



CITY OF PORTLAND, OREGON



Bureau of Police

Ted Wheeler, Mayor

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Directive 640.30, Child Abuse Investigations Executive Summary

Introduction

The Portland Police Bureau (PPB) originally developed Directive 640.30, Child Abuse Investigations, in September 2001 and last revised it in 2008. The Policy Development Team initiated the review process to include updates and changes to Oregon Revised Statutes (ORS) that have occurred since the last revision of this directive.

Public Comments

The Bureau conducted its universal review and comment periods in March and October 2019, respectively, and received limited feedback. Comments received ranged from PPB investigators' administration of a suspect's waiver of rights, the definition of family or household member, and if members would take a child under 12 years old into protective custody.

Suspect's Waiver of Rights

A public commenter highlighted the omission of the PPB's investigators' process to record whether a suspect waives their right or chooses to remain silent during an interview. PPB agreed with the commenter and included a new section 1.8.1.2. in the Second Universal Review draft to address the issue.

Definition of Family or Household Member

A commenter requested that the definition of family or household member include language regarding juvenile siblings who do not or have not cohabited with the child. The state defines this term in Oregon Revised Statute 107.705. The Bureau relied on statutory language for this directive, as that is its general practice when defining key terms in PPB directives.

Protective Custody of Children Under 12 Years of Age

A commenter expressed concern that as written in section 1.2.2.1.1., the directive does not require a member to place a child under 12 years of age into protective custody if the child consents to a medical exam despite the parents' refusal. According to ORS 163.375, Rape in the First Degree, sexual intercourse with an individual under 12 years of age is considered a felony and as such, a member may place a child under protective custody if the member reasonably believes it is necessary to do so.

We thank every individual who took the time to provide feedback on this directive. All comments received during both review periods are attached at the end of this document. We have removed all personal information to protect the privacy of commenters.

The Bureau's Revised Policy

The Policy Development Team conducted a comprehensive restructuring of this directive for ease of flow in addition to incorporating information not addressed previously. The directive now includes

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additional references to appropriate Oregon State laws, practical definitions, and more information on the Bureau's participation in a multi-disciplinary team approach with other agencies regarding the management of child abuse cases. The Policy Development Team also inserted section headers to distinguish different concepts. The directive no longer instructs members to transport children, depending on age, to different hospitals, but, instead, to the hospital preferred by the parents/guardians. The directive also directs members to facilitate transportation through emergency medical services (EMS), although members may still transport a child to a medical facility.

Based on feedback provided by Bureau members, section 1.4. specifically instructs members who document child abuse photographs or other images on Bureau issued phones to provide CARES-NW with the appropriate evidence prior to uploading to the Bureau's Digital Imaging Management System (DIMS). Because digital evidence is automatically deleted from the phone after being uploaded into DIMS, this guidance ensures CARES-NW has the information necessary for their treatment purposes. Additionally, the directive explicitly prohibits circulation of child sexual exploitation recordings between witnesses and investigators in section 1.5.1.2. to prevent further distribution of such materials. Possession of these materials violates Oregon State law, but for evidentiary purposes, the directive instructs members to inform individuals with photographic evidence to refrain from deleting it until the appropriate unit can extract the content from the device.

The Bureau believes that the revised directive provides clearer guidance to its members; however, any suggestions to further improve this policy are welcome during its next review.

Directive 640.30, Child Abuse Investigations, will go into effect on January 16, 2020.

Published on 12/17/19

640.30, Child Abuse Investigations

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 § 161.015(8), General Definitions for General Provisions
- ORS 419A.255, Maintenance; Disclosure; Providing Transcript; Exceptions to Confidentiality
- ORS 419B.005, Child Abuse Definitions
- ORS 419B.020, Duty of Department or Law Enforcement Agency
- ORS 419B.023, Duties of Person Conducting Investigation (also known as Karly's Law)
- ORS 419B.150, When Protective Custody Authorized
- Multnomah County Child Abuse Team Protocol (Multnomah County District Attorney's Office)
- DIR 640.20, Sexual Assault Kits and Sexual Assault Investigations
- DIR 640.40, Investigations and Interviews on School Property Assistance Resource
- DIR 825.00, Domestic Violence, Arrests, and Restraining Orders

Definitions:

- Child: An unmarried person under 18 years of age or under 21 years of age and residing in or receiving care or services at a child-caring agency.

- Child abuse: Oregon State law defines abuse as:
 - 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.
 - Any mental injury to a child which shall 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.
 - Sexual abuse, including but not limited to rape, sodomy, sexual assault, incest, and unlawful sexual penetration.
 - Sexual exploitation of a child including but not limited to visual recording of sexual conduct of children or allowing, permitting, encouraging, or hiring a child to engage in prostitution.
 - Negligent treatment or maltreatment of a child including, but not limited to, failure to provide adequate food, clothing, shelter or medical care.
 - Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.
 - Buying or selling a person under 18 years of age.
 - Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.
 - Unlawful exposure to a controlled substance or to the unlawful manufacturing of a cannabinoid extract.

- Department of Human Services (DHS): Oregon’s principal agency responsible for overseeing a wide range of assistance programs and services, to include how and where to report child abuse. DHS offers a 24-hr service hotline where any individual or mandated reporter can or must report suspected cases of abuse.
- Family or Household Member: Spouses; former spouses; adult persons related by blood, marriage, or adoption; persons who are cohabiting or who have cohabited with each other; persons who have been involved in a sexually intimate relationship with each other within two years immediately preceding the filing by one of them of a petition to circuit court for relief; unmarried parents of a child.
- Non-family member: Any person not listed as a family member, including neighbors, friends, teachers, other temporary child custodians and strangers.
- Serious Physical Injury: A physical injury which creates a substantial risk of death, or which causes serious and protected disfigurement, protracted impairment of health or protracted loss or impairment of function of any bodily organ.
- Sexual Abuse: Any sexual contact, by means of touching the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party, with a person who does not consent or who is incapable of consenting to a sexual act because of their age, mental status, or because they are physically helpless. Sexual abuse is considered a sexual offense punishable under Oregon State laws and include, but are limited to, rape, sodomy, unlawful penetration, sexual assault, and purchasing sex with a minor.
- Sexual Assault Victim Advocates (SAVA): Volunteers from either a local non-profit organization specializing in serving victims of sexual assault or from the District Attorney’s office. These individuals respond to police requests through the Bureau of Emergency Communications (BOEC) to stay with a victim through hospital evaluation and care while also providing support and advocacy as needed.
- Shelter home: A confidential location for a child to stay as determined and arranged by the Department of Human Services (DHS), the location of which is only known by DHS, Juvenile Court or the transporting member.
- Suspicious physical injury: As defined by Oregon State law, 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.

Policy:

1. Child abuse investigations are sensitive in nature. The Portland Police Bureau (PPB) recognizes the importance of providing confidential and compassionate service in a professional manner with due care and concern for the individuals affected. In all instances, the protection of children shall be the highest priority.
2. As part of a multi-disciplinary team (MDT) approach, all law enforcement agencies in Oregon are required to write a police report and notify the Department of Human Services (DHS), the District Attorney's Office, and the Child Abuse Response and Evaluation Services-Northwest (CARES-NW) on cases involving child abuse, even if the allegations are determined to be unfounded. Therefore, PPB collaborates with other service providers including the Department of Human Services (DHS) child protective services, school officials, and local health and mental health departments to develop specific procedures and guidelines for investigating cases of child abuse.

Procedures:

1. Member Responsibilities.

1.1. Responding to cases of physical injury.

1.1.1. Members who observe a child who has suffered a suspicious physical injury shall ensure that a designated medical professional conducts a medical assessment within 48 hours. Members shall do any of the following to fulfill this requirement:

1.1.1.1. Contact CARES-NW via phone or email to arrange for a medical assessment, or

1.1.1.2. Advise the responding detective of the child's suspicious physical injury and need for a medical assessment within 48 hours, or

1.1.1.3. In the absence of a responding detective, advise the DHS Hotline for child abuse of the child's suspicious physical injury and the need for a medical assessment within 48 hours.

1.1.2. If the child requires emergency medical treatment or evaluation, the member shall request ambulance transportation to the nearest hospital or hospital of family choice. If the child needs non-emergency medical treatment, the member may transport the child to a medical facility, preferably with another member, if feasible.

1.1.2.1. Members facilitating the transportation of a child to a hospital for treatment of a serious physical injury shall immediately notify their supervisor who will contact a CAT supervisor or Detective supervisor.

1.2. Responding to cases of child sexual abuse.

1.2.1. Members shall request through their supervisors for the Detective Division (Detectives) Child Abuse Team (CAT) to respond in cases where:

1.2.1.1. A child has been sexually assaulted within 120 hours.

1.2.1.2. The victim is under 14 years of age and the suspect is a non-family member.

1.2.1.3. The victim is under 18 years of age and the suspect is a family member.

1.2.2. Members who have reasonable cause to believe that a child is a victim of sexual abuse and that physical evidence of the abuse is likely to be destroyed shall seek a

physical examination pursuant to Directive 640.20, Sexual Assault Kits and Sexual Assault Investigations.

- 1.2.2.1. The responding member shall coordinate the medical treatment, physical examination, and sexual assault kit (SAK) of the child unless they are relieved of this requirement by another member or detective. The member shall document in their report the time and individual who assumed responsibility of the case.
 - 1.2.2.1.1. In the event that a child under 12 years of age refuses to have an examination conducted and the child's parent or guardian refuses to allow medical evaluation, the member shall take the child into protective custody. Members shall contact Detectives and DHS for assistance.
 - 1.2.3. Members may facilitate transportation or transport a child to the preferred children's facility, Randall Children's Hospital at Emanuel Medical Center. On weekdays, members shall contact a CAT supervisor to arrange an emergency examination at the CARES-NW Program at Randall Children's Hospital.
 - 1.2.4. Members shall request through the Bureau of Emergency Communications (BOEC) for a Sexual Assault Victim Advocate (SAVA) to respond to the appropriate hospital.
- 1.3. Interviewing children.
- 1.3.1. In the best interest of the children, it is preferable for all children to be interviewed by CARES-NW or a similar Child Forensic Interview Center. For reporting purposes, members shall thoroughly interview the person(s) to whom the child disclosed the abuse.
 - 1.3.2. Members shall attempt to minimize the amount of interviews conducted with child abuse victims. Members not specifically trained in child interview techniques shall refrain from interviewing children under the age of 10.
 - 1.3.3. For cases of physical abuse, if necessary, members may interview the child (if they are able to speak) using non-leading questions.
 - 1.3.4. For cases of sexual abuse:
 - 1.3.4.1. Members may interview children over the age of 10, but only to the extent necessary to establish a criminal allegation.
 - 1.3.4.2. Members shall not interview children who are 10 years of age or younger. These cases shall be referred to CARES-NW, the assigned DHS personnel, or a CAT detective.
 - 1.3.4.2.1. If a sexual crime occurred within 120 hours, a member may conduct a short interview with the child to establish if the child needs an immediate medical examination.
 - 1.3.5. If the child (or other children) is at risk by a perpetrator still within the home, a member may conduct a brief interview with the child to establish the need for protective custody.
- 1.4. Photographic evidence.

- 1.4.1. Sworn members involved in a case of child abuse shall coordinate efforts with DHS workers to secure photographic evidence of abuse.
 - 1.4.1.1. Pursuant to Oregon law, any person conducting a child abuse investigation who observes a child who has suffered suspicious physical injury shall immediately photograph the injuries. Anogenital injuries may only be photographed by a medical provider, but even these injuries must be photographed immediately.
 - 1.4.1.1.1. Members may contact CARES-NW directly [via](#) email and provide information regarding a child abuse case (i.e., case number, child's name and birth date, and photographic evidence) as a method of complying with Karly's Law.
 - 1.4.1.1.1.1. Any photographic evidence shall be emailed to CARES-NW prior to uploading into the Digital Image and Management System (DIMS).
 - 1.4.1.2. Photographs may be obtained by:
 - 1.4.1.2.1. The responding member.
 - 1.4.1.2.2. Detectives or the investigator.
 - 1.4.1.2.3. The Forensic Evidence Division (FED).
 - 1.4.1.2.4. Requesting criminalists from the participating agency or Forensics to respond to the scene.
 - 1.4.2. Sworn members shall ensure submitted photographs accurately represent size and scope of injuries with the use of a scale reference.
 - 1.4.3. If a child is taken into protective custody, sworn members who take photographs of the child's injuries shall first email photographs to CARES-NW and then upload the images into the Digital Image Management System (DIMS) in accordance with Directive 640.02, Photography and Digital Imaging.
 - 1.4.4. Members who encounter cases of child neglect shall document unhealthy environments or unsafe conditions through photographs to serve as important photographic evidence for criminal prosecution and juvenile court purposes.
 - 1.4.4.1. Members shall observe the child and parent in the environment and document any of the following through photographs:
 - 1.4.4.1.1. If the parent(s) displays needle marks on their body;
 - 1.4.4.1.2. Unsanitary or hoarding conditions;
 - 1.4.4.1.3. Insect or animal infestations;
 - 1.4.4.1.4. Lack of food or expired dates on food products;
 - 1.4.4.1.5. Lack of running water;
 - 1.4.4.1.6. Drugs and drug paraphernalia;
 - 1.4.4.1.7. Weapons; and/or
 - 1.4.4.1.8. Uninhabitable or other unsafe conditions (e.g., broken windows, leaking roof).
- 1.5. Management of sexual exploitation photographic evidence.
 - 1.5.1. 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 these calls shall:

- 1.5.1.1. Determine the media (printed, electronic, film, video tape, etc.) on which the visual recordings of sexual conduct of children exist.
 - 1.5.1.2. Prohibit any person from further viewing or distributing the visual recordings of sexual conduct of children. This includes having any of the recordings duplicated or otherwise sent to the member's email or cell phone.
 - 1.5.1.3. Members shall inform individuals who have evidence on their electronic devices (i.e., smartphones, tablets, computers) to not delete the recordings or images until they can be extracted by FED or an appropriate agency.
 - 1.5.1.4. 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.
 - 1.5.1.5. Interview and obtain clear and detailed statements from witnesses who observed the recordings regarding the sexual conduct depicted in the visual recordings.
 - 1.5.1.6. 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.
- 1.6. Responding to child abuse calls on public school property.
- 1.6.1. If the initial response and investigation is conducted on public school premises, the school administrator will first be notified by a responding member, unless the administrator is the subject of the investigation. According to state law, a designated school staff member's presence for an interview is not required, therefore, the Bureau member shall use their judgment on whether to include them.
- 1.7. Protective custody.
- 1.7.1. A child may be taken into protective custody when:
 - 1.7.1.1. A child under 10 years of age is left without supervision.
 - 1.7.1.2. The child's conditions or surroundings reasonably appear to jeopardize the child's welfare.
 - 1.7.2. If a child is taken into protective custody, the member shall make reasonable efforts to notify the parents immediately, regardless of the time of day. Notification may be in person, by telephone, or in email. Notification will include the following:
 - 1.7.2.1. Name of the child taken into custody;
 - 1.7.2.2. Explanation as to why the child was taken into custody;
 - 1.7.2.3. General information about the child's location placement (i.e., hospital, shelter home, Juvenile Detention Hall [JDH], etc.);
 - 1.7.2.4. Scheduling information for Juvenile Court proceedings; and
 - 1.7.2.5. The telephone number of the DHS Hotline for child abuse.

- 1.7.2.6. A CAT supervisor may waive this notification if they determine that immediate notification of a parent may compromise the investigation or endanger other children.
 - 1.7.3. Under no circumstances shall the member inform an individual, including a parent, of the location of a foster/shelter care home, nor shall they disclose the location in their report.
 - 1.7.4. If a member intervenes and relocates a child (i.e., moves them to or from a shelter care, writes a medical hold, or places them with a relative or friend), they shall do the following:
 - 1.7.4.1. Write General Offense (GO) and Arrest Booking reports;
 - 1.7.4.2. Notify the DHS Hotline for child abuse; and
 - 1.7.4.3. Deliver via in-person or fax copies of police reports to Juvenile Court intake as soon as practical, but no later than the end of shift.
 - 1.7.5. If an adult caretaker is arrested for child abuse, the arresting member shall call the DHS Hotline for child abuse, even if the child is not taken into protective custody.
 - 1.7.6. The member shall take a child into protective custody when:
 - 1.7.6.1. The child is in immediate danger if not taken into protective custody.
 - 1.7.6.2. There is a threat that abuse will occur if the child is not removed from the home (i.e., 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).
 - 1.7.6.3. There are no other alternative resources such as a relative to care for the child.
 - 1.7.7. If a DHS social worker is present at the location of the call, the member may allow the representative to take custody of the child. In other circumstances, the member shall transport the child to a confidential destination as directed by DHS or the Juvenile Intake Unit.
 - 1.7.8. The responding member is responsible for the criminal investigation even when a DHS worker is present.
- 1.8. Custody arrest.
- 1.8.1. For cases where probable cause exists for criminal mistreatment 1 or misdemeanor assault on a child physical abuse case, members shall contact Detectives or a CAT supervisor; however, if no detective is available or the CAT supervisor advises the member to handle the case, the member shall:
 - 1.8.1.1. Advise the suspect of their Miranda rights;
 - 1.8.1.2. Record the suspect's response to either waive their rights or invoke their right to remain silent.
 - 1.8.1.3. Interview the suspect if they waive their rights.
 - 1.8.1.4. Document the suspect's statements in their police report;
 - 1.8.1.5. Ensure all reports are attached along with the suspect's RegJIN/LEDS printout in a case envelope correspondence;
 - 1.8.1.6. Email photographs to CARES-NW and then upload the images into DIMS in accordance with Directive 640.02, Photography and Digital Imaging. Notify the Deputy District Attorney (DDA) once the photographs are in DIMS for their review.

1.8.1.7. Ensure the word “Custody” is appropriately displayed in a case envelope correspondence.

1.9. Report writing.

1.9.1. Members shall write a police report for all cases of reported physical or sexual child abuse, even if the allegations appear unfounded. Under no circumstances shall members provide BOEC a coded radio disposition in lieu of writing a report.

1.9.1.1. GO Reports.

1.9.1.1.1. Members shall write a GO report if they determine that a crime has been committed.

1.9.1.1.1.1. Members shall describe and document all injuries, no matter how minor, in the GO report.

1.9.1.1.1.2. Members shall provide description details such as listing the location of injuries on the child’s body; describing each injury by size, shape and color; and identifying the object that caused the injury if known.

1.9.1.2. Members shall write a GO report for calls they determine to be unfounded.

1.9.1.3. Members shall write a police report when dispatched to cover DHS. If multiple members respond to assist DHS, only one police report is necessary.

1.9.2. Members shall write GO and Arrest Booking reports when:

1.9.2.1. Arresting or citing a suspect,

1.9.2.2. 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);

1.9.2.3. A child is taken from a current custodian and given to another person, including a DHS social worker.

1.9.3. Members shall write a courtesy report for outside agencies for any of the following circumstances:

1.9.3.1. When the location of occurrence is outside Portland Police jurisdiction.

1.9.3.2. An outside agency advises they will not respond.

1.9.3.3. An outside agency requests a courtesy report.

1.9.4. Members shall not disclose the location of any shelter home in any report. This is confidential information and may only be obtained from DHS.

1.9.5. Members who receive a report from an individual 18 years or older reporting an offense that occurred when they were a juvenile, regardless of how much time has elapsed since, shall write a report and, if needed, make referrals.

1.10. Notifying DHS.

1.10.1. Members shall notify DHS of all suspected child abuse cases, unless the call originated from the DHS Hotline for child abuse. Members shall indicate the time of notification at the beginning of a police report. Members may also notify DHS in cases where a child witnesses domestic violence.

2. Supervisor Responsibilities.

2.1. Supervisors shall review and/or monitor child abuse investigations for completeness by ensuring that the following are conducted:

- 2.1.1. Verifying notification to DHS (required for protective custody or suspected child abuse initially discovered by members).
 - 2.1.2. Verifying written reports for all child abuse calls, including those unfounded.
 - 2.1.3. If a suspect is arrested, ensuring reports and photographs are forwarded to CAT Detectives as soon as practical.
 - 2.1.4. Ensuring notification of a CAT supervisor if a child is sexually assaulted within 120 hours, or seriously injured and requires hospitalization.
3. Detectives Responsibilities.
 - 3.1. When Detectives are unable to respond and investigate, Detectives shall provide advice in response to members' questions and inquiries.
 - 3.2. CAT will maintain a 24-hr on-call supervisor who shall provide immediate assistance and advice on child victim cases. CAT may respond after hours and on weekends upon approval from a CAT supervisor.
 - 3.3. A CAT Detective may be requested and assigned when the victim(s) are under 18 years of age and the perpetrator is a family member who is taken into custody for Rape I, Sodomy I, Sex Abuse I, or Unlawful Sexual Penetration I and II.
 - 3.4. Detectives shall respond to the appropriate hospital when:
 - 3.4.1. A child has been sexually assaulted within the last 120 hours and there is likelihood of obtaining evidence through a SAK.
 - 3.4.2. A child is hospitalized due to a suspicious serious physical injury.
 - 3.5. CAT shall 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 MDT in order to determine whether to assign a case for investigative follow-up or to refer the matter to DHS.
4. Forensic Evidence Division Responsibilities.
 - 4.1. Criminalists shall respond to the location of a Measure 11 crime and take photographs of any visible injuries present on a child.
 - 4.2. When requested, Criminalists shall consult with the investigating member to determine what types of photographs are needed, where on a victim's body to photograph, and the best location to take photographs.
5. Records Division Responsibilities.
 - 5.1. 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.
6. Notification of Child Abuse through BOEC or the Bureau's Operations Support Unit.

- 6.1. DHS may be the first to receive information on a child abuse case. In these cases, DHS will determine if police response is necessary and will contact BOEC to dispatch a sworn member to respond to the call.
- 6.2. Incidents of child sexual abuse may be coordinated between DHS and the Bureau's Operations Support Unit (OSU), however, OSU may take the report only under the following conditions:
 - 6.2.1. The child is currently safe and away from the perpetrator and the incident is being reported 120 hours after occurrence.
 - 6.2.2. The caller is reluctant to make a direct report to a uniform member.
 - 6.2.3. 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.

History:

- Originating Directive Date: 09/06/01
- Last Revision Signed: 12/17/19
 - Effective Date: 01/16/20
- Next Review Date: 01/16/22

640.30—CHILD ABUSE INVESTIGATIONS, Child Abuse Investigations

~~Index: Title~~

Refer:

- ORS 163.160 – 185 Assaults
- ORS 163.200 – 205 Criminal Mistreatments
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~~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 (DIR 640.30)~~

- ~~The Bureau will provide confidential, sensitive service to the victim, concerned family~~20~~, Sexual Assault Kits 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.~~Sexual Assault Investigations
- DIR 640.40, Investigations and Interviews on School Property Assistance Resource
- DIR 825.00, Domestic Violence, Arrests, and Restraining Orders

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

~~PROCEDURE (640.30)~~

~~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)~~ or under 21 years of age and residing in or receiving care or services at a child-caring agency.
- Child abuse: Oregon State law defines abuse ~~is~~as:
 - 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.

- Any mental injury to a child ~~that will~~which shall 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.
- Sexual abuse, including but not limited to rape, sodomy, sexual ~~abuse~~assault, incest, and unlawful sexual penetration.
- Sexual exploitation of a child including but not limited to visual recording of sexual conduct of children or allowing, permitting, encouraging, or hiring a child to engage in prostitution.
- Negligent treatment or maltreatment of a child including, but not limited to, failure to provide adequate food, clothing, shelter or medical care.
- Threatened harm to a child; which means 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~~Buying or selling a person under 18 years of age.
- Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.
- Unlawful exposure to a controlled substance or to the Child Abuse Hotline of the unlawful manufacturing of a cannabinoid extract.

- ~~Department of Human Services (DHS):~~ Oregon's principal agency responsible for overseeing a wide range of assistance programs and services, to include how and is where to report child abuse. DHS offers a 24-hour service hotline where citizensany individual or mandated reportersreporter can or must report suspected childcases of 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.~~

- Family or Household Member: Spouses; former spouses; adult persons related by blood, marriage, or adoption; persons who are cohabiting or who have cohabited with each other; persons who have been involved in a sexually intimate relationship with each other within two years immediately preceding the filing by one of them of a petition to circuit court for relief; unmarried parents of a child.

- 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 84 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:~~

- Physical Injury: A physical injury thatwhich creates a substantial risk of death, or thatwhich causes serious and ~~protracted~~protected disfigurement, ~~protracted~~impairment of health or protracted loss or impairment of the functionsfunction of any bodily organ.
 - ~~Injuries such as serious head trauma, broken bones, serious burns, etc.~~

~~b. Injuries, after initial medical treatment, that requires a child to be admitted to a hospital.~~

- Sexual Abuse: Any sexual contact, by means of touching the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party, with a person who does not consent or who is incapable of consenting to a sexual act because of their age, mental status, or because they are physically helpless. Sexual abuse is considered a sexual offense punishable under Oregon State laws and include, but are limited to, rape, sodomy, unlawful penetration, sexual assault, and purchasing sex with a minor.
- Sexual Assault Victim Advocates (SAVA): Volunteers from either a local non-profit organization specializing in serving victims of sexual assault or from the District Attorney's office. These individuals respond to police requests through the Bureau of Emergency Communications (BOEC) to stay with a victim through hospital evaluation and care while also providing support and advocacy as needed.
- Shelter home: A confidential location for a child to stay as determined and arranged by the Department of Human Services (DHS), the location of which is only known by DHS, Juvenile Court or the transporting member.
- Suspicious physical injury: ~~Includes:~~ As defined by Oregon State law, 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 84 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.~~

~~b.a.~~

~~e.a. 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)a) There is a threat that abuse will occur if the child is not removed from the home (i.e., 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).~~~~

Policy:

1. Child abuse investigations are sensitive in nature. The Portland Police Bureau (PPB) recognizes the importance of providing confidential and compassionate service in a professional manner with due care and concern for the individuals affected. In all instances, the protection of children shall be the highest priority.

- ~~e) 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.~~
2. The As part of a multi-disciplinary team (MDT) approach, all law enforcement agencies in Oregon are required to write a police report and notify the Department of Human Services (DHS), the District Attorney's Office, and the Child Abuse Response and Evaluation Services-Northwest (CARES-NW) on cases involving child abuse, even if the allegations are determined to be unfounded. Therefore, PPB collaborates with other service providers including the Department of Human Services (DHS) child protective services, school officials, and local health and mental health departments to develop specific procedures and guidelines for investigating cases of child abuse.

Procedures:

1. Member Responsibilities.

1.1. Responding to cases of physical injury.

1.1.1. Members who observe a child who has suffered a suspicious physical injury shall ensure that a designated medical professional conducts a medical assessment within 48 hours. Members shall do any of the following to fulfill this requirement:

1.1.1.1. Contact CARES-NW via phone or email to arrange for a medical assessment, or

- ~~4. Advise 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.~~

~~2.1. 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.~~

~~1.1.1.1.1.1.2. Indicate the word Custody on the upper left margin of the case envelope, child's suspicious physical injury and need for a medical assessment within 48 hours, or~~

~~f) 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 In the absence of a responding detective, advise 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.~~

~~1.1.1.2.1.1.1.3. 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 of the child's suspicious physical injury and the need for a medical assessment within 48 hours.~~

1.1.2. ~~In cases of physical abuse, if~~ the child ~~is in need of~~requires emergency medical treatment or evaluation, ~~they should be transported by the member shall request~~ ambulance ~~transportation~~ to the nearest hospital or hospital of family choice. ~~If the child is in need of~~needs non-emergency medical treatment, the member may transport the child to a medical facility, ~~preferably with another member, if feasible.~~

1.1.2.1. Members facilitating ~~or taking~~the ~~transportation of~~ a child to a hospital for treatment of a serious physical injury ~~will shall~~ immediately notify ~~their supervisor who will contact~~ a CAT supervisor or Detective supervisor, ~~if after normal business hours.~~

~~When~~

1.2. ~~Responding to cases of child sexual abuse.~~

1.2.1. ~~Members shall request through their supervisors for the Detective Division (Detectives) Child Abuse Team (CAT) to respond in cases where:~~

1.2.1.1. ~~A child has been sexually assaulted within 120 hours.~~

1.2.1.2. ~~The victim is under 14 years of age and the suspect is a non-family member has.~~

1.2.1.3. ~~The victim is under 18 years of age and the suspect is a family member.~~

~~1.1.3.1.2.2. Members who have~~ reasonable cause to believe ~~that~~ a child is a victim of sexual abuse and ~~that physical evidence of the abuse is likely to be destroyed, the member will follow procedures for investigating sex crimes and shall~~ seek a physical examination ~~for the collection and preservation of evidence, (i.e., sexual assault kit)-pursuant to Directive 640.20, Sexual Assault Kits and Sexual Assault Investigations.~~

1.2.2.1. ~~A child~~The responding member shall coordinate the medical treatment, physical examination, and sexual assault kit (SAK) of the child unless they are relieved of this requirement by another member or detective. ~~The member shall document in their report the time and individual who assumed responsibility of the case.~~

~~1.1.3.1.1.1.2.2.1.1. In the event that a child under 12 years of age or older may refuse refuses to have an examination. If conducted and the child's parent or guardian refuses to allow medical evaluation, the member willshall take the child into protective custody, telephone Juvenile Court for authorization for treatment or. Members shall contact Detectives and DHS for assistance, and complete a Custody Report.~~

~~a) A child 14 years of age or younger will be transported to Members may facilitate transportation or transport a child to the preferred children's facility, Randall Children's Hospital at Emanuel Hospital-Medical Center. On weekdays, members shall contact a CAT supervisor can be contacted to arrange an emergency examination at the CARES-NW.~~

~~1.1.4.1.2.3. A child 15 years or older will be transported to the Oregon Health Sciences University Program at Randall Children's Hospital (OHSU).~~

~~1.1.5.1.2.4.~~ Upon notification by Members shall request through the member, Bureau of Emergency Communications (BOEC will arrange) for a Rape Sexual Assault Victim Advocate (RVASAVA) to respond to the appropriate hospital.

~~Efforts will be made to minimize the number of times child abuse victims are~~

1.3. Interviewing children.

~~g. In the best interest of the children, it is preferable for all children to be interviewed.~~

~~Generally, children under ten years of age should not be interviewed by members not specifically trained in child interview techniques.~~

~~1. Physical abuse: CARES-NW or a similar Child Forensic Interview the child, if verbal, using non-leading questions.~~

~~1.1.6.1.3.1. 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.Center. For reportreporting purposes, members shouldshall thoroughly interview the person(s) to whom the child disclosed the abuse.~~

~~2. Exceptions:~~

~~1.3.2. If the Members shall attempt to minimize the amount of interviews conducted with child abuse victims. Members not specifically trained in child interview techniques shall refrain from interviewing children under the age of 10.~~

~~1.3.3. For cases of physical abuse, if necessary, members may interview the child (if they are able to speak) using non-leading questions.~~

~~1.3.4. For cases of sexual abuse:~~

~~1.3.4.1. Members may interview children over the age of 10, but only to the extent necessary to establish a criminal allegation.~~

~~1.3.4.2. Members shall not interview children who are 10 years of age or younger. These cases shall be referred to CARES-NW, the assigned DHS personnel, or a CAT detective.~~

~~1.1.6.1.1.1.3.4.2.1. If a sexual crime occurred within 84120 hours, a member may conduct a short interview ofwith the child is necessary to establish if the child will need a needs an immediate medical examination.~~

~~1.1.7.1.3.5. If the child (or other children) is at risk by a perpetrator still within the home, a member may conduct a brief interview with the child may be interviewed briefly to establish the need for protective custody.~~

~~Members, detectives, criminalists and~~

1.4. Photographic evidence.

~~1.1.8.1.4.1. Sworn members involved in a case of child abuse shall coordinate efforts with DHS workers must coordinate efforts to secure photographic evidence of abuse.~~

~~1.1.8.1.1.4.1.1. 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 mustshall immediately photograph the injuries. Anogenital injuries may only be photographed by a medical provider, but even these injuries must be photographed immediately.~~

1.4.1.1.1. Members may contact CARES-NW directly via email and provide information regarding a child abuse case (i.e., case number, child's name and birth date, and photographic evidence) as a method of complying with Karly's Law.

1.4.1.1.1.1. Any photographic evidence shall be emailed to CARES-NW prior to uploading into the Digital photographs and/or 35mm Image and Management System (DIMS).

1.1.8.2.1.4.1.2. Photographs may be obtained by:

1.1.8.2.1.1.4.1.2.1. The responding member.

1.1.8.2.2.1.4.1.2.2. Detectives or the investigator.

1.1.8.2.3.1.4.1.2.3. Taking the child to The Forensic Evidence Division (ForensicsFED).

1.1.8.2.4.1.4.1.2.4. Requesting criminalists from the participating agency or Forensics to respond to the scene.

1.1.9.1.4.2. 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 Sworn members shall ensure submitted photographs accurately represent size and scope of the injuries; with the use of a scale reference.

~~1. 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.~~

1.4.3. Child neglect includes the omissions sworn members who take photographs of parental or caretaker responsibilities. Parents or caretakers are required to provide the necessities of life and protection from harm. Photographic documentation of the child's injuries shall first email photographs to CARES-NW and then upload the images into the Digital Image Management System (DIMS) in accordance with Directive 640.02, Photography and Digital Imaging.

~~1.1.10.1.4.4. Members who encounter cases of child neglect shall document unhealthy environments or unsafe conditions is through photographs to serve as important photographic evidence 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 Members shall observe 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.~~

~~h. 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.~~

~~i. 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).~~
 - ~~1.1.10.1.1.4.4.1. Courtesy reports (Special Report) for outside agencies must be written for and document any of the following circumstances through photographs:~~
 - ~~1.0.0.0.1.1.1.1. 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.~~
 - 4. ~~Do not list the location of any shelter home in any report. This is confidential information and may only be obtained from DHS.~~
 - j. ~~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.~~
 - ~~1.4.4.1.1. If the parent(s) displays needle marks on their body;~~
 - ~~1.4.4.1.2. Unsanitary or hoarding conditions;~~
 - ~~1.4.4.1.3. Insect or animal infestations;~~
 - ~~1.4.4.1.4. Lack of food or expired dates on food products;~~
 - ~~1.4.4.1.5. Lack of running water;~~
 - ~~1.4.4.1.6. Drugs and drug paraphernalia;~~
 - ~~1.4.4.1.7. Weapons; and/or~~
 - ~~1.4.4.1.8. Uninhabitable or other unsafe conditions (e.g., broken windows, leaking roof).~~
- 1.5. Management of sexual exploitation photographic evidence.
- ~~1.1.11.1.5.1. 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 these calls shall:~~
 - ~~1.1.11.1.1.5.1.1. Determine the media (printed, electronic, film, video tape, etc.) on which the visual recordings of sexual conduct of children exist.~~
 - ~~1.1.11.2.1.5.1.2. Prohibit any person from further viewing or distributing the visual recordings of sexual conduct of children. This includes having any of the recordings duplicated or otherwise sent to the member's email or cell phone.~~

1.5.1.3. Members shall inform individuals who have evidence on their electronic devices (i.e., smartphones, tablets, computers) to not delete the recordings or images until they can be extracted by FED or an appropriate agency.

~~1.1.11.3.~~1.5.1.4. 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.

~~1.1.11.4.~~1.5.1.5. Interview and obtain clear and detailed statements from witnesses who observed the recordings regarding the sexual conduct depicted in the visual recordings.

~~1.1.11.5.~~1.5.1.6. 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.

1.6. Responding to child abuse calls on public school property.

1.6.1. If the initial response and investigation is conducted on public school premises, the school administrator will first be notified by a responding member, unless the administrator is the subject of the investigation. According to state law, a designated school staff member's presence for an interview is not required, therefore, the Bureau member shall use their judgment on whether to include them.

1.7. Protective custody.

1.7.1. A child may be taken into protective custody when:

1.7.1.1. A child under 10 years of age is left without supervision.

1.7.1.2. The child's conditions or surroundings reasonably appear to jeopardize the child's welfare.

1.7.2. If a child is taken into protective custody, the member shall make reasonable efforts to notify the parents immediately, regardless of the time of day. Notification may be in person, by telephone, or in email. Notification will include the following:

1.7.2.1. Name of the child taken into custody;

1.7.2.2. Explanation as to why the child was taken into custody;

1.7.2.3. General information about the child's location placement (i.e., hospital, shelter home, Juvenile Detention Hall [JDH], etc.);

1.7.2.4. Scheduling information for Juvenile Court proceedings; and

1.7.2.5. The telephone number of the DHS Hotline for child abuse.

1.7.2.6. A CAT supervisor may waive this notification if they determine that immediate notification of a parent may compromise the investigation or endanger other children.

1.7.3. Under no circumstances shall the member inform an individual, including a parent, of the location of a foster/shelter care home, nor shall they disclose the location in their report.

- 1.7.4. If a member intervenes and relocates a child (i.e., moves them to or from a shelter care, writes a medical hold, or places them with a relative or friend), they shall do the following:
 - 1.7.4.1. Write General Offense (GO) and Arrest Booking reports;
 - 1.7.4.2. Notify the DHS Hotline for child abuse; and
 - 1.7.4.3. Deliver via in-person or fax copies of police reports to Juvenile Court intake as soon as practical, but no later than the end of shift.
- 1.7.5. If an adult caretaker is arrested for child abuse, the arresting member shall call the DHS Hotline for child abuse, even if the child is not taken into protective custody.
- 1.7.6. The member shall take a child into protective custody when:
 - 1.7.6.1. The child is in immediate danger if not taken into protective custody.
 - 1.7.6.2. There is a threat that abuse will occur if the child is not removed from the home (i.e., 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).
 - 1.7.6.3. There are no other alternative resources such as a relative to care for the child.
- 1.7.7. If a DHS social worker is present at the location of the call, the member may allow the representative to take custody of the child. In other circumstances, the member shall transport the child to a confidential destination as directed by DHS or the Juvenile Intake Unit.
- 1.7.8. The responding member is responsible for the criminal investigation even when a DHS worker is present.

1.8. Custody arrest.

- 1.8.1. For cases where probable cause exists for criminal mistreatment 1 or misdemeanor assault on a child physical abuse case, members shall contact Detectives or a CAT supervisor; however, if no detective is available or the CAT supervisor advises the member to handle the case, the member shall:
 - 1.8.1.1. Advise the suspect of their Miranda rights;
 - 1.8.1.2. Record the suspect's response to either waive their rights or invoke their right to remain silent.
 - 1.8.1.3. Interview the suspect if they waive their rights.
 - 1.8.1.4. Document the suspect's statements in their police report;
 - 1.8.1.5. Ensure all reports are attached along with the suspect's RegJIN/LEDS printout in a case envelope correspondence;
 - 1.8.1.6. Email photographs to CARES-NW and then upload the images into DIMS in accordance with Directive 640.02, Photography and Digital Imaging. Notify the Deputy District Attorney (DDA) once the photographs are in DIMS for their review.
 - 1.8.1.7. Ensure the word "Custody" is appropriately displayed in a case envelope correspondence.

1.9. Report writing.

1.9.1. Members shall write a police report for all cases of reported physical or sexual child abuse, even if the allegations appear unfounded. Under no circumstances shall members provide BOEC a coded radio disposition in lieu of writing a report.

1.9.1.1. GO Reports.

1.9.1.1.1. Members shall write a GO report if they determine that a crime has been committed.

1.9.1.1.1.1. Members shall describe and document all injuries, no matter how minor, in the GO report.

1.9.1.1.1.2. Members shall provide description details such as listing the location of injuries on the child's body; describing each injury by size, shape and color; and identifying the object that caused the injury if known.

1.9.1.2. Members shall write a GO report for calls they determine to be unfounded.

1.9.1.3. Members shall write a police report when dispatched to cover DHS. If multiple members respond to assist DHS, only one police report is necessary.

1.9.2. Members shall write GO and Arrest Booking reports when:

1.9.2.1. Arresting or citing a suspect,

1.9.2.2. 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);

1.9.2.3. A child is taken from a current custodian and given to another person, including a DHS social worker.

1.9.3. Members shall write a courtesy report for outside agencies for any of the following circumstances:

1.9.3.1. When the location of occurrence is outside Portland Police jurisdiction.

1.9.3.2. An outside agency advises they will not respond.

1.9.3.3. An outside agency requests a courtesy report.

1.9.4. Members shall not disclose the location of any shelter home in any report. This is confidential information and may only be obtained from DHS.

1.9.5. Members who receive a report from an individual 18 years or older reporting an offense that occurred when they were a juvenile, regardless of how much time has elapsed since, shall write a report and, if needed, make referrals.

1.10. Notifying DHS.

1.10.1. Members shall notify DHS of all suspected child abuse cases, unless the call originated from the DHS Hotline for child abuse. Members shall indicate the time of notification at the beginning of a police report. Members may also notify DHS in cases where a child witnesses domestic violence.

2. Supervisor Responsibilities ~~(640.30)~~.

2.1. ~~Review~~Supervisors shall review and/or monitor child abuse investigations for completeness, ~~including: by ensuring that the following are conducted:~~

2.1.1. ~~Verify~~Verifying notification ~~of~~to DHS (required for protective custody or suspected child abuse initially discovered by members).

~~a. Facilitate photographs digital for arraignment and 35mm for later prosecution.~~

- 2.1.2. ~~Verify~~Verifying written reports for all child abuse calls, including those unfounded or not.
- ~~b. If a child was taken into custody, including protective custody, ensure Juvenile Court has copies of reports as soon as possible.~~
- 2.1.3. If a suspect is arrested, ~~ensure~~ensuring reports and ~~photos~~photographs are ~~delivered~~forwarded to ~~the~~ CAT mailbox ~~in~~ Detectives as soon as ~~possible~~practical.
- 2.1.4. ~~Ensure~~Ensuring notification of a CAT supervisor if a child is sexually assaulted (within 84120 hours), or seriously injured (~~requiring and requires~~ hospitalization).
3. Detectives Responsibilities ~~(640.30).~~
- 3.1. When Detectives ~~will~~are unable to respond and investigate, Detectives shall provide advice in response to members' questions and inquiries.
- 3.2. CAT will maintain a 24-~~hour~~hr on-call supervisor who ~~will~~shall provide immediate assistance and advice on child victim cases. CAT may respond after hours and on weekends upon approval from a CAT supervisor.
- 3.3. A CAT Detective may be requested and assigned when the victim(s) are under 18 years of age and the perpetrator is a family member who is taken into custody for Rape I, Sodomy I, Sex Abuse I, or Unlawful Sexual Penetration I and II.
- ~~3.3.3.4.~~ 3.3.1.3.4.1. Detectives ~~will~~shall respond to the appropriate hospital when:
- ~~3.3.2.3.4.2.~~ 3.3.1.3.4.1. A child has been sexually assaulted within the last 84120 hours and there is likelihood of obtaining evidence (~~sexual assault kit~~) by medical examination through a SAK.
- ~~3.4.3.5.~~ 3.3.2.3.4.2. A child is hospitalized due to a suspicious serious physical injury.
- ~~3.4.3.5.~~ 3.4.3.5. CAT ~~will~~shall 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 MDT in order to determine whether to assign a case for investigative follow-up or to refer ~~it~~the matter to DHS.
4. Forensic Evidence 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.~~
- 4.1. ~~If this is~~ Criminalists shall respond to the location of a Measure 11 crime ~~with and take photographs of any visible injury, Forensics will respond to take photographs.~~ injuries present on a child.
- ~~b. If criminal prosecution is likely, digital or 35mm photos of the injuries will be taken.~~
- 4.2. When requested, Criminalists ~~will~~ confers shall consult with the investigating member to determine what types of ~~photos~~ photographs are needed, ~~location where~~ on the victim's body to ~~be photographed~~ photograph, and the best location ~~for photography to take photographs.~~

5. Records Division Responsibilities ~~(640.30)~~
 - 5.1. 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)

6. ~~Should the~~ Notification of Child Abuse through BOEC or the Bureau's Operations Support Unit.

~~5.2.6.1.~~ DHS Hotline may be the first to receive the incoming call first information on a child abuse case. In these cases, DHS will determine if a police response is necessary and will contact BOEC to dispatch a uniformsworn member to takerespond to the report.call.

~~5.3.6.2.~~ Incidents of child sexual abuse canmay be coordinated between the DHS Hotline and the Telephone Report Bureau's Operations Support Unit (TRU) whereby TRUOSU, however, OSU may take the report only under the following conditions:

~~5.3.1.6.2.1.~~ The child is currently safe and away from the perpetrator and the incident is being reported 84120 hours after occurrence.

~~5.3.2.6.2.2.~~ The caller is reluctant to make a direct report to a uniform member.

~~5.3.3.6.2.3.~~ 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.

Directive 640.30 Feedback
1st Universal Review: 3/1/19-3/16/19

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, March 04, 2019 8:37:26 AM
Last Modified: Monday, March 04, 2019 8:38:24 AM
Time Spent: 00:00:58
IP Address:

Page 1

Q1 Please provide feedback for this directive

good

Q2 Contact Information (optional)

Name

Email Address

Phone Number

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Friday, March 15, 2019 1:42:27 PM
Last Modified: Friday, March 15, 2019 1:43:05 PM
Time Spent: 00:00:38
IP Address:

Page 1

Q1 Please provide feedback for this directive

To Chief Outlaw, Capt. Bell, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Portland Committee on Community Engaged Policing, US Dept. of Justice, Independent Police Review, Citizen Review Committee and the Portland Police Bureau:

Below are Portland Copwatch's comments on the Child Abuse Investigations Directive (640.30) posted for review in March (<https://www.portlandoregon.gov/police/article/713767>).

We continue to believe that the review periods should be at least 30 days on both ends of the rewriting process so organizations who only meet monthly (including the PCCEP) can weigh in. We also still urge the Bureau to add letters to section headings (Definitions, Policy, Procedure) so that there are not multiple sections with the same numbers, and to enumerate the Definitions.

This Directive gives the Bureau an opportunity to start taking PCW's advice, since although it was posted for review in October, 2015 with several proposed changes, including the Bureau's now-standard numbering system, the current posted Directive has no changes from the version that existed at that time.

The 2015 draft included a new Policy paragraph which led us to make comments about the language, which was similar to language in Directive 640.20. We have also included other comments we made at the time.

--In the Policy section, rather than directing officers merely to "be sensitive" to the victim, perhaps the Bureau should state "Members will conduct themselves in a compassionate, professional manner with all due care and concern for the dignity and needs of all persons involved in the investigation."

--As with some of the other abuse Directives we've commented on, it's laudable that the Bureau requires a report, not just a radio check-in, for child abuse allegations ("Responding member responsibilities" section [a] and [k], numbered in 2015 as Procedure Sections 1.1 and 1.11).

--In Section [e][2][a)] (numbered as 1.5.2.1 in 2015), the Directive calls for investigators to read the suspect their rights, then to begin the interview after the waiver of such rights; it does not note that if the person invokes their rights the interview must stop.

There are likely more issues we will address when the revised version of this Directive comes out for second universal review.

Thank you as always for the opportunity to comment

portland copwatch

Q2 Contact Information (optional)

Name

Email Address

2nd Universal Review: 10/15/19 - 11/14/19

From:
To:
Subject: RE: Directives for Universal Review and Comment
Date: Wednesday, October 16, 2019 10:59:34 AM

Directive 640.30:

Definition of family or household member: This definition appears to exclude juvenile siblings who do not and have not cohabitated with the child. Adding the language “juvenile persons related by blood, marriage, or adoption” or remove the word “adult” should resolve that.

1.2.2.1.1: Should this potentially be an “or” statement instead of “and”? What if the child under 12 years of age has not refused the examination but the parent does? As written, this directive wouldn’t require protective custody of the child.

We shouldn’t include the CARES NW email address in a publicly available directive. Their email address may change, and it appears as though that is an email address intended for law enforcement and DHS use only. If members of the public were to send emails to the law enforcement CARES NW address, that could delay their response to legitimate referrals from law enforcement and DHS.

1.8.1.5 and 1.8.1.7: With the shift in how case envelopes are processed, this should be rephrased.