




**WINCHESTER POLICE DEPARTMENT OPERATION ORDER**

**NOTE:** This directive is for internal use only, and does not enlarge an employee’s civil liability in any way. It should not be construed as the creation of a higher standard of safety or case in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

Number 2-24		Effective Date August 30, 2023	Review Date July 13, 2023	Reviewing Division Administration
Subject <b>CHILD ABUSE/Sexual Assault Investigations</b>	References  VLEPSC: OPR.02.01 - .06  CALEA	<input type="checkbox"/> New Directive  <input checked="" type="checkbox"/> Amends  <input type="checkbox"/> Revised		This directive shall apply to personnel assigned to the following divisions:  <input type="checkbox"/> All Personnel <input checked="" type="checkbox"/> Patrol Division <input checked="" type="checkbox"/> Administration Division <input checked="" type="checkbox"/> Investigation Division
<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;">             _____            Chief of Police or Designee         </div> <div style="text-align: center;">           August 30, 2023            _____            Date         </div> </div>				

**I. PURPOSE**

The purpose of this directive is to establish guidelines for investigating crimes of child abuse and neglect involving children (any person under the age of eighteen (18) years).

**II. POLICY**

It is the policy of the Winchester Police Department to protect and ensure the safety and welfare of children. All officers must be knowledgeable about child abuse and neglect and its effect on children, and shall assist children who become victimized. Coordination and collaboration with other criminal justice and social services agencies is paramount. The department has assumed community leadership in the prevention of child victimization and in the prosecution of offenders. The protection of all children is vital to the well being of the community. Initial responsibility for investigation of most cases of child abuse or neglect lies with law enforcement.

**III. PROCEDURES**

A. General Responsibilities

1. As required by Virginia Code, officers who have reason to suspect that a child is abused or neglected, shall complete an incident report on the offense and contact the Department of Social Services (DSS). Officers shall coordinate with the Juvenile and Domestic Relations Court (JDRC) as appropriate.

2. Department personnel shall be trained and knowledgeable regarding child abuse and neglect, the effects of abuse and neglect on children, and how to identify these offenses.
3. All officers shall know and regularly review the sections of Virginia Code that pertain to crimes most commonly committed against children. These offenses include:
  - a. Child abuse;
  - b. Child neglect;
  - c. Contributing to the delinquency of a minor;
  - d. Failure to secure medical attention for an injured child;
  - e. Sexual exploitation of children, including rape, sex with a child age fifteen (15) to eighteen (18) years old, carnal knowledge of a child age thirteen (13) to fourteen (14) years old, statutory rape of a child age twelve (12) and under, indecent liberties with a child age fourteen (14) and under, and aggravated sexual battery; and
  - f. Child abduction or kidnapping, including abduction with the intent to extort money or for immoral purpose, threatening, attempting or assisting in abduction, and violation of a court order regarding custody and visitation.
4. Officers shall evaluate the circumstances of possible child abuse and neglect and decide whether the child requires immediate removal to a place of safety or whether an alternate course of action is more appropriate. In any case, officers shall communicate all pertinent information to the DSS as soon as possible. The DSS and the officer shall jointly determine a course of action.
5. If the child's circumstances are such that continuing in their place of residence or care presents an imminent danger, or if evidence of abuse is perishable or subject to deterioration before a hearing can be held and a court order obtained, then the officer shall take the child into custody. The officer shall immediately notify the JDRC and DSS of the situation. Within seventy-two (72) hours, DSS shall obtain an emergency removal order. The emergency removal order is not necessary if the JDRC holds a hearing within seventy-two (72) hours of the child's removal and issues a preliminary removal order. The seventy-two (72) hour period may be extended if it expires on a weekend or other legal holiday.
6. If the alleged abuser is a caretaker (parent, guardian, or other legally sanctioned adult), then the DSS has an investigative role. If the alleged

abuser is not a caretaker, then law enforcement has the primary investigative role.

7. All personnel interacting with child victims shall use developmentally appropriate communication skills. Officers interviewing children who are reporting a sexual/child abuse incident, should proceed with caution when interviewing in order to protect the integrity of a child's statement. Officers should only acquire information to determine whether the child is in immediate danger.
8. When and where appropriate, officers shall work with local schools and social services agencies to educate children in identifying and preventing their own victimization, and to provide community awareness.

B. Emergency Communications Center (ECC) Responsibilities

1. When a report of child abuse and neglect is received, the ECC must decide if a child is in imminent danger due to injury, threat, or abandonment. If so, an officer shall be sent to the child immediately. If circumstances do not involve imminent danger, an officer shall be sent and the DSS shall be contacted, if requested by the investigating officer, to conduct a joint investigation.
2. The ECC shall attempt to collect the following information and report the information to the officer or detective assigned to the child abuse and neglect case:
  - a. Child's name, age, address, and present location;
  - b. Name of caretaker and address;
  - c. Nature and extent of injury or condition;
  - d. Complainant's name, location, and relationship to the child; and
  - e. History of any previous injury to the child and identification of the person responsible.
3. It is important to give support and reassurance to the complainant regarding the appropriateness of the report and its confidentiality, if applicable.

C. Officer Responsibilities

1. Officers shall collect all pertinent information from the ECC before arrival at the scene of a child abuse and neglect offense.
2. If entry to the home is refused and the officer deems entry is necessary, the officer may gain entry in the following manner:

- a. In a non-emergency situation, obtain a court order or a search warrant from a magistrate or judge; or
  - b. In an emergency situation, forced entry without a warrant is legal when there is probable cause that a child is in danger. See GO 2-1, Limits of Authority for guidance on warrantless entries and emergency searches.
3. During the initial contact with the complainant and/or victim, and the officer suspects child abuse, the officer shall explain the law enforcement role in ensuring the health and safety of the child.
4. Officers shall immediately ensure the safety of the child, summon medical assistance, or administer aid, if necessary. When any injury to a child is discovered, officers shall contact the Supervisor of Criminal Investigations.
5. Officers have the right to photograph or talk to the child victim outside the presence of the caretaker when child abuse is suspected by the caretaker. Officers shall reassure the child that they are safe and that the child has done nothing wrong. Officers should exercise caution when interviewing children as to protect the integrity of the initial narrative.
6. Officers should transport the child victim to a safe place, if necessary. Officers shall confer with the DSS to decide on the appropriate placement of the child. See GO 2-45, Victim Services for additional guidance.
7. If an officer decides that protective custody is needed, the officer shall be guided by the provisions of Virginia Code, which allows an officer to take a child into custody for seventy-two (72) hours without the prior approval of the caretaker under specified circumstances. The officer must contact the DSS if a child is taken into protective custody. In these cases the officer shall consider the totality of circumstances to include:
  - a. Maltreatment of the child in the home, present or potential;
  - b. Evidence of abuse, torture, or neglect by the parent;
  - c. The parents' refusal to obtain needed medical or psychological care for the child;
  - d. Evidence that the parents cannot provide for the child's basic needs; and
  - e. A history of prior offenses or allegations in which the child is the victim.
8. If there is a report of possible child sexual assault, officers shall refer to the sexual assault procedures listed in GO 2-29, Sexual Assault.

D. Detective Responsibilities

1. In collaboration with the DSS and other relevant authorities, detectives may present child abuse and neglect cases to the Commonwealth's Attorney for a determination on prosecution. Short of an arrest, protective and removal orders may be appropriate.
2. Detectives shall place a high priority on coordinating and communicating at every stage of child abuse and neglect cases with the DSS, JDRC, Commonwealth's Attorney, forensic nurse examiner, court appointed guardian, or child advocate, as appropriate.

E. Interviewing Child Victims

1. Child victims require special treatment when interviewed. Officers should observe and note the child's reactions during the initial contact. A comfortable and child friendly environment should be created for the interview. Officers should take reasonable steps to relax the child and allow for a more thorough interview.
2. In most instances, it is preferred that child victims of abuse/ neglect and sexual assault should be interviewed by an officer or detective trained in child interviewing techniques.
3. Officers must try to determine the emotional state of the child victim. Is the child ready to tell the truth and to talk about the incident? If not, the interview should be delayed to a more appropriate time.
4. Officers must be sensitive to the emotional stress of the child victim due to the interview itself. Some children may not understand that the behavior of the parents has been abusive or neglectful.
5. To minimize the number of times the child victim will be interviewed, officers should coordinate with the DSS and the Commonwealth's Attorney before interviewing the child, if possible.
6. The child victim may be too young to interview. A child's capacity to deal with information differs from an adult's capacity. If the child is under the age of 10 years old or has an obvious barrier for comprehension, Officers should try to conduct the investigation without interviewing the child.
7. Interviews of child victims should be conducted in language at the child's developmental level.
8. When appropriate, a supportive person should be present during the interview for a child's emotional comfort. The supportive person might be a grandparent or other adult whom the child trusts, if appropriate.
9. Parents should not be present during interviews of child victims as the child may be afraid or embarrassed to tell the truth.

10. At the beginning of the interview, officers should attempt to gain the child's confidence. Officers should introduce themselves to the child, give the purpose of their presence, and conduct an informal, friendly interview with the child. If the interview is tape recorded, the child should be allowed to test his or her voice before beginning.
11. Officers should provide reassurance to an anxious child victim by expressing belief in the child's story and an understanding of the child's dilemma, however, no promises should be made.
12. Officers should not appear to be taking sides against the child's parents. Children will generally become defensive if someone criticizes their parents, even if they agree with the criticism.
13. The interview should always include information on what will happen next and how the officer will use the child's information.
14. Officers must be sensitive to time during interviews of children. Younger children have shorter attention spans and the interview may need to be divided into several sessions to allow the child victim time to play or vent excess energy between sessions.
15. Under no circumstances should an officer have the child use their body, doll, or other object to describe/demonstrate the abuse, unless officer has completed the appropriate training.

F. Interviewing Witnesses and Caretakers

1. When interviewing witnesses or caretakers in child abuse and neglect cases, officers shall create an atmosphere of support, understanding, and remain non-judgmental.
2. Officers must communicate in a professional manner and allow witnesses and caretakers to express their anger and fears concerning the incident.
3. Witnesses may be reluctant to discuss a family matter with an officer due to fear of retaliation or because they do not want to violate confidentiality. Officers shall explain that the use of any information provided may be kept confidential.
4. Caretakers should be interviewed at a neutral location and not at their home.
5. If the officer suspects criminal activity, constitutional safeguards must be scrupulously observed. Under custodial interrogation, officers must notify any suspect of his or her Miranda rights before conducting an interview.
6. The DSS must notify the alleged abuser in writing of the child abuse and neglect complaint. If caretaker child abuse is suspected, each caretaker should be interviewed separately. Officers must be alert to any apparent

vagueness or inconsistencies in the explanations each interviewee gives for the allegation.