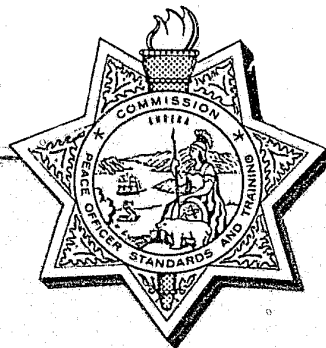


**GUIDELINES FOR THE
INVESTIGATION OF
CHILD PHYSICAL ABUSE
AND NEGLECT,
CHILD SEXUAL ABUSE
AND EXPLOITATION**

125335



THE COMMISSION
ON PEACE OFFICER STANDARDS AND TRAINING

STATE OF CALIFORNIA

GUIDELINES FOR THE INVESTIGATION OF CHILD PHYSICAL ABUSE AND NEGLECT
CHILD SEXUAL ABUSE AND EXPLOITATION

125335

U.S. Department of Justice
National Institute of Justice

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Prepared by the
Commission on Peace Officer Standards and Training

1986

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FOREWORD

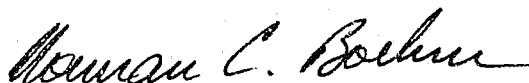
Child abuse in all forms has reached epidemic proportions in the United States. Year after year the number of reported incidents of abuse continues to rise at an alarming rate. Most professionals in this area agree that the statistics are only the "tip of the iceberg." The Commission on Peace Officer Standards and Training (POST) has prepared these guidelines to assist all those involved in prevention, detection, and investigation of those onerous crimes, with an added dimension of a healing sensitivity for victims and others.

It is critical that officers assigned to field or investigative duties possess the necessary skills, information, and sensitivity to meet the needs of the victim as they often are the first to have contact with the child abuse victim and his/her family. Penal Code Sections 13516 and 13517 require POST to prepare guidelines establishing standard procedures which may be followed by law enforcement agencies in the detection, investigation, and response to cases in which a minor is a victim of an act of abuse, neglect, sexual abuse, or sexual exploitation. POST first published these guidelines in 1983.

The guidelines of this document have been updated to reflect current law and accepted practices for investigating reported child abuse offenses. As required, these new guidelines include procedures for determining whether or not a child should be taken into protective custody as well as minimizing the number of times a child is interviewed by law enforcement personnel. In addition to required Basic Course training reflecting these procedures, Penal Code Section 13516 was amended in 1986 to require officers assigned to investigative duties which include the handling of cases involving the sexual exploitation and sexual abuse of children to successfully complete a course for specialists within six months of the date of assignment.

The guidelines themselves are not mandatory, however, they do point out mandatory provisions of law. They are presented in a format that will allow the reader to follow a step-by-step process for conducting a child abuse investigation. POST encourages the sharing of this information with all law enforcement personnel who may serve as the liaison between the child abuse victim and the criminal justice system.

The Commission appreciates the input and assistance of the Child Abuse Advisory Committee in preparing this guide. Special thanks are extended to Sergeant Thomas Hood of the Berkeley Police Department who served as project director while working for POST as a Management Fellow Consultant. Questions or comments concerning this document should be directed to the Training Program Services Bureau at (916) 739-5372. For information on obtaining additional copies of this document, please call the POST Library at (916) 739-5353.



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INTRODUCTION

The law enforcement officer is one of the most visible authority figures in our society. When the public perceives the need for assistance, the police officer is usually the first one to be called. Each officer must be well trained, well informed, and empathetic to the needs of the members of the community which he/she serves. This becomes even more critical when the victim is a child and the criminal offense is physical or sexual abuse.

Children, by definition, are immature in their physical, cognitive, and emotional development. Many times the person who is abusing them is a person they love and trust, either a parent or a caretaker. Often, the offenses take place repeatedly, over an extended period of time, and in the privacy of the home. There is little if any evidence to collect to substantiate the allegation of abuse unless the officer knows what to look for. Many times the offenders are sophisticated in their operations and intimidate the child victim into remaining silent. The child feels guilt and fear about the abusive environment, but in many cases, it is all they know. They fear that their revelation of the abuse will mean the loss of a loved one to jail and their own placement in a community child care facility.

With little or no evidence to corroborate the child's statement, the criminal justice system must rely on the skill of the law enforcement officers handling the investigation to provide the necessary information leading to the successful prosecution of the offender. Often, it comes down to the child's statement of what happened versus the offender's denial. An adult against a child - hardly a fair contest. The judicial system works the same way regardless of whether the victim is an adult or a child. Thus, the child must experience the trauma and intimidation of sitting in a courtroom of adults answering questions about a very secret subject that may ultimately take a loved one away.

Recent attention focused on this subject has given rise to a number of laws designed to reform many criminal justice practices. This guideline document incorporates new legal mandates as they pertain to law enforcement personnel. Law enforcement has a legal and moral obligation to thoroughly investigate reports of suspected child abuse and to determine whether a crime has been committed. This investigation must be carried out in a Professional and sensitive manner to protect the welfare of the suspected victim and the suspected offender. The label of "child molester" has a devastating impact on a person's community reputation and credibility. The officer must be sure to protect the rights of the suspected offender as well as the rights of the potential victim. The officer must also realize that the work that he/she does during the initial phases of the investigation may have a tremendous impact on the welfare of the child as well as the successful prosecution of the offender. Child abuse investigations can be very complicated and labor intensive. All officers involved in child abuse investigations should have adequate training in child abuse investigative techniques including the proper method for interviewing victims, witnesses, and suspects. They should also be sensitive to the dynamics of the child abuse investigation as well as with possible repercussions.

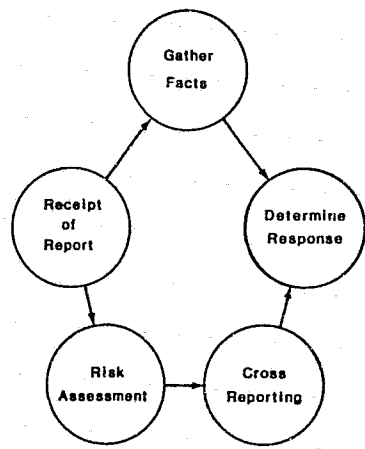
A guideline, by definition, is a statement of a policy or procedure. This document presents the information needed to conduct a child abuse investigation in such a way that the reader can follow a step-by-step process. The guidelines are general and designed to provide order and continuity to law enforcement investigations. The document is divided into chapters. Each chapter addresses a particular phase of child abuse investigation from the perspective of law enforcement. The sequence of the guidelines in each chapter follows the normal progression of events from the receipt of the initial report to the completion of the case summary for the prosecuting attorney. After an outline of general investigative procedures, specific topics such as neglect, physical abuse, sexual assault/exploitation, interview/interrogation techniques, and community child care facilities are addressed in more detail. Each topical chapter is designed to work in harmony with the initial chapter on general investigative procedures.

The appendix contains reference material that may assist in clarifying the subjects discussed in the guideline chapters. Two checklists are included for use by law enforcement agencies. The first checklist is designed to assist field officers and follow-up investigators in conducting child abuse investigations. The second checklist is for use when a child abuse offense is reported in a community child care facility. Agencies are encouraged to use these forms or to modify them to meet the individual needs of their organization.

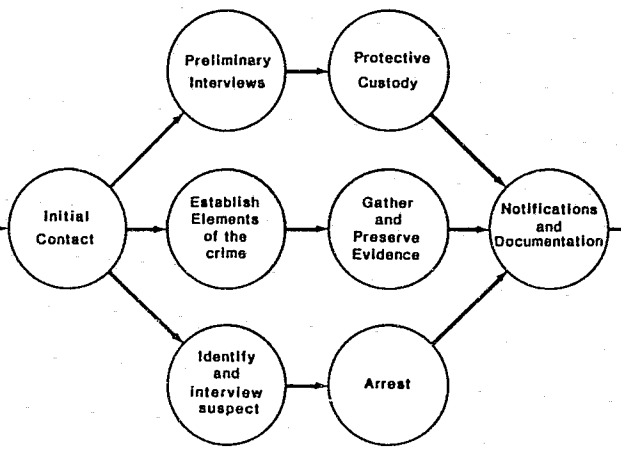
More detailed investigative information is available in a POST-certified Advanced Sexual Assault Investigation Course.

CHILD ABUSE INVESTIGATIVE PROCEDURES

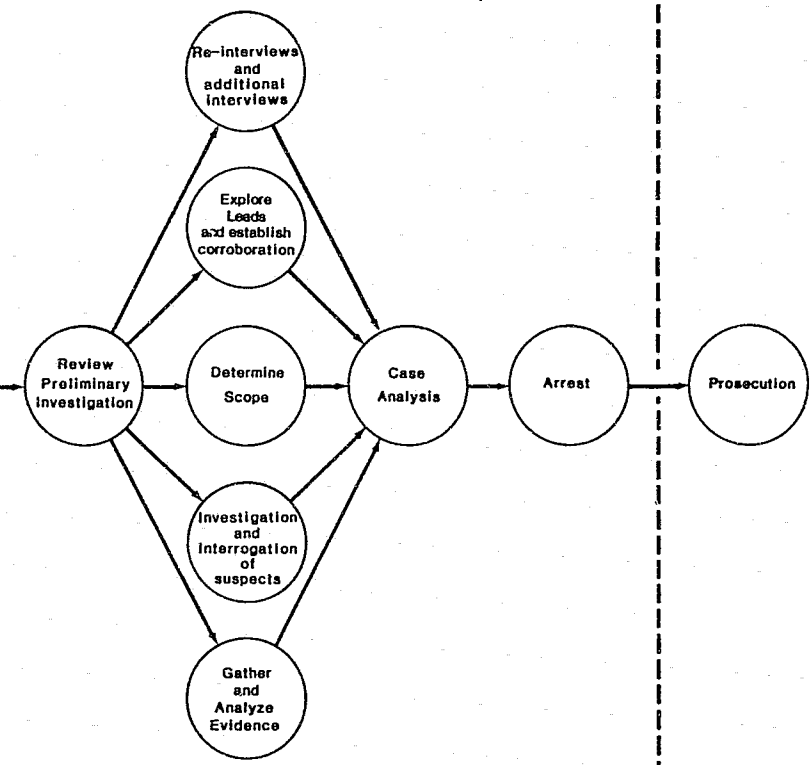
Initial Report and Evaluation of Information



Preliminary Investigative Procedures



Follow-up Investigative Procedures



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CHAPTER ONE - GENERAL CHILD ABUSE INVESTIGATIVE PROCEDURES

I. INVESTIGATIVE PRIORITIES

Guideline #1 - Investigative Objective

The primary objective of the investigation is the protection of the child.

Guideline #2 - Responsibility

Law enforcement personnel have the responsibility to conduct an objective and unbiased investigation.

Guideline #3 - Legal Rights

Law enforcement investigators should protect the legal rights of ALL involved parties to include:

- a) victim
- b) accused
- c) all witnesses

Guideline #4 - Support Groups

It is important that law enforcement agencies maintain a liaison with community support organizations that may be able to provide aid to the victims of child abuse and their families. Each law enforcement agency should maintain a list of community support groups for the use of its field personnel. This list should contain the following:

- a) name, address, and phone number of the support organization
- b) name of contact person(s)
- c) hours/days of operation
- d) specific services offered
- e) cost (if any)

II. INITIAL RECEIPT AND EVALUATION OF INFORMATION

Guideline #5 - Initial Report

It is the responsibility of law enforcement personnel receiving the initial report to:

- a) gather the pertinent facts (who, what, where, when, how)
- b) conduct a preliminary assessment of the risk to the child involved
- c) determine the priority of response
- d) consider coordination of response with other pertinent agencies

Guideline #6 - Responding Officer

The first officer on the scene should assess the risk to the child involved and determine whether a crime has been committed by observing and by conducting initial interviews with:

- a) reporting party
- b) all witnesses
- c) victim(s)
- d) sibling(s)
- e) parents/caretakers

III. PRELIMINARY INVESTIGATIVE PROCEDURES

Guideline #7 - Evidence

The officer should gather and preserve all evidence to support the allegation of child abuse including those specific to: (See Guideline #22)

- a) neglect
- b) emotional abuse/deprivation
- c) physical abuse
- d) sexual assault
- e) sexual exploitation

Guideline #8 - Protective Custody

The officer should determine the need for protective custody of the victim(s), sibling(s) and others by taking into consideration the following factors:

- a) need for medical care
- b) imminent danger of continued abuse/intimidation/retaliation
- c) whether physical environment poses an immediate threat to the child's health and safety
- d) no parent or guardian willing to or capable of exercising control over the child
- e) history of prior offenses or allegations of child abuse

Guideline #9 - Identification of Suspect/Custody Considerations

The officer should seek to identify and determine whether or not to interview and/or take a suspect into custody. (See Guidelines #25 and #52)

Guideline #10 - Notifications

Appropriate notifications required by law should be made. (See Guideline #14)

Guideline #11 - Documentation

The preliminary investigative report should contain the necessary documentation to include:

- a) identifying statements of all parties
- b) all statements
- c) observations
- d) physical evidence noted and secured
- e) actions taken by the investigating officer and others

Guideline #12 - Impact of Investigation

Every law enforcement officer should be aware of the fact that the actions taken during the preliminary investigation coupled with the quality of the police report will have a crucial bearing on the protection of the child and the successful prosecution of the case.

IV. CHILD ABUSE REPORTING REQUIREMENTS

Guideline #13 - Who Must Report Child Abuse

The law requires certain professional occupations to report suspected child abuse to the proper authority. They are (Penal Code Sections 11165 and 11166):

- a) child care custodian
- b) health practitioner (medical and non-medical)
- c) employees of child protective agencies
- d) commercial film and photographic print processors

These mandated reporters are provided immunity from civil and criminal liability as a result of making a required or authorized report of known or suspected child abuse (Penal Code Section 11172 (a)).

Guideline #14 - Reporting Requirements

In child abuse cases, the California Penal Code mandates specific reporting requirements by law enforcement. They are:

- a) telephoning (immediately) and writing (within 36 hours) cross-reports to the county welfare and/or probation departments (Penal Code Section 11166 (g)).
- b) telephoning (immediately) and writing (within 36 hours) to the county district attorney's office (Penal Code Section 11166 (g)).
- c) cross-reports to the appropriate licensing agency (California Department of Social Services or the County Welfare Department licensing division) if the case involves a community care or child care facility (See Guideline #71).
- d) Department of Justice (Child Abuse Investigation Report-SS Form 8583) (Penal Code Section 11169).
- e) county welfare department that it is investigating a case of child abuse within 36 hours of starting the investigation (Penal Code Section 11166.1 (a)).

Guideline #15 - Confidentiality of Reporter

The California Penal Code requires that the identity of the reporter, the report of suspected child abuse, and the information contained therein shall be kept confidential and be disclosed only as specified by law (Penal Code Section 11167 and 11167.5).

Guideline #16 - Additional Reporting Requirements

The California Penal Code requires law enforcement agencies to make the following notifications to mandated reporters of suspected child abuse offenses:

- a) upon completion of the investigation or after there has been a final disposition in the matter, law enforcement agencies are to inform the person required to report the suspected child abuse of the results of the investigation and of any action the agency is taking in regard to the child or the family (Penal Code Section 11170(b)(2)).
- b) agencies must make information in the Department of Justice Child Abuse Central Index available to specified persons if they are treating or investigating a case of known or suspected child abuse (Penal Code Section 11170(b)(1))

Guideline #17 - Reporting Laws To Assist In The Investigation

The following California Penal Code sections may assist law enforcement officers in conducting investigations into suspected child abuse cases by:

- a) permitting information relevant to the incident of child abuse to be given to an investigator following up on an initial report (Penal Code Section 11167 (b)).
- b) permitting a police officer to apply to a magistrate for an order directing that the victim of child abuse be X-rayed without parental consent (Penal Code Section 11171.5(a)).
- c) protecting mandated reporters from civil or criminal liability for providing access to a suspected child abuse victim when requested by a law enforcement officer (Penal Code Section 11172(b)).

Guideline #18 - Victim-Witness Assistance Fund

Investigating officers should provide the victim and his/her family with information pertaining to the benefits afforded crime victims by the State of California Victim-Witness Assistance Fund. If necessary, the victim should be referred to a local support group that provides assistance in the application process.

V. FOLLOW-UP INVESTIGATIVE PROCEDURES

Guideline #19 - Follow-up Review

The investigator should review the completeness of the preliminary investigation to determine the scope and direction of the follow-up investigation. This review should include:

- a) confirmation of the elements of the crime
- b) need for further interviews
- c) a review and evaluation of all evidence
- d) determination of investigative priorities
- e) need for case confidentiality
- f) custody status of the victim(s) and/or sibling(s)
- g) custody status of the offender(s)
- h) coordination with appropriate agencies

Guideline #20 - Record Checks

A thorough records check of the suspect should be conducted to include:

- a) local files
- b) criminal history data
- c) Department of Justice Child Abuse Central Index
- d) Department of Justice Registrations and Compliance files (290 PC)
- e) California Department of Motor Vehicles (DMV)

Guideline #21 - Investigative Resources

Investigative leads should be explored and developed through the use of the following resources:

- a) State and local "all-points bulletins" (APB)
- b) modus operandi files (M.O.)
- c) artists' sketches
- d) photographic line-ups
- e) suspect profiles
- f) physical line-ups
- g) field interview (F.I.) files
- h) surveillance

Guideline #22 - Corroboration

Corroborating information should be developed through the use of the following:

- a) medical examination and/or medical history
- b) witness statements
- c) physical evidence
- d) incriminating statements made by the suspect
- e) whether access to the victim by the suspect was possible and if he/she had the opportunity to commit the offense
- f) M.O. factors
- g) use of a search warrant, if appropriate

Guideline #23 - Background Checks

A thorough background investigation should be conducted on the prime suspect(s) to include:

- a) previous residences (prior offenses in other jurisdictions)
- b) previous relationships (spouse, ex-spouse, live-in, relatives)
- c) contacts with other agencies and/or jurisdictions

Guideline #24 - Evaluation of Evidence

All evidence gathered throughout the investigation should be collected, analyzed, and evaluated. Refer to guidelines on evidence in Chapters 2, 3, and 4.

Guideline #25 - Suspect Interview/Interrogation

The suspect(s) should be interviewed/interrogated using the following criteria as a guide:

- a) advise the suspect(s) of his/her constitutional rights and the nature of the investigation, when appropriate
- b) consider and evaluate all new information and alternative explanations provided by the suspect
- c) corroborate information already obtained through the investigation
- d) obtain incriminating statements including admissions and confessions

Guideline #26 - Arrest of Suspect

The following factors should be considered when determining whether or not to arrest the suspect(s):

- a) nature of the offense (felony/misdemeanor)
- b) imminent danger to the victim, suspect, or community
- c) likelihood of the suspect(s) to flee
- d) destruction of evidence
- e) potential ramifications of the arrest on all parties involved
- f) impact on the case development

Guideline #27 - Final Report Preparation

A final review and the preparation of all information and reports should include:

- a) disposition of the victim(s)
- b) all evidence identified and collected
- c) all statements
- d) disposition of the suspect(s)
- e) coordination and consultation with other involved agencies
- f) need for confidentiality of case information
- g) a report of the case progress to appropriate parties to the offense
- h) completion of all mandated report requirement forms

Guideline #28 - Case Summary

In complicated cases or where there are multiple victims, incidents, or offenders, a case summary might help to emphasize the important points the investigator wishes to make. The summary may include:

- a) a synopsis of the pertinent points of the investigation
- b) charts showing the relationships of the parties involved in the offense
- c) charts depicting the type and number of offenses involved and how they relate to the prosecution of the offender(s)
- d) diagrams of the crime scene for courtroom presentation

Guideline #29 - Preparation of the Witness for Court

In some jurisdictions the law enforcement investigator may be responsible for preparing the child victim for courtroom testimony. In an effort to ease the discomfort of testifying in court for the child, the following techniques should be considered:

- a) invite the victim and support persons to come to the district attorney's office prior to the hearing or trial
- b) explain what the child will be required to do in such a way that he/she can understand it
- c) allow the child to visit the empty courtroom and (if appropriate) encourage him/her to sit in the witness chair

CHAPTER TWO - CHILD NEGLECT AND EMOTIONAL ABUSE/DEPRIVATION

I. LEGAL REQUIREMENTS

Guideline #30 - Law Enforcement Responsibility

In situations where persons legally responsible for a child fail to provide minimum physical and emotional support necessary for adequate care of the child, the law requires law enforcement agencies to protect the child.

II. DETECTION - NEGLECT

Guideline #31 - Child Neglect Indicators

A number of physical indicators are usually present in child neglect cases and may assist the officer in assessing the need for intervention. The officer should be alert to the following signs of chronic child neglect:

- a) physical indicators
 - poor growth pattern/Failure to Thrive (FTT)
 - hunger/malnutrition
 - poor hygiene
 - lacks appropriate/necessary clothing
 - unattended physical/medical problems
 - lack of supervision/unattended child
 - chronic fatigue/listlessness
 - unsafe/unsanitary living conditions
 - absence of adequate/appropriate food

- b) behavioral indicators of the victim
 - delayed development
 - extremes in behavior
 - infantile behavior
 - depressed/apathetic
 - begs/steals food
 - seeks excessive attention/affection
 - chronic absence/tardiness at school

- c) parent/caretaker characteristics
 - apathetic/passive
 - unresponsive attitude
 - depressed
 - unconcerned for child
 - socially/physically isolated
 - substance abuser
 - displays irrational/bizarre behavior

III. INVESTIGATIVE PROCEDURES - NEGLECT

Guideline #32 - Response to Neglect

The officer should determine the level of neglect (general or severe) and the appropriate response, taking the following factors into consideration:

- a) nature of the call
- b) age of the child
- c) ability of the child to care for himself/herself
- d) immediate need for medical attention
- e) support resources available
- f) prior contacts

These factors also assist in determining if a warrantless entry into the living environment is legally justified.

General neglect cases should be referred to Child Welfare Services for appropriate action.

(See Glossary for definitions of general and severe neglect)

Guideline #33 - Protective Custody Considerations

The officer should weigh all the facts when considering taking the victim(s) into protective custody. Consideration should be given to the:

- a) urgency of the need for medical attention
- b) lack of supervision
- c) lack of adequate living conditions
(Also see Guideline #8)

Guideline #34 - Coordination

It is important for law enforcement personnel conducting investigations of child neglect to notify and coordinate their activities with child welfare services. (See Guidelines #13-18)

Guideline #35 - Collection and Preservation of Evidence

Evidence that will support allegations of child neglect should be gathered and preserved. This evidence may consist of:

- a) documentation of a living environment that constitutes a health and/or safety hazard to the child
- b) physical condition of the victim(s)
- c) statements of:
 - reporting party
 - victim(s)
 - neighbors/relatives
 - caretakers
 - other professionals

- d) documented observations of investigators
 - visual
 - odors
 - sounds
- e) background/records checks
 - Child Welfare Services
 - Department of Justice Child Abuse Central Index
 - schools
 - law enforcement
- f) physical evidence
 - photographs of victim and/or living environment
 - clothing/bedding
 - food conditions (samples)
 - observed health/safety hazards
- g) medical information
 - medical reports
 - medical history
 - substance abuse/addiction

Guideline #36 - Special Considerations

Law enforcement personnel should be aware of some special circumstances which may resemble child neglect but may not meet the criminal legal requirements. They are:

- a) family background
- b) cultural/socio-economic differences
- c) poverty
- d) ignorance

Cases of general neglect should be referred to Child Welfare Services for appropriate action.

IV. DETECTION - EMOTIONAL ABUSE/DEPRIVATION

Guideline #37 - Emotional Abuse Indicators

A number of indicators are present in emotional abuse/deprivation cases that may assist the officer in assessing the need for intervention. They may include:

- a) child's behavior
 - habit disorders
 - learning problems
 - developmental problems
 - extremes in behavior
 - destructive to self and others
 - sleeping/eating/speech disorders
 - demonstrates poor self-concept
 - attention/affection seeking behavior

- b) parental/caretaker characteristics
 - unrealistic expectations of child
 - belittles, rejects, degrades, ignores the child
 - threatens the child
 - describes the child as bad/different/evil
 - low self-esteem
 - irrational behavior

V. INVESTIGATIVE PROCEDURES - EMOTIONAL ABUSE/DEPRIVATION

Guideline #38 - Protective Custody Considerations

The officer should assess the level of risk to the child if left in the current living environment. The following considerations may assist in determining the need for protective custody.

- a) infliction of unjustifiable mental suffering
- b) capacity of the parent/caretaker to care for the child
- c) potential danger to child or others
- d) prior contacts

Guideline #39 - Evidentiary Sources

This type of offense is very difficult to prove. Any and all evidence pertinent to the case must be collected and analyzed to support the allegation of emotional abuse/deprivation. Some evidentiary sources may be:

- a) public/private school records
- b) psycho-social evaluations
- c) witness statements
- d) observations
- e) background records
- f) photographs of victim and/or living conditions
- g) other physical evidence (restraints, etc.)

Guideline #40 - Special Consideration

Physical indicators are rare in cases of emotional maltreatment. Observations are usually dependent upon behavioral indicators.

CHAPTER THREE - PHYSICAL CHILD ABUSE

I. LEGAL REQUIREMENTS

Guideline #41 - Law Enforcement Responsibility

In situations where a child suffers a non-accidental injury, law enforcement agencies should respond to protect the health and welfare of the child.

II. DETECTION

Guideline #42 - Indicators of Physical Abuse

There are a number of physical indicators that may signal an abused child. The presence of unexplained, inconsistent and/or incompatible injuries may assist the officer in assessing the severity of the offense. These indicators include:

- a) physical indicators
 - bruises or welts
 - bruises and/or welts with a definitive shape or pattern
 - burns
 - fractures or sprains
 - lacerations or abrasions
 - other injuries that may be caused by biting, cutting, poking, punching, twisting of limbs, or whipping
 - neurological signs indicating intracranial injury ("whiplash shaken infant syndrome")
 - rope burns (scars) on wrists and/or ankles
- b) behavioral indicators
 - extremes in behavior
 - easily frightened/fearful
 - any injury that is unusual for the child's age group
 - destructive towards self/others
 - inappropriate dress
- c) parental characteristics
 - concealment of child's injuries
 - inconsistent explanations for child's injuries
 - verbal threats
 - irrational thought processes

III. INVESTIGATIVE PROCEDURES

Guideline #43- Levels of Response

The level of response by law enforcement agencies to reported physical abuse cases depends upon the:

- a) nature of the call (in-progress vs. old injury)
- b) age of the child(ren)
- c) imminent danger to the child without intervention
- d) immediate need for medical attention
- e) reliability and authenticity of reporting party
- f) history of prior reports

The need for a warrantless entry should be determined using the above criteria.

Guideline #44 - Risk Evaluation

The investigating officer should assess the level of risk to the child(ren) when determining the need for protective custody. (See Guideline #8)

Guideline #45 - Evidentiary Sources

All pertinent evidence should be collected to substantiate the alleged physical abuse offense. Such evidence may include:

- a) photographs of the victim and/or the crime scene
- b) medical information
- c) instruments/weapons that caused the injury
- d) other possible evidence to substantiate the allegation
- e) statements
- f) documentation of observations

Guideline #46 - Coordination

When responding to suspected physical abuse, it is important for law enforcement personnel to notify and coordinate their activities with agencies. This will:

- a) assist in limiting the number of times the child victim will be interviewed
- b) allow for input in the decision-making process
- c) improve the communications between the various agencies involved in the investigation

Child Welfare Services must respond immediately to any request for emergency services from a law enforcement agency to assist in the intervention process (Administrative Standards for Public Social Service-California Department of Social Services-Sections 30-132 and 30-134).

Guideline #47 - Special Considerations

Parents have the right to discipline their child(ren). However, if the discipline is excessive, authorities have the responsibility to intervene. Additional considerations include:

- a) discipline results in physical injury
- b) age of the child being disciplined
- c) instrument(s) used (if any)
- d) location of the injury on the child

CHAPTER FOUR - SEXUAL ABUSE AND EXPLOITATION OF CHILDREN

I. DETECTION

Guideline #48 - Sexual Assault Indicators

Child sexual abuse or assault should be suspected if the following indicators are present (but not limited to):

- a) physical indicators
 - sexually transmitted diseases
 - genital discharge or infection
 - physical trauma or irritations to the ano/genital area (pain, itching, swelling, bruising, bleeding, lacerations, abrasions, especially if unexplained or inconsistent
 - painful urination/defecation
 - difficulty walking or sitting due to genital or anal pain
 - stomachaches, headaches, or other psychosomatic symptoms

- b) behavioral indicators of the child victims
 - 1) sexual behaviors of children
 - detailed and age-inappropriate understanding of sexual behavior
 - inappropriate, unusual, or aggressive sexual behavior with peers or toys
 - excessive/compulsive masturbation
 - excessive curiosity about sexual matters or genitalia (self and others)
 - unusually seductive with classmates, teachers, and other adults
 - prostitution or excessive promiscuity

 - 2) behavioral indicators of younger children
 - fecal soiling
 - eating disturbances (overeating, undereating)
 - fears, phobias, overly compulsive behavior
 - school problems or significant change in school performance
 - inappropriate age behavior or regressive behavior such as bedwetting or thumb sucking
 - sleeping disturbances such as nightmares, fearful about falling asleep, and sleeping long hours

 - 3) behavioral indicators in older children and adolescents
 - withdrawal
 - overly compliant behavior
 - poor hygiene or excessive bathing
 - poor peer relations and social skills, inability to make friends
 - alcohol and/or drug abuse
 - acting out, runaway, aggressive, or delinquent behavior
 - refusal to dress for physical education
 - nonparticipation in sports and social activities

- fearful of homelife (e.g. arrives at school early and leaves late)
- self-consciousness of body beyond that expected for age
- crying without provocation
- sudden acquisition of money, new clothing, or gifts with no reasonable explanation
- suicide attempt or other self-destructive behavior

- c) parental/caretaker characteristics
 - extreme overprotectiveness toward the child
 - extreme parental dominance
 - severe overreaction to child receiving any sex education in school setting
 - family tends to be socially isolated
 - family offers little or no supervision, controls, or limits for the child

Guideline #49 - Sexual Exploitation Indicators

In addition to the indicators listed in Guideline #48, sexual exploitation should be suspected if:

- a) there are multiple victims and/or multiple suspects
- b) child victim(s) describes instances where he/she has been photographed
- c) evidence of prostitution is found
- d) evidence of nude modeling or live nude performance by the child
- e) suspect(s) displays an unusual interest in children
- f) suspect(s) possesses child erotica (see glossary)
- g) evidence is found of the suspect's membership in known pedophile organizations
- h) suspect spends an abnormal amount of time at recreation centers, theaters, and other locations where juveniles congregate
- i) suspect exhibits sophisticated methods of seducing children
- j) evidence of unusual adult/youth associations
- k) evidence of pornography
- l) suspect occupies a position of authority or trust with children

II. INITIAL RECEIPT AND EVALUATION OF INFORMATION

Guideline #50 - Law Enforcement Response

Upon the initial receipt and evaluation of a reported offense, the urgency of the response should be based on the type of sexual abuse and the nature of the case. Such considerations include:

- a) danger to the victim(s)
- b) need for medical attention
- c) whether suspect still has access to the victim
- d) potential to obtain or lose evidence
- e) acquaintance vs. stranger assault
- f) need for a search warrant

III. INVESTIGATIVE PROCEDURES

Guideline #51 - Preliminary Investigation

In the preliminary investigation, the following information should be gathered to determine the truth of the allegation of sexual abuse:

- a) type and extent of sexual contact
- b) identification of ALL persons with possible knowledge of the incident
- c) a detailed description of the crime scene (if known)
- d) motivation of the reporting party

Guideline #52 - Suspect Interview/Interrogation

In sexual abuse or exploitation cases, the investigating officer(s) should determine:

- a) suspect's awareness of the investigation
- b) when suspect should be made aware of the investigation
- c) when suspect should be interviewed/interrogated
- d) who should do the interview/interrogation of the suspect
- e) where interview/interrogation should take place

(See Chapter 5 - Interview and Interrogation Techniques)

Guideline #53 - Evidence

All evidence relating to allegations of sexual abuse and sexual exploitation should be gathered and preserved, including:

- a) photographs of the victim and/or the crime scene
- b) findings in a sexual abuse medical examination
- c) articles of clothing from victim and/or suspect
- d) biological evidence (victim/suspect)
- e) child erotica
- f) diaries (victim/suspect/witness)
- g) correspondence relating to allegations and/or other offenses
- h) personal telephone/address books
- i) sexual aids (see glossary)
- j) computer equipment/files (suspect/victim)
- k) other physical evidence, i.e., bedding, towels, etc.

Guideline #54 - Investigative Leads

Investigative leads for sexual abuse and sexual exploitation cases should include:

- a) suspect's associations with youth organizations
- b) local file checks showing suspect's contacts with youths
- c) intelligence information such as:
 - pornography mailing lists
 - United States Customs Service seizure lists
 - pedophile mailing lists
 - underground newsletters and publications

Guideline #55 - Corroborating Information

Corroborating information sources that will assist the investigating officer include:

- a) description of crime scene, residence, and/or vehicle
- b) description of marks, scars, and tatoos (especially on those body parts normally covered by suspect's clothing)
- c) visual and audio depictions of children (photos, video, and audio cassette recordings)
- d) pornography that may have been exhibited to the victim(s)
- e) items left behind by the victim/suspect at the crime scene
- f) persons the victim may have told prior to the official report to authorities (best friend, neighbor, clergy, etc.)
- g) prior medical visits for related symptoms
- h) gifts and rewards received from the suspect(s)

CHAPTER FIVE - INTERVIEW AND INTERROGATION TECHNIQUES

I. GENERAL CONSIDERATIONS

Guideline #56 - Objective

The objective of the interview is to determine the truth of the allegation(s) without further traumatizing the child.

Guideline #57 - Law Enforcement Responsibility

The primary responsibility for conducting criminal investigative interviews and interrogations rests with law enforcement.

Guideline #58 - Interview and Interrogation Considerations

When conducting interviews and interrogations, the investigating officer should consider the following procedures:

- a) determine purpose of interview/interrogation
- b) plan and prepare for the interview/interrogation carefully
- c) consider the use of audio/video technology
- d) determine the functional level of the victim, witness, and suspect
- e) determine the various relationships of all parties involved in the alleged offense
- f) determine if there are additional victims, witnesses, or suspects
- g) establish the existence of evidence
- h) protect confidentiality of all parties involved in the offense
- i) conduct all interviews/interrogations separately
- j) avoid disclosure of case information to all parties involved in the alleged offense to prevent contamination
- k) instruct all parties involved in the alleged offense to maintain confidentiality

II. VICTIM INTERVIEWS

Guideline #59 - Minimizing The Number Of Victim Interviews

Every effort should be made to minimize the number of interviews with the child victim. Some techniques to consider include:

- a) consultation with a specialized law enforcement child abuse investigative unit (if available) prior to the interview
- b) seeking out other sources of information prior to the interview with the victim
- c) coordination of the investigation with Child Welfare Services
- d) consultations with the prosecuting attorney
- e) use of audio and/or video recordings
- f) conducting thorough and well documented interviews

Guideline #60 - Sensitivity

Care should be taken to be sensitive to the needs of the child. Techniques to consider include:

- a) establishing rapport with the child
- b) careful selection of interview setting
- c) providing the child with emotional support
- d) having support persons available, if needed
- e) use of interview aids (dolls, drawings, etc.)
- f) establishing the child's developmental level
- g) awareness that the child may be blaming himself/herself for the offense
- h) recognizing when to discontinue the interview
- i) awareness of cultural differences
- j) telling the child what to expect during the investigation
- k) being prepared to respond to the victim's questions
- l) concluding the interview in such a fashion that the victim feels free to recontact the investigator

Guideline #61 - Special Considerations

When conducting child victim interviews, the investigator should consider the following:

- a) to whom and when the victim disclosed the incident
- b) allow the child to describe the incident in his/her own words
- c) establish and use the child's terminology and language for body parts and acts
- d) avoid influencing the child's account of the alleged offense
- e) establish time frame(s) and jurisdiction(s) for all alleged offenses
- f) avoid being judgmental when discussing the alleged suspect
- g) avoid technical terminology
- h) avoid making promises or false reassurances

III. WITNESS INTERVIEWS

Guideline #62 - Interview Considerations

When conducting interviews with witnesses of an alleged child abuse offense, the investigating officer should consider the following:

- a) determine sequence for the witness interviews
- b) determine source of the witness's knowledge of the alleged offense
- c) determine if the witness's could be an additional victim
- d) determine witness's relationship to the victim
- e) consider developmental level of the witness
- f) determine relationship of the witness to the suspect
- g) consider the motivation of the witness
- h) avoid influencing the witness's account of the alleged offense
- i) consider possibility of the witness recanting his/her account of the incident due to intimidation, guilt, or repercussion

IV. SUSPECT INTERVIEWS

Guideline #63 - Interview/Interrogation Considerations

When conducting an interview/interrogation with the alleged suspect, the following factors should be taken into consideration by the investigating officer:

- a) establish rapport with the suspect
- b) careful selection of the setting for the interview/interrogation
- c) determine relationship between the suspect(s), witness(es), and victim(s)
- d) determine if and when the suspect had access to victim
- e) note the demeanor of suspect at the time of the interview
- f) encourage suspect to relate the incident in his/her own words
- g) note statements that are consistent with other findings and evidence
- h) note statements that are inconsistent with other findings and evidence (for future impeachment purposes)

Guideline #64 - Corroboration of Suspect's Statement

Every attempt should be made to corroborate statements made by the suspect. Use of the following information may help the investigating officer accomplish this task:

- a) statements by victim(s)
- b) statements by witness(es)
- c) physical evidence
- d) prior criminal history data
- e) prior complaints (about the suspect)

CHAPTER SIX - COMMUNITY CHILD CARE FACILITIES

I. RESPONSIBILITY

Guideline #65 - Law Enforcement Responsibility

Law enforcement agencies have the authority and responsibility to investigate allegations of child abuse occurring in the following types of licensed and unlicensed community child care facilities:

- a) family day care homes
- b) child day care centers
- c) foster family homes
- d) group homes
- e) small family homes

II. INITIAL RECEIPT AND EVALUATION OF INFORMATION

Guideline #66 - Level of Response

The urgency of response by law enforcement personnel to allegations of child abuse in a community child care facility should be governed by:

- a) nature and seriousness of allegation(s)
- b) present risk to child(ren)
- c) credibility of allegation(s)
- d) need for coordination with other appropriate regulatory agencies
- e) need for discretion to protect the rights and credibility of the child care provider(s)
- f) potential for loss and/or contamination of evidence
- g) impact of the action taken on further case development

Guideline #67 - Coordination

Coordination of the initial response to an allegation of child abuse in a community child care facility with one or more of the following agencies should be considered by the investigating officer (Refer to Volunteer Inter-Agency Investigation Team in glossary).

- a) California Department of Social Services (Community Care Licensing Division)
- b) local child welfare services
- c) child placement agencies
- d) other regulatory agencies (fire department, public health department, etc.)

Guideline #68 - Reporting Requirements (Group Homes or Institutions)

If suspected child abuse occurs in a group home or institution, the investigation of that abuse must be done in accordance with the regulatory "Guidelines for Investigation of Child Abuse in Group Homes or Institutions"

(Penal Code Section 11174). These are found in Title 11 of the California Administrative Code, Article 3, Sections 930-930.8. Adherence to these Guidelines is mandatory when the reported incident is "child abuse" as defined and if it occurs in a "group home or institution" as defined in the regulations (See Appendix).

NOTE.. The Child Abuse Reporting Law, Penal Code Sections 11165-11174.5, was amended in the 1985 legislative session to require the Department of Justice to develop regulations for the investigation of child abuse in all out-of-home care situations and all facilities licensed to care for children including child day care centers, family day care homes and foster homes.

Guideline #69 - Cross-Reporting Requirements (Group Home or Institution)

If suspected child abuse occurs in a group home or institution, the law enforcement agency must, if the report is not initially determined to be unfounded and at a time when the investigation will not be compromised, notify the following agencies and persons (Title 11, California Administrative Code, Section 930.4(d)). (Also see Guideline #14)

- a) public or private agency which placed the child in the home
- b) county welfare department and/or the county probation department
- c) licensing agency of the group home or institution
- d) administrator of the group home or institution
- e) parent or guardian of the child if the child is not a dependent or ward of the court

Guideline #70 - Follow-Up Reporting Requirements (Group Home or Institution)

If suspected child abuse occurs in a group home or institution, all agencies and persons listed below shall be notified in writing by the investigating law enforcement agency of the results of the investigation, any action taken (whether the action be formal or informal) and/or the final disposition of the matter (Title 11, California Administrative Code, Section 930.6(h)).

- a) Department of Justice - Division of Law Enforcement
- b) public or private agency which placed the child in the home
- c) county welfare department and/or county probation department
- d) licensing agency of the group home or institution
- e) administrator of the group home or institution
- f) parent or guardian of the child if the child is not a dependent or ward of the court

Guideline #71 - Department of Social Services Reporting Requirement

When a law enforcement agency receives a report of abuse alleged to have occurred in facilities licensed to care for children by the State Department of Social Services, it shall, within 24 hours, notify the licensing office with jurisdiction over the facility (Penal Code Section 11166.1).

III. INVESTIGATIVE PROCEDURES

Guideline #72 - Preliminary Investigation Procedures

The initial responding officer should consider, but not be limited to, the following procedures.

- a) insure the safety of the child(ren)
- b) an immediate count of all the children present in the facility
- c) an immediate visual inspection of the condition of the facility and personnel
- d) identify licensee, all employees and persons residing in the facility
- e) note the degree of cooperation by persons contacted

Guideline #73 - Legal Action

A child abuse investigation in a community child care facility may lead simultaneously to three types of action:

- a) criminal
- b) civil
- c) administrative

Rules of evidence and burdens of proof differ in each of the above proceedings. Evidence which is not admissible in a criminal trial may well be admissible in administrative proceedings. An administrative action could lead to the closure of the facility and serves to document the incident in criminal history records.

Guideline #74- Follow-up Investigation Procedures

The investigator should review the actions taken by the officer handling the preliminary investigation. It is crucial that:

- a) all statements are complete and accurate
- b) all physical evidence has been identified and documented
- c) a search warrant be considered (if appropriate)
- d) all mandatory notifications be made

Sex Crime Investigation

P.C. 13516

(a) The commission shall prepare guidelines establishing standard procedures which may be followed by police agencies in the investigation of sexual assault including cases, and cases involving the sexual exploitation and sexual abuse of children including police response to, and treatment of, victims of these crimes.

(b) The course of training leading to the basic certificate issued by the commission shall, on and after July 1, 1977, include adequate instruction in the procedures described in subdivision (a). No reimbursement shall be made to local agencies based on attendance on or after that date at any such course which does not comply with the requirements of this subdivision.

(c) The commission shall prepare and implement a course of training of specialists in the investigation of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases. Officers assigned to investigation duties, which include the handling of cases involving the sexual exploitation or sexual abuse of children, shall successfully complete that training within six months of the date the assignment was made.

(d) It is the intent of the Legislature in the enactment of this section to encourage the establishment of sex crime investigation units in police agencies throughout the state, which units shall include, but not be limited to, investigating crimes involving the sexual exploitation and sexual abuse of children.

Child Abuse & Neglect Training

P.C. 13517

- (a) The commission shall prepare guidelines establishing standard procedures which may be followed by police agencies in the investigation of sexual assault including cases, and cases involving the sexual exploitation and sexual abuse of children including police response to, and treatment of, victims of these crimes.
- (b) The course of training leading to the basic certificate issued by the commission shall, on and after July 1, 1977, include adequate instruction in the procedures described in subdivision (a). No reimbursement shall be made to local agencies based on attendance on or after that date at any such course which does not comply with the requirements of this subdivision.
- (c) The commission shall prepare and implement a course of training of specialists in the investigation of sexual assault cases, child sexual exploitation cases, and child sexual abuse cases. Officers assigned to investigation duties, which include the handling of cases involving the sexual exploitation or sexual abuse of children, shall successfully complete that training within six months of the date the assignment was made.
- (d) It is the intent of the Legislature in the enactment of this section to encourage the establishment of sex crime investigation units in police agencies throughout the state, which units shall include, but not be limited to, investigating crimes involving the sexual exploitation and sexual abuse of children.

GUIDELINES FOR INVESTIGATION OF CHILD ABUSE
CASES IN GROUP HOMES OR INSTITUTIONS

Title 11, California Administrative Code Sections 930-930.8. "Guidelines for Investigation of Child Abuse in Group Homes or Institutions."

930. Scope.

In accordance with Section 11174 of the Penal Code, this article applies to the investigation of suspected child abuse in group homes or institutions reported under Section 11166 of the Penal Code and adopts guidelines to insure investigations of such reported child abuse are conducted in accordance with this article. The guidelines are applicable when the abuse reported is child abuse as defined in Section 11165(f) of the Penal Code and not a mere complaint as defined in Section 930.3(m).

931. Purpose.

(a) The purpose of the adopted guidelines is

(1) to insure that the investigations of child abuse occurring in group homes or institutions are timely, complete, and coordinated among the responsible agencies;

(2) to require the appropriate agency to conduct the investigation in accordance with the guidelines;

(3) to insure that all appropriate authorities are informed so that timely and appropriate measures will be taken to guard against future institutional abuse; and

(4) to properly document reasons for any disposition made.

(b) The intent of these administrative regulations is to foster a high level of cooperation, communication, and mutual respect between all agencies involved in the investigation and administration of institutional abuse cases. However, these guidelines are not intended to prohibit, impede, or excuse law enforcement agencies in any way from conducting independent investigations into alleged criminal activity, or from carrying out the mandate of protecting life and property. Nor are they intended to preclude other government agencies from performing their lawful duties that may require concurrent, independent investigation or actions.

930.2. Use of Guidelines.

The guidelines set forth in this article shall be used in the investigation of suspected child abuse in a group home or institution including neglect as defined in Penal Code Section 11165(c).

930.3. Definitions.

For the purpose of this article, the following glossary of terms shall apply whenever the terms are used:

(a) Child Abuse Reporting Law means Penal Code Section 11165, et seq.

(b) Mandated reporter means any person required to report pursuant to Penal Code Section 11166.

(c) Group home or institution means a non-family residential home of any capacity that provides 24-hour care in a group setting for children in need of personal services, protection, supervision, assistance, guidance, or training essential for sustaining the activities of daily living or for the protection of the child including group homes or institutions exempt from licensing requirements of Health and Safety Code Section 1508 under Section 1505 of that Code and Title 22, California Administrative Code Section 80105.

(d) Child means a person who is under 18 years of age.

(1) Preschool age means a child from the age of two (2) up to the age of six (6).

(2) Infant means a child who is under two (2) years of age.

(e) Child protective agency means a police or sheriff's department, a county probation department, or a county welfare department.

(f) Law enforcement agency means a police or sheriff's department, whichever of the two departments has jurisdiction.

(g) Child welfare agency means a county probation or county welfare department, whichever of the two departments has responsibility for investigation of Welfare and Institutions Code Section 300 cases.

(h) Child placement agency means any agency, public or private, licensed to engage in finding homes or other facilities for the placement of children for temporary or permanent care or adoption, including but not limited to probation departments, county welfare departments, adoption agencies, and agencies that place mentally or developmentally disabled children.

(i) Voluntary Inter-Agency Investigation Team means a local voluntary association of law enforcement agencies, county welfare and probation departments, child placement agencies, and group home or institution licensing agencies established for the sharing of information and coordination of investigations of reports of child abuse occurring in group homes or institutions.

(j) Investigation means any activity by a child protective agency in response to a report of suspected child abuse including: required reporting; assessing the nature and seriousness of the abuse; required interviews; conducting interviews, gathering and preserving evidence; determining whether the report is founded or unfounded; taking measures to ensure the safety of

the children, notification of action taken or disposition after completion of the investigation as required by this article; notifying mandated reporters as required by Section 11170 of the Penal Code and notifying all appropriate agencies of the results of the investigation, of any formal or informal action taken by the appropriate agency, and of the final disposition.

(k) Serious abuse means all sexual assault and severe neglect as defined in Section 11165(c)(1) of the Penal Code and any act or omission proscribed by Sections 273a(1) or 273d, or any infliction of non-accidental injury on a child such as assaults, batteries, or other crimes involving physical harm.

(l) Other abuse means general neglect as defined in Penal Code Section 11165(c)(2) or any act or omission proscribed by Section 273a(2) of the Penal Code.

(m) Complaint means a report concerning any non-criminal act or omission that infringes upon the basic rights of a child including those enumerated in Section 80341, Title 22 of the California Administrative Code or concerning any program policy, regulatory procedure or practice of any group home or institution, or any non-criminal act or omission in violation thereof.

930.4. Reporting Abuse in Group Homes or Institutions.

(a) All employees, personnel or administrators of group homes or institutions and all other mandated reporters shall report any suspected child abuse occurring in group homes or institutions to a child protective agency as required by Section 11166 of the Penal Code. The report to the child protective agency is required in addition to any other reports of child abuse which may have been made to the state or county licensing agency or any other public or private agency.

(b) All employees of a child protective agency shall report all suspected abuse and may also investigate that abuse. However, other mandated reporters do not have the responsibility to determine whether or not suspected child abuse has occurred. The responsibility to investigate the abuse lies with the child protective agency which makes that determination in its investigatory capacity.

(c) With the exception of general neglect cases as defined in Section 11165(c)(2) of the Penal Code, each child protective agency investigating reported child abuse in group homes or institutions shall forward a preliminary report in writing to the Department of Justice. In cases investigated by a Voluntary Inter-Agency Investigation Team only one preliminary report need be forwarded to the Department of Justice as required by Section 11169 of the Penal Code.

(d) Unless a report of suspected abuse is initially determined to be unfounded and when the investigation of or prosecution for child abuse will not be compromised, the investigating child protective agency shall immediately notify the child placement agency involved, the probation department, the agency responsible for licensing the group home or institution and the administrator of the group home or institution of the alleged abuse. If the child

involved is not a dependent child or ward of the court, the parent or guardian of the child shall also be notified. If the child is a dependent child or ward of the court, the child placement agency shall determine whether or not to inform the child's parent or guardian of the alleged abuse.

930.5. Assessing the Nature and Seriousness of the Suspected Child Abuse.

Except as provided in Section 930.7, upon receipt of the report of suspected child abuse the child protective agency shall make a determination of the nature of the suspected abuse and whether it constitutes serious abuse as defined in this article.

(a) If the suspected child abuse appears to be serious abuse, the law enforcement agency shall investigate immediately, take measures as needed to protect the child, and continue the investigation in accordance with the standard procedures set forth in Section 930.6 of this article.

(b) If the suspected child abuse appears to involve other abuse, the child welfare agency shall investigate in accordance with the standard procedures set forth in Section 930.6 of this article. However, if such abuse occurs in a group home or institution under the authority of the child welfare agency, the law enforcement agency shall investigate.

(c) If the suspected child abuse appears to involve only a complaint, the report shall be referred to the licensing agency of the group home or institution and to the county welfare department.

(d) If at any point in the investigation the law enforcement agency determines that the incident does not involve serious abuse, the child welfare agency shall be notified immediately, and it shall continue the investigation.

(e) If at any point in the investigation the abuse initially thought to be other than serious abuse is determined to be serious abuse, the investigation shall be stopped, the law enforcement agency shall be notified immediately, and it shall continue the investigation.

930.6. Standard Procedure.

(a) Except as provided in Section 930.7 the standard procedures set forth below shall be followed to determine whether the reported child abuse occurred, whether remedial or protective action is necessary to ensure the safety of the child and other children in the group home or institution, to identify the perpetrator, and to provide a basis for assessment by appropriate independent agencies of the suitability of the group home or institution for placements.

(b) The guidelines established pursuant to Penal Code Sections 13516 and 13517 for the investigation of sexual assault and child abuse and neglect shall be consulted and may be followed where appropriate in investigating child abuse occurring in group homes or institutions. Copies are available through the Commission on Peace Officer Standards and Training, . . . (1601 Alhambra Boulevard, Sacramento, CA 95816-7083), Attention: Publications.

(c) Required interviews. Initial interviews with the victim, the reporting parties if known, and other witnesses are required to determine the circumstances leading to the report, when the abuse occurred, the nature and extent of the abuse and whether an incident of child abuse has occurred in the facility before.

(1) Reporting Party--The person(s) initially reporting the abuse under Section 11166 of the Penal Code. At all times great care shall be exercised to maintain the confidentiality provided by Section 11167 of the Penal Code for persons who report under the Child Abuse Reporting Law.

(2) Victim--whether the victim is an infant, preschool, or older child, it is preferable that an interview be conducted when possible by trained personnel with sensitivity to the psychological and emotional needs and background of children the victim's age.

(3) Other Witnesses--the following persons shall be contacted where warranted by the circumstances:

- (A) the administrator and employees of the group home or institution and the licensee or owner,
- (B) the placement worker for the child,
- (C) other selected children in the home,
- (D) the placement worker for other selected children in the home,
- (E) authorities and teachers at any school the child may attend,
- (F) the licensing worker for the group home or institution, and
- (G) any other person who either may have witnessed the abuse or who may provide history or other related information concerning the victim or participants in the abuse.

(d) Conducting Interviews

(1) When appropriate, the interview should be conducted in the group home or institution. In any event, the investigator should view the premises.

(2) If possible, the child should be interviewed first, separately and in private. The investigator should be sensitive to the child's age and should conduct the inquiry in a nonthreatening atmosphere with appropriate assurances given to the child. Information should be solicited in a concerned and nonpunitive manner, and the child should be encouraged to give explanations regarding the reported abuse with the view toward eliciting specific details.

The child should be examined for injuries hidden by clothing or other garments, particularly infants and preschool children. Any statements of the child should be paraphrased and recorded in a narrative form.

(3) After the child and other selected children in the home have been interviewed, the employees and administrator and licensee or owner of the group home or institution should be interviewed.

(e) Gathering and Preserving Evidence

(1) The Department of Justice Child Abuse Unit shall be contacted to obtain any relevant information available, including whether other incidents have been reported involving the same group home or institution, the same child or children or the same person(s) who may have been involved in the reported abuse.

(2) Where authorized by law, photographs shall be taken and any tangible evidence of abuse shall be collected and preserved.

(A) Photographs should be taken of all visible physical injuries, even if the injuries appear slight. Photographs of conditions affecting the child's general appearance and demeanor should also be taken, especially in cases of neglect or failure to thrive.

(B) Physical evidence such as implements used to inflict the abuse, articles of clothing, fingerprints, or other related items should be collected and preserved. Where appropriate all such items shall be marked by the investigator for identification, placed in sealed containers, and a record made of the chain of custody for each item.

(C) Diagrams, photographs and measurements of the premises should be made, in particular of the scene of alleged abuse.

(D) Medical examination of the child:

1. Where the abuse involved a sexual assault, a medical examination of the child shall be conducted by a licensed physician. The guidelines prescribed by regulations in chapter 3, title 22, California Administrative Code shall be used.

2. Where serious abuse is suspected or the victim is an infant, a medical examination should be conducted by a licensed physician. Serious physical harm especially in infants may not be readily observable but can be indicated by the nature of the reported abuse. All evidence of abuse resulting from a medical examination, including but not limited to skeletal and dental x-rays, specimens, and blood samples, must be obtained and preserved.

(f) Determining Whether the Report is Unfounded

(1) If during the course of an investigation the report of suspected abuse proves to be unfounded because the report is inherently improbable or admittedly false, or because there is no evidence to substantiate an allegation of child abuse made by an anonymous reporter, or because the incident would not constitute child abuse as defined in Section 11165(g) of the Penal Code, the investigating agency shall inform the Department of Justice.

(2) Before a report may be considered unfounded, it must be proven that the alleged abuse did not occur. Alternative explanations for the alleged abuse, mere conflicts in statements of the victim and/or other witnesses, or lack of evidence to prove the allegation factually true are not alone adequate for a determination that a report is unfounded.

(g) Taking Measures to Ensure the Safety of the Child

(1) Removal of the child and placement in protective custody shall be done immediately where the child's condition or surroundings reasonably appear to be such as to jeopardize the child's welfare. After removal of the child the responsibility for alternative placement lies with the agency which placed the child in the group home or institution.

(2) If the investigation is being conducted by a law enforcement agency and probable cause to arrest exists, the suspect(s) shall be taken into custody where appropriate.

(3) If probable cause to arrest does not exist, any person(s) suspected of child abuse may be requested to leave the group home or institution voluntarily until completion of the investigation. If the suspect(s) is a child in the group home or institution, removal of that child should be considered. Removal should be accomplished by a law enforcement officer, by the child placement agency or by cooperation with that child's parent or guardian, or by order of the court, whichever is appropriate.

(4) On-site monitoring of the licensed group home or institution by the appropriate licensing agency until completion of the investigation should be considered, especially where staff or administrative personnel involvement in the alleged abuse is suspected. If the group home or institution is unlicensed, monitoring by the child welfare agency should be considered.

(h) Notification of Action Taken After Completion of the Investigation or Final Disposition of the Matter

In addition to the notification required in Section 11170 of the Penal Code, all persons and agencies listed below shall be notified in writing by the investigating agency of the results of the investigation, any action taken, whether the action be formal or informal, and/or the final disposition of the matter:

- (1) The Department of Justice, Division of Law Enforcement.
- (2) The child placement agency involved.
- (3) The licensing agency of the group home or institution.
- (4) The probation department and the welfare department in the county in which the group home or institution is located.
- (5) The administrator of the group home or institution.
- (6) The parent or guardian of the child involved if the child is not a dependent child or ward of the court.

(i) Actions That Shall or May be Taken Upon Receipt of the Notice Required on 930.6(h)

Upon receipt of the notice required in Section 930.6(h), the persons and agencies notified shall or may take action as appropriate, including but not limited to the following:

(1) The Department of Justice, Division of Law Enforcement shall file the copy of the notification with the preliminary report required by Section 930.4(C) and Section 11169 of the Penal Code;

(2) The child placement agency involved may;

(A) discontinue use of the group home or institution;

(B) notify other child placement agencies as long as the identity of the child involved is not disclosed and disclosure does not violate sanctions against disseminating confidential information or sensitive information that is contrary to the best interest of the involved children and/or their parent so that appropriate action for the protection of all children in the home may be taken; and

(C) notify the parent or guardian of the child involved if the child is a dependent child or ward of the court;

(3) The licensing agency may revoke or suspend the license of the group home or institution;

(4) The probation department and the welfare department in the county in which the group home or institution is located may recommend to the juvenile court whether the placement should be revoked, whether the suitability of the placement of all children in the home should be reviewed, or whether other proper judicial relief should be invoked;

(5) The administrator of the group home or institution may make appropriate personnel, policy, or procedural changes within the group home or institution;

(6) The parent or guardian of the child involved if the child is not a dependent child or ward of the court may remove the child.

930.7. Assessment of Abuse and Standard Procedures for Voluntary Inter-Agency Investigation Teams.

In counties having a Voluntary Inter-Agency Investigation team, procedures and standards for assessment and investigation of child abuse which are established and agreed upon by the agencies involved may be followed in lieu of the guidelines in Section 930.5 and 930.6, so long as they are not inconsistent therewith and all notifications required therein are made.

930.8. Enforcement of Guidelines.

To ensure that every investigation of alleged child abuse in group homes or institutions is conducted in accordance with the guidelines set forth in this Article, the Department of Justice shall implement the following procedures.

(a) The Department of Justice, Division of Law Enforcement, shall monitor investigations of incidents of suspected child abuse in group homes or institutions reported under Section 11169 of the Penal Code to ensure that each incident is being investigated and that reasonable progress is made in the investigation. The Division shall maintain records which shall include the case file name or report number of each such incident, the county and agency conducting the investigation, the date of the incident, and the date reported to the investigative agency, information concerning any action taken, upon completion of the investigation or final disposition of the matter, and the notification submitted under Section 930.6(h)(4).

(1) The records required by this section shall be compiled from reports submitted pursuant to Section 11169 of the Penal Code and Sections 930.6(f) and (h) of this article, and may include information from records maintained by the Department of Justice on arrest and conviction.

(2) Records maintained by the Department of Justice on arrests for child abuse related charges shall be used to verify whether or not reports required by this Article or the Child Abuse Reporting Law have been submitted. If such reports have not been submitted, the Department shall request that the appropriate child protective agency in the county where the arrest occurred submit the required reports.

(b) The Office of the Attorney General shall be notified by the Division of Law Enforcement of any incidents of suspected child abuse in group homes or institutions reported under Section 11169 of the Penal Code.

(1) where it appears reasonable progress is not being made in the investigation,

(2) where reports required by Section 11169 of the Penal Code or by this article have not been submitted, or

(3) where any of the information required for the Division of Law Enforcement to monitor the investigation is not made available by the appropriate agencies.

GLOSSARY OF TERMS

CHICKEN. A young boy who is the object of a chickenhawk's sexual desires.

CHICKENHAWK: Refers to a child molester who targets young boys for homosexual relationships. This person usually has a specific age preference spanning two or three years.

CHILD ABUSE: Refers to a physical injury which is inflicted on a child by other than accidental means by another person; the sexual abuse of a child; the neglect of a child; and/or infliction of willful cruelty or unjustified punishment on a child (Penal Code Section 11165(g)).

CHILD EROTICA: (Federal Bureau of Investigation definition) Refers to any material relating to children which serves a sexual purpose for a given individual.

CHILD NEGLECT. Refers to the negligent treatment or maltreatment of a child by a parent or caretaker under circumstances indicating harm or threatened harm to the child's health and welfare. This includes both acts and omissions on the part of the responsible person. There are two categories of neglect: general and severe. Neglect is the most common form of child abuse.

General Neglect. Refers to the negligent failure of a parent or caretaker to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury has occurred to the child. These cases are referred to Child Welfare Services for investigation.

Severe Neglect: Refers to the negligent failure of a parent or caretaker to protect a child from severe malnutrition or medically diagnosed non-organic failure to thrive (see definition of failure to thrive). It also includes situations where the parent or caretaker willfully causes or permits a child's health and welfare to be endangered. Law enforcement agencies investigate cases of severe neglect.

CHILD PORNOGRAPHY.. Refers to any visual or print medium that depicts children under 18 years of age involved in sexually explicit activities. In most instances child pornography includes photographs, films, or video tapes of children being sexually abused. The children represented in child pornography have not reached the age of consent (18 years of age). It may be commercial or non-commercial.

CHILD WELFARE SERVICES (CWS): Refers to the agency that is charged with the responsibility for investigating child abuse for purposes of services provision and/or court dependency actions. Normally this includes all Section 300 (a,b c,d,e) Welfare and Institutions Code dependencies and occasionally Section 601 and 602 Welfare and Institutions Code wards of the court. The four mandated program components of CWS are: Emergency Response, Family Maintenance, Family Reunification, and Permanent Placement. CWS agencies may provide other services such as prevention and education activities.

EMOTIONAL ABUSE/MENTAL SUFFERING: Refers to harm caused by a parent or caretaker to a child's mental health or well being. Emotional abuse/mental suffering may take many forms: belittling, threatening, screaming, blaming, ignoring, inconsistent parenting, constant family discord, and others. The scars caused by this type of abuse may serve to cripple and/or handicap a child emotionally.

EMOTIONAL DEPRIVATION: Describes the suffering by children when the parent or caretaker does not provide the normal experiences producing feelings of being loved, wanted, secure, and worthy. A graphic example of emotional deprivation may be a situation where the parents keep a child locked in a room or closet thus not allowing the child to be exposed to normal outside stimulation.

EXTRA-FAMILIAL SEXUAL ABUSE: This is sexual abuse between a child and another that takes place outside of the family.

FAILURE TO THRIVE (FTT): Refers to a child who is much smaller than would be expected at a particular age. Non-organic FTT occurs when a child has been deprived of adequate nutrition and/or emotional nurturing. It is difficult for non-organic FTT to be diagnosed by physicians and very often requires hospitalization to obtain a diagnosis. Although FTT is a serious problem, an officer must be aware that there are many other conditions that may cause a child to appear smaller than is age appropriate. A doctor must diagnose FTT.

GROUP HOME: Is a facility licensed by the State that normally houses six or more children. The home has staff members who have received specialized training. Most often children placed in group homes have special needs or require special therapeutic treatment. They are unable to be placed in foster care or remain in their own homes.

INCEST: Defined and interpreted by the courts as marriage or acts of intercourse between the following persons: Parents and children; ancestors and descendants; brothers and sisters of half or whole blood, and uncles and nieces, or aunts and nephews. (Civil Code Section 4400)

INTERROGATION: (Black's Law Dictionary, 5th edition, 1979) In criminal law, interrogation is the process of questions put forth by police to a person arrested or suspected of a criminal offense to seek a solution to the crime.

INTERVIEW: Refers to the method of obtaining information by conversation. An informal method of obtaining answers to questions. The interviewer must use special skills in the process to assure that he/she and the child victim are "speaking the same language."

INTRA-FAMILIAL SEXUAL ABUSE: Refers to sexual abuse between the child victim and another that takes place within the family.

MULTI-DISCIPLINARY/MULTI-AGENCY INVESTIGATION TEAMS: Refers to a group of professionals possessing special knowledge and skills in the various areas of child abuse who are teamed up to coordinate investigations. The team personnel represent the various disciplines involved in child abuse investigations (law enforcement, child welfare services, probation department, district attorney, etc.). The primary goal of the team is to efficiently and effectively conduct all phases of the investigation.

PEDOPHILE: Refers to an individual who prefers sexual contact with children and whose sexual fantasies and erotic imagery focuses on children.

PHYSICAL ABUSE: Refers to any act which results in a non-accidental physical injury regardless of who inflicts the harm. Physical abuse includes: burning, beating, clubbing, kicking, biting, etc.

PUMMEL: The continuous and vigorous beating with the fists.

RETINAL HEMORRHAGE: The bleeding of the inside lining of the eye (retina). An injury to the head can cause bleeding or detachment of the retina.

PROTECTIVE CUSTODY: A child can, with or without a warrant, be taken into temporary custody where the child's condition or surroundings reasonably appear to be such as to jeopardize his/her welfare.

SEXUAL AIDS: Refers to any device that is used to enhance or stimulate a sexual act.

SEXUAL ABUSE: Sexual abuse is described as contact with a child (child molestation) where the child is being used for sexual stimulation of the other person. Sexual abuse can be committed by a person of any age. The abuser is often older than the victim and/or in a position of authority over the child.

SEXUAL EXPLOITATION OF CHILDREN: Refers to the sexual abuse of a child who is not developmentally capable of understanding or resisting the contact or who is emotionally and/or physically dependent upon the offender. Sexual exploitation generally involves premeditation on the part of the offender. The more graphic forms of sexual exploitation are child pornography, child prostitution, and child sex rings.

TRAUMA: Refers to an internal or external injury or wound brought about by an outside force. Usually trauma means injury by violence, but it may also apply to the wound caused by any surgical procedure. Trauma may be caused accidentally or, as in a case of physical abuse, non-accidentally. Trauma is also a term applied to psychological discomfort or symptoms resulting from an emotional shock or painful experience.

WHIPLASH SHAKEN INFANT SYNDROME: Injury to an infant or child can result from having been shaken. The most common symptoms are intracranial bleeding and/or retinal hemorrhaging. These injuries may cause developmental and physical disabilities. In many instances these injuries may not exhibit any visible signs of trauma.

LEGAL STATUTES PERTAINING TO CHILD ABUSE

<u>Penal Code</u>	
Abandonment	Section 270
Abduction	Sections 277/280
Child Pornography	Section 311.2a
Closed Circuit TV/Video Tape of Child's Testimony	Section 1347
Corporal Punishment	Section 273d
Daily Reports to the Office of the Attorney General	Section 11107
Degrading, Immoral or Vicious Practices in Presence of a Child	Section 273g
Delinquency, Contributing to	Section 272
Employing a Minor to Perform a Prohibited act	Section 311.4
Enticing a Female Under 18 for Prostitution	Section 266
Exhibiting Harmful Matter to a Child	Section 313.1
Home, Failure of Parents to Provide	Section 270a
Incest	Section 285
Kept in a House of Prostitution	Section 309
Kidnapping	Section 207
Making Available for Lewd Acts	Section 266j
Messenger to Immoral Places	Section 273e
Molestation	Section 288
Molesting or Annoying a Child Under 14 Years of Age	Section 647a
Neglect of Child	Section 273a
Oral Copulation	Section 288a
Pandering	Section 266i
Penetration by a Foreign Object	Section 289

Protective Custody-Abduction Cases	Section 279
Rape	Section 261
Rape in Concert	Section 264.1
Registration of Sex Offenders	Section 290
Reporting Laws	
-Confidentiality and Disclosure of Reports	Section 11167.5
-Definitions of Child Abuse	Section 11165
-Duty of Child Protection Agency	Section 11169
-Duty of Department of Justice (Central Registry)	Section 11170
-Duty of Observer-Cross Reporting Requirements	Section 11166
-Film and Photographic Print Processor	Section 11166(c)
-Forms	Section 11168
-Investigation and Reporting of Suspected Child Abuse Cases	Section 11166.1
-Investigation Procedures	Section 11174
-Liability of Person Making Report; Reimbursement by State of Attorney Fees Incurred in Defending Action	Section 11172
-Order for X-ray Without Parental Consent	Section 11171.5
-Required Information, Confidentiality of Reporter's Identity	Section 11167
-X-rays, Physician-patient privilege.	Section 11171
Sale or Distribution of Obscene Matter (Pornography)	Section 311.2
School Employee, Arrest for Sex Offense, Notice to School Authorities	Section 291
Sending to Immoral Places	Section 273f
Sexual Exploitation	Section 311.3
Sodomy	Section 286
Soliciting Commission of Sex Offenses	Section 653f(c)
Specimens of Sex Offender	Section 290.2
Unlawful Sexual Intercourse	Section 261.5
Willful Abandonment or Non-Support	Section 271a
Willful Cruelty	Section 273a
Willful Desertion	Section 271

Welfare and Institutions Code

Alternative Dispositions Of Minor	Section 307
Beyond Parental Control/Habitual Truant	Section 601
Criteria for Detention	Section 309
Dependent Child of the Court	Section 300
(a) No Parental Control	
(b) Destitute Child	
(c) Physically Dangerous to the Public	
(d) Unfit Home	
Notification of Parent or Guardian of Protective Custody	Section 308
Notification of Parent or Guardian of Detention	Section 627
Purpose of Juvenile Court Law	Section 202
Relinquishment or Termination of Parental Rights	Section 300(e)
Taking Minor to Community Service Program	Section 307.5
Temporary Custody (300(d) W&I Cases)	Section 309(b)
Temporary Custody Without a Warrant (300 W&I Cases)	Section 305
Temporary Custody Without a Warrant	Section 625
Written Notification of Decision	Section 328.3

Health And Safety Code

Inspection of Child Care Facility by Parent	Section 1596.857
Notification of Parent by Peace Officer	Section 1597.876

Education Code

Access To School Records - Emergency	Section 49076
Notification of Parent or Guardian of Temporary Custody by School Official or Police Officer	Section 48906

Case Law

I. Entering a Home Without a Warrant on Child Abuse Cases

People vs. Roberts (47 Cal App 2d 374 (1956))

Officers gained entry into an apartment where they heard moans and reasonably believed that someone inside was in distress and in need of assistance. They entered for the purpose of giving aid. The court held "Necessity often justifies an action which would otherwise constitute a trespass..."

People vs. Roman (256 Cal App 2d 656 (1967))

An officer, investigating a complaint of child beating, saw through the open door of an apartment a two-year-old child laying on the floor, apparently unconscious. The officer entered the apartment and examined the child. The child had fresh welts on the back of his neck and blood around his nose. When asked if his dad hit him the child sobbed, "yes."

Based on the information at hand the officer may make an arrest for a felony.

In re Dawn O. (58 Cal App 3d 160 (1976))

The police officer took a five-year-old child back home at 10.30 p.m. He got the impression that there may be an unattended child inside the apartment. The officer knocked on the door with no response, not for the purpose of securing the residence, but for determining whether there was another child alone inside the apartment. The court ruled that, under the circumstances, it was reasonable to determine if a child had been left alone in a dangerous circumstance.

People vs. Payne (65 Cal App 3d 679 (1977))

The court ruled that police officers, in forcing open a door in the defendant's bedroom, did not act unreasonably or in violation of the defendant's right to privacy or domestic security. Following reports from a reliable informant that the defendant molested children in a bedroom in his garage, the officers set up a surveillance in which he was seen to pick up a male juvenile and drive him to the garage.

The defendant failed to respond to one of the investigating officers who repeatedly knocked on the bedroom door and announced that he was conducting a child molestation investigation. The officers were led to believe, despite the absence of any call for help by a juvenile, that an emergency situation had arisen in which a particularly heinous crime was being committed.

II. Other Case Law

People vs. Austin (111 CA3d 110)

The touching of the victim need not be of the naked body but may be over clothing. Defendant directed eight year old by shoulder into bus. Touching may be minimal.

People vs. Brown (12 Cal App 3d 600 (1970))

The law enforcement officer must consider the type of information relied on to reach the conclusion that there is an emergency circumstance.

People vs. Carskaddon (170 Cal App 2d 45, 47 (1959))

Sexually explicit comments made to a seventeen-year-old girl without accompanying physical act is sufficient to constitute child annoyance.

People vs. Fritts (72 CA3d 319)

The defendant was charged with violations of Penal Code Section 288 of his daughter over a period of one year. The court found that precise dates do not have to be alleged "if not material".

People vs. La Fontaine (79 Cal App 3d 176, 185 (1978))

The court held that mere words may constitute molesting or annoying a child. Touching of the body is not required.

People vs. Nothnagel (187 CA2d 291 (1961))

The touching of a child need not be sexual in character once the corpus delicti of the offense consists of any lewd or lascivious act upon any part of the body of a child under fourteen (14) years of age. The purpose of the offender has consistently been the controlling factor.

People vs. Roberts (26 CA3d 385)

The offender need not have physical contact with the child but may direct other juveniles to engage in sexual acts. The court ruled that this is a violation of Penal Code Section 288.

People vs. Schultz (49 CA2d 38)

The court ruled that the defendant's state of mind was shown by introducing "graphic and convincing evidence by way of photographs taken of a child with her private parts exposed."

People vs. Sutton (65 Cal App 3d 341 (1976))

The officer received a radio call that two children were alone, unattended in an apartment. He knocked on the door and received no answer. He went back to his car to get additional information from dispatch. Meanwhile, the mother returned to the apartment in an intoxicated state. The officer entered the apartment behind her, observed unfit conditions for the children, and took custody of the two children.

In re Biggs (17 CA 3d 337, 94 CR 519 (1971))

The mother's boyfriend who lived with the mother and the children, was responsible for the child's bruised and battered condition. The mother failed to protect her son from the consistent cruelty of another and this caused the Juvenile Court to make the son a dependent of the court. The dependency of the daughter, who was not physically beaten, was adequately supported, since her witnessing of the beatings would endanger her emotionally. Therefore, it is legally acceptable and proper perhaps, required, at times to remove all other siblings living therein.

In re Phillip B. (92 Cal App 3d 796 (1979))

State officials may interfere in family matters to safeguard the child's health, educational development, and emotional well-being. Liability cannot be imposed on governmental agencies when the interference is based on a reasonable belief of the need for such action.

New York vs. Ferber (458 U.S. 747 (1982))

A bookstore proprietor was convicted under a New York statute prohibiting persons from knowingly promoting a sexual performance by a child under the age of 16 by distributing material which depicted such a performance. The United States Supreme Court held that "child pornography is not entitled to First Amendment protection provided the conduct to be prohibited is adequately defined by applicable state law..."

CHILD ABUSE INVESTIGATIVE CHECKLIST

This checklist is designed to assist law enforcement officers in conducting child abuse investigations. THE PRIMARY OBJECTIVE OF THE INVESTIGATION IS THE PROTECTION OF THE CHILD. As each procedure/activity is completed, the date, time and identification number of the investigating officer should be logged. Complete information is available in the POST Guidelines For The Investigation Of Child Physical Abuse and Neglect, Child Sexual Assault And Exploitation.

<u>Procedure/Activity</u>	<u>Date</u>	<u>Time</u>	<u>ID No.</u>
I. First Officer On The Scene			
A) Secure the safety of the child(ren)	_____	_____	_____
B) Determine the need for medical attention	_____	_____	_____
II. Preliminary Investigative Procedures			
A) Establish if a crime has been committed	_____	_____	_____
B) Conduct Interviews (if appropriate)			
-victim(s)	_____	_____	_____
-witness(es)	_____	_____	_____
-suspect(s)	_____	_____	_____
C) Gather and preserve all evidence	_____	_____	_____
D) Determine the need for protective custody	_____	_____	_____
E) ID suspect - arrest, if appropriate	_____	_____	_____
F) Make appropriate notifications/cross-reports			
-County child welfare/probation department*	_____	_____	_____
-Dept. of Social Services (Licensing Division)*	_____	_____	_____
-District/prosecuting attorney*	_____	_____	_____
-Department of Justice	_____	_____	_____
-Other (fire dept., health dept., etc.)-specify	_____	_____	_____

*Note statutory time requirements (Penal Code Sections 11166 & 11166.1)

<u>Procedure/Activity</u>	<u>Date</u>	<u>Time</u>	<u>ID No.</u>
III. Neglect and Emotional Abuse (In Addition to Section II)			
A) Look for physical and behavioral indicators (no food, poor growth pattern, depressed)	_____	_____	_____
B) Look for parental/caretaker characteristics (apathetic, passive, unconcerned for child)	_____	_____	_____
C) Be cautious of special circumstances which may resemble neglect (poverty, ignorance, cultural and socio-economic differences). The child still must be protected.	_____	_____	_____
IV. Physical Abuse (In Addition to Section II)			
A) Look for physical marks and/or trauma on child (bruises, welts, burns, fractures, lacerations)	_____	_____	_____
B) Evaluate validity of explanation for injuries (is it consistent with child's injuries?)	_____	_____	_____
C) Document injuries (medical exam, photos, etc.) (Definite shape/pattern to wound-use of weapon?)	_____	_____	_____
V. Sexual Abuse and Exploitation of Children (In addition to Section II)			
A) Look for physical and behavioral indicators (genital trauma, stained underclothing, unusual sexual behavior)	_____	_____	_____
B) Look for evidence (child erotica, pornography, diaries, computers, etc.,) Consider search warrant	_____	_____	_____
C) All other sources of information (specify)	_____	_____	_____
VI. Follow-Up Procedures			
A) Review preliminary investigation/reports	_____	_____	_____
B) Coordinate with other responding agencies	_____	_____	_____
C) Conduct records/file checks (DOJ, DMV, local)	_____	_____	_____
D) Conduct background check on suspect(s)	_____	_____	_____

<u>Procedure/Activity</u>	<u>Date</u>	<u>Time</u>	<u>ID No.</u>
E) Interview/Interrogate suspect	_____	_____	_____
F) Reinterview victim/witnesses (if necessary)	_____	_____	_____
G) Prepare case summary for the district attorney	_____	_____	_____
H) Prepare victim for courtroom testimony	_____	_____	_____

Initial Investigator/ID No.

Follow-up Investigator/ID No.

COMMUNITY CHILD CARE FACILITY INVESTIGATIVE CHECKLIST

This checklist is designed to assist law enforcement officers in conducting criminal investigations in community child care facilities. THE FIRST ACT MUST BE TO SECURE THE SAFETY OF THE CHILDREN.

<u>Procedure/Activity</u>	<u>Date</u>	<u>Time</u>
I. First Officer On the Scene		
A) Secure the scene/determine the risk to the children	_____	_____
B) <u>Immediately</u> count all children present	_____	_____
II. Preliminary Investigative Procedures		
A) Determine if victim(s) need medical attention	_____	_____
B) Identify all facility employees (present or not)	_____	_____
C) Identify all persons residing in facility	_____	_____
D) Identify all children receiving care at facility	_____	_____
E) Visually inspect facility license	_____	_____
-determine license status		
-identify licensee		
-note maximum number of children allowed by license		
F) Names of known or suspected victims	_____	_____
G) Names of known or suspected suspect(s)	_____	_____
H) Identify and gather all pertinent evidence		
-physical evidence (clothing, bedding, weapons, etc.)	_____	_____
-photograph victim(s) injuries	_____	_____
-photograph condition of facility	_____	_____

<u>Procedure/Activity</u>	<u>Date</u>	<u>Time</u>
I) Conduct initial interviews (if appropriate)		
-Reporting party	_____	_____
-Witnesses	_____	_____
-Victim(s)	_____	_____
-Others (specify) _____	_____	_____
J) Other investigative activity (specify)	_____	_____

III. Follow-up Investigative Procedures

A) Review preliminary report	_____	_____
B) Determine Investigative Priorities	_____	_____
C) Licensing agency notified (P.C. 11166.1)	_____	_____
D) Group home administrator notified	_____	_____
E) Parent/caretaker of child notified (if appropriate)	_____	_____
F) Consider coordinating investigation with other involved agency	_____	_____
G) Need for further interviews		
-Victim(s)	_____	_____
-Witness(es)	_____	_____
-Suspect(s)	_____	_____
H) Records checks		
-history of facility	_____	_____
-criminal history checks	_____	_____
-field interview files	_____	_____
-Department of Justice resources	_____	_____
-other resources (specify) _____	_____	_____

Procedure/Activity

Date

Time

I) Review evidence collected and/or needed

-physical evidence

-statements of all parties involved

-medical examination results

-photographs (facility, victim, etc.)

J) Coordinate prosecution with district attorney

K) Report progress of investigation to appropriate parties involved in the offense

L) Other investigative steps taken (specify)

Initial Investigating Officer/ID No.

Follow-up Investigating Officer/ID No.

SOURCES CONSULTED

- California. Attorney General. California Peace Officers Legal Sourcebook. Sacramento, California, 1984.
- California. Attorney General. Child Abuse Prevention Handbook. Sacramento, California: Crime Prevention Center, 1985.
- California. Attorney General. Commission on the Enforcement of Child Abuse Laws - Final Report. Sacramento, California: Crime Prevention Center, 1985.
- Child Abuse and Neglect Handbook. Prepared by the Professional Education and Training Committee. San Diego, California: San Diego Community Child Abuse Coordinating Council, 1985.
- Kern County, California. District Attorney. Kern County District Attorney's Office Guidelines for the Investigation and Prosecution of Child Sexual Abuse. 1985.
- Mead, James J.; Balch, Glenn M. Jr.; Maggio, Elizabeth. Investigating Child Abuse. Brea, California: For Kids Sake, Inc., 1985.
- Menlo Park, California, Police Department. Training Manual. Police Investigations of Child Deaths, Child Abuse and Neglect Cases In Child Day Care Facilities. 1986.
- The Role of Law Enforcement in the Prevention and Treatment of Child Abuse and Neglect. Washington, D.C.: United States Department of Health and Human Services, 1984.
- Whitcomb, Debra; Shapiro, Elizabeth R.; Stellwagen, Lindsey D., Esq. When the Victim is a Child. Washington, D.C.: United States Department of Justice. National Institute of Justice, 1985.
- Yolo County, California. Sheriff's Department. Training Bulletin. Child Abuse. (Volume 4 Number 4), 1986.