

	POLICY & PROCEDURE	SERIES # 905	PAGE 1 OF 4
	SUBJECT		EFFECTIVE DATE
	CHILD ABUSE AND NEGLECT		03/01/16
			OVERSIGHT Investigations
DISTRIBUTION	AMENDS/SUPERSEDES/CANCELS		
ALL MANUALS	P&P #905 dated 10/23/09.		

I. PURPOSE:

The purpose of this policy is to establish guidelines for the investigation of child abuse/neglect cases.

II. POLICY:

It is the policy of the Hampton Police Division to maintain a close working relationship with Child Protective Services (CPS) to more effectively investigate all matters concerning the abuse or neglect of children.

III. DEFINITION:

§16.1-228 Abused or neglected child

A. Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;
2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;

APPROVED:
CHIEF OF POLICE



3. Whose parents or other person responsible for his care abandons such child;
4. Whose parents or other person responsible for his care commits or allows to be committed any sexual act upon a child in violation of the law;
5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis; or
6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902.

IV. PROCEDURE:

- A. All complaints of child neglect and/or abuse shall be investigated promptly, the Child Protective Services office shall be notified immediately and the Crimes Against Persons (CAP) supervisors shall be contacted in all serious incidents.
- B. The majority of abuse or neglect complaints will initially involve response by Uniform Patrol personnel. When such complaints are received, the responding officer(s) will ensure that the following steps are taken:
 1. Child Protective Services will be notified in all instances in which the caretaker is accused of abuse and neglect (including sexual abuse) and given the option to respond to the scene.
 2. Collect any physical evidence of abuse in misdemeanor cases (i.e., photographs, instruments used to inflict injury, etc.), and/or preserve any such evidence in felony cases and notify the Forensics Unit. This information will be documented on an incident/offense report.
 3. In all cases where a felony violation is apparent, the Crimes Against Persons Unit will be contacted and will then work the case jointly with the Child Protective Services worker. Such cases will include the willful act, omission, or refusal to provide necessary care for the life or health of the child, which causes or permits serious injury. Serious injury shall include, but is not limited to disfigurement, mutilation, maiming, forced ingestion of dangerous substances, or life-threatening internal injuries.

4. The on-scene Crimes Against Person's supervisor will notify the Commonwealth Attorney's office of all incidents that may result in the death of a child.
5. If circumstances dictate a misdemeanor violation, the responding officer(s) will take appropriate action. This shall pertain to any person, 18 years or older, as well as the parent of any child who: willfully contributes to, encourages, or causes any act, omission, or condition which renders a child delinquent, abused, or neglected as defined in § 16.1-228.
 - a. Arrest or summons the identified suspect for a violation committed in the presence of the officer. In cases involving assault in which the child is 13 years of age or older, the officer will refer to Policy and Procedure #503 (Police Involvement in Domestic Disputes) to ensure the proper handling of the investigation.
 - b. When a prolonged investigation is not required for a misdemeanor neglect violation, an arrest warrant or summons will be obtained for the individual(s) when circumstances dictate it to be the proper course of action. For example, a young child is left unattended in a vehicle or left at home without proper supervision or justification.
 - c. A supervisor will respond to the scene as directed in Policy and Procedure #1133, Scene Supervision, and determine if the circumstances allow for follow-up under this section. If there is any question about the appropriate level of the follow-up investigation then the supervisor will consult with the on-duty Investigative Services supervisor.
6. In cases found to have emergency circumstances, a Crimes Against Persons investigator will be notified and respond to the scene. The investigator may act immediately to remove the child from the home.

This action is to be taken only in extreme emergency circumstances when the child is found in a battered, beaten, or abused state or in an obvious need of medical care and attention.

7. No child should be removed from the home without a court order unless the circumstances are so extreme that such action is vital to the safety of the child. After such emergency action is taken, it is incumbent upon the officer to advise both Child Protective Services and the Juvenile Court as soon as possible and ensure that a petition for an immediate custody hearing is secured.
8. All complaints of abuse or neglect will be documented on appropriate Division report forms whether Child Protective Services or Division members investigate the matter.

9. Should a case that has been accepted by C.P.S. for follow-up investigation involve a violation of the Criminal code, the investigating officer will coordinate with C.P.S. in submitting it for prosecution. It is the responsibility of the investigating officer to secure the issuance of any warrants deemed appropriate.
10. All allegations of child abuse or neglect received directly by the CAP Unit from C.P.S. will be documented on an incident/offense report and assigned to an investigator immediately for follow-up investigation.

-