

THURMONT POLICE DEPARTMENT

GENERAL ORDER	<i>Date Issued:</i> January 3, 2022	<i>Effective Date:</i> January 3, 2022	<i>Order No:</i> Chapter 28.3
<i>Authority: Chief of Police</i> <p style="text-align: center;"><i>Gregory L. Eyer</i></p>		<i>Manual Page No:</i>	
<i>Subject: Child Abuse Investigations</i>		<i>Replaces Page No:</i>	
<i>Accreditation Standard:</i>	<i>Distribution: ALL</i>	<i>Amends:</i>	<i>Number of Pages: 7</i>
<i>Related Documents:</i>		<i>Rescinds:</i> New Policy	

This Directive is for internal use only, and other than as contraindicated here this Directive does not create or enlarge this Department's, governmental entity's, any of this Department's officers, and/or any other entities' civil, criminal, and/or other accountability in any way. This Directive is not to be construed as the creation of a standard of safety or care in any sense, with respect to any complaint, demand for settlement, or any other form of grievance, litigation, and/or other action. Deviations from this Directive, if substantiated, can only form the basis for intra-Departmental administrative action(s) (including discipline and/or termination).

I. PURPOSE

The purpose of this policy is to establish protocols and guidance for addressing and investigating suspected child abuse and maltreatment of children in Frederick County, Maryland. These protocols are designed to reduce trauma to child victims, expedite the sharing of information, and enhance resources needed to support an interagency approach to protecting the children and families of Frederick County. The Thurmont Police Department is committed to conduct efficient and effective child abuse investigations.

II. POLICY:

It shall be the policy of the Thurmont Police Department to thoroughly investigate all Child Abuse allegations and violations of state and local law that occur within its jurisdiction.

II. DEFINITIONS:

A. Child Abuse – any act of physical abuse, sexual abuse, or abuse with mental injury of a minor (FAM. LAW § 5-701).

B. Child Protective Services (“CPS”) – the unit of FCDSS responsible for the investigation of child abuse and neglect.

C. Criminal Child Neglect – the intentional failure to provide necessary assistance and resources for the physical needs or mental health of a minor that creates a substantial risk of harm to the minor’s physical health or a substantial risk of mental injury by a parent, family member, household member, or other person who has permanent or temporary care or custody or responsibility for supervision of a minor, but not including the failure to provide necessary assistance and resources for the physical needs or mental health of a minor when the failure is due solely to a lack of financial resources or homelessness.

D. Mental Injury – the observable, identifiable, and substantial impairment of a child’s mental or psychological ability to function. (FAM. LAW § 5-701(r); CRIM. LAW § 3-602.1(a)(4)).

E. Minor or Child – an individual under the age of 18.

F. Neglect – the leaving of a child unattended or other failure to provide proper care and attention by any parent or other person who has permanent or temporary care and custody or responsibility for supervision of a child, under circumstances that indicate the child’s health or welfare was harmed or placed at substantial risk of harm. (FAM. LAW § 5-791(s)). Neglect includes criminal child neglect as well as neglect with mental injury.

G. Physical Abuse – the physical injury of a child by any parent, household or family member, or other person who has permanent or temporary care or custody or responsibility for supervision of a child, under circumstances that indicate that the child’s health or welfare was harmed or placed at substantial risk of harm. (FAM. LAW § 5-701(b)). Physical child abuse under criminal law includes only physical injury sustained by a minor as a result of cruel or inhumane treatment or as a result of a malicious act. (CRIM. LAW § 3-602).

H. Sex Trafficking – means the recruitment, harboring, transportation, provision, obtaining, patronizing or soliciting of a child for the purpose of a commercial sex act. (FAM. LAW § 5-701(x)).

I. Sexual Abuse - any act that involves: (1) sexual molestation or exploitation of a child by: (i) a parent; (ii) household or family member; (iii) a person who has permanent or temporary care or custody of a child; (iv) a person who has responsibility for supervision of a child (FAM. LAW § 5-701(y); CRIM. LAW § 3-602); or (v) a person who, because of the person’s position or occupation, exercises authority over the child; or (2) sex trafficking of a child by any individual (FAM. LAW § 5-701(y)).

J. Sexual Molestation or Exploitation – includes: (1) allowing or encouraging a child to engage in: (i) obscene photography, films, poses, or similar activity; (ii) pornographic photography, films, poses, or similar activity; or (iii) prostitution; (2) incest; (3) rape; (4) sexual offense in any degree; (5) sodomy; and (6) unnatural or perverted sexual practices. (FAM. LAW § 5-701(z)).

III. POLICY / PROCEDURE

A. Upon receipt of a Child Abuse / Neglect complaint, the officer will determine:

1. If the report of abuse or neglect occurred within the Town limits of Thurmont.
2. If the report of abuse or neglect occurred outside of Town limits but within Frederick County jurisdiction; Frederick County Sheriff's Office (FCSO).
3. If federal law enforcement agencies are involved: the law enforcement jurisdiction handling the case will serve as the liaison between all other parties and the federal agencies.
4. In the case of child sexual assault cases, the investigating officer will coordinate their investigation and interviews with CPS (Child Protective Services) and CAC (Child Advocacy Center).
5. If the allegations involve serious child abuse/neglect, possible felony charges, the investigating officer will make notification to the State's Attorney Office.
6. If, after initiating the investigation and making all appropriate notifications, the investigating officer will schedule a meeting with the team of investigators from the supportive agencies.
7. In cases of reported maltreatment, CPS may request the assistance of the appropriate law enforcement agency if FCDSS has concerns about a CPS investigator's safety or when a CPS investigator has been refused entry into a household and believes that a child is in serious immediate danger.

B. Investigative protocols and procedures:

1. As required by State law, each health practitioner, police officer, educator or human service worker, acting in a professional capacity, who has reason to believe that a child has been subjected to abuse or maltreatment in Frederick County shall notify the FCDSS.
2. When Law enforcement and FCDSS receive reports of suspected child abuse and neglect by telephone, in person, or in writing, FCDSS and law enforcement will follow their respective agency's established policies and procedures to complete reports with:
 - a. The name, age, and home address of the child;
 - b. The name and home address of the child's parent or other person who is responsible for the child's care;
 - c. The whereabouts of the child;
 - d. The nature and extent of the abuse of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse, and any other information that would help determine: (i) the cause of suspected abuse; and (ii) the identity of any individual responsible for the abuse.

- e. Interviews shall include: Witnesses, Family members, Suspect.
Victim interviews / forensic interviews should be coordinated through the CAC.
 - f. Crime Scene:
 - Observe the crime scene
 - Secure a search and seizure warrant if applicable
 - Collect photographs
 - Make sure that measurements were collected (if applicable)
3. When law enforcement receives a report of suspected child abuse / neglect, or maltreatment, it will immediately call FCDSS and transmit the report and all related documents and background information to CPS for screening and determination of any appropriate joint or other response. All reports will be submitted no later than the end of the next scheduled business day. Medical Records will be subpoenaed through the Frederick County State's Attorney Office. All original statement forms, Miranda Forms, Hospital Records, and other related documentation will be included in the case file.
 4. If a report of abuse or neglect is accepted for investigation by CPS, the CPS investigator will immediately (or within the next business day following the report) contact the appropriate law enforcement agency and fax or email the referral, redacting all identifying information about the reporter.
 5. In cases of suspected child sexual abuse or serious child physical abuse or criminal neglect, law enforcement will, in coordination with CPS, schedule forensic interviews at the CAC.
 6. In cases of suspected child neglect, the appropriate law enforcement agency and CPS will jointly investigate reports of suspected child abuse and criminal child neglect and begin their investigation within 24 hours of receiving a report, or immediately if warranted.
 7. The law enforcement investigator and CPS investigators will jointly decide who will initially conduct a minimal facts interview with the child victim. If it is determined the case meets the criteria for a CAC referral, a forensic interview will be scheduled and conducted by the Forensic Interviewer at the CAC or her/his designee. Law enforcement will take the lead in determining how the alleged offender will be interviewed. If law enforcement conducts the initial interview with the alleged offender, the CPS investigator may conduct a subsequent interview as necessary to assess risk and safety.

8. Law enforcement and CPS will make every effort to reduce the risk of trauma to a child victim by minimizing the number of interviews to which a child victim is subjected.
9. The CPS investigator will be responsible for making decisions regarding the child victim's safety and the need for out-of-home placement, as well as the safety of other children in the care of the alleged offender.
10. The CAC will conduct forensic interviews in all child sexual abuse cases and in cases of serious physical abuse with law enforcement involvement. Interviews conducted at the CAC will be video recorded and will be observed by FCDSS and law enforcement.
11. Law enforcement will be responsible for the collection of physical evidence, taking photographs, and getting written statements. Law enforcement will retain physical evidence. Written statements, photographs, and medical reports will be copied and shared with all investigators. CPS will be responsible for collecting any medical reports.

C. Medical Care

Frederick Health Hospital's Forensic Nurse Examiner (FNE) Program is responsible for all acute medical examinations for victims of sexual assault/abuse. Acute is generally (but not in every case) defined as any sexual contact generally within 120 hours of the reported incident. In cases of penile/vaginal assault of a post-pubertal female, the medical exam can be conducted up to 15 days of incidents. Medical examinations for acute cases of suspected child maltreatment will be conducted through the FNE Program at Frederick Health Hospital or another emergency medical facility. Non-acute clients (not fitting the acute criteria) that present to FHH emergency department will be referred to the CAC for medical evaluation except in cases where there may be a potential loss of evidence or when there is a need to meet the patient/family medical and emotional needs.

D. Child Fatalities or Near Fatalities

1. When law enforcement or FCDSS receives a report of a child fatality or near fatality where child abuse or neglect is suspected, the agency that receives the report shall immediately notify the other agency. The SAO shall be notified of the event by law enforcement.
2. CPS will immediately initiate a clearance to determine previous child protective services history and will comply with Department of Human Resources policy regarding the handling of reports of child fatalities or near fatalities.

3. CPS will assess the safety of any other children in the home. In the case of a fatality, if no risk factors are identified, CPS will offer support services to the family.
4. All child fatalities are reviewed quarterly by the Frederick County Child Fatality Review Board to identify systemic issues.

E. Child Care Facilities

1. Investigations of alleged child abuse or child neglect in a childcare facility, including day care homes, will be conducted in accordance with Maryland regulations and circular letters, including SSA #98-7/CCA # 98-2.
2. If OCC receives the report, it will immediately notify CPS. If CPS receives a report or accepts a report from law enforcement, it will immediately, and not later than the next working day, contact the OCC Regional Manager, notify the appropriate law enforcement agency, and submit a report to the Social Services Administration in the Department of Human Services.

DOCUMENT DATES:

Attachment:

Amended Date:

Review Date:

Review Date:

Review Date:

Rescinds:

Order Written By: Lt. P.A. Droneburg

Order Edited and Approved By: Chief Gregory L. Eyler

Accreditation Standards Included in this Order

CHAPTER