

MARIN COUNTY SHERIFF'S OFFICE
PATROL POLICY AND PROCEDURE MANUAL

CHAPTER 5 – JUVENILE
PAT-05-07
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DATE
November 1, 2005

CHILD ABUSE REPORTING

POLICY

It shall be the Policy of the Marin County Sheriff's Office to document all reports of child abuse, comply with reporting regulations and initiate criminal investigations whenever appropriate.

DEFINITIONS

CHILD – A person under the age of eighteen

CHILD ABUSE – Any physical injury which is inflicted upon a child by other than accidental means. *Child Abuse* also means the sexual abuse of a child. *Child Abuse* can be any act or omission proscribed by section PC 273a or PC 273d and includes the neglect of a child or abuse in an out-of-home care facility. *Child Abuse* includes the emotional or mental abuse of a child. *Child Abuse* does not include any mutual affray between minors, nor an injury caused by reasonable and necessary force by a Peace Officer, or by a person employed by a public school, during course of their employment, to control or stop disturbances.

CHILD PROTECTIVE AGENCY (CPA) – Any police or sheriff's department, county welfare department, or county probation department.

MANDATED CHILD ABUSE REPORTING

There are two types of Mandated Reporting related to the investigation of Child Abuse:

CROSS-REPORTING – INTERAGENCY: A CPA must report every suspected incident of child abuse it receives to: 1. the law enforcement agency having jurisdiction over the case, 2. the agency responsible for investigations under W&I 300 (Child Protective Services), and 3. the District Attorney's Office. The CLASSIFICATIONS of child abuse are; Sexual Abuse, Physical Abuse, Mental/emotional Abuse, General neglect, and Severe neglect. Reports are to be made by the CPA receiving the initial report to the CPA responsible for investigations under W&I 300 (Child Protective Services), via telephone, immediately or as soon as practical. This telephonic report must be followed up with written notification (use DOJ Form 8572) within 36 hours. When an agency takes a report for which it lacks jurisdiction, the agency shall immediately refer the case by telephone, fax, or electronic transmission to an agency with proper jurisdiction.

REPORTING – DOJ CHILD ABUSE INDEX: A CPA must report to the Department of Justice Child Abuse Index every suspected incident of child abuse for which they conduct an *active investigation* and determine that the report was either *inconclusive* or *substantiated* using DOJ Form 8583. Only the detective assigned to investigate or review the report will complete the DOJ Form SS 8583. Deputy

Sheriff's assigned to the Patrol Division are not required and should not fill out and submit the DOJ Form 8583. The investigating/ reviewing detective will submit DOJ Form 8583 to the DOJ, as soon as an investigation has been completed and determined to be either *Inconclusive* or *Substantiated*.

PROCEDURE

In any case in which a Deputy Sheriff is the initial receiver of a report of suspected child abuse, whether they receive the report from a non-mandated reporter or on-view the abuse, they are obligated under statute, pursuant to PC 11166, to cross-report this information to a Child Protective Services agency, the law-enforcement agency having jurisdiction, and the District Attorney's Office. In all cases, the Deputy Sheriff receiving a report of suspected child abuse shall insure the report has been cross-reported to all applicable agencies.

Upon receiving a report of suspected child abuse, in which the Deputy Sheriff determines they have an obligation to cross-report pursuant to PC 11166, the officer shall cross-report the incident by telephoning the Child Protective Service Agency having jurisdiction (In cases occurring in Marin County, call Marin County Child Protective Services, at their 24-hour line 415-499-7153), immediately or as soon as practical. The Deputy Sheriff will follow-up with a written cross-report within 36 hours of receiving the report by completing a DOJ Form SS 8572 and submitting this report to the Records Division. Upon receiving the DOJ Form SS 8572, the Records Division will insure that copies of the DOJ Form SS 8572 are distributed to the appropriate agencies.

Any Deputy Sheriff receiving a report of suspected child abuse should contact the original reporting party to determine the facts of the case and if immediate action is necessary for the safety of the child or to prevent escape of the suspect or destruction of evidence. In cases where the reporting party is not Marin County Child Protective Services (CPS), the Deputy will contact a child welfare worker at CPS, cross-report the case to them, and discuss the necessity for any immediate action. In all cases, the Deputy receiving the report will discuss the merits of the case with a child welfare worker and arrive at a determination on how to proceed, taking into consideration the best interest of the child.

In accordance with PC 13879.80(a) and (b), Deputy Sheriffs need to be aware of the fact that exposing a child to the manufacturing, trafficking, and use of narcotics is criminal conduct. The needs of a drug endangered child are best served with a coordinated investigation of the child's welfare by law enforcement and child protective agencies. In order to comply with PC 13879(a) and (b), Deputy Sheriff's who become aware of situations in which a child is being exposed to the use, manufacturing, or trafficking of narcotics, should consider this situation a case of suspected child abuse and as such follow the cross-reporting guidelines related to reporting suspected child abuse in accordance with PC 11166.

Deputy Sheriffs should remain cognizant of the fact that children exposed to Domestic Violence in their homes are often the victims of physical, emotional or mental abuse. Deputy Sheriffs responding to any report of Domestic Violence should investigate and document the presence of children in the home. Deputy Sheriffs should cross-report to a Child Protective Services agency, pursuant to PC 11166, any situation in which they determine that a child is in the home and has been exposed to Domestic Violence.

All reports of suspected child abuse will be assigned a Sheriff's case number and require a report by the Deputy Sheriff receiving the initial report, documenting the facts related to report of suspected child abuse.

This report will minimally contain identifying information related to the reporting party, the involved child, the suspect, and the CPS worker consulted, as well as a narrative describing the details related to the initial report and the action taken by the reporting officer.

RELATED STANDARDS

PC 11165	PC 11166.2	PC 13879.80(a)
PC 11165.6	PC 11166.3	PC 13879.80(b)
PC 11165.9	PC 11166.6	PC 13879.81

AFFECTED DIVISIONS

Investigations
Communications
Records

DATE OF REVISION

By Order of:

Timothy Little
Captain