

**SENECA FALLS POLICE DEPARTMENT  
GENERAL ORDER**

<b>General Order:</b> 440	<b>Rescinds:</b> New Issue
<b>Subject:</b> Child Abuse Investigations	<b>NYS Accreditation:</b> 29.5
<b>Effective Date:</b> 07/01/13 <b>By Order Of:</b> Stuart W. Peenstra, Chief of Police	

**I. PURPOSE**

To establish procedures for investigating reports of child abuse, maltreatment, and/or endangerment.

**II. POLICY**

- A. Members of the Seneca Falls Police Department will investigate all incidents of child abuse, maltreatment, or endangerment in a diligent and compassionate manner while working cooperatively with medical and Social Service professionals.
- B. Members will ensure that a private setting is used for interviewing victims of child abuse.

**III. GENERAL PROCEDURES**

- A. All incidents of child abuse or maltreatment will be reported on a Crime Investigation Report (CIR). The investigating officer will also complete a N.Y.S. Department of Social Services form DSS 2221-A, (Attachment A), and submit both to his supervisor for review.  
\*NOTE: Officers will refer to the rear of form DSS 2221-A for definitions of child abuse and child maltreatment. Persons legally responsible, mentioned in the definitions includes parent, guardian, day care centers, in home day care workers, or any persons continually or at regular intervals found in the same household as the child. Teachers and babysitters are not included in this definition, but can be subject to charges of endangering the welfare of a child, assault, etc.
- B. The officer filing the DSS 2221-A form will immediately report the incident by telephone to the New York State Child Abuse Hotline at 1-800-342-3720. The name of the person notified will be included in the narrative of both the CIR and the DSS 2221-A form.
- C. Patrol supervisors will review the DSS 2221-A form for content, completeness, clarity, and legibility. If approved, the report will be forwarded and distributed per current directives. If the case is of such a nature that immediate follow-up is required the investigation will be assigned to a patrol officer or an investigator, depending on the seriousness of the case and the ability of the patrol officer or investigator to conduct the investigation. When in doubt, the Chief of Police will appropriately assign the case.
- D. If more than one agency is involved with the suspected child abuse incident, each agency is responsible for filing a DSS 2221-A form and notifying the Child Protective Service by telephone. The police department must file a DSS 2221-A form even though hospital or school personnel or others file a report. The DSS 2221-A form will include the names of all Seneca Falls Police Department personnel involved with the case.
- E. If immediate danger to the victim is present, regardless of arrest action, protective custody

should be taken pursuant to the Social Service Law, Section 417 (Attachment B).

- F. Officers will assure that photographs and/or physical evidence are obtained when appropriate.
- G. Forward a copy of the CIR and the original DSS 2221-A form to the Department of Social Services.

#### **IV. INTRA-FAMILIAL SEXUAL ABUSE INVESTIGATIONS**

- A. Definition - Intra-familial Sexual Abuse is any reported sexual contact where the victim is under 18 years old or is mentally incompetent, and:
  - 1. The suspect is either a family member or permanent caretaker (e.g., legal guardian, custodial, or persons living in the same household); or
  - 2. The suspected abuse occurred while the child was in the care of nursery school or daycare center; or
  - 3. The child has contracted a sexually transmitted disease when the suspect is unknown.
- B. Patrol Officers Responsibilities
  - 1. When investigating an intra-familial sexual abuse, officers will utilize trained sexual abuse investigators, if available, in conjunction with Department of Social Services workers.
  - 2. The investigating officer will obtain preliminary information to determine if the incident falls into the category of intra-familial sexual abuse. If so, he will notify his supervisor.
  - 3. If enough information can be obtained from persons other than the victim, (e.g., witnesses, parent relative) to initiate a Crime Report, the officer will complete the report as far as possible. If the victim must be interviewed prior to initiation of the report, only the sexual abuse investigator, if available, will do so and will also complete the Crime Report.
- C. Patrol Supervisor Responsibilities
  - 1. Supervisors will respond to the scene or consult with the officer at the scene to assess the situation and determine if a sexual abuse investigator should be assigned to the investigation. Factors to consider will include:
    - a. The availability of an on-duty, sexual abuse investigator.
    - b. Any danger to the victim.
    - c. The presence of medical or physical evidence which may prove important to the case.
    - d. If he feels that the investigation should begin immediately, obtain the services of a sexual abuse investigator, if available, or assign the case to an officer.
    - e. If he determines that the investigation could wait until the services of a sexual abuse investigator is available, allow the investigation to be continued when such investigator reports for regular duty. However, in no case is the time lapse between the initial call and the arrival of the investigator to be longer than 24 hours.
  - 2. If the referral is from D.S.S., the supervisor will arrange for the assignment of an investigator as outlined in this order.

**D. Sexual Abuse Investigator Responsibilities**

Investigators will:

1. Respond to the scene or other appropriate location;
2. Contact a Department of Social Services worker to respond to the scene.  
\*NOTE: If D.S.S. initiates the investigation, the investigator will contact the Child Protective worker as soon as possible.
3. Initiate or complete the investigation by completing the appropriate report, filing a DSS 2221-A form, interviewing the victim, etc.

**V. CHILD ABUSE INVESTIGATION CASE CLOSURE**

- A.** When the police investigation reveals sufficient evidence to support a criminal prosecution, but a suitable treatment plan is established for the family and the family will be monitored on an on-going basis by the Child Protective Service, the investigation will be closed as "No Prosecution".
- B.** When the police investigation reveals sufficient evidence to support criminal prosecution, but the case is referred to Family Court by the Child Protective Service, the investigation will be closed as "No Prosecution".
- C.** The case closures noted in A and B above will be made in consultation with the District Attorney's Office.

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Attachments