

STOCKTON POLICE DEPARTMENT

GENERAL ORDER

CHILD ABUSE, NEGLECT CASES
SUBJECT

DATE: July 24, 2013

NO: D-6

FROM: CHIEF ERIC JONES

TO: ALL PERSONNEL

INDEX: CHILD ABUSE, NEGLECT CASES
EMOTIONAL ABUSE
CHILD NEGLECT

I. POLICY

- A. Child abuse or child neglect cases, or suspected cases, within the jurisdiction of the Stockton Police Department shall be investigated in conformance with current law.
- B. If a determination is made that a case of child abuse or child neglect exists, a Family Crimes Supervisor shall be notified, if additional expertise is necessary.
 - 1. During the hours Investigations Division personnel are off-duty, the Watch Commander/Patrol Sergeant shall evaluate the circumstances of the offense and assign Field Operations Division personnel to investigate, unless the case indicates the need for specific expertise and/or the investigative time needed makes it impractical to use Field Operations Division personnel.
 - a. The Watch Commander or his designee will contact the Family Crimes Sergeant.
 - b. If unable to contact the Family Crimes Unit Sergeant, the Investigations Lieutenant will be contacted.
- C. **All Welfare & Institutions Code section 300 bookings will require a supervisor to respond to the call for approval in cases where no warrant has been issued. Supervisors shall use the following criteria for approving the booking of children under 300 W&I:**
 - 1. **the juvenile(s) is considered to be in imminent physical danger; and**
 - 2. **the situation does not allow time to obtain a warrant.**

II. LAWS

- A. Officers shall become familiar with Sections 300, 305, and 625 of the Welfare and Institutions Code and Sections 273a(a)(1), 273a(b), 273d(a), 11166, and 11169 of the Penal Code.
 - 1. Section 305 of the W&I Code gives Law Enforcement the authority to take into temporary custody any child who comes within Sections 300(a), 300(b), 300(c), 300(e), 300(f), 300(g), 300(i), 300(j), and 300(k) of the W&I Code, and section 279 of the Penal Code as it relates to child custody/visitation.
 - 2. Sections 11166 and 11169 of the Penal Code relate to reporting child abuse or suspected child abuse to the Department of Justice, District Attorney's Office, and Child Protective Services.

- a. It shall be each officer's responsibility to act on any 11166 PC report received.
- b. All cases of suspected or actual child abuse/neglect shall be documented on a crime report. If the evidence or elements of the crime are not present, they shall be documented on a Significant Incident Report. At no time shall they be cleared with only a memo entry into the call history ("HAN").
- c. Crime reports on actual or suspected child abuse/child neglect cases shall be routed to the Investigations Division/Family Crimes Unit for action.
- d. The Investigations Division shall ensure compliance with the mandates under Section 11166 of the Penal Code. (Phone report immediately or as soon as practical and in writing within 36 hours, unless other arrangements have been made with the District Attorney's Office).

III. INVESTIGATION

- A. An investigation of the crime scene will be conducted immediately and thoroughly to prevent the crime scene from being altered if it is determined an investigation is required.
- B. A decision to remove a child from the home will be based upon the welfare of the child. It may also include removing siblings.
- C. The following items will be considered when investigating a child abuse or child neglect case:
 - 1. Age of Victim.
 - 2. General health of the child. Does the health of the child indicate neglect?
 - 3. Location of the injury.
 - 4. History of previous episodes.
 - a. Suspicious family history.
 - b. Were new injuries received while the child was hospitalized?
 - 5. Types of Injuries:
 - a. Damage to skin and surface tissue, i.e., bruises, burns, bite marks, abrasions and lacerations.
 - b. Damage to brain, i.e., head injuries, "Whiplash: Shaken Infant Syndrome".
 - c. Damage to other internal organs, i.e., internal injuries (blunt blows).
 - d. Damage to skeleton, i.e., fractures.
 - 6. Distribution and type of fractures and other injuries.
 - 7. Shape and amount of injury of soft tissue.
 - 8. Evidence injuries occurred at different times.
 - 9. What caused the recent trauma in question?

10. Statements of parents, babysitters, relatives, etc.
 11. Reconstruction of scene and occurrence through witnesses, reporting parties, etc.
 12. Severe Neglect.
 - a. Negligent failure of a parent/caretaker to protect a child from severe malnutrition or medically diagnosed "nonorganic failure to thrive".
 - b. This includes the intentional failure to provide adequate food, clothing, shelter, or medical care.
 13. General Neglect.
 - a. Negligent failure of a parent/caretaker to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred.
- D. Persons who should be interviewed during investigation:
1. Reporting Party.
 2. Victim, if possible.
 3. Parents or guardians.
 4. Suspect, if other than parent or guardian.
 5. Persons who can contribute to the history of the child or family (physician, neighbors, relatives, school officials, minister, babysitter, Child Protective Services, etc.).
 6. Paramedics/ambulance personnel.
- E. Color photos should be taken of:
1. Injuries to victim with facial photos, full-body photos, and close-ups of the individual injuries.
 2. Scene of occurrence and any evidence, including the weapon or instrument used, if such was used.
- F. Removal of the child from the home:
1. A child removed from the home as an abuse victim or for medical attention will be taken to San Joaquin General Hospital, Emergency Receiving and will be examined prior to placement in Mary Graham Children's Shelter.
 - a. If there are no marks or bruises or complaints of pain, but the child is afraid to go home, the child should be taken to Mary Graham Children's Shelter. The staff there will schedule a medical examination at the Child Advocacy Center.
 - b. In cases where it appears the child is borderline 601 W&I and the child is over age 14, Safe House should be considered (729 North California).
 2. The investigating officer will obtain a verbal account of the injuries from the doctor who examines the child. This information will be stated in the crime report.
 - a. The original copy of the medical report, The Department of Justice, "DOJ 900"

should be attached to the crime report after the physician makes his notations on the "DOJ 900."

3. Police Hold

- a. In a situation when the physician determines a child should be kept for further examination or is reclassified as an "in-patient," the form, "Hospital Detention Hold," will be completed by the investigating officer (see attached). This form is available in the Investigations Division and is provided by the San Joaquin County Human Services Agency, Children's Services. It is to be completed by the investigating officer.

- (1) The completion of the "Hospital Detention Hold" (police hold), constitutes an arrest (Section 300 W&I Protective Custody). An arrest report will be completed.

G. San Joaquin County General Hospital Examinations

1. To expedite victim registration and the examination at the County Hospital, the investigating officer will call the receiving desk at the Emergency Room in advance and advise of the impending arrival, type of case, name of patient, date of birth, address, etc.
 - a. If the investigating officer is unable to make the advance call, the officer, immediately upon arrival at the Emergency Receiving Station, should contact the charge nurse to expedite the process.
 - b. At the conclusion of the examination, police personnel must transport the child from the County Hospital to Mary Graham Children's Shelter for booking.
 - c. All inquiries to regain custody of the child shall be referred to Child Protective Services (CPS).
 - d. All inquiries by parents or guardians regarding the investigation shall be referred to the Investigations Division of the Stockton Police Department or the Watch Commander during their non-working hours.

H. Medical Records

1. This information is confidential and disseminated on a "need-to-know" basis to law enforcement officials, physicians, and Child Protective Services.
2. Parents/guardians are to sign the "Authorization to Release or Receive Medical Information" form (PD 1231 or SJGH 216). Stockton Police Department personnel can sign the release if no parent or guardian is available.
3. The Medical Report/Suspected Child abuse form, Section I - General Information should be filled out by the investigating officer (DOJ 900).

I. Abuse Registry (detailed files maintained in Sacramento on repeat offenders).

1. Officers may contact the Department of Justice, who maintains an abuse registry and will respond on a 24-hour basis to inquiries regarding prior incidents involving victims or suspects. Contact the Command Center who will maintain the current phone number.

J. Release of Juvenile Information as it relates to Child Abuse/Neglect Cases

1. The Records Section is the central repository for this information. Access to information

relating to child abuse and neglect is controlled by the Superior Court of the County of San Joaquin.

- a. All Law Enforcement requests for release of information regarding child abuse or a copy of the report must be requested through the Records Division.

- b. All non-law enforcement requests for release of information regarding child abuse or a copy of the report must be made by petition through the Juvenile Justice Center.