

2.05-2

DAYTON POLICE DEPARTMENT
GENERAL ORDER
CHILD ENDANGERMENT



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REV. 11/16

POLICY STATEMENT

Crimes perpetrated against children are on the increase. Often, the victim is defenseless and the crime receives wide press coverage. It is imperative that responding police officers conduct a thorough and humane initial investigation. The purpose of this policy is to provide police officers with guidelines ensuring those serious crimes are handled properly.

I ENDANGERING CHILDREN / CHILD ABUSE PROCEDURES

A. Endangering Children, ORC §2919.22

1. "Endangering Children" is a crime against persons and a SEPARATE COMPLAINT is made for each incident. Multiple children can go on one D.I.B.R.S. report if involved in the same incident.
2. Unless the child or responsible, non-suspect, adult requests otherwise, take abused or assaulted children to the Children's Medical Center, where specialized treatment is available. The Children's Medical Center, One Children's Plaza, is well equipped to handle child abuse or sexual assault cases. The medical staff of the Emergency Room are trained and experienced in obtaining medical histories from children; preparing evidence in these cases; and preparing Courtroom testimony. Furthermore, Children's Medical Center has an extensive follow-up treatment and counseling program for child abuse and sexual assault victims.
3. An investigation of "Endangering Children" will include pictures of the child. Juvenile Court has granted permission to take photographs in these cases. Procedure is as follows:
 - a. Telephone the **Children's Services Board, 276-6121 (Intake)**.
 - b. Inform them of the circumstances of the case, and state that a report of the investigation will be forwarded to them.
 - c. Have a Crime Scene Investigator take color photographs and upload them to the approved storage database to be used as evidence. **DO NOT give photos to CSB caseworker or anyone else.** If photographing is impossible, explain why in the report. If no other option is feasible, the officer may take digital photographs and place copies of them in the Child Endangering Envelope (Form F-665).
 - d. The Montgomery County Prosecutor's Office has the following guidelines with respect to prosecuting certain Endangering Children cases (**Child left in car**). These details are needed for a successful prosecution.
 - 1) Temperature outside.
 - 2) Temperature inside of car (if possible).
 - 3) Were car windows up or down?
 - 4) What was the state of the child at the time? (Child sweating, hot to the touch, red faced, dehydrated, lethargic, any statements made by a medic if one is called.)
 - 5) How long was the child in the car? (While difficult to establish, if a parent states they were in a grocery, how many groceries did they have? If the parent was in a business or residence, talk to persons inside regarding the parent's length of time there – include names and address of witnesses. Ask if there are surveillance tapes to show how long a vehicle was there.)



These details are crucial in the prosecution of these cases. Keep in mind that even on a cooler day, the inside temperature of a vehicle can be extremely hot if parked in direct sunlight.

4. Officers investigating **misdemeanor** violations of Endangering Children, ORC §2919.22 must complete a Child Endangering Envelope (Form F-665) and a Child Endangering Injury Map (Form F-670).
5. The Special Victims Unit conducts the follow-up investigation on these complaints.
6. When an officer is dispatched to Children's Medical Center, Social Work Department, for the purpose of a sexual or physical abuse investigation, if the social worker is able to provide the "elements" of a crime, it is permissible to complete an offense report without interviewing the victim.

This **only** pertains to felony sex crimes and physical abuse involving serious physical harm. The "order-in" policy remains the same. Misdemeanor offenses will be investigated as usual. **Unless an interview is crucial to the identification and/or apprehension of a suspect, the interview should be avoided.** Detectives will conduct comprehensive interviews during the follow-up investigation.

This procedure only pertains to Care House cases.

In any case, an officer is required to complete an offense report and appropriate supplemental reports. A complaint memorandum is not acceptable for these offenses.

B. Child Abuse Procedures

1. CHILD ABUSE is now contained in the ENDANGERING CHILDREN STATUTE, ORC 2919.22 (B)(1). Therefore, abuse may now be a felony if the abuse results in serious physical harm or the offender has a prior conviction under the Endangering statute, Neglect, Abandonment, or Contributing to Delinquency. See ORC 2919.22 (D). In these situations the OFFICER MAY ELECT TO MAKE A PHYSICAL ARRESTS.
 - a. Any officer dispatched on any incident reporting physical or sexual abuse involving children as victims will execute a crime report and appropriate supplement reports. Information memos are not acceptable as a reporting procedure for these offenses. These reports must be designated as Hot Line Reports.
2. CRITERIA FOR REMOVAL OF CHILDREN FROM HOME
 - a. The condition of child abuse or neglect has a potential for serious harm or even death to the child involved. Such potential is always possible but not always probable.
 - b. Although law enforcement personnel have the authority to remove children from a home under certain circumstances, officers should consult with their immediate supervisor and a representative from the Montgomery County Children Services Board prior to removal of a child.
 - c. While the final decision as to whether or not to remove a child must be based upon the police officer's on-the-spot judgment of the imminent danger or the potential injury to the child, the following circumstances MAY be indicators that removal is necessary:
 - (1) Child is injured severely and in need of treatment for said injury.
 - (2) Severe abuse is evident by ACTUAL injury to the child, extensive bruises or other marks of injury.
 - (3) The parent, guardian or other custodian is violent due to mental derangement, alcohol, drugs or other reasons.
 - (4) The child or adolescent is suicidal or violent.
 - (5) The child has a serious illness, which, if untreated, will represent a danger to that child or other children in the home (a contagious disease), and parents refuse to permit treatment.



- (6) Very young children are alone or under the care of another person not mentally or physically able to care for them.
- (7) Actual or alleged sexual abuse
 - (a) When sexual abuse is alleged, or there is injury, remove the child to Children's Medical Center for proper medical treatment and/or necessary evidentiary tests.
 - (b) Notify the Montgomery County Children Services Board.
- (8) The child is in IMMEDIATE risk and in need of protection from child abuse or neglect.
- d. Children in the above situations are not to be removed from the home; unless it is determined that arrest or removal is NECESSARY FOR THE CHILD'S WELFARE. THE POLICE HAVE SOLE POWER TO REMOVE A CHILD. Consultation with a supervisor is ADVISABLE before a child is removed.
 - (1) EXCEPTION: A CSB representative may remove a child with a COURT ORDER.

Officers are to contact the CSB and advise them of the conditions prior to removal. Officers are encouraged to follow the advice of the CSB representative.
 - (2) An Information Memo WILL NOT suffice in an "ENDANGERING CHILDREN" case. If any indication exists of an Endangering Children situation, make a Crime Report.
 - (3) Carefully investigate all such allegations, because the line between ABUSE and PARENTAL DISCIPLINE is very thin.
 - (4) Any actual or alleged child abuse will necessitate a police report by the investigating police officer. The investigating detective will forward a copy of the crime report to the Montgomery County Children Services Board.
- e. CONTRIBUTING TO DELINQUENCY OF A CHILD is contained in ORC 2919.24; while CRIMINAL NEGLECT is covered in ORC 2919.21.

The Interference with Custody Statute, ORC 2919.23, is amended to include the language concerning Interference with Custody previous found in ORC 2151.41.

NOTE: Each day of a violation under ORC 2919.24, 2919.23 (B), and 2919.21 (B) is a SEPARATE offense.

II. SPECIAL VICTIMS UNIT DETECTIVES' RESPONSIBILITIES

- A. The following are the types of cases that should be considered for call outs for the Sexual Assault, Child Endangerment and CARE House detectives:
 - 1. All infant deaths
 - 2. Abduction, kidnapping of a juvenile
 - 3. Rape of a child, 13 and under within 72 hours of the offense
 - 4. Child victim of pornography or sexual exploitation
 - 5. Sudden unexplained death of a child (17 and under)
 - 6. Felony child endangering (serious physical harm)
 - 7. Missing children age 6 and under – after 2 hours
 - 8. Missing children foul play suspected
 - 9. Rape, with serious physical harm
 - 10. Felony sexual assault involving a family member and occurs in the home
 - 11. Sexual assault with multiple victims or suspects



- B. Members of the Special Victims Unit have received training in child forensic interviewing, these detectives are to be called upon in "critical circumstances" to conduct interviews of children who have been victims or who have witnessed horrific crimes where their immediate interview is critical. They will be designated on all monthly details, rosters, MIS etc. with the letters CFI (Child Forensic Interviewer) at the end of their names.

The supervisor of the Special Victims Unit will be available to consult with field supervisors and commanders should there be a question about when to utilize a Child Forensic Interviewer.

- C. Special Victims Unit Detectives have the primary responsibility for follow-up investigations on Missing Children, Child Abuse and Neglect, Missing Adults, and all forms of assaults between juveniles.
- D. They will ensure that juvenile arrests are properly processed and the necessary paperwork delivered to the Family Court Center on time.
- E. When the Special Victims Unit Detective receives a case, which has one or more of the following factors, they should confer with the Juvenile Court Prosecutor to possibly divert the case from the Court system.
1. The offender is extremely young
 2. The offender has no prior record
 3. The offense was minor in nature
 4. The complainant does not desire to pursue the matter in Court.
- F. When a decision is made by the Prosecutor not to file formal charges, the Detective may make a referral to a local rehabilitation program.

III. SUPERVISOR'S RESPONSIBILITY

The supervisor of the Special Victims Unit is responsible for coordinating with Children's Medical Center, Children's Services Bureau, and the Montgomery County Juvenile Court in designing and implementing programs intended to enhance the effectiveness and cooperation of multi-disciplinary investigations.

IV. CARE House and Order-in Procedure for Child Sexual Assault, Child Abuse and Child Neglect

Order-In Procedure

- A. There are no order-ins to the CARE House. Personnel will collect at least two (2) valid contact numbers for the guardian(s) of the applicable victims(s). Personnel will advise the guardian(s) of the victim(s) they will be contacted by a Special Victims Unit Detective to schedule any necessary follow-up or interviews.
- B. If a suspect order-in is necessary, the order in is always to the Detective Section. [REDACTED]

This policy does not change the call out procedure in General Order 2.07-1 Section II.D.