



DEPARTMENT OF PUBLIC SAFETY OPERATING PROCEDURES MANUAL		
CHAPTER 235	CHILD ABUSE	
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235.100 INTRODUCTION

This chapter establishes the department’s zero tolerance for child abuse and neglect in the State of Alaska and the standards for response to and investigation of such reports of abuse.

235.300 DEPARTMENT STANDARDS

The Department of Public Safety recognizes its important role in responding to crimes committed against children in Alaska, which include child sexual abuse, physical abuse, exploitation, and neglect. The problem of child abuse cuts across all racial, cultural, and economic lines and impacts all areas of our society especially its young victims. The department recognizes that the abuse and neglect of children is a serious crime that cannot be condoned or tolerated. Some cases of child abuse occur inside the family setting with domestic violence laws and policies also directing the response of law enforcement.

This chapter establishes guidelines and protocol to be followed in responding to incidents of child abuse or neglect with the goals of reducing the incidence and severity of child abuse by establishing investigative policies conforming to law; affording maximum protection and support to victims of child abuse and neglect through a coordinated program of law enforcement and victim assistance; to ensure that child abuse and neglect cases are immediately and properly investigated; assuring that law enforcement services are as available in child abuse cases as they are in other criminal cases; coordinating the response by law enforcement and the Office of Children’s Services (OCS) to child abuse and neglect cases to reduce the duplication of investigative steps and allow each discipline to work in a multidisciplinary team setting so that investigations will compliment and not interfere with each other.

235.310 ALASKA’S INTERDEPARTMENTAL CHILD ABUSE AGREEMENT (1998)

A. *Child Abuse Agreement establishes policy.* The Alaska Interdepartmental Child Abuse Agreement (AICAA) establishes a policy for mutual cooperation and coordination between the Departments of Law, Public Safety, Health and Social Services, Education, Community and Regional Affairs, and Corrections in the investigation of reported cases of child sexual abuse. Each agency has agreed to develop written internal policies and procedures for responding to reports of child sexual abuse. DPS will continue to provide child abuse investigation training to Troopers with an emphasis on forensic interviewing techniques, cultural awareness, victimology, evidence collection and preservation, perpetrator interview and interrogation

strategies, and other relevant investigative techniques. [The AICAA can be viewed on the DPS intranet.]

Additional agreements may be established for each detachment and geographical location to coordinate a multidisciplinary response to all forms of child abuse and neglect. Members of this team may include representatives from law enforcement, social services, medical providers, child advocacy centers, education, and corrections.

B. *Commander responsibilities under AICAA.* Commanders will work with all involved agencies to develop formalized, specific and published working agreements in conformity with the AICAA. Commanders may appoint a Coordinator to assist in the establishment and coordination of multidisciplinary teams to deal with child abuse.

Commanders shall ensure that local protocols to investigate, intervene and prosecute child abuse cases take into account the geography of the area and the social services available. The Division Operations Commander must review any detachment or post Standard Operating Procedure (SOP) dealing with child abuse or neglect.

The responsibility of the Commander, or his designee, within the Detachment area is to:

1. Ensure that DPS fulfills its statutory and policy obligations;
2. Monitor the activities of individual multidisciplinary teams;
3. Review reports of child abuse, suggest follow-up etc.;
4. Support individual teams with technical assistance and manpower;
5. Act as regional liaison for agencies involved with AICAA;
6. Forward intelligence data to the Criminal Intelligence Unit;
7. Establish and maintain statistical data concerning reported child abuse cases; and
8. Coordinate Detachment training and equipment requirements.

235.320 CONFIDENTIALITY OF OCS REPORTS OF HARM

OCS Reports of Harm are confidential under AS 47.17.040, which exempts those reports from public inspection and copying under AS 40.25.110 and 40.25.120. Federal regulations [45CFR 1340.14(i)] prohibit disclosure of the names of persons acting as complainants in reports of harm. Further, DPS employees are reminded that AS 47.25.120 protects case reports and other records from public inspection and copying and are referred to OPM 206 for procedures governing release of DPS case reports.

A. *Protection of complainant names.* DPS employees shall protect the names of complainants appearing in OCS Reports of Harm by:

1. Not listing the complainant appearing on the OCS Report of Harm as a complainant through DPS case report person role codes;

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2. Not mentioning the person's role as a complainant in the text of the investigation; and,
3. Not revealing the complainant's identity to any other witness.

B. *Release of complainant names to other police agencies.* DPS will not share OCS report of harm complainant information with another police agency unless that agency has policies in place assuring the protection of this information, or unless DPS can otherwise guarantee the protection of the information.

235.330 RESPONSE TO REPORTS OF CHILD ABUSE

A. *Reports of child abuse to be expeditiously investigated.* Whenever DPS receives a report of child abuse or neglect within DPS jurisdiction, it shall be expeditiously investigated.

B. *Reports to be immediately screened and assigned.* All reports of suspected child abuse or neglect shall be immediately forwarded to a shift supervisor or other designated person. In larger detachments these reports may be forwarded to the ABI Child Abuse Investigative Units (CAIU) in accordance with the detachments SOP. All reports shall be immediately screened, prioritized and assigned for investigation if a criminal offense is suspected.

C. *Contact with complainant or victim to be rapid.* Every effort will be made to contact complainants or victims of child abuse cases immediately or within 24 hours of the initial report to schedule an interview with law enforcement.

D. *Benefits of rapid response.* Immediate contact with the complainants or victims in child abuse cases will enhance the law enforcement investigation by:

1. Determining the need for a forensic physical examination. Troopers may consult their local Child Advocacy Center (CAC), medical facility, or forensic nurse in an effort to determine the need for an examination.
2. Determining the identity and location of the suspect.
3. Determining if there are other potential victims and ensure their safety.
4. Identify, locate and preserve crime scenes as well as other evidence, to include photos of injuries, etc., relating to the crime.
5. Providing referral to address medical needs, counseling or advocacy needs and other appropriate agencies such as OCS.

E. *Prioritizing reports.* The highest priority will be given to reports of recent incidents of suspected abuse less than one week old and cases where the alleged offender may still have contact with the victim (persons living in the same home, etc.) If these cases cannot be

responded to within 24 hours the Commander will be informed. In cases where the report is made within 72 hours of an alleged sexual offense it is important to schedule a physical examination immediately. DPS will make every effort to coordinate the investigation and have law enforcement present to conduct the initial interview prior to the examination or in accordance with the local multidisciplinary protocol.

Reports involving suspected child abuse which are not recent in nature shall be responded to with at least initial contact with the complainant within 24 hours whenever practical. The initial contact can be made by telephone or in person to arrange an interview or other appropriate investigative measures. When unforeseen circumstances prevent initial contact from being made with a complainant in a not recent child abuse case within 7 days of the initial complaint, the Commander will be kept apprised of the situation.

F. *Required notifications.* The nearest [OCS](#) Office is to be immediately notified whenever there is cause to believe that any child has suffered harm as a result of abuse or neglect. (Ref. AS 47.17.020 and 025).

In addition notification to [OCS](#) also needs to be made when minor children are exposed to domestic violence as a result of conduct or conditions created by the parent, guardian or custodian.

Local protocols shall address response to cases in which [OCS](#) may have jurisdiction, but cannot respond. The Detachment SOP or local protocol shall also address at what point during the investigation of a child abuse or neglect case the District Attorney will be notified.

G. *DPS to assist other agencies.* Upon request, DPS will assist law enforcement in locating and interviewing victims who are currently living inside DPS jurisdiction. After completing the interview and/or other investigative assistance requested, DPS will forward all reports and evidence to the requesting agency to proceed with their investigation.

H. *DPS may request help from other agencies.* DPS may also make requests to outside law enforcement agencies to conduct interviews of victims and other involved persons. The investigating Trooper will contact the nearest law enforcement agency to the victim's residence and coordinate the request. DPS will request a written report and all evidence be sent to DPS to supplement the investigation.

235.340 INVESTIGATIVE PROCESSES

A. *DPS has investigative responsibility.* Within its jurisdiction DPS has the responsibility to investigate reported child abuse. Upon request DPS may assist other police agencies with such investigations.

B. *Investigation to precede OCS contact.* The initial investigation and interview of the alleged offender shall be accomplished prior to any OCS contact with the alleged offender.

Investigators are to work closely with OCS workers so police investigations and Child In Need of Aid proceedings complement each other.

C. *Victim interviews.* The investigating Trooper shall attempt to coordinate the victim interview with other multidisciplinary team members in accordance with local protocol to avoid multiple interviews of the child. The investigating Trooper will make every effort to ensure the victims safety and if possible avoid immediately notifying the alleged offender(s) of the report until the appropriate time in the investigation. When questioning the victim, the Trooper shall use supportive interview techniques. Whenever possible, the following guidelines shall be followed when interviewing child abuse victims:

1. Child interviews shall be documented by audio and video recording whenever possible.
2. If an interview cannot be videotaped, an audio recording will be made.
3. Interviews will be done in a non- threatening environment. A child interview room at a CAC or other location will be used whenever possible.
4. Limit the number of persons present during the interview. Parents and other potential witnesses will not be present during the interview.
5. In a non-criminal investigation, the child forensic interview is conducted by the most appropriate interviewer that has specialized training in forensically interviewing children. If the case is a criminal investigation, law enforcement conducts the interview unless circumstances dictate otherwise, and law enforcement agrees. Generally, law enforcement will consult with appropriate team members regarding the emotional and mental needs and capacities of the child and which interviewer (if not the law enforcement officer) can best meet those needs.
6. If possible, investigating Troopers and OCS shall coordinate travel to rural communities to investigate reports of child abuse together.
7. By attending on-going research-based training and periodic forensic interview peer review whenever possible, the forensic interviews are:
 - legally sound, non-duplicative, non-leading, and neutral
 - developmentally appropriate
 - culturally competent
 - meeting the needs of children with disabilities
 - accommodating non-English speaking children (local interpreters and signers can be utilized if necessary)
 - aided by the use of interview tools such as anatomically correct dolls or picture communication boards that are available at the CAC for use by the trained interviewer if necessary.

D. *School interviews of victims.* When necessary to protect the well being of the child victim and a CAC is not available, the investigating Trooper may choose to interview the child at school without prior notification of the parent(s) or legal guardians. The investigating Trooper will inform the school officials of the Duties of School Officials under AS 47.17.027, which allows OCS and law enforcement to interview child victims at school without prior notification of parents when doing, so could endanger the child. When children are interviewed at school by DPS without prior parent notification, a parent will be notified as soon as practical immediately following the interview unless such notification will cause an unnecessary interference to a criminal investigation. The parent notification shall be coordinated with OCS when possible.

E. *Victims rights information to be provided.* Victims and / or their parent or guardian will be given both oral and written information about Violent Crimes Compensation [Ref. AS 18.67.175 b]. In cases where Domestic Violence Laws and policies apply, victims will also be given information and assistance for Victims of Domestic Violence. This information will be documented in the written report [Ref. AS 18.65.520].

F. *Witness interviews.* The investigating Trooper will identify and interview any witness who may have information about the incident or circumstances. Any person to whom the victim disclosed the abuse to shall be interviewed with the greatest priority being given to the first person that the victim told.

G. *Suspect interviews.* Suspect interviews will be videotaped whenever practical. An audio recording shall also be made in conjunction with the videotape. Miranda will be read to suspects when custodial situations apply. Investigators may consult the District Attorney for questions concerning Miranda.

H. *Advisements to juvenile suspects.* Troopers will advise juvenile suspects of their right to have their parent(s) and/or adult guardian present for an interview in addition to Miranda if applicable. Troopers will also consider whether or not the alleged offense and the juvenile suspect's age may qualify for the case to be waived to adult court.

235.350 CORROBORATING EVIDENCE

The investigation of child abuse incidents shall focus on proving the facts and not merely on recording the victim's testimony. Experience has shown that many victims of child abuse become a reluctant witness or recant their statements before the case goes to court. The investigation shall seek to uncover sufficient corroborating evidence so that a prosecution can proceed without the cooperation of the victim if necessary.

A. *Glass warrants in child abuse investigations.* Court authorized Electronic Monitoring and Recording Warrants, commonly referred to as "Glass Warrants," may be obtained to record person to person or telephone conversations between a suspect and victim or other person

(victim's parent or friend). Experience has shown that this tool is very helpful in obtaining truthful information about the alleged criminal offense. This is particularly true in sexual abuse or sexual assault crimes where there are rarely any eyewitnesses or other corroborating evidence. Glass Warrants shall be utilized before contact with the suspect by any agency or person. Investigating troopers shall familiarize themselves with the local court and District Attorney's procedures for applying for, sealing, serving, and returning a Glass Warrant.

Investigating troopers may request assistance and direction in using Glass Warrants from ABI.

B. *Collection of evidence from the scene.* Investigating troopers shall attempt to identify all items of physical evidence and crime scene location(s) through the details obtained from the victim and witness interviews. Evidence may include documentation of injuries, fingerprints, footprints, clothing, bedding, other fabric items such as towels or washcloths, biological fluids, hairs, trace evidence, foreign objects, lubricants, photographs, video recordings, computers, weapons, bondage materials such as tape or rope, etc.

Photographs documenting evidence, the scene location and conditions and the surrounding areas shall be obtained. Photographs can corroborate details obtained during the interview by simply documenting the details or locations of specific items that may or may not have been used during the incident. Photo documentation and scene evidence collection is important in all abuse cases including delayed reports. A photograph of the victim shall be taken to accurately depict the victim's appearance at the time of the incident including injuries. A medical practitioner or forensic nurse may take additional evidentiary photographs if applicable.

Assistance in the seizure and examination of computers and other electronic media may be obtained by contacting the ABI Technical Crimes Unit (TCU).

C. *Collection of physical evidence from victim.* The need for a physical examination and/or forensic evidence collection kit to be obtained from a victim will depend on the allegations, elapsed time between the offense and investigation and the cooperation of the victim. As a guideline examinations are usually done when the report is made within 72 hours of an alleged sexual offense. This will vary from case to case depending on the severity of the incident and availability of services in a geographic location. Detachments are encouraged to work closely with their nearest CAC and OCS to establish local working guidelines for forensic examinations of children. Under no circumstances should the victim or their insurance pay for the forensic examination requested by DPS.

The clothing that the victim was wearing at the time of the offense shall be collected as evidence and submitted for examination when the possibility of trace evidence exists. Any items that a suspect gave a victim should also be collected as evidence.

D. *Collection of physical evidence from suspect.* When appropriate, investigating Troopers shall apply for a search warrant for the body of the suspect. The warrant shall be obtained to collect items listed in a sexual assault suspect evidence collection kit which may include: swabs,

hairs, fibers, nail scrapings, DNA sample (buccal swab), clothing and photographs of the suspect. Investigating Troopers shall become familiar with the local procedures in applying for a search warrant by contacting the local court and District Attorney's office.

Investigating Troopers will determine the appropriate timing of the execution of any search warrants, the interview of the suspect and other investigative steps, keeping Miranda requirements in mind. An audio recording shall be made of all contacts and interviews with suspects.

E. Examination of computers and electronic media. Computers and electronic media containing evidence in child abuse cases or suspected child pornography will be examined by certified Forensic Computer Examiners. Troopers may contact the ABI TCU for direction and assistance when these items are encountered.

235.360 ARREST DECISION

Investigating Troopers will work closely with the District Attorney's office in determining if and when to arrest a suspect in a child abuse case and/or how to proceed after the initial investigation is complete. Coordination with OCS will also be necessary when the alleged perpetrator may have contact with the victim or other minor children.

235.370 CHILD ABUSE CASE REPORTING

A. All reports of harm to be documented with case number. All reports of harm involving children shall have a case number drawn to document the persons involved, complaint, action taken and outcome.

B. All allegations of criminal conduct to be documented in case report. All incidents reported to DPS alleging a criminal offense committed against a child will be documented through a written case report. The size and content of the report will vary depending on the allegations and detachment policies.

C. Cases to be forwarded to DA. All reports that involve an allegation of child abuse that contain a disclosure by a child who identifies a suspect or when the case is corroborated by physical or circumstantial evidence shall be forwarded to the District Attorney's office to review for charges. Troopers shall coordinate with the local District Attorney's Office regarding the timeline for submission of reports.

D. Certain reports of harm may be logged. Some reports of harm will not require a written police report, but will be documented by drawing a case number with the appropriate activity code and notes to explain the outcome of the investigation. (Example: a report of harm reporting a young child has not been to school in several days and someone is concerned. A welfare check may be done confirming the child is okay and home sick.)

E. Closing cases as unfounded. Troopers may determine an alleged offense is unfounded if the investigation clearly shows that no offense occurred or was attempted.

Cases may not be closed as unfounded due to:

1. A lack of cooperation by the victim;
2. The victim giving inconsistent or untrue facts;
3. A delay in the reporting to police;
4. A lack of physical injury;
5. The victim recalls additional facts;
6. The victim is vague about the details of the assault;
7. No suspect identification;
8. The difficulty of the investigation; or,
9. The victims' substance abuse, runaway status or criminal history.

235.380 SHARING INFORMATION

A. Case reports to be shared with other agencies. DPS reports and records will be shared with cooperating agencies having an official standing in the case. Generally release of information in cases under investigation will be limited to OCS and the District Attorney's Office. Reports and records will only be released when the disclosure of the information in the report will not jeopardize an ongoing investigation. (See OPM 206)

B. Intelligence information on child sexual abuse. The Criminal Intelligence Unit is available to receive, store, and disseminate to criminal justice agencies intelligence information on sex offenders and commercial sexual exploitation operations. Department members involved in the investigation of child abuse/ exploitation shall transmit information to the CIU concerning the activities of known or suspected pedophiles, businesses dealing in pornography, and diaries, lists, or photographs seized from sex offenders. (See OPM 219)

235.390 CUSTODY OF ABUSED/NEGLECTED CHILDREN

OCS may take emergency custody of an abused child. Department personnel are required to assist in such matters at the request of OCS. (Ref AS 47.10.142)

Each Detachment is encouraged to work with their local OCS office to ensure that any child who may be in danger is protected to the best of our ability.

235.900 DEFINITIONS

Child -- a person under 18 years of age.

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Child abuse or neglect -- the physical injury or neglect, mental injury, sexual abuse, sexual exploitation, or maltreatment of a child under the age of 18 by a person under circumstances that indicate that the child's health or welfare is harmed or threatened thereby; in this paragraph "mental injury" means an injury to the emotional well-being, or intellectual or psychological capacity of a child, as evidenced by an observable and substantial impairment in the child's ability to function.

Childcare provider -- an adult individual, including a foster parent or an employee of an organization, who provides care and supervision to a child for compensation or reimbursement

Sexual exploitation -- allowing, permitting, encouraging, or engaging in activity prohibited by AS 11.41.455(a), unlawful exploitation of a minor, by a person responsible for the child's welfare.