of child abuse (ORC § 2151.421).

The investigative records of Child Abuse and Neglect cases have special confidentiality obligations. The statutory requirements are directed towards Children's Services. The Children's Services Investigators and the Department have a legal assumption of these obligations because of the Memorandum of Understanding for the Joint Investigation of Child Abuse and Neglect with Children's Services. The Children's Services Investigators will strictly follow Children's Services policy and state statute regarding these cases.

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).

315.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the PCSA. Generally, removal of a child from the child's 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 (ORC § 2151.421).

Generally, members of this department should remove a child from the child's 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 PCSA.

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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 (ORC § 2151.31; ORC § 2151.421):

- (a) When a court has issued an order authorizing the removal of a child.
- (b) Without a court order when:
 - 1. There are reasonable grounds to believe that the child is suffering from illness or injury and is not receiving proper care, and the child's removal is necessary to prevent immediate or threatened physical or emotional harm.
 - 2. There are reasonable grounds to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary to prevent immediate or threatened physical or emotional harm.
 - 3. There are reasonable grounds to believe that a parent, guardian, custodian, or other household member has abused or neglected another child in the household, and that the child is in danger of immediate or threatened physical or emotional harm.

Officers shall not remove a child without consultation with the PCSA, unless the report of abuse or neglect was made by a physician and, in the judgment of the officer and the physician, immediate removal is considered essential to protect the child from further abuse or neglect.

315.6.1 SAFE HAVENS FOR NEWBORNS

A parent may voluntarily surrender a newborn infant who is 30 days old or younger with an officer of the Lorain Police Department. The officer shall perform any act necessary to protect the newborn's health or safety and notify PCSA as soon as practicable (ORC § 2151.3516; ORC § 2151.3517; ORC § 2151.3518).

The surrendering parent should be provided and asked to complete a Department of Jobs and Family Services (JFS) medical history form for the child. The parent is not required to complete the form; however, if the parent refuses to complete the form, the parent should be encouraged to take the form and complete and return it at a later time (ORC § 2151.3518; ORC § 2151.3528).

The surrendering parent should also be offered any brochures prepared by the JFS regarding services available for parents and newborns (ORC § 2151.3518; ORC § 2151.3529).

A parent who voluntarily surrenders a newborn has the right to remain anonymous and shall not be coerced into revealing the parent's identity, completing medical forms, accepting brochures, followed, or pursued (ORC § 2151.3526; ORC § 2151.3529; ORC § 2151.3530).

The Safe Haven provisions do not apply if the child appears to have suffered child abuse or neglect and the officer should investigate the matter as a child abuse incident.

315.7 INTERVIEWS

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315.7.1 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.

315.7.2 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.

315.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer may 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.

315.9 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.

315.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigations Supervisor should:

- (a) Work with professionals from the appropriate agencies, including the LCCS, other law enforcement agencies, medical service providers and local prosecutors to develop

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community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

- (b) Activate any available interagency response when an officer notifies the Criminal 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.

315.9.2 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 Narcotics Supervisor or Criminal Investigations Supervisor so an interagency response can begin.

315.10 STATE MANDATES AND OTHER RELEVANT LAWS

Ohio requires or permits the following:

315.10.1 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 (ORC § 149.43 et seq.; ORC § 2151.421).

315.10.2 MEMORANDUM OF UNDERSTANDING

The Criminal Investigations supervisor should ensure that:

- (a) A current copy of the MOU with the PCSA regarding abuse and neglect investigations is available to all department members.
- (b) The MOU is reviewed and updated as required by law (ORC § 2151.421; OAC § 5101:2-33-26).

315.11 JUVENILES COURT JURISDICTION IN ADULT CASES

Juvenile Court has total jurisdiction to hear cases in which adults are charged with contributing to the delinquency of a minor.

In general, the court can have original jurisdiction to hear any case in which an adult commits a misdemeanor involving a juvenile.

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315.12 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.
- (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.