	<b>Abilene Police Department Operating Procedures</b>		
	Subject: <i>Crimes Against Children</i>	Issued: 04/02/2021	TBP:

**Definitions**

- Child – any person under the age of 17
- Abuse – as defined in the Texas Family Code 261.001 (1)
- Neglect – as defined in the Texas Family Code 261.001 (4)
- Caregiver – a person responsible for a child’s care, custody, or welfare as defined in the Texas Family Code 261.001 (5)

**Child Abuse Investigation**


Child abuse in any form presents specific challenges during the investigation. Officers investigating child abuse allegations should remember that these cases are fluid and should remain cognizant of their actions and the effect those actions may have on a criminal investigation. Any officer with cause to believe a child’s physical or mental health or welfare has been or may be affected by abuse or neglect shall file an appropriate departmental report.

**CPI/SVU Notifications**

If an officer becomes aware of an incident regarding possible child abuse or neglect by a caregiver, he shall immediately notify Child Protective Investigations via the Texas Abuse Hotline Website or the law enforcement hotline at 1-800-877-5300. CPI shall be notified under the following conditions:

- A. A child lives in a home where family violence occurs;
- B. A child lives in a home where a violent act occurred;
- C. A child lives in a home where drug activity is present;
- D. A child lives in a home where the caregiver is under the influence of alcohol or drugs to the point of neglect of the child;
- E. DWI/DUI situations where the child is present in the vehicle at the time of the offense or
- F. A child is a victim of abuse or neglect at the hands of any caregiver (parent, step-parent, legal guardian, teacher, babysitter, daycare worker, foster parent, etc.).

If an immediate response is needed by CPI, the officer shall contact the on-call CPI supervisor which is listed on PDNet. This does not alleviate the requirement to make a report via the hotline number or Texas Abuse Hotline Website.

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An officer shall make his/her immediate supervisor aware of the following instances involving children under the age of 18.

- A. Physical abuse causing serious bodily injury or death;
- B. Hospitalization under suspicious circumstances;
- C. Sexual abuse with a victim under 10 years of age or
- D. Sexual abuse on any victim under 18 years of age with the perpetrator living in the home.

If assistance is needed from the Criminal Investigation Division, Special Victims Unit or CAC, a supervisor shall make the request.

Cases that do not meet the above-listed criteria should be investigated by the Patrol Division as in any other case. If at any time there is a question regarding the appropriate investigative procedure officers should contact their immediate supervisor.

Officers shall not release children taken into custody upon the arrest of a caregiver to anyone other than Child Protective Investigations which will complete background checks.

### **Required Information**


An officer or dispatcher who receives a report of child abuse or neglect from an individual by telephone or other means should obtain information to include:

- A. The name, age, and address of the child;
- B. The name and address of the parents or persons in charge of the child;
- C. The incident, injury, or condition that prompted the report or details to support the belief that child abuse has occurred;
- D. The present condition of the child and
- E. The names of any siblings in the home.

### **Action Taken**

Officers responding to a report of child abuse or neglect occurring in or out of the home should act based on:

- A. Their assessment of injury to or neglect of the child;
- B. The potential risk to the child and
- C. Child Protective Investigations (CPI) assessment of the situation.

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### **Injury and Assault Indicators**

An officer responding to a report of child abuse should be aware of the indicators of bodily injury. The indicators include:

- A. Burns, especially patterns of burns (e.g. those with definite boundaries suggesting immersion in hot liquid or a particular instrument such as a hot iron or cigarette);
- B. Injuries to the head or face;
- C. Bruises, especially if extensive, in various stages of healing or that suggest a specific type of instrument (i.g. coat hangers, electrical cords, wires) and
- D. Unexplained abdominal injuries indicated by swelling of the abdomen, tenderness, and serious vomiting;
- E. The immediate and unexplained onset of lethargy;
- F. Any indications of neglect.

The officer should note:

- A. The physical condition of the parent(s) (e.g. intoxicated, drugged, disoriented, helpless in dealing with the child);
- B. Explanations given for the injury especially any inconsistencies in the explanations given and
- C. Any indications the parent(s) has tried to obtain medical treatment for the injuries regardless of the explanation given.


When investigating reports of sexual abuse of children, the officer should note:

- 1. Difficulty in walking or sitting;
- 2. Stained, torn, or bloody underclothing and
- 3. Visible bleeding in the genital or anal areas.

### **Medical Treatment**

Whenever an officer has reason to believe a child with signs of child abuse needs medical attention (but not emergency treatment), he/she should try to get the permission (or cooperation) of the parents for medical treatment.

Texas Family Code 32.001 authorizes peace officers who have taken lawful custody of minors to consent for medical treatment if the officer believes the minor is in immediate need of medical treatment.

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### **Intervention Required**

If the child is in the home and the threats to the child require intervention but not immediate removal, the officer should render reasonable assistance and notify Child Protective Investigations.

### **Officer Removal of the Child**

An officer should remove a child without parental consent (or consent of persons entitled to possession of the child) or without a court order, only upon probable cause the child faces immediate danger to their physical health or safety. A reasonable effort should be made to obtain supervisory approval prior to removal.

Upon removal of the child, the officer should deliver the child to the proper medical facility for examination and contact Child Protective Investigations.


### **Child Interviews**

As a matter of course, child victims should be interviewed only by a trained forensic interviewer. Under exigent circumstances, an officer may interview a child where there is an immediate danger to the public. If an officer interviews a child (either the victim or another child in the home) based on exigent circumstances, the following conditions must be taken into account:

- A. The child's age;
- B. The child's ability to evaluate what happened;
- C. The child's emotional state at the time and
- D. The possibility of retaliation against the child. (Whenever possible, interview child outside the presence of others.)

Whenever possible, the interviewer should be of the same gender as the child victim but especially in cases of reported sexual abuse or sexual assault. An officer should conduct the interview in age-appropriate language the child can understand and allow the child to explain the situation in their own words as much as possible.

Child victims (under 18 years of age) of sexual abuse shall be forensically interviewed by personnel from the Abilene/Taylor County Child Advocacy Center (ATCAC). This does not prohibit officers from conducting an on-scene investigation, speak with the child to determine if a crime has occurred or inhibiting an officer's ability to identify witnesses, involved person(s), suspect(s), obtain evidence, or to determine the necessity of medical attention for a victim.

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Officers should be mindful that child victims may not always be forthcoming with information, they can be in crisis, chemically dependent, and reluctant to trust authorities. Officers should take measures to identify the circumstances of the abuse and take appropriate actions to safeguard the victim.

### **Statements from Suspects**

When questioning the parents or other persons suspected of committing child abuse, the officer shall properly identify the suspects and may conduct a basic interview. The officer should not interrogate any person suspected of child abuse without authorization from a child abuse investigator. This does not preclude the taking of voluntary statements offered by the suspect. Unless necessary, the officer will not tell the person under investigation the name of the person who reported the child abuse.

### **Gathering Evidence**


In cases involving sexual abuse of a child, rape exams and other evidentiary matters will be handled in a manner consistent with E-5, Sexual Assault Investigations.

If digital evidence exists e.g. cellular devices, officers may seize the device to prevent the destruction of evidence. Officers may ask for consent to search the device to further their investigations. If consent is not obtained, officers should power the device off and seek cooperation to obtain a passcode if one is required. It is important to note the utilization of social media, SMS, or any other electronic means during the investigation. Accounts should be identified which later can be preserved and obtained through legal process.

### **Interference with Child Custody**

Parental Abduction - the child was taken by a guardian or by the direction of a guardian, in an attempt to hide the child from another guardian to prevent further contact with the child.

Visitation Violation - the actor prevents standard visitation, which is outlined in the custody order, from taking place and is not attempting to flee to hide the child from any further contact with the guardian or the actor fails to return the child after the visitation and is not attempting to flee or hide the child from any further contact with a guardian.


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When a parental abduction occurs, the Youth Division will be contacted immediately. They will determine the following:

- A. If there has been a violation of PC 25.03, the following will take place as soon as possible:
  - 1. The child and abducting parent will be entered into NCIC;
  - 2. A case report will be completed;
  - 3. An affidavit will be taken from the reporting party;
  - 4. An evaluation to determine if this fits the criteria for an Amber Alert and
  - 5. A warrant will be requested for the abducting guardian.
- B. If there is not a violation of PC 25.03 the following will occur:
  - 1. An evaluation by the Youth investigator(s) will determine if a missing person report needs to be completed in accordance with CCP Chapter 63.
  - 2. If no missing person report needs to be completed, then check welfare will be performed and the reporting party will be advised of the legal measures to take in civil court.

When a person reports a visitation violation, the following will be done:

- A. The reporting party will be advised that they must come to the PD during the normal business week (Monday through Friday 8 AM to 5 PM) to report this visitation violation. They must bring with them a complete copy of the divorce/custody decree.
- B. Once they arrive at the PD, they will be given the APD Visitation Violation Report Form to complete.
- C. The DDO will make a copy of the certified decree and return the original to the reporting party.
- D. The completed Visitation Violation Form will be given to the DDO who will assign a case number and give the form to a Records clerk. A case report will be generated from this form.
- E. All related documents will be placed in the case jacket and forwarded to the Youth investigator(s).
- F. The reporting party will do the above on any subsequent reports of visitation violation.
- G. The Youth investigator will review the case report and determine if there is a possibility that a visitation violation has occurred according to PC 25.03.

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If the Youth investigator determines that a visitation violation has occurred they will do the following:


- A. The Youth investigator, upon receiving the first report, will do the following:
  1. The Youth investigator will complete the form warning letter which is pre-signed by the Chief of Police and the Taylor County District Attorney. The letter will be mailed either by return receipt requested or certified mail.
  2. The Youth investigator will then contact the reporting party and advise them that the first warning letter has been sent.
  3. A copy of the letter will be placed in the case jacket.
  4. This completes the case report and investigation.
- B. The Youth investigator, upon receiving a second report, will do the following:
  1. The Youth investigator will complete the form warning letter and at the top will be placed in large red letters "Second Warning". The letter will be mailed either by return receipt requested or certified mail.
  2. The Youth investigator will contact the reporting party and advise them that the second warning has been issued.
  3. A copy of the second warning letter will be placed in the case jacket.
  4. This completes the case report and involvement by the Youth investigator(s).
- C. Upon the third report, the Youth investigator(s) will contact the reporting party once the case jacket is assigned and make an appointment for the individual to come to the PD. An affidavit will be taken from the reporting party. The current report, along with the previous reports, will be compiled and sent to the Taylor County District Attorney for their consideration of filing applicable charges.

### **Stand-By for Custody Exchanges**

The Department will not stand-by for custodial exchanges. The reporting party will be advised to contact their attorney to make other arrangements for the exchange.

If a person is requesting a stand-by for fear of family violence, an officer shall be dispatched. The reporting party will be advised by the officer that other arrangements need to be made in the future and that the Department will not continue to stand-by each time. The officer will not attempt to persuade the individual to release the child during the stand-by.

The Department will not get involved in awarding custody or seizing children nor will the Department attempt to put undue pressure on the person to release the child.

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The exceptions to this are as follows:

- A. The child is in NCIC as missing from another agency or jurisdiction.
- B. The person who has the child is in flight to unknown locations and will fit the description of parental abduction in this policy; therefore, exigent circumstances exist to seize the child.

Any time the child is about to be seized or has been seized, a Youth investigator will be contacted and they will respond to the scene. Once at the scene, the Youth investigator(s) will be responsible for the disposition of the child. If the child is to be seized, the Youth investigator will contact Child Protective Investigations immediately and turn the child over to them.

### **Request from Out of Jurisdiction**

Any time a request comes to the Department to assist on a child custody situation from another agency, the following will be done:

- A. The Youth investigator will be contacted immediately. The information will be turned over to them and they will make the determination of what will be done.
- B. Items the Youth investigators will take into consideration to determine how the Department will respond are as follows:
  1. Uniform Child Custody Jurisdiction and Enforcement Act
  2. The Hague Treaty
  3. Existing court orders
  4. The Texas Missing Persons and Missing Children's Acts
  5. Texas Family Code Title 5
  6. Texas Penal Code

If no custody order exists, then the reporting party will be referred to the Youth investigator(s) to determine if a response is needed by the Department. This will include the possibility of completing a missing person report.