

Child Sexual Abuse and Child Abuse Guidelines for Law Enforcement

Child Abuse and Child Sexual abuse investigations require a multi-disciplinary response. When responding to these cases, law enforcement must work with additional child welfare agencies to ensure that best practice is followed. Department of Children's Services, Child Advocacy Centers, Medical facilities, and the District Attorney's office are just a few of those agencies that should be involved when responding to or investigating child cases. It is also imperative that you follow your departmental policy and protocol. Law Enforcement does not have statutory authority to place children in the custody of another. You must work with your DCS investigators when there are custodial or child safety issues. Regarding child abuse and child sexual abuse, Law enforcement has the responsibility to determine if a crime has occurred and if so, hold the perpetrator accountable. Department of Children's Services has the responsibility to ensure the safety of the child and provide resources. It is the responsibility of all agencies to work together and follow best practice recommendations.

What do I do initially?

If you have reasonable suspicion that a child is being abused or neglected, you must immediately contact The Department of Children's Services Child Abuse Hotline.

The Hotline has a designated phone line for Law Enforcement so that the calls will be answered a higher priority. That number is 1-877-237-0024. Law Enforcement may also request immediate assistance when DCS is needed at the scene as soon as possible.

The public Hotline number is 1-877-237-0004 or 1-877-54ABUSE. You **MUST** call the Intake number for DCS to respond. The hotline number should be used for the following situations:

- *the situation you are reporting is an abuse/neglect emergency
- *the situation is unsafe for the child
- *the situation reveals custodial issues such as parent is unresponsive due to drug use.

If law enforcement completes a police report, the report number should be provided when calling the child abuse hotline. If the Child Abuse Hotline is contacted, the intake number should be provided in the law enforcement report. Documentation of the law enforcement report number and/or the referral/ intake number helps to ensure that the child welfare professionals (DCS, LE Investigators/Detectives, DA Investigators) have the pertinent information to access those records.

If Law Enforcement is requesting immediate assistance, the law enforcement officer should inform the child abuse hotline what their needs are. Are they requesting a phone call from a DCS Supervisor and/ or do they need REGIONAL DCS on scene? When the law enforcement officer is requesting immediate assistance for a call back, they should provide the child abuse hotline number with a direct contact number where the LEO can be reached. When Law Enforcement provides a dispatch number, this delays response and makes it difficult for the DCS Investigator/ Responder to get information.

If possible, determine if an incident of sexual abuse has occurred and if so:

1. Report the abuse to DCS by **CALLING** in the referral. A child may not be left with the alleged perpetrator. DCS must be included in the investigation.
2. Determine if the alleged perpetrator lives in the home with the victim or will have access to the Victim. You must call the hotline number to notify DCS. In addition to notifying DCS, follow your department protocol for CID/ Supervisor notification.
3. Determine if medical assistance is required. If sexual abuse has occurred, communicate with your DCS investigator to determine best course of action. Medical attention should always be a priority; however, the standard for child sexual assault examinations differs from that of an adult. Additionally, the window in which these examinations are done, differs from that of an adult.
4. The DCS investigator and/ or the Law Enforcement Investigator will coordinate with the Child Forensic Medical Examiner to have a forensic sexual assault exam completed. **A first responding officer should never be responsible for scheduling a forensic medical exam.** It is imperative that first responding officers call DCS immediately with their concerns of abuse so that DCS can convene CPIT and begin those steps. The forensic sexual exam includes both a physical examination of the child and the completion of a sexual assault kit. The sexual assault kit is then submitted to the TBI for testing. Please note not all hospitals or medical facilities provide these services. Consult with your local CPIT or DCS office to identify the facility in your jurisdiction.
5. **A forensic interview is scheduled for the victim. The forensic interviews are usually conducted at a Child Advocacy Center. Forensic interviews are conducted by trained child forensic interviewers or child welfare specialists to gather information about incidents of alleged child abuse, child sexual abuse, etc. These interviews are conducted in a manner that helps to protect the child from revictimization while maintaining the integrity of the investigation. Additionally, there are evidentiary procedures regarding child forensic interviews that must be adhered to. When scheduling a forensic interview, coordinate with the assigned DCS Investigator. First responding officers should not conduct or schedule a child forensic interview and should communicate with the DCS Investigator, Case Detective or CPIT representative regarding the matter. This practice promotes cohesiveness and integrity of the case.**
It is best practice to refrain from multiple minimal interviews. The victim should not be interviewed at location of the incident and should be interviewed privately, away from family members. The case agent should refrain from interviewing the victim. It is always best practice to have the CAC conduct the forensic interview. If a disclosure of child sexual abuse is made directly to you, the responding officer or investigator, should be a good listener. Thank them for telling you. Do not acted shocked or laugh and refrain from asking direct questions regarding the abuse. Be aware of family members who may be present during the disclosure as often it is unclear who the abuser is or who may not be a protective party.
6. When calling the intake Hotline, have as much demographic information about the child as possible (Refer to Report Abuse/ Intake Hotline Guidelines).

- Child(ren) names, ages, address, phone numbers, race, and school/daycare information

- Parent(s), Legal Guardian(s), or caretaker(s) information
- Other household members information
- Nature of the harm or specific incident(s) that precipitated the report
- Specific allegation(s), date(s) and descriptions(s) of the injuries or dangers
- Identities of alleged perpetrator(s) and their relationship(s) to the victim
- Witnesses to the incident(s) and how to reach those witnesses
- Details of any physical evidence available
- Perpetrator's current access to the child
- Present condition of the child (alone, in need of medical attention, etc.)
- The location of the child and directions to that location
- Any statements from the child
- Parent's or perpetrator's explanation of the alleged child victim's condition or the incident
- Parent's current emotional, physical or mental state, especially feelings about the child
- Parent or caregivers reaction to the report
- How the reporter came to know the information and the reporter's thoughts about the likelihood of further harm to the child

DCS will evaluate the complaint and will prioritize response accordingly.

If the situation is not an emergency, you may be able to utilize the Online Reporting Process (<https://carat.app.tn.gov/carat/>) in lieu of the Intake Hotline.

Refer to the on-line reporting guidelines. Online reporting is not immediate, you must contact the DCS Intake Hotline if you need immediate response or the situation is urgent.

For location and information regarding regional DCS Offices, please visit <https://www.tn.gov/dcs/contact-us/regional-offices.html>

TCA 37-1-607 defines child protective teams, investigations, and services.

Detectives, DCS investigators, the CAC (Child Advocacy Center), Child Forensic Medical Examiners/ Clinicians, and the District Attorney's Office make up the "Child Protective Investigative Team", or CPIT. The CPIT evaluates each case of severe child abuse, or child sex abuse, together. Every county has a CPIT team. Utilize the resources in your jurisdiction to ensure the best possible outcome.

Interviewing of the suspect.

Follow your departmental protocol for interview procedure and/ or policy. Consideration should be given to the DCS Investigation as well. Typically, DCS will implement a safety plan if the alleged perpetrator has access to the victim. Once a safety plan is implemented, the alleged perpetrator will have an understanding that there is, at the very least of, some type of abuse allegation against them. Consult with your District Attorney in what the appropriate course of action might be. If there is probable cause for arrest in a case, it must be decided to either obtain warrants through General Sessions Court or to present the case to the Grand Jury.

Presenting the case to the Grand Jury is often the preferred action because it prevents the victim from having to testify in a preliminary hearing in General Sessions Court. However, consideration for the safety and well-being of the victim, must be considered; therefore, consulting with your District Attorney and your DCS investigator are considered best practice.

What to do on Scene:

- ✓ If you respond to the location of the incident be cognizant of possible evidence (electronics, clothing, linens, objects, etc..) and if any is found secure, collect and/or protect it. If a search warrant is required, secure scene and follow departmental policy.
- ✓ If the case warrants notifying the on-call detective, stay on the scene or with victim until the detective arrives. If there is an active crime scene, someone should keep the scene secure until it has been processed and released, or properly relieved.
- ✓ Brief the detective on your findings. Notify the detective of any evidence that has been collected or needs to be collected. Notify the detective of any photographs, videos, or statements that you have taken.
- ✓ When gathering information obtain full names, addresses, DOB's, and contact information on all people involved; victim(s), witness(es), complainant(s) Mother, Father, Stepparent(s), siblings, along with their relationship to the child.
- ✓ It is important to obtain when the incident occurred, how many times it occurred, and the location of the incident. Location is not just the address, but which room or spot in the house or any other locations the abuse might have occurred. Obtain any identifiers particular to the location. If it occurred in a vehicle, describe the vehicle. The location is also important for jurisdictional matters.
- ✓ Some older victims may start telling you what happened, DOCUMENT IT! Do not interview them but allow them to continue and document what he or she said.
- ✓ Make sure to follow appropriate guidelines for your investigations. While we want to ensure the child is safe and the offender is held accountable, we must follow proper investigative protocol. Search Warrants and Subpoenas help to maintain both evidentiary and investigative integrity.

Assistance for Victim and Family

The victim may receive therapy through the Child Advocacy Center. The CAC can also help not only assist in preparing a victim for testifying in court but also provide counseling and other services. Additional resources for the family can be provided by the CAC and or DCS. Remember, a disclosure of child sexual abuse is devastating to the family as well. To maintain a cohesive investigation, law enforcement investigators, should utilize all community resources. It is imperative that you have a multidisciplinary approach when working child abuse/ neglect cases.

Reference the following for additional training and guidelines:

TLETA in accordance with TCA 37-1-603 and in cooperation with DCS, it is strongly recommended that your officers complete the Mandated Child Abuse Reporting training Video (use video link below or go to DCS Report Abuse Mandated Child Abuse Training Video). Once the officer has viewed the video, the officer should complete the quiz satisfactorily then print their certificate of completion and submit to their GDI. (The video is not Tennessee POST Approved)

<https://www.tn.gov/dcs/program-areas/training/cw-resources/mandated-reporter-training.html>

Reference the following for additional training and guidelines:

<https://www.tn.gov/dcs/program-areas/child-safety/reporting/child-abuse.html>

If you have questions, please contact your local DCS office.