
Child Abuse

319.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Kalamazoo Department of Public Safety members are required to notify Children's Protective Services (CPS) of suspected child abuse.

319.1.1 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.

319.2 POLICY

The Kalamazoo Department of Public Safety will investigate all reported incidents of alleged criminal child abuse and ensure CPS is notified as required by law.

319.3 MANDATORY NOTIFICATION

Public Safety Officers of the Kalamazoo Department of Public Safety shall notify CPS when there is reasonable cause to suspect child abuse or neglect (MCL 722.623).

For purposes of notification, abuse means harm or threatened harm to a child's health or welfare that occurs through non-accidental physical or mental injury, sexual abuse, sexual exploitation or maltreatment by a parent, legal guardian or any other person responsible for the child's health or welfare, including a teacher, teacher's aide or a member of the clergy. Neglect means harm or threatened harm to a child's health or welfare by a parent, legal guardian or other person responsible for the child by failing to provide the child with adequate food, clothing, shelter or medical care, or by failing to intervene to eliminate an unreasonable risk to the child's health or welfare (MCL 722.622).

319.3.1 NOTIFICATION PROCEDURE

Notification shall occur as follows (MCL 722.623):

- (a) Immediately via the CPS Abuse and Neglect hotline or online reporting system if available.
- (b) A written report shall follow oral notification within 72 hours. The written report may be the prepared offense report if it includes the required information or the form prescribed by the Department of Health and Human Services or a report made using the online reporting system if available. The report shall contain the following information, if known:
 1. The child's name and age.

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2. A description of the abuse or neglect and the manner in which it occurred.
 3. The name and address of the child's parent, guardian or person with whom the child resides.
 4. Any information that may establish the cause of the abuse or neglect.
- (c) If the abuse or neglect involves exposure of the child to methamphetamine production, the written report shall be forwarded to the county CPS department of the county where the child is located. If the person responsible for exposure is a child care provider, the written report shall also be sent to the child care regulatory agency which may have authority over the organization.

319.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available for child abuse investigations. The Criminal Investigations Division Captain shall ensure there are an adequate number of trained detectives to investigate all cases of Child Abuse. 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 (MCL 722.628).
- (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.

319.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, public safety officers shall write a report even if the allegations appear unfounded or unsubstantiated. If no criminal elements can be substantiated, a report should be written as "other assist calls (MICR code: 93950)" and forwarded to the Criminal Investigations Division.

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 public safety officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if public safety 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.

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- (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.

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).

319.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the public safety officer should make reasonable attempts to contact CPS. 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 public safety 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 public safety officer shall ensure that the child is delivered to CPS.

Whenever practicable, the public safety officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, public safety officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian by a public safety officer if there is reasonable cause to believe that the child is at substantial risk of harm or is in surroundings that present an imminent risk of harm and the child's immediate removal from those surroundings is necessary to protect the child's health and safety. The child shall not be held in a detention facility and the public safety officer shall immediately, or as soon as practicable, notify CPS of the removal. If the release of the child cannot be arranged, a court order shall be obtained for placement of the child (MCL 712A.14a).

319.7 INTERVIEWS

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319.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, public safety officers should record the preliminary interview with suspected child abuse victims. Public Safety 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 public safety 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. The child shall not be interviewed in the presence of an individual suspected to have perpetrated the abuse or neglect (MCL 722.628c).

319.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

A public safety 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.

319.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating public safety officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The public safety 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, public safety officers should notify a supervisor before proceeding. In addition, Child Protective Services shall be notified and requested to respond to the scene. If exigent circumstances do not exist or if state law does not provide for public safety officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination (MCL 722.626).

319.9 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.

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319.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigations Division supervisor should ensure that, a detective is assigned to the case and that the investigation to include any follow-up is completed. In addition, the Criminal Investigations Division supervisor shall act as a liaison to outside agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors in developing procedures to address incidents involving children who are endangered by their exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

319.9.2 PUBLIC SAFETY OFFICER RESPONSIBILITIES

Public Safety 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 Criminal Investigations Division supervisor to determine if a response is needed by a detective.

319.10 STATE MANDATES AND OTHER RELEVANT LAWS

Public Safety employees shall not release confidential information or identify the person reporting child abuse. This information is only subject to disclosure with the consent of that person or by judicial process (MCL 722.625).

319.10.1 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.

319.10.2 CHILD FATALITY REVIEW TEAMS

When a child dies as the result of abuse or neglect, the county child fatality review team should be notified as soon as practical by the Criminal Investigations Captain or designee (MCL 722.627b).

319.11 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.
- (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.
- (g) Recognizing abuse that requires mandatory notification to another agency.

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- (h) Instruction on the provisions of the Safe Delivery of Newborns law (MCL 712.1 et seq.).