

GENERAL ORDER



DISTRICT OF COLUMBIA

Title Child Abuse and Neglect		
Topic	Series	Number
SPT	309	06
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I. BACKGROUND

The purpose of this General Order is to establish the procedures for handling suspected cases of child abuse and neglect and to ensure the appropriate documentation and agency referrals are made in accordance with the D.C. Official Code.

II. POLICY

The policy of the Metropolitan Police Department (MPD) is to work with our partner agencies, including the Child and Family Services Agency (CFSA), to ensure that allegations of child abuse and neglect are investigated thoroughly, professionally, and with tact and consideration, and to protect and safeguard the rights of children.

III. DEFINITIONS

When used in this directive, the following terms shall have the meanings designated:

1. Abandonment — Leaving a child alone or in the care of another under circumstances that demonstrate an intentional abdication of parental responsibility.
2. Abuse —
 - a. Infliction of physical or mental injury on a child that goes beyond mere discipline administered by a parent or legal guardian in accordance with D.C. Official Code § 16-2301;
 - b. Sexual abuse or exploitation of a child; or
 - c. Negligent or Maltreatment of a child.

NOTE: Whenever used in reference to children, it does not include the discipline administered by a parent, guardian or custodian to his or her child; provided that the discipline is reasonable in manner and moderate in degree and otherwise does not constitute cruelty.

3. Child — Person under eighteen (18) years of age unless the person has been emancipated by the court.
4. Child Neglect — Situation in which parents, guardians or responsible adults have failed to provide for the essential physical needs of the child to include food, clothing, and shelter which has caused or would likely cause serious physical injury, sickness or disability.
5. Check on Welfare – Call for service wherein a MPD member is dispatched to a location or address to determine the well-being and/or safety of one or more persons. [See SO 10-02 (Check on the Welfare Calls for Service)]
6. Domestic Violence — Act punishable as a criminal offense committed by an offender upon a person to whom the offender is related by blood, legal custody, marriage, having a child in common, or with whom the offender shares or has a shared a mutual residence; or with whom the offender maintains or maintained a romantic relationship not necessarily including a sexual relationship. A person seeking a protection order under this provision shall reside in the District of Columbia or the underlying intra-family offense shall have occurred in the District of Columbia. [See Go-OPS-304.11 (Intra Family Offenses)]
7. Left Alone — Unsupervised minor children, under ten (10) years of age, without the means and resources to take care of themselves.

8. Maltreatment or Negligent Treatment— Failure to provide adequate food, clothing, shelter, or medical care, which includes medical neglect, and the deprivation is not due to a lack of financial means of a parent, guardian or other custodian.
9. Members – Sworn MPD employees and Reserve Corps members.
10. Neglected child —
 - a. Child who has been abandoned or abused by his or her parent, guardian, or custodian, or whose parent, guardian, or custodian has failed to make reasonable efforts to prevent the infliction of abuse upon the child. For the purposes of this definition, the term "reasonable efforts" includes filing a petition for civil protection from intra-family violence pursuant to D.C. Official Code § 16-1003.
 - b. Child who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his or her physical, mental, or emotional health, and the deprivation is not due to the lack of financial means of his or her parent, guardian, or custodian.
11. Person in Need of Supervision (PINS) — A child in need of supervision who:
 - a. Is subject to compulsory school attendance and is habitually truant without justification;
 - b. Is subject to a prescribed or legal curfew and habitually violates the curfew without justification;
 - c. Is habitually disobedient to the reasonable and lawful commands of his/her parent, guardian or other custodian; or,
 - d. Is in need of care or rehabilitation
12. Sexual abuse — Engaging in, or attempting to engage in, a sexual act or sexual contact with a child; causing or attempting to cause a child to engage in sexually explicit conduct.

IV. REGULATIONS

- A. Pursuant to D.C. Official Code § 4-1321.02, a law enforcement officer who knows or has reasonable cause to suspect that a child known to him or her in his or her professional or official capacity has been or is in immediate danger of being a mentally or physically abused or neglected child, shall immediately report or have a report made of such knowledge or suspicion

to either the Metropolitan Police Department of the District of Columbia or the Child and Family Services Agency.

B. CFSA is the primary agency which investigates abuse and neglect cases in the District of Columbia.

1. Members shall notify CFSA of **all** suspected abuse and neglect cases.
2. Members shall notify CFSA in **all** instances where narcotics, weapons or hazardous material are found in a home where a child resides, regardless of whether the child is present at the time, or if these items are located in a vehicle occupied by a child.

NOTE: CFSA is the primary investigative entity on reports of **suspected** abuse and neglect.

MPD is the primary law enforcement agency should abuse be evident and/or elements of a crime exist.

C. The MPD is the primary law enforcement agency which investigates abuse cases in the District of Columbia. The MPD's Investigative Services Bureau, Youth Investigations Division (YID), is the division within the MPD that is charged with investigating cases of abuse. The YID shall respond and investigate those cases where:

1. A crime has occurred or assistance is needed to determine if a crime has occurred;
2. CFSA is making an immediate removal for physical abuse;
3. A child has been hospitalized;
4. Physical evidence needs to be collected; or,
5. CFSA requests MPD, YID.

NOTE: CFSA and MPD YID work in concert and often will conduct joint investigations.

D. Members shall record and respond to all reports of child abuse, neglect, and abandonment irrespective of the source or method of the reporting.

E. Members shall take immediate action in child abuse and neglect cases when:

1. The complaint warrants arrest or criminal prosecution.

2. CFSA personnel are not available and time is of the essence.
 3. The child is in danger and CFSA personnel cannot enter the home.
 4. The suspected perpetrator may flee.
 5. Police presence is required to maintain order or to protect the safety of CFSA personnel.
 6. The child must be taken into protective custody against parental wishes.
- F. For cases of abandonment, severe abuse or neglect, members shall notify YID and CFSA requesting both respond to the scene. CFSA and Youth Investigations Division shall conduct a joint investigation.
- NOTE: Absent exigent circumstances, members shall not remove a child from a home without the approval of CFSA.
- G. In the rare cases of abandonment, severe abuse or neglect where the child is in imminent danger of death or serious bodily harm and time is of the essence, members may remove the child from the home. If this occurs, notifications to CFSA and YID are to be made as soon as possible.
- H. In the event that members have any questions or doubts on whether a case should be treated as child abuse or child neglect, members shall seek guidance from the Investigative Services Bureau, YID at (202) 576-6768.

V. PROCEDURES

- A. Child Abuse
1. Members who respond to or encounter alleged cases of child abuse shall:
 - a. Conduct a preliminary investigation to determine:
 - (1) The validity of the allegation.
 - (2) If the allegation involves alleged sexual abuse, members shall:
 - (a) Not interview the victim.
 - (b) Notify YID immediately.
 - (c) Follow the procedures outlined in Part V.B of this order.

- (3) If the incident occurred in the District of Columbia;

NOTE: If the incident occurred in another jurisdiction, the member shall notify YID, who will make the proper notification.

- (4) The existence of potential witnesses.

- b. Contact MPD YID, who shall respond to the scene and handle the investigation.

NOTE: A YID official may contact the reporting member to ascertain the criminality of the case. Should the YID official determine the incident is not criminal in nature, the member shall be directed to refer the matter directly to CFSA.

- c. Contact CFSA's 24-hour Hotline at (202) 671-SAFE (7233).
- d. Prepare a PD Form 251 (Incident-Based Event Report) which shall include:

- (1) The name, age, sex, and address of:

- (a) The subject child;
- (b) The siblings and/or other children in the household; and
- (c) The parents or others responsible for the child's care.

- (2) The time YID and CFSA were notified and the name of the person notified.

- (3) All observed indicators of child abuse.

2. Child physical abuse is generally characterized by physical injuries (e.g., bruises, fractures) that are not accidental. MPD handles criminal allegations of Child Abuse in accordance with D.C. Code §16-2301. Child physical abuse indicators include, but are not limited to:

- a. "Pattern injuries" that may be linked to specific objects used in an attack (e.g., hot irons, coat hangers, fingertip marks caused by tight gripping);
- b. Signs of old injuries to various parts of the body in different stages of healing, particularly those that are not common to

- childhood;
 - c. Broken bones, bruises, abrasions, or lacerations;
 - d. Burns;
 - e. Bite marks;
 - f. Head injuries;
 - g. Unexplained injuries;
 - h. Destructive or physically violent behavior;
 - i. Difficulty sitting or walking;
 - j. Clingy behavior, depression, or self-mutilation; and
 - k. Inordinate delay in seeking medical attention, evidence of administration of home remedies for relatively serious injuries.
3. Discipline
- a. Members are advised that child abuse does not include discipline administered by a parent, guardian or custodian to his or her child; provided that the discipline is reasonable in manner and moderate in degree and otherwise does not constitute cruelty.
 - b. Acts of Cruelty, not discipline, include but are not limited to the following:
 - (1) Burning, biting, choking or cutting a child;
 - (2) Striking a child with a closed fist;
 - (3) Inflicting injury to a child by shaking, kicking, or throwing;
 - (4) Non-accidental injury to a child under the age of 18 months;
 - (5) Interfering with a child's breathing;
 - (6) Threatening a child with a dangerous weapon or using such a weapon on a child.

B. Child Sexual Abuse

1. Sexual abuse of a child is a serious crime yet physical injuries of this crime may not be readily apparent or obvious.
2. For cases of suspected or alleged child sexual abuse, members shall only ask open ended questions such as “Can you tell me what happened?” and “Is the person who did this here?”
3. Under no circumstances shall members examine alleged victims of sexual abuse.
4. When a member believes sexual abuse has occurred or if an alleged victim or other person voluntarily tells a member that sexual abuse has taken place members shall:
 - a. Immediately notify YID at (202) 576-6768 who shall respond to the scene and handle the investigation.
 - b. Contact CFSA’s 24-hour Hotline at (202) 671-SAFE (7233).
 - c. Prepare and submit a PD Form 251 (Incident-Based Event Report) which shall include:
 - (1) The name, age, sex, and address of:
 - (a) The subject child;
 - (b) The siblings and/or other children in the household; and
 - (c) The parents or others responsible for the child’s care.
 - (2) The time YID and CFSA were notified and the name of the person notified.
 - (3) All observed indicators of child sexual abuse.
4. Sexual abuse indicators include, but are not limited to subjects who:
 - a. Exhibit hostility or aggression;
 - b. Exhibit fear or withdrawal;
 - c. Exhibit sexualized behavior (e.g., precocious knowledge of explicit sexual behavior, engaging in overt or repetitive sexual behavior);

- d. Exhibit self-destructive behavior;
- e. Exhibits a clingy tendency; or
- f. Run away.

C. Child Neglect

1. Members who respond to or encounter alleged cases of child neglect shall:
 - a. Conduct a preliminary investigation to determine:
 - (1) The validity of the allegation;
 - (2) If the incident occurred in the District of Columbia;
 - (3) The existence of potential witnesses.
 - b. Contact CFSA's 24-hour Hotline at (202) 671-SAFE (7233).
 - c. Contact MPD YID.
 - d. Prepare a PD Form 251 (Incident-Based Event Report) classified as "Check on the Welfare" which shall include:
 - (1) Names, age, sex and address of:
 - (a) The subject child;
 - (b) Siblings and other children in the household; and
 - (c) Parents or others responsible for the child's care.
 - (2) Time YID and CFSA were notified and the name of the person notified.
 - (3) Description of the observed neglect.
2. Child neglect includes, but is not limited to:
 - a. Deprivation of adequate food, clothing, or shelter including unsanitary conditions;

- b. Educational neglect [e.g., a child not enrolled in an educational program to include home schooling; a child is chronically absent from school (ten (10) or more times)];
- c. Medical Neglect (e.g., a child exhibits an obvious wound, break, or injury and is not receiving medical attention; failure to follow up on mental health issues);
- d. Lack of supervision or abandonment;
- e. Substance abuse by a caretaker; and
- f. Domestic violence.

D. Children Left Alone

Members who encounter a child under the age of ten (10) who is left alone shall:

- 1. Comply with the procedures outlined in Part V.C of this order.
- 2. Remain with the child and contact CFSA.
- 3. Ascertain how long the child (children) have been alone.
- 4. Maintain custody of the child until CSFA arrives on the scene. Should a parent or guardian return while the member is on the scene, the member shall not relinquish custody of the child without the approval of CFSA.
- 5. Transport the child (children) to CFSA should CFSA be unable to respond or their arrival time would be excessive.
 - a. Members shall use proper safety seats to transport children.
 - b. Members who transport children to CFSA shall prepare a PD Form 379 (Juvenile Reporting Form)

E. Intra-Family Offenses:

- 1. Members on the scene of an Intra-Family ("Domestic Violence") Offense shall:
 - a. Handle the incident in accordance with GO-OPS-304.11 (Intra-Family Offenses).

2. Members shall contact CFSA's 24-hour Hotline at (202) 671-SAFE (7233) when a child has been exposed to domestic violence.

NOTE: Exposure to domestic violence in the home may impact a child's safety and well-being. Exposure is a more inclusive term that goes beyond "witnessing," and can include watching or hearing the violent incident, direct involvement (e.g., trying to intervene), or experiencing the build up of tension to the violence or experiencing the aftermath of an assault (e.g., seeing bruises or observing maternal depression).

3. Members shall contact YID when a child has been exposed to domestic violence.
4. Members shall note the time CFSA and YID were notified, the name of the person notified and indicate this information on the Intra-family offense report.

F. Check on Welfare Calls for Service

Members responding to check on welfare calls for service shall handle the calls in accordance with SO-10-02 (Check on Welfare Calls for Service)

VI. PROVISION

Where the provisions in this directive are in conflict with directives previously issued, the provisions in this directive shall prevail.

VII. CROSS REFERENCES

- A. GO-OPS-304.03 (Missing Person Report)
- B. GO-OPS-304.11 (Intra-family Offenses)
- C. SO-10-02 (Check on Welfare Calls for Service)
- D. D.C. Official Code § 4-1321.02 (Persons required to make reports; procedure)
- E. D.C. Official Code § 16-2301, *et. seq.* (Proceeding Regarding Delinquency, Neglect or Need of Supervision)

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