



CITY OF PORTLAND, OREGON



Bureau of Police

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EXECUTIVE ORDER

DATE: September 12, 2008

TO: All Members

RE: Revised DIR 640.30 Child Abuse Investigations.

ACTION: Inserted new language regarding visual recording of sexual conduct of children. Included definition of suspicious physical injury and added under Member Responsibilities, section 1, new information about Karly's Law. Added a new section I, requirements about suspicious physical injury.

640.30 CHILD ABUSE INVESTIGATIONS

Index: Title

Refer: ORS 163.160 – 185 Assaults

ORS 163.200 - 205 Criminal Mistreatments

ORS 163.545 Child Neglect II

ORS 163.665-163.693 Visual Recording of Sexual Conduct of Children

ORS 419A.255 Maintenance; Disclosure; Providing Transcript; Exceptions to Confidentiality

ORS 419B.005 Child Abuse Definitions

ORS 419B.150 When Protective Custody Authorized

DIR 640.20 Sexual Assault Investigations

DIR 640.40 Investigations and Interviews on School Property

Assistance Resource (CAT)

Multnomah County Child Abuse Team Protocol (Multnomah County District Attorney's Office)

POLICY (640.30)

The Bureau will provide confidential, sensitive service to the victim, concerned family and friends, while conducting thorough child abuse investigations. The Bureau will participate in a team approach with other service providers to protect the child, provide comprehensive and sensitive interviews, minimize the risk of contamination of evidence, and ensure the investigation is effectively and efficiently carried out on behalf of the child and family members involved.

In all instances, the protection of children shall be the highest priority.

PROCEDURE (640.30)

Community Policing: Making the Difference Together
An Equal Opportunity Employer

Directive Specific Definitions

CARES-NW: The Child Abuse Response and Evaluation Services Program at Emanuel Hospital.

Child: An unmarried person under 18 years of age (an emancipated juvenile will not be considered a child).

Child abuse is:

- a. Any physical injury to a child by other than accidental means, including any injury that appears to be at variance with the explanation given as cause for the injury.
- b. Any mental injury to a child that will include only observable and substantial impairment of the child's mental or psychological ability to function, caused by cruelty to the child, with due regard to the culture of the child.
- c. Sexual abuse, including but not limited to rape, sodomy, sexual abuse, incest, and unlawful sexual penetration.
- d. Sexual exploitation of a child including visual recording of sexual conduct of children.
- e. Negligent treatment or maltreatment of a child including, but not limited to, failure to provide adequate food, clothing, shelter or medical care.
- f. Threatened harm to a child; subjecting a child to a substantial risk of harm to the child's health or welfare.

Family member: A father, stepfather, mother, stepmother, brother, sister, cousin, uncle, aunt, grandparent/step-grandparent, parent's/guardian's current or former live-in boyfriend or girlfriend, separated or divorced parent, foster parent and a legal guardian.

Hotline: Refers to the Child Abuse Hotline of the Department of Human Services (DHS), and is a 24-hour service where citizens or mandated reporters report suspected child abuse.

Multi-Disciplinary Team (MDT) trained members: Received the DPSST eight-hour supplemental Multi-Disciplinary Team MDT training course or have attended the Basic Academy class on MDT child abuse investigations since July 1991.

Non-family member: Any person not listed as a family member, including neighbors, friends, teachers, other temporary child custodians and strangers.

Recent sexual assault: Includes a case of rape, sodomy, sexual penetration, etc., which has occurred within 72 hours previous to the initial report, where there is a likelihood medical evidence, (i.e., semen, DNA, trauma or other physical evidence) may be detected.

Serious physical injury is:

- a. A physical injury that creates a substantial risk of death or that causes serious and protracted disfigurement, impairment of health or protracted loss of the functions of any bodily organ.
- b. Injuries such as serious head trauma, broken bones, serious burns, etc.
- c. Injuries, after initial medical treatment, that require a child to be admitted to a hospital.

Shelter home: A confidential location for a child to stay as determined and arranged by DHS, the location of which is only known by DHS, Juvenile Court or the transporting member.

Suspicious physical injury: Includes, but is not limited to, burns or scalds, extensive bruising or abrasions on any part of the body; bruising, swelling or abrasions on the head, neck or face; fractures of any bone in a child under the age of three; multiple fractures in a child of any age; dislocations, soft tissue swelling or moderate to severe cuts; loss of the ability to walk or move normally according to the child's development ability; unconsciousness or difficulty maintaining consciousness; multiple injuries of different types; injuries causing serious or protracted

disfigurement or loss or impairment of the function of any organ; and any other injury that threatens the physical well-being of a child.

Responding Member Responsibilities (640.30)

- a. In all cases of reported physical or sexual child abuse, a police report will be written. Under no circumstances, even if the allegations appear unfounded, will members give the Bureau of Emergency Communication (BOEC) a coded radio disposition in lieu of writing a report. Even unfounded calls require a Special Report (see member reports section) to conform to state child abuse reporting laws.
- b. When possible, an MDT member will handle calls of child abuse. In the event a member has not received MDT training and receives a child abuse call, the member will request an MDT trained member to respond and handle the call. In the event one is not available, the dispatched member will handle the call.
 1. In cases of recent sexual assault (within 72 hours) or serious physical injury where the child is hospitalized, the Child Abuse Team (CAT) or the Detective Division (Detectives) will be contacted to respond and coordinate the investigation. CAT may respond after hours and on weekends upon approval of a CAT supervisor.
 2. The responding member is responsible to coordinate the medical treatment, physical examination, and sexual assault kit unless they are relieved of this responsibility by another member or detective. The member's report will document the person who assumed this responsibility, and the time they did so.
- c. Protective custody.
 1. A child will be taken into protective custody by a member when:
 - a) The child is in imminent danger if not taken into protective custody.
 - b) There is a threat that abuse will occur if the child is not removed from the home (e.g., the child has been the victim of sexual molestation by a family member and that family member is still in the home, likely to return to the home or the other members of the family are not supportive of the victim).
 - c) There are no other alternative resources (such as a relative) to care for the child.
 2. If a DHS worker is present, the member may give the worker custody of the child. In other circumstances, the member will transport the child to a confidential destination as directed by DHS or the Juvenile Intake Unit.
 3. In all cases where a child is taken from a current custodian and given to another person, including a DHS worker, a Custody Report will be written by the member.
 4. The responding member is responsible for the criminal investigation even when a DHS worker is present.
- d. A child may be taken into protective custody when:
 1. A child under ten years of age is left without supervision.
 2. The child's conditions or surroundings reasonably appear to jeopardize the child's welfare.
- e. Criminal Mistreatment (ORS 163.205) is the proper charge, rather than misdemeanor assault charges in physical child abuse cases. This includes domestic violence situations. When a member makes a custody arrest for Criminal Mistreatment I, the following procedure must be followed:
 1. Contact a CAT supervisor.

2. If no detective is available, or the CAT supervisor advises the member to handle the case:
 - a) Advise suspect of his/her Miranda rights (using Detective's standard form).
 - b) Interview suspect after waiver of rights.
 - c) Document suspect's statements in report.
 - d) Place two copies of all reports and the suspect's PPDS/LEDS printout into a case envelope.
 - e) If Polaroid photos are taken, place one set in the envelope for district attorney's review.
 - f) Indicate the word Custody on the upper left margin of the case envelope.
 - g) Before leaving Detectives, place the envelope in the CAT mailbox for delivery to the CAT deputy district attorney (DDA).
- f. Unless the call originated from the DHS Hotline, members must notify the Hotline of all suspected child abuse cases and indicate the time of notification at the beginning of the police report.
 1. If a child is taken into protective custody, the member will make reasonable efforts to notify the parents immediately, regardless of the time of day. Notification may be in person, by telephone, or in writing. Notification will include the following:
 - a) The fact that the child has been taken into custody.
 - b) The reasons why the child was taken into custody.
 - c) General information about the child's placement (i.e., hospital, shelter home, JDH, etc.).
 - d) That a Juvenile Court hearing will occur the next court day.
 - e) The telephone number of the DHS Hotline.
 2. The only exception to this notification will be at the direction of a CAT supervisor or where immediate notification of a parent may compromise the investigation or endanger other children. Under no circumstances will the member tell anyone (including a parent) the location of a foster/shelter care home, nor will it be listed in the member's report.
 3. If a child's location is changed by a member's intervention, (i.e., shelter care, medical hold or placed with a relative or friend), the following must be done:
 - a) A Custody Report must be written.
 - b) The DHS Hotline must be notified.
 - c) Copies of reports delivered to Juvenile Court intake as soon as possible, either in person or faxed, but in any event, prior to the end of shift.
 4. If an adult caretaker is arrested for child abuse, the arresting member will call the DHS Hotline. This must occur even if the child is not taken into protective custody.
- g. In cases of physical abuse, if the child is in need of emergency medical treatment or evaluation, they should be transported by ambulance to the nearest hospital or hospital of family choice. If the child is in need of non-emergency medical treatment, the member may transport the child to a medical facility.
 1. Members facilitating or taking a child to a hospital for treatment of a serious physical injury will immediately notify a CAT supervisor or Detective supervisor, if after normal business hours.
 2. When a member has reasonable cause to believe a child is a victim of sexual abuse and physical evidence is likely to be destroyed, the member will follow procedures for

investigating sex crimes and seek a physical examination for the collection and preservation of evidence, (i.e., sexual assault kit).

- a) A child 12 years of age or older may refuse an examination. If the child's parent or guardian refuses to allow medical evaluation, the member will take the child into protective custody, telephone Juvenile Court for authorization for treatment or contact Detectives for assistance, and complete a Custody Report.
 - b) A child 14 years of age or younger will be transported to Emanuel Hospital. On weekdays a CAT supervisor can be contacted to arrange an emergency examination at CARES.
 - c) A child 15 years or older will be transported to the Oregon Health Sciences University Hospital (OHSU).
 - d) Upon notification by the member, BOEC will arrange for a Rape Victim Advocate (RVA) to respond to the appropriate hospital.
- h. Efforts will be made to minimize the number of times child abuse victims are interviewed. Generally, children under ten years of age should not be interviewed by members not specifically trained in child interview techniques.
1. Physical abuse: Interview the child, if verbal, using non-leading questions.
 2. Sexual abuse: Children who are ten years of age or younger will not be interviewed, but will be referred to CARES-NW the assigned DHS personnel or CAT detective. Children over ten may be interviewed, but only to the extent necessary to establish a criminal allegation. For report purposes, members should thoroughly interview the person (s) to whom the child disclosed the abuse.
 3. Exceptions:
 - a) If the crime occurred within 72 hours, a short interview of the child is necessary to establish if the child will need a medical examination.
 - b) If the child (or other children) is at risk by a perpetrator still within the home, the child may be interviewed briefly to establish the need for protective custody.
- i. Members, detectives, criminalists and DHS workers must coordinate efforts to secure photographic evidence of abuse.
1. Pursuant to Oregon law (2007 HB 3328: Karly's Law), any person conducting a child abuse investigation who observes a child who has suffered suspicious physical injury must immediately photograph the injuries. Anogenital injuries may only be photographed by a medical provider, but even these injuries must be photographed immediately.
 2. Photographs digital and/or 35mm, may be obtained by:
 - a) The responding member.
 - b) Detectives or the investigator.
 - c) Taking the child to ID.
 - d) Requesting a criminalist from the participating agency or ID to respond to the scene.
 3. If criminal prosecution is likely, 35mm or digital photos are preferred. A scale reference should be used in the photograph to assist in judging the size and scope of the injuries.
 4. If a child is taken into protective custody, photos of the injuries may be taken for use at the preliminary hearing at Juvenile Court. Such photos will be delivered to Juvenile

Court Intake as soon as possible. The photos will be handled according to DIR 660.10 Property and Evidence Procedures, subsection Transferring Evidence.

5. Child neglect includes the omission of parental or caretaker responsibilities. Parents or caretakers are required to provide the necessities of life and protection from harm. Photographic documentation of unhealthy environments or unsafe conditions is important for criminal prosecution and juvenile court purposes. Specific investigative techniques include photographing:
 - a) Empty cupboards, messy sinks, insects, refrigerators, clogged sinks and toilets, feces, beds, drugs and drug paraphernalia, weapons, broken windows and other unsafe conditions.
 - b) The child and parent in the environment. If the parent has needle marks, photograph them.
 - c) Age dates on food containers or other items to show how long the condition has existed.
- j. If the initial response and investigation is conducted on public school premises, the school administrator will first be notified (unless the administrator is the subject of the investigation). By State law, it is at the member's discretion whether a designated school staff member is at the interview. Their presence is not mandatory.
- k. Under no circumstances, even if the allegations appear unfounded, will members give BOEC a coded radio disposition in lieu of writing one of the following reports:
 1. An Investigation Report will be written if it appears a crime has been committed.
 - a) All injuries, no matter how minor will be described and documented in the report.
 - b) Description of the injuries will include listing the location on the child's body; describing each injury by size, shape and color; and identifying the object that caused the injury if known.
 2. A Special Report will be written for all other instances, including unfounded calls.
 3. A Custody Report will be written when arresting or citing a suspect or whenever a child's location is changed by a member's intervention, (i.e., shelter care, medical hold or placed with a relative, friend or DHS).
 4. Courtesy reports (Special Report) for outside agencies must be written for any of the following circumstances:
 - a) When the location of occurrence is outside Portland Police jurisdiction.
 - b) An outside agency advises they will not respond.
 - c) An outside agency requests a courtesy report.
 5. Do not list the location of any shelter home in any report. This is confidential information and may only be obtained from DHS.
- l. Members who observe a child who has suffered suspicious physical injury must ensure that a designated medical professional conducts a medical assessment within 48 hours. This requirement may be satisfied by one of the following:
 1. Contacting CARES NW to arrange for a medical assessment.
 2. Advising the responding detective of the child's suspicious physical injury and need for a medical assessment within 48 hours.
 3. In the absence of a responding detective, advising the DHS Hotline of the child's suspicious physical injury and the need for a medical assessment within 48 hours.

- m. Allegations of sexual exploitation involving visual recordings of sexual conduct of children have the potential to expand the investigation to a complex multi-jurisdictional investigation. Members responding to such allegations will:
1. Determine the media (printed, electronic, film, video tape, etc.) on which the visual recordings of sexual conduct of children exist.
 2. Prohibit any person from further viewing or distributing the visual recordings of sexual conduct of children.
 3. Lawfully secure items of potential evidentiary value by seizing them as evidence under a warrant consent or other exceptions to the warrant requirement. Extreme care should be taken when seizing computers and other electronic devices/media on which the recordings are stored to ensure the evidence is preserved.
 4. Interview and obtain clear and detailed statements from witnesses who observed the recordings regarding the sexual conduct depicted in the visual recordings.
 5. Notify the CAT supervisor and advise them of the circumstances in order to determine whether or not a detective will respond to coordinate the investigation.

Supervisor Responsibilities (640.30)

Review and/or monitor child abuse investigations for completeness, including:

- a. Verify notification of DHS (required for protective custody or suspected child abuse initially discovered by members).
- b. Facilitate photographs digital for arraignment and 35mm for later prosecution.
- c. Verify written reports for all child abuse calls, unfounded or not.
- d. If a child was taken into custody, including protective custody, ensure Juvenile Court has copies of reports as soon as possible.
- e. If a suspect is arrested, ensure reports and photos are delivered to the CAT mailbox in Detectives as soon as possible.
- f. Ensure notification of a CAT supervisor if child is sexually assaulted (within 72 hours) or seriously injured (requiring hospitalization).

Detectives Responsibilities (640.30)

- a. Detectives will provide advice in response to members' questions and inquiries.
- b. CAT will maintain a 24-hour on-call supervisor who will provide immediate assistance and advice on child victim cases.
- c. Detectives will respond to the appropriate hospital when:
 1. A child has been sexually assaulted within the last 72 hours and there is likelihood of obtaining evidence (sexual assault kit) by medical examination.
 2. A child is hospitalized due to serious physical injury.
- d. CAT will receive and review copies of all child abuse reports. A CAT supervisor may staff such reports with the DA and/or DHS representatives of the team. A decision will then be made to either assign a case for investigative follow-up or to refer it to DHS.

Identification Division Responsibilities (640.30)

- a. If the child is taken into protective custody, photos of injuries will be taken for use at the preliminary hearing.
- b. If this is a Measure 11 crime with visible injury, ID will respond to take photographs.
- b. If criminal prosecution is likely, digital or 35mm photos of the injuries will be taken.

- c. Criminalists will confer with the investigating member to determine what types of photos are needed, location on the victim's body to be photographed and the best location for photography.

Records Division Responsibilities (640.30)

Records will provide copies of all child abuse reports, founded and unfounded, to Department of Human Services (DHS), per ORS 419A.255 Maintenance; Disclosure; Providing Transcript; Exceptions to Confidentiality.

BOEC Responsibilities (640.30)

- a. Should the DHS Hotline receive the incoming call first, DHS will determine if a police response is necessary and contact BOEC to dispatch a uniform member to take the report.
- b. Incidents of child sexual abuse can be coordinated between the DHS Hotline and the Telephone Report Unit (TRU) whereby TRU may take the report only under the following conditions:
 - 1. The child is currently safe and away from the perpetrator and the incident is being reported 72 hours after occurrence.
 - 2. The caller is reluctant to make a direct report to a uniform member.
 - 3. The caller is out of the area and their local law enforcement agency will not take a courtesy report regarding an incident that occurred within Portland.

FOR MORE INFORMATION:

Please contact Marsha Palmer, Strategic Services Division, at 503-823-0264.

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