

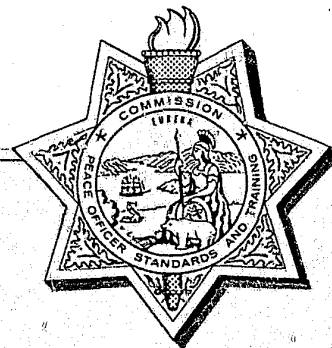
BASIC COURSE UNIT GUIDE

55

INVESTIGATION OF CRIMES AGAINST PERSONS

This unit guide covers the following learning goals contained in the POST Basic Course performance objective document:

8.33.0, 10.8.0, 10.15.0, 10.16.0
10.17.0, 10.18.0, 10.19.0, 10.20.0, 10.21.0, 10.22.0



THE COMMISSION
ON PEACE OFFICER STANDARDS AND TRAINING

STATE OF CALIFORNIA

U.S. Department of Justice
National Institute of Justice

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This unit of instruction is designed as a *guideline* for Performance Objective-based law enforcement basic training. This unit is part of the POST Basic Course Guidelines system developed by California law enforcement trainers and criminal justice educators for the California Commission on Peace Officer Standards and Training.

This Guide is designed to assist the instructor in developing an appropriate lesson plan to cover the performance objectives, which are required as minimum content of the Basic Course.

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Learning Goals and Performance Objectives

10.15.0 FELONIOUS ASSAULT INVESTIGATION

Learning Goal: The student will understand and have a working knowledge of the responding officer's tasks in felonious assault investigations.

10.15.1 Given a practical exercise, the student will satisfactorily complete those tasks delegated to a field officer responding to an alleged felonious assault.

10.16.0 SEXUAL ASSAULT INVESTIGATION

Learning Goal: The student will understand and have a working knowledge of the responding officer's tasks in a rape investigation.

10.16.1 Given a practical exercise, the student will satisfactorily accomplish all tasks delegated to a field officer responding to an alleged sexual assault.

10.8.0 INTERVIEWING

Learning Goal: The student will know crime scene interviewing techniques.

10.8.2 The student will identify the following as proper interviewing and investigative procedures for investigating child abuse cases:

- A. Consider the attitudes of parent/guardian toward child
- B. Interview and examine minor alone
- C. Record all statements made by victim and suspects
- D. Compare explanation by parents/guardian with actual injury of minor
- E. Interview all parties involved

10.19.0 KIDNAPPING INVESTIGATION

Learning Goal: The student will understand and have a working knowledge of the responding officer's tasks in a kidnapping investigation.

10.19.0 Given various word-pictures or audio-visual presentations depicting an alleged kidnapping, the student will identify those tasks delegated to a responding field officer.

Learning Goals and Performance Objectives

10.21.0 ROBBERY INVESTIGATION

Learning Goal: The student will understand and have a working knowledge of the responding officer's tasks in a robbery investigation.

- 10.21.1 Given various word-pictures or audio-visual presentations depicting an alleged robbery, the student will identify those tasks delegated to a responding field officer.

8.33.0 HANDLING DEAD BODIES

Learning Goal: The student will learn the proper procedures for handling dead bodies.

- 8.33.1 The student will identify the most common law enforcement practices for the handling of dead body calls.
- 8.33.2 The student will identify the legalities involved in transporting an obviously dead person in an ambulance. (13 California Administrative Code, Section 1101)
- 8.33.3 The student will identify the limits to which an officer may search a dead person. (Government Code Section 27491.3 and 27491, subsection c)

10.17.0 HOMICIDE INVESTIGATION

Learning Goal: The student will understand and have a working knowledge of the responding officer's tasks in a homicide investigation.

- 10.17.1 Given a practical exercise, the student will satisfactorily perform those tasks delegated to a field officer responding to an alleged homicide.

Learning Goals and Performance Objectives

10.18.0 SUICIDE INVESTIGATION

Learning Goal: The student will understand and have a working knowledge of the responding officer's tasks in a suicide investigation.

10.18.1 Given a practical exercise, the student will satisfactorily perform those tasks delegated to a field officer responding to an apparent suicide.

10.20.0 POISONING INVESTIGATION

Learning Goal: The student will understand and have a working knowledge of the responding officer's tasks in a poisoning investigation.

10.20.1 Given various word-pictures or audio-visual presentations depicting an alleged poisoning--accidental or otherwise--the student will identify those tasks delegated to a responding field officer.

10.22.0 CHILD SEXUAL ABUSE, PHYSICAL ABUSE, AND EXPLOITATION INVESTIGATION

Learning Goal: The student will understand and have a working knowledge of the responding officer's tasks in a child sexual abuse, physical abuse, and exploitation investigation.

10.22.1 Given a practical exercise, the student will satisfactorily accomplish all tasks delegated to a field officer responding to an alleged child sexual abuse, physical abuse, or exploitation.

Material/Equipment

Each training institution should develop its own list of equipment and materials for each unit. This list is dependent upon the instructional strategies methods/media considerations.

No special material or equipment needed.

Reference Notes

FELONIOUS ASSAULTS (California Penal Code Sections)

P.C. 243. Battery. Committed against the person of peace officer or fireman. Penalty. A battery is punishable by fine of not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. When it is committed against the person of a peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of this code, or a fireman and the person committing the offense knows or reasonably should know that such person is a peace officer or fireman engaged in the performance of his duties, and such peace officer or fireman is engaged in the performance of his duties, the offense shall be punished by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding one year or by both such fine and imprisonment.

When it is committed against a peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, or a fireman, and the person committing the offense knows or reasonably should know that such peace officer or fireman is engaged in the performance of his duties, and an injury is inflicted on such peace officer or fireman, the offense shall be punished by imprisonment in the county jail for a period of not more than one year, or by a fine or not more than one thousand dollars (\$1,000.00), or by imprisonment in the state prison for 16 months, or two or three years. When it is committed against a person and serious bodily injury is inflicted on such person, the offense shall be punished by imprisonment in the county jail for a period of not more than one year or imprisonment in the state prison for two, three, or four years.

P.C. 244. Assaults with caustic chemicals. Every person who willfully and maliciously places or throws or causes to be placed or thrown, upon the person of another, any vitriol, corrosive acid, or caustic chemical of any nature, with the intent to injure the flesh or disfigure the body of such person, is punishable by imprisonment in the state prison for two, three or four years.

P.C. 245. Assault with a deadly weapon. Assault upon peace officer or fireman. Penalty. (a) Every person who commits an assault upon the person of another with a deadly weapon or instrument or by any means of force likely to produce great bodily injury is punishable by imprisonment in the state prison for two, three, or four years, or in a county jail not to exceed one year, or by fine not exceeding five thousand dollars (\$5,000), or by both such fine and imprisonment. When a person is convicted of a violation of this section, in a case involving use of a deadly weapon or instrument, and such weapon or instrument is owned by such person, the court may, in its discretion, order that the weapon or instrument be deemed a nuisance and shall be confiscated and destroyed in the manner provided by Section 12028. (b) Every person who commits an assault with a deadly weapon or instrument or by any means likely to produce great bodily injury upon the person of a peace officer or fireman, and who knows or reasonably should know that such victim is a peace officer or fireman engaged in the performance of his duties, when such peace officer or fireman is engaged in the performance of his duties, shall be punished by imprisonment in the state prison for three, four or five years.

Learning Goal 10.15.0 : The student will understand and have a working knowledge of the responding officer's tasks in felonious assault investigations.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>I. FELONIOUS ASSAULT INVESTIGATION (10.15.0)</p> <p>A. Felonious Assault Crimes (Introductory Review of Penal Code Sections)</p> <ol style="list-style-type: none"> 1. PC 243 - The committing of battery upon a peace officer or fireman by a person who knows or reasonably should know the officers are engaged in the performance of their duties. 2. PC 244 - The willful or malicious throwing upon another person of a caustic chemical of any nature. (i.e., lye, photographic immersion, acid, etc.) 3. PC 245(a) - Assault with a deadly weapon. PC 245(b) - Assault upon a peace officer or fireman. 4. PC 246 - Assault with firearms on an inhabited dwelling, vehicle, or occupied building. 5. PC 220 - Assault with intent to commit mayhem, rape, sodomy, oral copulation or Section 264.1, 288, 289. <p>B. Non-Criminal Assaults</p> <p>These non-criminal assaults should be re-emphasized prior to investigation information.</p> <ol style="list-style-type: none"> 1. Parent correcting child (must not be unjustifiable or resulting in injury). 2. By school teacher, correcting child (must not be unjustifiable). 3. Striking of participants engaged in sports contests (unless done maliciously or with intent to injure). 4. Doctors, surgeons and dentists treating patients (providing they do not go beyond authority or extent of consent). 	<p>Instructor: This is a review of law sections taught earlier. Each element should be reviewed, but not in great depth. The main thing is to re-establish the law in their thinking at this point; <u>investigation will be the main focus of instruction.</u> The punishment aspect is not that important at this point.</p> <p>NOTE: Describe kinds of deadly weapons, i.e., guns, knives, rocks, bottles, feet, multiple assailants, etc.</p>

Reference Notes

As used in this section, "peace officer" refers to any person designated as a peace officer in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of this code.

P.C. 245.1. "Fireman" defined. As used in Sections 148.2, 241, 243 and 245, "fireman" includes any person who is an officer, employee or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state, whether such person is a volunteer or partly paid or fully paid, while he is actually engaged in firefighting, fire supervision, fire suppression, fire prevention, or fire investigation.

As used in Section 148.2, "emergency rescue personnel" means any person who is an officer, employee or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, a county, city and county, district, or other public or municipal corporation or political subdivision of this state, whether such person is a volunteer or partly paid or fully paid, while he is actually engaged in the on-the-site rescue of persons or property during an emergency as defined by subdivision (c) of Section 148.3.

P.C. 246. [Discharge of firearms at inhabited dwelling, vehicle or occupied building: Punishment.] Any person who shall maliciously and willfully discharge a firearm at an inhabited dwelling house, occupied building, occupied motor vehicle, inhabited house car, as defined in Section 362 of the Vehicle Code, or inhabited camper, as defined in Section 243 of the Vehicle Code, is guilty of a felony, and upon conviction shall be punished by imprisonment in the state prison for two, three or four years, or by imprisonment in the county jail not exceeding one year. As used in this section, "inhabited" means currently being used for dwelling purposes, whether occupied or not.

P.C. 220. (Assault with intent to commit rape). Every person who assaults another with intent to commit rape, sodomy or mayhem, is punishable by imprisonment in the state prison for two, four, or six years.

P.C. 273 d. [Inflicting corporal punishment upon child resulting in traumatic condition.] Any person who willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison, or in the county jail for not more than one year.

Learning Goal 10.15.0 : The student will understand and have a working knowledge of the responding officer's tasks in felonious assault investigations.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>5. Justifiable assaults</p> <ul style="list-style-type: none"> a. Execution of criminals (court order) b. Making arrests (furtherance of justice cases) c. Preventing escapes (furtherance of justice) d. Preserving the peace e. Quelling riots f. Preventing any type of crime <p>C. Investigation</p> <p>1. General</p> <p>Basic preliminary investigative techniques should be employed when initially investigating a felonious assault. The following are guidelines which should be considered by the preliminary investigator.</p> <p>2. What has to be established?</p> <ul style="list-style-type: none"> a. Whether act was lawful or unlawful. b. To classify crime or offense he has to establish elements or components of crime, the "corpus delicti". Examples: <ul style="list-style-type: none"> (1) Assault - an attempt coupled with a present ability to commit violent injury upon the person of another. (2) Battery - assault with contact upon victim actually made. (3) ADW - assault with a deadly weapon or instrument; or 	<p>10.15.1</p> <p>Given a practical exercise, the student will satisfactorily complete those tasks delegated to a field officer responding to an alleged felonious assault.</p>

Learning Goal 10.15.0 : The student will understand and have a working knowledge of the responding officer's tasks in felonious assault investigations.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>(4) By means of force likely to produce great bodily injury.</p> <p>c. Know definitions of every type of assault offense in order to place proper charge. Other example:</p> <p>(1) PC 246--Discharge of firearm at inhabited dwelling, vehicle, or occupied building. Section reads as follows:</p> <p>Any person who shall maliciously and willfully discharge a firearm at an inhabited dwelling house, occupied building, occupied motor vehicle, inhabited house car, as defined in Section 362 of the Vehicle Code, or inhabited camper, as defined in Section 243 of the Vehicle Code, is guilty of a felony.</p> <p>d. Accident-misfortune cases should still be thoroughly investigated and established beyond doubt whether they are accident or misfortune. Then, even in such cases, police action is required in the nature of assistance.</p> <p>3. Upon arrival at the scene:</p> <p>a. First consideration is protection of life and property.</p> <p>(1) If emergency exists, summon paramedics, ambulance, etc.</p> <p>b. Evaluate situation--make arrest if felony suspect(s) is still at the scene.</p> <p>c. Get all pertinent information: who is involved, identify victim or complainant, suspect or suspects; note whether it is domestic quarrel or otherwise; motive or reasons for assault.</p>	<p>NOTE: Reinforce officer safety and proper control position technique, i.e., felony prone, etc.</p>

Learning Goal 10.15.0 : The student will understand and have a working knowledge of the responding officer's tasks in felonious assault investigations.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> d. If case is that of simple assault or battery, may advise victim or complainant: <ul style="list-style-type: none"> (1) Of action to take and how to proceed (private person arrest or proceeding by complaint). (2) Determine if situation can be settled without further police action or prosecution. (3) Advise procedure in securing complaint, if such is desired. e. An officer must assist a private person to make an arrest if the arrest is legal. Failure to do so is a misdemeanor. f. The officer has power of arrest if he witnessed the misdemeanor assault. <ul style="list-style-type: none"> (1) He may determine whether or not both parties are subject to arrest. (2) If he did not witness any of above and complaint is desired, it is better for aggrieved party (such as the wife) to sign the complaint. 4. The investigation if the assault is a felony: <ul style="list-style-type: none"> a. Be alert if the case is a felony to: <ul style="list-style-type: none"> (1) Control and disarm suspect(s) (2) Separate suspects (3) Consider advising of Miranda Rights (4) Arrestees, if injured, should be accompanied to the hospital. (Consider dying declaration.) 	<p><u>Domestic Violence</u></p> <p>Refer to 8.47.0</p>

Learning Goal 10.15.0 : The student will understand and have a working knowledge of the responding officer's tasks in felonious assault investigations.

Unit Outline & Presentation

Objectives & Instructional Cues

- b. In case of injuries, see that:
 - (1) Victim is transported to hospital or gets medical aid. If condition is serious, accompany to hospital should a dying declaration be made.
 - (2) Get some form of preliminary statement from victim.
- c. In case of felony assault:
 - (1) Protect the crime scene; locate, separate, and interview witnesses, if any.
 - (2) Touch nothing until photographed and/or sketched.
 - (3) Supervise the photographing of victim's wounds.
 - (4) Collect physical evidence.
 - (5) Reconstruct the crime.
- d. All evidence must be preserved and:
 - (1) Fingerprints and marks protected,
 - (2) Evidence collected and marked, tagged appropriately,
 - (3) Dated and tagged for continuity of custody.
 - (4) In case of guns, their origin should be determined and whether person in whose possession they were found was carrying them legally, even though act committed was unlawful.
- e. If suspect has fled the scene, whether identified or unidentified:

Learning Goal 10.15.0 : The student will understand and have a working knowledge of the responding officer's tasks in felonious assault investigations.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> (1) Initiate a crime broadcast with all description and information as soon as possible. (2) Broadcast should include all pertinent data, cars, license, etc. (3) Request crime scene technician assistance if needed. f. Photographs <ul style="list-style-type: none"> (1) In most instances, it will be appropriate to photograph the scene, injuries to victim and other objects, including vehicles. g. Other considerations: <ul style="list-style-type: none"> (1) Another noteworthy feature is that, in case of aggravated assault, it must be considered that the victim may die, in which case it would be a homicide and investigated as such. For security reasons and to avoid embarrassment to the officer and to the department, this point cannot be over-emphasized. (2) In all investigations, refrain from taking sides in any matter. No doubt participants in assaults will have friends and any action taken by the officer to indicate that he favors either side might cause witnesses to either remain silent or to give colored testimony, or at least might cause ill feeling that might later be reflected in a courtroom. (3) In all investigations, particularly in those of assault which, by their very nature, are violent cases, the officer must always be on guard for his own safety. A man at the scene, possibly 	

Learning Goal 10.15.0 : The student will understand and have a working knowledge of the responding officer's tasks in felonious assault investigations.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>mistaken for a witness, may be potentially dangerous. Be alert. This subject may possibly be the perpetrator.</p> <p>(4) Even in cases of a simple assault, a husband hearing his wife direct a tirade at him, may misconstrue the officer's presence, and may think that he is there to arrest him regardless of the circumstances, and he, too, may be potentially dangerous.</p> <p>D. Classroom Demonstration</p> <ol style="list-style-type: none"> 1. Set up classroom <ol style="list-style-type: none"> a. Arrange furniture b. Provide props 2. Prepare class <ol style="list-style-type: none"> a. Read to them the setting b. Prepare role players c. Instruct student-investigators 3. Walk through investigation with the investigative role player. Evaluate student actions as you observe. 	<p>NOTE: The instructor should set up a classroom demonstration of a felonious assault scene. Then walk an investigation through for the class, utilizing students from class.</p>

Learning Goal 10.16.0 : The student will understand and have a working knowledge of the responding officer's tasks in a rape investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>II. SEXUAL ASSAULT INVESTIGATION (10.16.0)</p> <p>A. Magnitude of the Problem of Rape</p> <ol style="list-style-type: none"> 1. The incidence of rape is skyrocketing. 2. FBI Uniform Crime Report <ol style="list-style-type: none"> a. Number of reported rapes: <ol style="list-style-type: none"> (1) 1960 - 15,560 (2) 1970 - 51,000 (3) 1975 - 56,090 (4) 1980 - 82,088 b. This report estimates that only one in ten rapes is reported. c. Rape is the most under-reported offense. <p>B. Overview of Issues and Concerns</p> <ol style="list-style-type: none"> 1. Police, family, and community attitudes toward victims often reflect a misunderstanding of the nature of the crime and an unrealistic punitive approach toward the victim of the crime. <ol style="list-style-type: none"> a. As a result of such negative attitudes toward the victim, this perhaps, is the only crime in which the victim is doubly violated. First, by the attacker, and then by society. b. Some groups refer to this situation as the victim being raped by the attacker and re-raped by the criminal justice system. 2. The impact on the victim of the offense is great. <ol style="list-style-type: none"> a. Many victims are tormented by feelings of worthlessness and guilt. 	<p>NOTE: While this unit outline is titled "Rape Investigation", it is designed to teach the investigative procedures involved in <u>all sexual assaults</u>.</p>

Reference Notes

RESPECT OF THE VICTIM AND VICTIM CREDIBILITY

Although all professionals read in textbooks that victims are to be treated with dignity and respect, the practical component of this principle often is lost to the victim's perspective. Officers often share the general public's attitudes regarding sex and rape. Officers have their own feelings, attitudes, and biases that come through their "professionally neutral" position. Thus, it might be easier to perceive a victim as "asking for it" or "what does it matter to her", because it takes considerably more emotional energy to see the victim as a human being (rather than as an ethnic adjective) who is suffering because of the stressful situation she has just experienced. Officers are hesitant to "become involved" because it is time-consuming (in minutes and hours as well as in psychological energy).

POLICE SENSITIVITY

Police, not sensitized to the affective state of the victim, often increase existing trauma. They feel that the apparent calm, at times exhibited by rape victims, is indicative of a false report. They fail to understand that victims may feel guilt at having been assaulted, having been conditioned to believe that women who get raped "asked for it". The victim may be fearful of reprisal from a rapist who has threatened to return to do additional violence to her or her child if the victim reports the offense.

The victim may be apprehensive about the reaction of significant persons in her life. They may even tell her not to report, since they are fearful of the potential effect on their reputations as well as on her reputation.

Victims may also fear publicity, public censure, ostracism, loss of status as desirable females, and/or loss of employment. They are often unable to articulate these fears to those seeking to obtain a report. Lacking crisis intervention skills and a knowledge of the trauma of rape, persons dealing with the victim are unable to facilitate the process; thus, many rapes go unreported.

Police often thwart attempts to report by bringing their value judgments to bear on the victim. Minority women, especially black and latina, often fail to report because of their distrust of the police whose attitudes may reflect stereotypic views of these women. Value judgments are made also in relation to the lifestyle and age of the victim. For instance, hitchhikers are "asking for it", and teenagers are "routinely disbelieved".

NOTE: There may be expended shell casings or slugs found lying on the floor, rug, or carpeting. It is recommended that these casings or slugs be covered with a piece of paper labeled "casing" or "slug" to prevent their being moved, altered, or otherwise contaminated. If paper is not desired or available, a water glass might be substituted. These methods are extremely valuable in protecting the evidence, particularly if the slugs or shell casings are on a rug that has a design which would tend to make the evidence difficult to see.

Learning Goal 10.16.0 : The student will understand and have a working knowledge of the responding officer's tasks in a rape investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> b. Some are subject to depression or nightmares. c. Most go through various stages in their psychological reaction to the crime. d. Some experience psychological breakdown, deterioration in social relationships, negative effects on their sexuality, or a variety of gynecological problems. e. The assault alters the victim's sense of personal safety. <p>3. Resistance and prevention</p> <ul style="list-style-type: none"> a. Typically, the victim is taken <u>completely by surprise</u>. b. The first and foremost reaction is <u>fear</u> centered around dread of injury or <u>death</u>. c. The victim's focus is on <u>survival</u>. d. Victims resist in varying degrees and their resistance provides a range of responses among assailants. <ul style="list-style-type: none"> (1) Can deter the assault. (2) Can make the assailant angrier. (3) Can make the assailant feel "dominant" and "good". <p>4. Dynamics operating - assailant.</p> <ul style="list-style-type: none"> a. <u>Hostility</u>, including such emotions as rage, hate, contempt, and the desire to humiliate. b. <u>Gratification</u> 	<p>NOTE: See reference notes on motivational intent.</p>

Reference Notes

MOTIVATIONAL INTENT

Research on offenders' motivational intent reveals that the offender is acting out three life issues in the commission of the offense: power, anger and sexuality. Studying separate victim and offender accounts of a rape revealed that all three issues of motivational intent operated, but that only two were dominant issues: power and anger. In the power rape, the offender uses a weapon or other means of force to intimidate and render the victim helpless, and his intent is to have power and control over the victim. This act is usually premeditated and built on the fantasy that the victim will "really want it" and readily submit to him.

In reality, this does not occur, and the offender believes he had the wrong victim and that the next time "she will be the right one". The acts are obsessive, and aggression can increase over time.

In the anger rape, the offender takes his rage and anger out on his victim. The act is impulsive and usually episodic. It often follows a situation in which the offender perceives he has been wronged by someone, usually an important woman or man in his life. He takes out his frustration on the first person who crosses his path.

There can be incidence of sexual dysfunction in the offender. Impotence and premature ejaculation can be documented in the power rapist and retarded ejaculation in the anger rapist. Thus, the need to find "clinical evidence of intercourse" for the record may be in vain. Also, the power rapist often uses a weapon to render his victim helpless or ties her up. The victim does not struggle or fight. Intercourse is achieved, and the medical exam will reveal lack of bruises and lacerations. The anger rapist, who beats and seriously injures his victim, will leave evidence. Thus, in a convicted offender population, this type of rapist was over-represented in the sample when compared to victim report of assailants never convicted.

Learning Goal 10.16.0 : The student will understand and have a working knowledge of the responding officer's tasks in a rape investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>5. Sensitivity of responding officer.</p> <ul style="list-style-type: none"> a. In interviews with victims, the stories are consistent: all were terrified; all were degraded; none enjoyed it. b. Officers are sometimes guilty of not perceiving sexual assault as a crisis situation. <ul style="list-style-type: none"> (1) Officer's response is usually immediate. <ul style="list-style-type: none"> (a) Deal with victim's crisis. (b) Help the victim restore her coping mechanisms which have been paralyzed. (c) Prevent long term psychological damage with the use of crisis intervention techniques. c. Reasons for under-reporting: <ul style="list-style-type: none"> (1) Victim's perception of the criminal justice system and the insensitivity of police and prosecution. <ul style="list-style-type: none"> (a) Women's groups term this the "re-raping of the victim." (2) Victims may be exposed to police skepticism, tactlessness, or outright prurience. (3) Victims complain of inadequate, delayed, or non-existent medical care. (4) Victims are made to repeatedly describe details of the attack to a seemingly endless assortment of police, doctors, prosecutors, and judges. 	<p>NOTE: See Respect of the Victim and Victim Credibility on reference page. Also, see Police Sensitivity.</p>

Reference Notes

ASSUMPTION VS FACTS

This is a controversial field today. The following is a list of current issues. "Facts" are derived from a considerable number of studies.

1. Assumption: Most rapes are the outcome of sudden impulse.
Fact: Most rapists plan their attack, just as most criminals plan their crimes.
2. Assumption: Most rapists attack their victims suddenly, unexpectedly.
Fact: The attack is generally preceded by some conversation.
3. Assumption: Rapes occur because of lack of sexual outlets for some men.
Fact: Many rapists have access to sex; what they want to express is power, dominance, and control.
4. Assumption: Rape is a sex crime.
Fact: Rape is a crime of violence; sex is generally not its primary goal. A combination of hostility and gratification are its primary motivations.
5. Assumption: Submissive behavior guarantees personal safety.
Fact: Some women are brutalized even though they submitted.
6. Assumption: Assertive resistance guarantees personal safety.
Fact: Some rapists are excited by the woman's resistance and attack her even more.
7. Assumption: There is no way women can resist rape. They are better off submitting.
Fact: Women have options and should be trained to learn to evaluate any given situation before deciding what course of action to take.
8. Assumption: By now, we have developed hard-and-fast rules on rape prevention.
Fact: There are no such rules.
9. Assumption: Women must take primary responsibility in rape prevention.
Fact: It is every individual's responsibility to address the problem.

Learning Goal 10.16.0 : The student will understand and have a working knowledge of the responding officer's tasks in a rape investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> (5) Guilt, fear, embarrassment, and hesitation about facing an unknown process are all factors in the under-reporting of sexual assault. d. All of the above factors contribute to the need for officers to be highly sensitive to the needs of the victim if successful prosecution and ultimate reduction of sexual assaults are to become a reality. e. There is no question that the success or failure of the prevention of sexual assaults will be based primarily upon the sensitivity to, concern for, and effort toward understanding the victim by operational personnel in the criminal justice system. 6. Assumption vs. facts. <ul style="list-style-type: none"> a. Discussion (See Reference Notes) C. Preliminary Investigation Procedures for All Sexual Assaults <ul style="list-style-type: none"> 1. Arrival at the scene: <ul style="list-style-type: none"> a. Record time of arrival. b. Determine location and condition of victim. c. Determine if suspect is still at crime scene. d. Summon ambulance if indicated. <ul style="list-style-type: none"> (1) If victim is removed by ambulance, have an officer accompany victim to hospital. e. Protect the crime scene. Ensure that evidence is not destroyed or contaminated. f. Identify and separate witnesses. 	<p>NOTE: Assumptions vs. Facts can be utilized as handout material for individual conclusion followed by discussion.</p> <p>10.16.1 Given a practical exercise, the student will satisfactorily accomplish all tasks delegated to a field officer responding to an alleged sexual assault.</p>

Reference Notes

10. Assumption: Most rapes occur in open spaces.
Fact: Only a small percentage of rapes occur in open spaces.
11. Assumption: There are personality characteristics which distinguish the sexual offender from the non-offender.
Fact: Research to date has failed to reveal any such characteristics.
12. Assumption: Rape is caused mostly by the victim's behavior.
Fact: There is no evidence to demonstrate that women who are raped behave differently from women who are not.
13. Assumption: Rapes involve almost exclusively young, attractive, fashion-conscious women.
Fact: All women are vulnerable to attack, regardless of age, physical appearance, marital status, etc.
14. Assumption: Many women do not report rape because they know they provoked it.
Fact: The decision to report or not depends on several factors, including the anticipated reaction of family and friends.
15. Assumption: A woman can spot a rapist, should one approach her.
Fact: As in the case of other crimes, there is no way of recognizing a rapist beforehand.
16. Assumption: Rape is mostly an interracial crime.
Fact: Most rape is not interracial.
17. Assumption: The best way to stop rape is to increase police patrols and police visibility.
Fact: Since many rapes occur indoors, increased police presence would not necessarily have much effect.
18. Assumption: Hitchhiking should be declared illegal. Then rapes would drastically diminish.
Fact: The number of rapes taking place in a hitchhiking situation is relatively low and does not seem to warrant such a measure.
19. Assumption: Most victims who suffer more than minimal emotional trauma were already unstable prior to the rape.
Fact: Rape is a severe emotional trauma for all victims.

Learning Goal

10.16.0 : The student will understand and have a working knowledge of the responding officer's tasks in a rape investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> (1) Obtain valid identification from witnesses. (2) Obtain preliminary statements from victim/witnesses. g. Initiate crime broadcast if applicable. <ul style="list-style-type: none"> (1) Monitor to assure broadcast is accurate. 	<p>NOTE: Monitor broadcast to assure its accuracy.</p>
<ul style="list-style-type: none"> 2. Further interview of victim and witnesses <ul style="list-style-type: none"> a. Interview victim and witnesses separately. b. Identify the first witness to whom the victim complained. c. Interview victim in privacy. d. Victims are interviewed - suspects are interrogated. e. Establish rapport with victim. Explain the necessity for asking specific personal questions. <ul style="list-style-type: none"> (1) Employ effective body language techniques to set the victim at ease and thereby increase the effectiveness of the interview. (2) Do not take an authoritative stance when facing the victim, e.g., arms crossed, stern look, etc. Do not look at the victim with a continuous fixed stare as this may cause the victim further anxiety. f. Obtain a detailed account of the crime. Determine if additional crimes have been committed. 	<p>NOTE: Depending on availability, the victim may wish to be interviewed by or in the presence of a female.</p> <p>NOTE: See Reference Notes, "Police Sensitivity".</p>

Learning Goal 10.16.0 : The student will understand and have a working knowledge of the responding officer's tasks in a rape investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> g. Determine suspect's activity: <ul style="list-style-type: none"> (1) Statements/actions (2) Special characteristics/oddities (3) Unusual MO h. Determine if the crime scene has been altered or contaminated. <ul style="list-style-type: none"> (1) Did victim change clothing, discard ripped or soiled clothing, towels, bedding, etc.? (2) Did victim shower or bathe prior to officer's arrival? (3) Did victim clean up the scene, e.g., contaminate fingerprints or other items of evidentiary value? i. Note and document victim's condition. <ul style="list-style-type: none"> (1) If appropriate, photograph bruises, scratches, defense wounds, etc.: victim's consent required. (2) Torn/stained clothing (3) Smeared makeup/disarranged hair (4) Other evidence of trauma j. Determine the identity of possible witnesses who may have left the scene. <ul style="list-style-type: none"> (1) List all witnesses even though only partial information is available. <p>3. If suspect is taken into custody:</p> <ul style="list-style-type: none"> a. Record spontaneous statements. 	

Learning Goal 10.16.0 : The student will understand and have a working knowledge of the responding officer's tasks in a rape investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> b. Separate suspects. c. Do not permit suspect(s) into crime scene area. If arrested inside, immediately remove. d. Prevent communication between suspect(s), victim, and witnesses unless necessary. e. Photograph suspect(s) if there is evidence of injury or torn/stained clothing which may be of evidentiary value. f. Preserve and collect evidence found on suspect's person according to departmental procedures. Items to be considered: <ul style="list-style-type: none"> (1) Clothing/undergarments (2) Pubic area combing (3) Pubic hair standard (4) Head hair standard (5) Penis shaft swabbing (6) Saliva samples for secretor status (7) Blood for blood typing (8) Blood for blood - alcohol g. Blood and urine samples should be taken for alcohol and drug analysis following consent. <ul style="list-style-type: none"> (1) If clothing is described or is of evidentiary value, remove and book as evidence. <p>4. Alibis:</p> <ul style="list-style-type: none"> a. Record suspect's alibi statements. 	<p>More detailed exam of suspect attached.</p>

Learning Goal 10.16.0 : The student will understand and have a working knowledge of the responding officer's tasks in a rape investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> b. Provide alibi information to follow-up investigators as quickly as possible. 5. Field identification procedures: <ul style="list-style-type: none"> a. Conduct show-up, if appropriate, in accordance with current case law. <ul style="list-style-type: none"> (1) Inform victim/witnesses that custody of suspect does not determine his guilt. (2) Inform concerned parties that the show-up is to eliminate persons as suspects as well as to identify the perpetrator. 6. Reconstruct crime: <ul style="list-style-type: none"> a. Have victim <u>verbally</u> recount suspect's route and actions. Do not have victim <u>physically</u> retrace suspect's activities until all evidence has been collected. b. Isolate evidence to prevent contamination and destruction. c. Check suspect's escape route for discarded evidence. d. Call victim's and witnesses' attention to any items that may have evidential value. Clarification or confirmation of evidential items will be needed for further investigation or court purposes. e. Photograph the crime scene and evidence, if applicable. f. Identify, collect, and preserve evidence. <ul style="list-style-type: none"> (1) Fingerprints/footprints (2) Clothing, bedding, towels that may possibly contain biological evidence. 	

Learning Goal 10.16.0 : The student will understand and have a working knowledge of the responding officer's tasks in a rape investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> (a) Items suspected of containing biological evidence should be permitted to dry at room temperature, and should be loosely folded and wrapped in clean paper (not plastic), then refrigerate. (3) Binding material used to tie up the victim, witnesses: cut the bindings several inches away from the knot and tie the severed ends together with string. Do not cut or untie knots; they may establish MO and/or link material to that found in suspect's possession. Do not handle binding tapes as they should be examined for fingerprints. (4) Weapon(s) (5) Toolmarks (forced entry) (6) Victim's/suspect's injuries. Photograph visible injuries and torn/stained clothing. <p>7. Special notifications:</p> <ul style="list-style-type: none"> a. Notify follow-up investigators and supervisors in accordance with departmental policy. b. Notification of special units may be necessary when the victim is a minor and it appears that a parent, guardian, or other person who has assumed the role of guardian is the perpetrator. <p>8. Medical examination - specimens:</p> <ul style="list-style-type: none"> a. Advise victim where she is going and what is going to transpire. 	<p>Reference to 10.22.0</p>

Learning Goal 10.16.0 : The student will understand and have a working knowledge of the responding officer's tasks in a rape investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> b. Advise victim to take change of clothes or underclothes, if clothing will be taken for evidence. c. Transport the victim to the hospital for medical treatment and collection of medical evidence of sexual assault. If available, consider using an unmarked vehicle. <ul style="list-style-type: none"> (1) Examinations and treatment in county hospitals of victims of sexual assaults shall be conducted in accordance with protocol adopted by the State Department of Health and recorded on a form adopted by the State Department of Justice (Form 923). Officers should be familiar with the protocol and the forms used for reporting. It is anticipated that the standard protocol and reporting forms will also be utilized in private general acute care hospitals. d. In accordance with the medical protocol, the doctor will check the entire body for injuries. <ul style="list-style-type: none"> (1) Bruises/lacerations (2) Vaginal/rectal tears/lacerations (3) Other evidence of trauma e. Specimens. Request slides even though the victim bathed or douched following the assault. Male officers shall remain outside the examining room. Female officers may remain in the room during the examination if the victim desires. <ul style="list-style-type: none"> (1) Vaginal slides (rape) (2) Rectal slides (sodomy) 	<p>NOTE: Ensure that slides are <u>air-dried</u> at room temperature prior to packaging to prevent decay.</p>

Learning Goal 10.16.0 : The student will understand and have a working knowledge of the responding officer's tasks in a rape investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>(3) Oral slides (oral copulation)</p> <p>(4) Loose hairs</p> <p>f. Samples for comparison. The following samples <u>may</u> be given to officers by the attending doctor as evidence; officers should not initiate a request for them unless requested to do so by the follow-up investigator or supervisor:</p> <p>(1) Vial of victim's blood for blood typing, with preservative--should refrigerate.</p> <p>(2) Sample of victim's saliva for secretion and blood typing. Take vial of saliva and subsequently refrigerate or have subject chew on filter paper, blotting paper or clean gauze or cloth. Outline area of sample. Submit uncontaminated paper or cloth as control. Dry and package.</p> <p>(3) Hair from victim. Approximately 20, : close cut from several areas of the head and from the pubic area.</p> <p>(a) Officers shall book all evidence obtained from the doctor or nurse.</p> <p>(b) Slides and other evidence may be released to officers <u>only</u> after the victim has signed a patient's consent declaration to this effect.</p> <p>g. Ensure that the medical treatment form clearly describes the extent and location of injuries and the taking of specimens. If the form is illegible, have the doctor or nurse transcribe the information.</p>	

Learning Goal 10.16.0 : The student will understand and have a working knowledge of the responding officer's tasks in a rape investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> h. If the injuries are in the anal-genital area, have the doctor or nurse verbally advise of their location for purposes of reporting and photographing. 9. Medical treatment and obtaining specimens when victim is a minor (under the age of 18 years): <ul style="list-style-type: none"> a. Minors requiring parental consent: <ul style="list-style-type: none"> (1) Single persons under 18 years of age: an effort shall be made to obtain appropriate medical and evidentiary consent from a parent or guardian. If unable to locate a parent or guardian, or the parent or guardian refuses medical consent, a supervisor should be contacted. b. Minors not requiring parental consent: <ul style="list-style-type: none"> (1) Minor who is married, (2) Minor receiving medical treatment relating to pregnancy, (3) Emancipated minor 15 years of age or older who is living apart from parent or guardian and is managing own financial affairs, (4) Minor 12 years of age or older for the treatment of a communicable disease of the type which must be reported to the local health officer. (a) Officers shall not sign an authorization for medical treatment of a minor. A minor has the right to refuse medical treatment. 	

Learning Goal 10.16.0 : The student will understand and have a working knowledge of the responding officer's tasks in a rape investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>10. Completing the crime report:</p> <ul style="list-style-type: none"> a. Maintain objectivity in reporting. Avoid personal opinions regarding any comments made by victims or witnesses. Be factual. Be specific. b. Use victim's own terminology in crime report. Make sure victim understands the meaning of specific terms such as "rape", "sodomy", "oral copulation", etc. c. Obtain a case number and furnish victim with victim indemnification information. d. Ensure that the corpus delicti of all the involved crimes are included in the report. e. Do not solicit information regarding victim's prior sexual history. Follow-up investigators will determine the need. However, recent sexual activity should be noted because it may affect evidence analysis. <ul style="list-style-type: none"> (1) A number of provisions of the law require reporting of injuries by criminal acts to law enforcement agencies by doctors or hospitals. <ul style="list-style-type: none"> (a) PC 11160--Injuries inflicted by weapons or violation of Penal law (requires hospitals to report). (b) PC 11161--Injuries inflicted by weapons or violation of Penal law (requires physicians and surgeons to report). (c) PC 11161.5--Injuries to minors inflicted by other than accidental means or by sexual molestation. 	

Learning Goal 10.16.0 : The student will understand and have a working knowledge of the responding officer's tasks in a rape investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>(d) H & S 1493--County hospital physicians conducting examination for medical evidence of sexual assault.</p> <p>11. Advise victim of further requirements:</p> <p>a. Follow-up investigation</p> <p>b. Efforts which will be made toward identification of the suspect and subsequent arrest.</p> <p>12. Procedures for collection and preservation of physical evidence collected at hospitals:</p> <p>a. See attached Physical Evidence Bulletin. (Handout #1)</p>	

Learning Goal 10.8.0 : The student will know crime scene interviewing techniques.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>III. INTERVIEWING CHILD ABUSE CASES (10.8.2)</p> <p>A. Is Victim Believable?</p> <ol style="list-style-type: none"> 1. Age of victim 13 to 17 <ol style="list-style-type: none"> a. Lateness of night b. Intoxicated c. Alone d. Physical and mental condition <ol style="list-style-type: none"> (1) Have doctor note condition & injuries e. Credibility f. History, prior falsehoods g. Problems at home, school, boyfriend 2. 18 and over <ol style="list-style-type: none"> a. Boyfriend problem b. Husband problem c. Sobriety d. Physical & mental condition, show photos of self-inflicted wounds <ol style="list-style-type: none"> (1) Make up smeared, clothing disarrayed 3. All victims <ol style="list-style-type: none"> a. Is victim telling all facts? b. Is victim changing some facts? c. Why two above? 	<p>NOTE: This section contains the interview techniques of child abuse cases only. Unit Guide 22 contains general crime scene interviewing techniques.</p> <p>10.8.2 The student will identify the following as proper interviewing and investigative procedures for investigating child abuse cases:</p> <p>See Handout #2, "Child Abuse and Neglect"</p>

Learning Goal 10.8.0 : The student will know crime scene interviewing techniques.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>B. Is Suspect Believable?</p> <ol style="list-style-type: none">1. Teenage suspect<ol style="list-style-type: none">a. Prior historyb. Opinions of friends, family, schoolc. Stabilityd. Peer statuse. Capabilitiesf. Seek permission to search his room2. 18 and over<ol style="list-style-type: none">a. Prior historyb. Stabilityc. Marital status, job statusd. Events leading to incidente. Sobrietyf. Composureg. Physical condition, scratches, etc.3. All suspects<ol style="list-style-type: none">a. Prior contact with victimb. Rape-seduction, bar rape <p>C. Victim Believable--Can You Proceed?</p> <ol style="list-style-type: none">1. Victim<ol style="list-style-type: none">a. Availability, reluctance	

Learning Goal 10.8.0 : The student will know crime scene interviewing techniques.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"><ul style="list-style-type: none">b. Transient--what to do?c. Will she convince 12 people?2. Suspect<ul style="list-style-type: none">a. Is he worth it?b. Might he plea?c. Can he be violated via parole?3. Case<ul style="list-style-type: none">a. Is it worth it?b. Odds of conviction--pleac. What to chargeD. Initial Interview<ul style="list-style-type: none">1. When<ul style="list-style-type: none">a. As soon as possibleb. If victim is too emotional, have her come to office next day.c. All facts not necessary on first initial interview.2. Where<ul style="list-style-type: none">a. At office<ul style="list-style-type: none">(1) In private, comfortable room(2) Alone, explain subpoena(3) At victim's home, alone(4) If victim cannot get off work, interview at her business.	<p>See Handout #3 "Interviewing Child Victims of Sex Offenses"</p>

Learning Goal 10.8.0 : The student will know crime scene interviewing techniques.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>3. How</p> <ul style="list-style-type: none">a. Rapport<ul style="list-style-type: none">(1) Be loose.(2) Look for common bond--home, travel.(3) Don't talk about incident until rapport is established. Explain need for statement.(4) Go over matter with no notes.(5) Go over matter with notes once. <p>4. What</p> <ul style="list-style-type: none">a. Try to get clinical accounting on first try.b. Develop other offenses, PC 288a, 286.c. Trace events leading to incident.d. Trace habits if hot prowl.e. If suspect is known to victim prior to incident, trace history.f. If PC 261 consummated, determine last time victim had intercourse.g. Explain above before asking.h. Ask of bruises, photo same.i. Get victim's schedule,--work, vacation.j. Names of relatives or friends.k. Get all statements of suspects.l. Complete description.	

Learning Goal 10.8.0 : The student will know crime scene interviewing techniques.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>E. Organizing The Investigation</p> <ol style="list-style-type: none">1. At scene<ol style="list-style-type: none">a. If scene available, preserve same.b. Crime and photo lab.c. Canvass area.d. Dispatch officer with victim to hospital for rape exam . . . if 288a-286 take oral or anal swab.2. Victim<ol style="list-style-type: none">a. Ascertain offense(s).b. Preserve clothing.c. Set up appointments.d. Contact relative, friend.e. Don't ever use tape recorder with victim.3. Suspect in custody<ol style="list-style-type: none">a. Preserve clothing.b. Look for resistance scratches.c. Try to develop rapport, don't advise initially.d. Be alert for voluntary statements.e. Trace his time prior to incident during initial interview.f. Don't use tape recorder initially.	

Learning Goal 10.8.0 : The student will know crime scene interviewing techniques.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"><ul style="list-style-type: none">g. If you are convinced of guilt, be friendly but dominant.h. Show compassion, understanding.4. Suspect not in custody<ul style="list-style-type: none">a. Use discretion if suspect was known to victim prior to event.b. Send APB's, TT's, etc.c. Advise CII of MO if suspect unknown.d. Check and watch for sex TT's. Go over suspect's volunteered statements to victim.5. Contact District Attorney<ul style="list-style-type: none">a. If suspect is known or in custody, obtain copies of all information.b. District Attorneys want everything yesterday.c. Try to have as much of both victim's and suspect's histories as are available.d. Make sure DA advises victim of all steps and procedures.e. Have medical and crime lab reports available.6. Major case(s)--Recidivist<ul style="list-style-type: none">a. Don't spread yourself thin.b. If possible, have one officer (not necessarily supervisory officer) do all coordinating and reviewing, another officer recontact victim.	

Learning Goal 10.8.0 : The student will know crime scene interviewing techniques.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>F. Physical Evidence</p> <p>1. At scene</p> <ul style="list-style-type: none">a. Ascertain where act consummated.b. Retrieve any bedding, clothing, etc., where blood or semen might be located.c. If location other than victim's residence, auto or business, look for hair samples, fingernails (broken) or anything to prove she was there.d. If possible, have doctor comb victim's and/or suspect's pubic area for foreign hairs (only if convinced suspect is responsible and in custody immediately).e. Check water taps for prints if suspect washed.g. If 288a ejaculated in victim's mouth, check front of her clothing for semen.h. Be alert for well planned rape: tape, rope, weapon, passenger door handles fixed, power turned off, telephones, etc. <p>G. Corroborating Evidence</p> <p>"In California, unlike other states, the uncorroborated testimony of the rape prosecutrix is technically sufficient to substantiate a defendant's conviction. "Peo vs. Burton 55 Cal 2nd 238, 351 (1961).</p> <p>1. Victim</p> <ul style="list-style-type: none">a. Locate first person contacted.b. Preserve tapes of call to police.	

Learning Goal 10.8.0 : The student will know crime scene interviewing techniques.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none">c. Ascertain from friends or relatives any deviations from victim's normal pattern of activities. i.e., would never go with stranger, not promiscuous.d. Fingernail scratchings, skin <p>2. Suspect</p> <ul style="list-style-type: none">a. Field identification of lone suspect "An innocent man should not have to await the assembling of a line up and summoning of counsel while the real perpetrator puts more time, and presumably more distance, between him and the focal point of the offense." Peo vs. Rodriquez, 10 Cal App. 3d 18, 29 (1970)b. Physical appearance of suspect<ul style="list-style-type: none">(1) Photograph injuries.(2) Have doctor note same. <p>3. Witnesses</p> <ul style="list-style-type: none">a. Locate who called police.b. Take statements.c. Knock on doors (people are often satisfied to see police and they won't volunteer observations). <p>4. Scene</p> <ul style="list-style-type: none">a. Sign of struggle <p>H. Follow-up Investigation</p> <ul style="list-style-type: none">1. Victim	

Learning Goal 10.8.0 : The student will know crime scene interviewing techniques.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none">a. Keep victim advised of all proceedings.b. Make sure of medical follow up.c. Be responsive to her inquiries. <p>2. Suspect</p> <ul style="list-style-type: none">a. Place all information in MO file.b. Keep tabs on him. <p>3. Courts</p> <ul style="list-style-type: none">a. If you expect suspect could be repeater, request your agency be notified upon his release. (Cite Wm. Wall)b. Make clear-ups.	

Reference Notes

Geographically, there has been a high frequency of kidnapping in Europe and the Middle East.

P.C. 207 - Kidnapping Defined

Every person who forcibly steals, takes, or arrests any person in this state, and carries him/her into another country, state or county, or into another part of the same county, or who forcibly takes or arrests any person, with a design to take him/her out of this state, without having established a claim according to the laws of the United States, or of this state, or who hires, persuades, entices, decoys, or seduces by false promises, misrepresentations, or the like, any person to go out of this state, or to be taken or removed therefrom, for the purpose and with the intent to sell such person into slavery or involuntary servitude, or otherwise to employ him/her for his/her own use, or to the use of another, without the free will and consent of such persuaded person; and every person who, being out of this state, abducts or takes by force or fraud any person contrary to the law of the place where such act is committed, and brings, sends, or conveys such person within the limits of this state, and is afterwards found within the limits thereof, is guilty of kidnapping.

P.C. 208 - Punishment of Kidnapping

Kidnapping is punishable by imprisonment in the state prison for three, five, or seven years.

P.C. 209 - Penalty for Kidnapping for Ransom, Reward or Extortion

Any person who seizes, confines, inveigles, entices, decoys, abducts, conceals, kidnaps or carries away any individual by any means whatsoever with intent to hold or detain, or who holds or detains, such individual for ransom, reward or to commit extortion or to exact from relatives or friends of such person any money or valuable thing or any person who aids or abets any such act, is guilty of felony and upon conviction thereof shall be punished by imprisonment in the state prison for life without possibility of parole in cases in which any person subjected to any such act suffers death or bodily harm, or shall be punished by imprisonment in the state prison for life with possibility of parole in cases where no such person suffers death or bodily harm.

Any person serving a sentence of imprisonment for life without possibility of parole following a conviction under Section 209 as it read prior to September 22, 1951, shall be eligible for a release on parole as if he/she had been sentenced to imprisonment for life with possibility of parole.

P.C. 210 - Posing as Kidnapper, Felony. Penalty and Exception.

Learning Goal 10.19.0 : The student will understand and have a working knowledge of the responding officer's tasks in a kidnapping investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>IV. KIDNAPPING INVESTIGATION (10.19.0)</p> <p>A. General Information</p> <ol style="list-style-type: none"> 1. The most common motives for kidnapping are: <ol style="list-style-type: none"> a. Ransom (extortion) b. Blackmail (extortion) c. Hostage taken in a related crime (i.e., robbery) d. Rape e. Jealousy f. Forced marriage g. Child molestation h. Leverage to free prisoners i. Political advantage (terrorism) <ol style="list-style-type: none"> (1) Recent events have shown an escalation of political terrorist kidnappings, ranging from individual victims to plane loads of travelers. j. Political group emergence (identification) 2. Most kidnapping crimes are brought to the attention of the police by either released victims or witness(es), except when: <ol style="list-style-type: none"> a. It is a hostage incident. b. The kidnap is related to a crime in progress. 3. Kidnappers may threaten to kill their captive(s) unless their directions are followed and their conditions are met. 	<p>NOTE: Difference between kidnapping and child stealing.</p>

Reference Notes

Every person who for the purpose of obtaining any ransom or reward, or to extort or exact from any person any money or thing of value, poses as, or in any manner represents himself/herself to be a person who has seized, confined, inveigled, enticed, decoyed, abducted, concealed, kidnapped or carried away any person, or who poses as, or in any manner represents himself/herself to be a person who holds or detains such person, or who poses as, or in any manner represents himself/herself to be a person who has aided or abetted any such act, or who poses as or in any manner represents himself/herself to be a person who has the influence, power, or ability, to obtain the release of such person so seized, confined, inveigled, enticed, decoyed, abducted, concealed, kidnapped or carried away, is guilty of a felony and upon conviction thereof shall be punished by imprisonment for two, three, or four years.

Nothing in this section prohibits any person who, in good faith, believes that he/she can rescue any person who has been seized, confined, inveigled, enticed, decoyed, abducted, concealed, kidnapped or carried away, and who has had not part in, or connection with, such confinement, inveigling, decoying, abducting, concealing, kidnapping or carrying away, from offering to rescue or obtain the release of such person for a monetary consideration or other thing of value.

Learning Goal 10.19.0 : The student will understand and have a working knowledge of the responding officer's tasks in a kidnapping investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> a. These conditions could include: <ul style="list-style-type: none"> (1) A stipulated sum of money (2) A political demand b. Wealthy persons are often the receivers of such threats. c. The bitter history of such cases makes evident the need for advising immediate referral to the police when a kidnapping has occurred. <ul style="list-style-type: none"> (1) The Lindberg Case and the more recent cases such as the Chowchilla school bus kidnapping. d. If the kidnap victim is not already dead before the letter of demand is sent, in most instances, the kidnappers have no intention of carrying out their threat. <p>B. Response and Approach to a Kidnap Scene</p> <ul style="list-style-type: none"> 1. A kidnap notification requires a response as expeditiously and safely as possible. <ul style="list-style-type: none"> a. A speedy response is essential in order that the safety of the victim may not be jeopardized. b. In cases relating to extortion kidnapping, information regarding the kidnap should not be broadcasted. <p>C. Investigative Procedures</p> <ul style="list-style-type: none"> 1. Numerous agencies, including the FBI, may become involved in the kidnapping investigation. 2. Thorough and intensive multi-agency coordination must be maintained. 	

Reference Notes

INFORMATION NEEDED FOR THE BROADCAST

1. Type of crime
2. Type of premise(s)
3. Location of occurrence
4. Time of occurrence
5. Number of suspects
6. Sex of suspects
7. Race and descriptive information concerning suspects
8. Direction suspects left scene
9. How suspects departed, foot or auto
10. Was a car seen?
11. Description of car, if used
12. Weapon used

Example of an Initial Broadcast:

Attention all units. Robbery - Kidnap - liquor store, 1300 West Adams Boulevard, 2045 hours, this date, by one male, white, suspect. Left scene driving east on Adams in a 1972 dark green Pontiac four-door sedan, no license plate. Suspect used a .38 caliber blue steel, short barrel revolver. Victim, store clerk, described suspect as a male white, name unknown, 25 years of age, wearing black clothing.

Immediately thereafter, a supplemental broadcast is made giving a detailed description of the suspect, his/her clothing and any equipment carried. The vehicle is described as completely as possible. In addition to the color, year, make, body type, and license number, other identifying data such as emblems, stickers, cracked windows, type of seat covers, presence of a trailer hitch, etc. are furnished.

A physical description and the order in which it is generally broadcast is set out below:

1. Sex
2. Race
3. Age
4. Height
5. Weight
6. Color of hair
7. Color of eyes
8. Clothing:
hat/coat/shirt/jacket/trousers/
shoes
9. Other outstanding features

When an item in the above list for physical description is negative or unknown, it should be so stated; for example, "race unknown", "no hat", etc.

Example of a Supplemental Broadcast:

Robbery - Kidnap - liquor store, 1300 West Adams Boulevard, 2045 hours, this date, by one male, white, twenty to twenty-five years, five feet six to eight inches, one hundred sixty pounds, dark brown, thick, wavy hair, neatly combed, parted left side, brown eyes, no hat, wearing dark gray jacket with white and black specks, white shirt, yellow tie, charcoal pants, color of shoes unknown.

Learning Goal 10.19.0 : The student will understand and have a working knowledge of the responding officer's tasks in a kidnapping investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>3. Ransom notes, telephone conversations and other communications from the kidnappers must be expertly interpreted, recorded and analyzed.</p> <p>D. Responsibilities of the First Officers to Arrive at the Kidnap Scene</p> <p>1. To employ basic preliminary investigative techniques.</p> <p>a. The order of investigative preference in a kidnap case is dictated by the facts involved in each situation.</p> <p>2. To interview the witness(es) and reporting party(ies).</p> <p>a. An immediate concern is to conduct interviews with the informant and available witness(es) and to transmit this data as expeditiously as possible for broadcast.</p> <p>(1) In order to aid in expediting this information, particularly when there are many witnesses and few officers, some police agencies provide witness data forms.</p> <p>(a) This form is not a substitute for a "face-to-face" interview.</p> <p>b. The officer must compile certain information on all witnesses:</p> <p>(1) Name</p> <p>(2) Address</p> <p>(3) Telephone number</p> <p>c. All witnesses must be then interviewed in detail and statements obtained whenever possible, as every item of information can help in solving a case.</p>	<p>NOTE: These are usually patrol officers. Only those officers whose presence is necessary should enter the crime scene.</p>

Reference Notes

Suspect carrying brown plastic zipper briefcase approximately twelve by sixteen inches. Wore a large white metal ring with red-colored stone on left hand. Suspect left scene driving east on Adams in a 1976, dark green, Pontiac four-door sedan, no license plates, right rear fender had noticeable shallow, approximate twelve-inch dent. Suspect used a .38 caliber blue steel, short barrel revolver. Victim, store clerk, described suspect as a male white, name unknown, 25 years of age, wearing black clothing. Amount taken unknown, but believed in excess of \$1,000, mostly small bills.

*

It is a good practice to listen to the radio transmission to see that it is correct in every detail. As additional pertinent information is obtained in the case, it should be made the subject of a supplemental broadcast in order that all field units are kept advised.

Learning Goal 10.19.0 : The student will understand and have a working knowledge of the responding officer's tasks in a kidnapping investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> (1) Witnesses should be separated and questioned individually. <ul style="list-style-type: none"> (a) This should be done when the individuals are identified as witnesses. (2) The victim(s) and witness(es) should be questioned about such things as: <ul style="list-style-type: none"> (a) Specific oddities of all involved (b) Conversations (c) Methods of operation (d) Characteristics of the suspect(s) (e) Identities of any persons observed in the vicinity during or just prior to the incident. Include such incomplete information as: <ul style="list-style-type: none"> 1) First or last name 2) Nickname 3) Residence 4) Occupation 3. To preserve the crime scene and safeguard all available evidence. <ul style="list-style-type: none"> a. All available evidence must be safeguarded: <ul style="list-style-type: none"> (1) From employees (2) From curious spectators (3) To prevent destruction (4) To prevent alteration (5) To prevent contamination 	

Learning Goal 10.19.0 : The student will understand and have a working knowledge of the responding officer's tasks in a kidnapping investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> b. The relationship of all evidentiary items to the case can provide the officer with: <ul style="list-style-type: none"> (1) A frame of reference with which to conduct interviews with the victim(s) and witness(es). (2) An aid in reconstructing the crime. (3) An aid in completing the kidnap report. 4. To search for evidence. <ul style="list-style-type: none"> a. The search for physical evidence must be thorough, especially when noting that eyewitness testimony can change. However, the nature and extent of the search is governed by such considerations as: <ul style="list-style-type: none"> (1) Type of property (2) Place of occurrence (3) Type of area (4) Articles or materials of evidentiary value: <ul style="list-style-type: none"> (a) For instance, in a bar, the officer would be interested in such things as: <ul style="list-style-type: none"> 1) Where the suspect(s) sat 2) What the suspect(s) handled (b) For instance, in a restaurant, the officer would be interested in such things as: <ul style="list-style-type: none"> 1) Cups or glasses used 2) Salt and pepper shakers 3) Menu cards 	<p>NOTE: Many of these items listed could provide fingerprints.</p>

Learning Goal 10.19.0 : The student will understand and have a working knowledge of the responding officer's tasks in a kidnapping investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>(c) In certain cases, binding materials can provide valuable evidence: (i.e.)</p> <ol style="list-style-type: none"> 1) Rope 2) Adhesive tape 3) Wire <p>b. All physical evidence must be collected in accordance with acceptable practices and methods in order that the crime laboratory examiners can conduct whatever examinations are suitable.</p> <p>(1) Officers, when collecting evidence, should avoid moving any item of physical evidence until:</p> <ol style="list-style-type: none"> (a) Notes are made (b) Photographs taken where necessary (c) Sketches prepared (d) Measurements recorded (e) Fingerprints taken <ol style="list-style-type: none"> 1) Notes or letters written by the suspect(s) should be handled carefully prior to fingerprinting and hand-writing analysis. <p>(2) All evidence should be booked by the finding officer to ensure an unbroken chain of custody.</p> <p>E. Classroom Demonstration</p> <ol style="list-style-type: none"> 1. The classroom should be set up to simulate a kidnapping scene. 	<p>NOTE: Fingerprints are often easier to locate in a crime against a person than in a crime against property.</p> <p>10.19.1 Given various word-pictures or audio-visual presentations depicting an alleged kidnapping, the student will identify those tasks delegated to a responding field officer.</p>

Learning Goal 10.19.0 : The student will understand and have a working knowledge of the responding officer's tasks in a kidnapping investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<ol style="list-style-type: none">a. Propsb. Witness(es)c. Setting (should be noted to the students) <ol style="list-style-type: none">2. The instructor should provide each student with the rating sheets to see how they would be evaluated.3. The instructor should actually conduct the demonstration.	

Reference Notes

Detailed instructions on responding to the scene of a robbery in progress, and how to coordinate and participate in area searches is provided in 8.21.0, Crimes-in-Progress and 8.23.0, Robbery-in-Progress. This unit is directed toward the officer's activity after the robbery has occurred.

The instructor may wish to cover approach techniques briefly and the relationship of the preliminary and follow-up investigation.

Learning Goal 10.21.0 : The student will understand and have a working knowledge of the responding officer's tasks in a robbery investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>V. ROBBERY INVESTIGATION (10.21.0)</p> <p>A. Introduction</p> <ol style="list-style-type: none"> 1. Despite efforts at prevention, robberies will continue to occur. When a robbery does take place, it is imperative that the proper techniques be utilized to reduce the risk to the responding officers and others in the area, and to increase the probability that the offender will be apprehended and convicted. 2. The chance that an officer might become involved in a shooting while handling a robbery call is greater than in most crimes. 3. Use extreme caution when approaching the scene; even when advised that the suspect has fled. The location or route of flight may still involve a hazard to the responding unit. 4. When proceeding to the scene, be alert for: <ol style="list-style-type: none"> a. Speeding vehicles b. People running or walking unusually fast c. Nervous appearing pedestrians d. Vehicles or pedestrians resembling descriptions provided by initial broadcast. 5. The preliminary investigation covers the time period from the moment a robbery is reported as being in progress or just occurred, until the investigative responsibilities can expeditiously change hands. <ol style="list-style-type: none"> a. Time varies with each incident and with department organization. b. If apprehension is made at scene or in flight, both preliminary investigation and follow-up may be conducted continuously by the patrol officer. 	<p>10.21.1</p> <p>Given various word-pictures or audio-visual presentations depicting an alleged robbery, the student will identify those tasks delegated to a responding field officer.</p>

Learning Goal 10.21.0 : The student will understand and have a working knowledge of the responding officer's tasks in a robbery investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>c. When no apprehension is made, the preliminary investigation usually ends when information and evidence is taken at the scene and the crime report is written.</p> <p>B. Command of the Investigation</p> <p>1. Coordination of an investigation is essential at any crime scene. Someone must take charge of the scene and direct the efforts of all other officers who become involved. Without such direction and control, the investigation becomes confused, evidence may be destroyed and unnecessary delays will result.</p> <p>a. <u>It is the responsibility of officer assigned, to assume command and coordinate the efforts of other officers at scene until superior officer arrives.</u></p> <p>b. Positive steps to deploy manpower.</p> <p>c. Protect evidence.</p> <p>d. Interview victims and witnesses.</p> <p>e. Other action as deemed necessary and appropriate.</p> <p>f. Immediately upon arrival of superior officer, report to and advise of progress of your investigation.</p> <p>g. If business, close and lock doors, if feasible, until investigation is completed - this preserves crime scene and protects physical evidence.</p> <p>2. Collection & preservation of physical evidence pertaining to robbery investigations.</p> <p>a. Physical evidence at a robbery scene is usually minimal and every precaution must be taken to preserve that which does exist.</p>	

Learning Goal 10.21.0 : The student will understand and have a working knowledge of the responding officer's tasks in a robbery investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> b. Do not hesitate to caution or order all persons present not to touch anything and to remain in the area where they will not interfere with preliminary investigation. c. Physical evidence at a robbery scene is occasionally overlooked or destroyed by officers who are over-enthusiastic in attempting to obtain a description or apprehend the suspect. d. Persons not essential to the investigation, including members of the press and other police officers, should be excluded from the scene when their presence is likely to interfere with the investigation or to disturb physical evidence. <p>3. Contact witness and take statements</p> <ul style="list-style-type: none"> a. Review handout on "Contacting Witness and Taking Statements." Like all preliminary investigations, effective robbery investigations depend on the officer's skill in interviewing. Although interview techniques are covered in another unit, they should be reviewed here. <p>4. Preparing the robbery report</p> <ul style="list-style-type: none"> a. A good robbery report is one that enables any person, whether he is a law enforcement officer or not, to understand clearly the known facts regarding what has occurred and the steps that have been taken in handling the case. After examining the report, the reader should be as well informed concerning the essential facts in the case as the person who was actually at the scene of the incident and who wrote the report. 	<p>Refer to 10.8.0</p>

Reference Notes

NOTE: Item "E" is required material for a Deputy I Coroner student and can be taught in class or as a handout to those officers so designated as Deputy/Coroner.

Learning Goal 8.33.0: The student will learn the proper procedures of handling dead bodies.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>VI. HANDLING DEAD BODIES (8.33.0)</p> <p>A. When responding to a "Dead Body" call:</p> <ol style="list-style-type: none"> 1. Proceed directly to the suspected dead body, being careful to investigate the situation thoroughly without destroying evidence. 2. Look for signs of life. 3. If alive - transport to the hospital by ambulance. <p>B. If suicide, as determined by suicide note or other evidence - notify coroner and complete investigation and reports. (Covered in 10.18.0, Suicide Investigation unit)</p> <p>C. If dead by natural causes, a doctor can sign death certificate under the following conditions:</p> <ol style="list-style-type: none"> 1. Doctor attended the deceased within 20 days. 2. Doctor will provide a professional opinion on the cause of death. 3. Doctor is qualified and licensed. 4. Notify coroner of this fact and be aided by his advice as to the assignment of a mortician. <p>D. If dead by apparent natural causes and no death certificate.</p> <ol style="list-style-type: none"> 1. Contact coroner 2. Complete investigation <p>E. Possible Indications of Death</p> <ol style="list-style-type: none"> 1. Cessation of breathing - If breathing is not evident, place your fingertips lightly on the middle of the person's chest at the 	<p>8.33.1 The student will identify the most common practices for handling dead body calls.</p> <ol style="list-style-type: none"> A. As a result of a suicide B. With a doctor signing a death certificate C. From apparent natural causes-no death certificate <p>See Note in Reference Material.</p>

Learning Goal 8.33.0: The student will learn the proper procedures of handling dead bodies.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>solar plexus and check for a rise and fall of the rib cage, Picture #1. If no movement can be detected, this is an indication of death; but, this alone is not sufficient to establish that death has occurred.</p> <ol style="list-style-type: none"> 2. Cessation of heartbeat - The failure to detect a heartbeat is also an indication of death. Again, this alone is not a positive sign. To check for a heartbeat, place your ear below and to the right of the person's left breast. If you are unable to hear a heartbeat, check for a pulse by using one or all of the following methods: <ol style="list-style-type: none"> a. Place your fingertips lightly below and to the left of the person's left breast. b. Place your fingertips lightly on the inside of either wrist. c. Place your fingertips lightly on the side of the throat just below the jaw (carotid pulse). 3. Although these methods are valuable as indicators of death, the person may still be alive even when no pulse can be found. A cardiac arrest (heart failure), severe electrical shock, narcotic or drug poisoning, apparent drowning, or partial suffocation can temporarily stop the heartbeat and/or breathing, or make them so weak they appear to have ceased. <ol style="list-style-type: none"> a. In this instance, there is still a chance that the person may be saved by immediate resuscitation. b. Since an officer is usually one of the first persons to arrive at the scene, he must be thoroughly familiar with procedures for attempting to restore breathing and heartbeat; cardio-pulmonary resuscitation. 	

Learning Goal 8.33.0: The student will learn the proper procedures of handling dead bodies.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>4. Fixation and dilation of the eyes</p> <ul style="list-style-type: none"> a. When a person is dead, the muscles controlling the pupils of his eyes stop functioning and the pupils dilate (enlarge). The pupil is the dark inner circle of the eye and should not be confused with the iris or colored portion of the eye. b. Normally, when the eye is exposed to light, the pupil contracts to reduce the amount of light that is allowed to enter. The contraction of the pupil can be detected by watching it closely while raising and lowering the person's eyelid. As an additional check, pass a bright light (flashlight) over the exposed eye and again look for a reaction. This process should be repeated several times with each eye. c. There are instances when even this evidence may be questionable. The person may be blind or have glass eyes which will not respond to light, or he may be the victim of drug overdose. In some drug overdose cases, the pupils become dilated but still react very slightly to a bright light. This reaction, in many instances, is barely perceptible and may be very difficult to detect. d. The presence of any one of these signs of death is not definite proof that the person is dead, especially if observed shortly after death has occurred. But if all three signs are present, it can more reasonably be assumed that the person is dead. Any doubt whatsoever should be resolved by immediate medical assistance. <p>5. Post mortem lividity</p> <ul style="list-style-type: none"> a. Post mortem lividity is a discoloration of the body. It is caused by the gravitational settling of the body fluids. After the 	

Reference Notes

In any death into which the coroner is to inquire:

1. He may take charge of any and all personal effects, valuables, and property of the deceased at the scene of death and hold or safeguard them until lawful disposition thereof can be made.
2. He may, in his discretion, lock the premises and apply a seal to the door or doors prohibiting entrance to the premises, pending arrival of a legally authorized representative of the deceased: provided that this shall not be done in such a manner as to interfere with the investigation being conducted by other law enforcement agencies.
3. Any costs arising from the premises being locked or sealed while occupied by property of the deceased may be a proper and legal charge against the estate of the deceased.

Any such property or evidence related to the investigation or prosecution of any known or suspected criminal death may, with knowledge of the coroner, be delivered to a law enforcement agency or district attorney, receipt for which shall be acknowledged.

It shall be unlawful for any person to search for or remove any papers, moneys, valuable property or weapons constituting the estate of the deceased from the person of the deceased or from the premises, prior to arrival of the coroner or without his permission. At the scene of any death, when it is immediately apparent or when it has not been previously recognized and the coroner's examination reveals that police investigation or criminal prosecution may ensue, the coroner shall not further willfully disturb the body or any related evidence until the law enforcement agency has had reasonable opportunity to respond to the scene, if their purposes so require and they so request.

Learning Goal 8.33.0: The student will learn the proper procedures of handling dead bodies.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>heart stops beating, the blood in the system gradually settles to the lowest point in the body.</p> <p>b. The discoloration caused by the settling process becomes visible within 1 1/2 hours after death. As the blood settles, it is forced into the capillaries under the skin. The blood then begins to coagulate and will not flow to a new position if the body is moved. The discoloration is darkest at the lowest point of the body and gradually becomes lighter up the sides. If the discoloration is not at the lowest point of the body when you arrive, this would indicate that the body was probably moved prior to your arrival.</p> <p>6. Rigor mortis</p> <p>a. Rigor mortis is a condition which occurs only after death. It is caused by a hardening of the muscles of the body.</p> <p>b. Rigor mortis is first apparent in the small muscles of the face and jaws and gradually progresses through the body to the feet.</p> <p>c. This process usually begins 3 or 4 hours after death and is completed in 8 to 12 hours after death. The exact time varies, depending upon the size and condition of the person.</p> <p>d. After approximately 48 hours, rigor mortis starts to leave the body. Following the same order that it appeared, rigor mortis leaves first from the face and jaws and last from the legs and feet.</p>	

Learning Goal 8.33.0: The student will learn the proper procedures of handling dead bodies.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>F. Search of Dead Body</p> <ol style="list-style-type: none"> 1. The Government Code, Section 27491.3, makes it unlawful for persons to search and/or remove any property, papers, money, jewelry, etc. from a dead body. This is the responsibility of the coroner only. <ol style="list-style-type: none"> a. In cases where it is apparent that a police investigation may ensue, the coroner, by law, shall not willfully disturb the body or other evidence until law enforcement has had an opportunity to arrive at the scene and investigate. b. Although all property and evidence at the scene belongs in the custody of the coroner, any evidence necessary to the police investigation (i.e., a gun) may be released by the coroner to the law enforcement agency, for which he will demand a receipt. c. Exceptions - Officers may search dead bodies resulting from a traffic accident for: <ol style="list-style-type: none"> (1) Anatomical "donor" card. (Section 27491(c) of Government Code) (2) Drivers license or identification card for purposes of identification. 	<p>8.33.3</p> <p>That student will identify the limits to which an officer may search a dead person. (Government Code Section 27491.3 and 27491, subsection c)</p>
<p>G. Transporting Dead Bodies</p> <ol style="list-style-type: none"> 1. When on a dead body call and the officer determines that any sign of life may exist, the victim should be transported immediately by ambulance to the nearest medical assistance. 2. However, an obviously dead body cannot be transported by ambulance; only by the coroner or a mortuary. 	<p>8.33.2</p> <p>The student will identify the legalities involved in transporting an <u>obviously</u> dead person in an ambulance. (13 California Administrative Code, Section 1101)</p>

Learning Goal 8.33.0: The student will learn the proper procedures of handling dead bodies.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>3. The California Administrative Code, Section 1101 defines "ambulance". An ambulance is a vehicle to be used for the express purpose of transporting the sick, injured, and otherwise living for medical assistance. The section does not include dead bodies.</p>	

Learning Goal 10.17.0 : The student will understand and have a working knowledge of the responding officer's tasks in a homicide investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>VII. HOMICIDE INVESTIGATION (10.17.0)</p> <p>A. Specialized investigators are rarely the first officers at the scene of a homicide. The body is usually discovered by friends, relatives, or other people who notify the police or call for an ambulance, and the field officer responds to the call.</p> <p>Although the investigation of a homicide is usually conducted by investigators, occasions frequently arise when field officers are called upon to conduct or assist in the preliminary investigation. It is necessary, therefore, that officers be familiar with the fundamental problems and procedures that are involved.</p> <p>B. Definition</p> <ol style="list-style-type: none"> 1. Homicide may be broadly defined as the killing of a human being by another human being. Where justification or excuse exists, no criminal responsibility is imposed. Where no excuse or justification exists, the homicide may be one of murder in the first or second degree or manslaughter. Manslaughter may be voluntary or involuntary, depending upon the circumstances of the killing. 2. Murder, which is generally considered the most infamous of crimes, is a homicide. Conversely, all homicides are not murders. Some may be: <ol style="list-style-type: none"> a. Accidental b. Justifiable self-defense c. Negligence d. Lawful execution of an order e. Excusable mistake 	<p>See Handout #4 and #5.</p>

Learning Goal 10.17.0 : The student will understand and have a working knowledge of the responding officer's tasks in a homicide investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>C. Primary Responsibilities: Field Officers</p> <p>1. Notetaking</p> <p>a. Notetaking is the very foundation of a good homicide investigation. Accurate, comprehensive and chronological notes not only coordinate the investigation, but allow the officer to present the strongest possible case when it comes to court months or sometimes years later.</p> <p>b. The taking of detailed notes begins when you record the time you received the call, and the time you arrived at the scene. The investigators will want to know the <u>exact</u> time. If you did not note the time, <u>tell</u> them; don't guess. Your notes should include but not be limited to the following information:</p> <p>(1) Descriptions of persons in the area.</p> <p>(2) Descriptions, including license numbers of vehicles in the area.</p> <p>(3) Identification of everyone at the scene, including:</p> <p>(a) Policemen</p> <p>(b) Ambulance crew</p> <p>(c) Investigators</p> <p>(4) Description of the crime scene from the persons who observed it before you arrived.</p> <p>(5) Brief description and location of possible items of evidence.</p> <p>(6) Information from witnesses regarding suspects.</p>	

Learning Goal 10.17.0 : The student will understand and have a working knowledge of the responding officer's tasks in a homicide investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>(7) The exact address or location of occurrence.</p> <p>(8) The weather conditions - raining, clear, foggy, etc.</p> <p>(9) Visibility. If at night, was there any illumination and what was the source?</p> <p>(a) Street lights</p> <p>(b) Lights from homes, businesses, etc.</p> <p>(c) Moon</p> <p>c. There are two basic reasons for emphasizing the taking of preliminary notes:</p> <p>(1) The defense in a murder case usually relies on an alibi with respect to time. It is not uncommon, particularly if the trial is in the distant future, for the officer to have only a vague idea regarding times of notification and arrival at scene. When this occurs it is difficult, if not impossible, to refute an alibi.</p> <p>(2) A more important reason is that question of time is frequently the first subject covered in cross examination. If the officer is unsure of these elementary items of the investigation, the true value of the remainder of his testimony may be minimized.</p> <p>2. Protecting the scene</p> <p>The primary responsibility of uniformed officers is to protect the scene. This should begin immediately. Additionally:</p>	

Learning Goal 10.17.0 : The student will understand and have a working knowledge of the responding officer's tasks in a homicide investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> a. Notify the investigators without delay. b. If assistance is necessary, request additional units. c. Request enough units to protect the scene adequately. d. Initially, no one is to be admitted to the scene of the crime except the investigators or the coroner. <ul style="list-style-type: none"> (1) Too often, assisting officers create a burden on the officers and investigators assigned to the call. Once you decide that a homicide has occurred, your evaluation is sufficient. It is not necessary that the officers assisting you look at the scene to determine if you were right. (2) When officers arrive to assist, they should provide their names and serial numbers to the officer assigned and ask what they can do. Assisting officers should not conduct an independent investigation of their own. (3) The coroner, doctors, ambulance crews, and clergymen are the usual exceptions that may be permitted to approach a dead or dying person. They should be accompanied to the scene, not left alone, and should be cautioned not to destroy evidence. <p>3. Curious onlookers at the scene</p> <ul style="list-style-type: none"> a. Many additional problems are caused by curious onlookers at a scene when a body is found. The major concern is the protection of the scene from destruction or contamination by onlookers and curious police officers. 	<p>NOTE: The coroner or his representative cannot be excluded from the crime scene.</p>

Learning Goal 10.17.0 : The student will understand and have a working knowledge of the responding officer's tasks in a homicide investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>b. Police officers are naturally curious and generally have to see things for themselves. Detailed followup investigations of many crime scenes have shown that various items initially thought to be of great evidential significance, were actually left by curious policemen.</p> <p>(1) Cigarette butts or empty package.</p> <p>(2) Paper matches or match book.</p> <p>(3) Footprints, fingerprints, etc.</p> <p>(4) Telephone off the hook.</p> <p>c. Merely walking around or leaning against a wall or door jamb could press evidence into the ground or smear a latent print. The officer in charge should explain these facts to the officers present and if their presence is not needed they should be asked to leave the scene.</p> <p>d. Occasionally a problem presents itself when high ranking police onlookers appear on the scene. If it is apparent that their presence could result in the disturbance of evidence or create an interference of some kind, their cooperation should be solicited in assisting to bar from the scene all unauthorized personnel.</p> <p>e. When fingerprints are found, every person who has been present at the scene has to be fingerprinted for elimination. This is time consuming and can be minimized by limiting the number of those present.</p> <p>f. Officers should use <u>courtesy, tact, and diplomacy</u> when dealing with civilian crowds.</p> <p>(1) It will gain as much cooperation as possible under the circumstances.</p>	

Learning Goal 10.17.0 : The student will understand and have a working knowledge of the responding officer's tasks in a homicide investigation.

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<p>(2) It may result in a witness, who is an onlooker, coming forward with valuable information.</p> <p>(3) This is especially important in areas where past experience indicates that the hostility of onlookers is easily aroused.</p> <p>4. Methods of protecting the scene</p> <p>a. How the scene is protected and how large an area requires protection will depend on the location. If personnel alone is not sufficient, it may be advisable to request ropes and barricades. If a victim is found in a vacant lot, it may be necessary to make a detailed search of the entire area. This can be done most effectively by sectioning off specified areas and searching each area individually.</p> <p>b. An area within a building will be comparatively easy to protect. A quick but careful study of the building will probably indicate how much of it should be restricted. If the crime appears to have progressed through several rooms, each room should be protected.</p> <p>c. When a body is located outside, determine how much area should be protected. When uncertain, it is better to make the area too large than too small. The area can always be made smaller, but if the initial area is too small, evidence outside the perimeter is usually destroyed. Other factors in determining how much area should be protected are:</p> <p>(1) The number of people in the vicinity.</p> <p>(2) The type of terrain. To avoid destroying evidence in areas of heavy weed or brush growth, a pathway may be marked</p>	

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<ul style="list-style-type: none"> c. Watch where you step and remember the path you take. Leave by the same path that you used to enter. d. In order to prevent contamination, only one officer should enter the area. e. Look for signs of life. If there is a possibility that the person is still alive, no matter how remote, summon an ambulance immediately. f. If the victim is still alive and conscious, it is advisable for the officer to obtain a statement from the person, if possible. This statement may later prove invaluable in establishing whether or not a crime occurred and investigating the circumstances surrounding that crime. <p>3. Dying declaration</p> <ul style="list-style-type: none"> a. One type of statement is a dying declaration. A dying declaration is extremely important because it is one of the few types of hearsay evidence which may later be introduced at the trial. b. The elements of a dying declaration are as follows: <ul style="list-style-type: none"> (1) The victim must believe that he is going to die and that there is no hope of recovery. (2) The dying statement must refer to the manner and circumstances which brought about his present condition and ultimate death. (3) The declarant must "die within 3 years and 1 day after the stroke received or the cause of death administered." P.C. 194. 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>4. Determining death</p> <ul style="list-style-type: none"> a. If an ambulance crew is on the scene, they will give an opinion as to the presence of life - only a licensed physician can pronounce death - unless it's obvious. b. Many old theories about determining death are unreliable and inaccurate; for example; holding a mirror in front of the mouth, sticking needles into the flesh, and similar procedures. c. Obvious signs of death are: <ul style="list-style-type: none"> (1) <u>Putrefaction</u>. Green discoloration of the body, usually starts in the abdomen after 24 hours, becoming more pronounced with a green tree-like pattern (marbling) and skin slipping after 2 or 3 days. In 3 or 4 days there is marbling of veins and further spread of stains into neck and limbs. After 5 or 6 days, the entire body shows marked tissue swelling from internal disruption and gases. (2) <u>Post Mortem Lividity</u>. Upon death a person's blood pressure drops to zero due to the cessation of the heart. <p>The blood stops circulating and begins to settle by the force of gravity to the lowest point of the body, causing a blotchy, purplish discoloration. This normally begins 1 or 2 hours after death.</p> <ul style="list-style-type: none"> (a) If, when lividity first develops, the investigator places a finger firmly against the discolored skin, the pressure will cause blanching. When the pressure 	

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<p>is released, the discoloration returns. After 4 or 5 hours, the blood becomes clotted and pressure will not cause blanching.</p> <p>(b) The location of the discoloration is one of the best methods of determining whether a body has been moved, because once lividity develops, it remains in the same area.</p> <p>(3) <u>Rigor Mortis</u>. Upon death, a person's muscles begin to stiffen due to chemical changes within the muscle tissue. It develops first in the face and jaws, gradually extending downward into the neck, chest, arms, abdomen and finally into the legs and feet.</p> <p>(a) When a body is in full rigor, it will be extremely rigid and it will be quite difficult to move the members, e.g., to open the fingers, move the arms, etc.</p> <p>(b) Although the time element under which rigor develops varies, some general guidelines are:</p> <p>3 - 5 hours; begins in the face and jaws.</p> <p>8 - 12 hours; the entire body remains rigid.</p> <p>24 - 36 hours; rigor leaves the body.</p> <p>(c) Rigor leaves the body in the same order that it developed. The face and jaws become flaccid first, then the chest, and abdomen, etc.</p>	<p>NOTE: Rigor mortis does not develop at the same rate with everyone. Persons dying under condition of intense emotional excitement will develop rigor very rapidly as will feeble persons. A heavily muscled athletic type body, however, will retard the process.</p>

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<p>(4) <u>Cadaveric Spasm</u>. This is a condition that is sometimes confused with rigor mortis. Whenever death is marked by severe injury to the central nervous system or emotional or muscular tension, an immediate stiffening of the arms and hands may occur. If the rigidity were caused by rigor mortis, it would also be present in the jaw and neck muscles.</p> <p>(a) <u>Decapitation</u>. This refers to the separation of the head from the torso of the body.</p> <p>d. Several other methods and observations can be made in a few moments, and are considered accurate. These are:</p> <p>(1) Changes in the eyes. The cornea becomes cloudy and dull.</p> <p>(2) The covering of the eye is one of the most sensitive tissues in the human body and as long as life persists, that sensitivity will be present to some degree. If the cornea is touched with a finger or a foreign object and there is no movement or reaction, there is a high degree of probability that death has occurred.</p> <p>(3) Cessation of breathing and heart beat. Although these conditions are indicators of death, the person may still be alive even when no pulse can be found. A cardiac arrest (heart failure), severe electrical shock, narcotic or drug poisoning, apparent drowning or partial suffocation can temporarily stop the heartbeat and/or breathing or make them so weak that they appear to have ceased.</p>	

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<p>(4) Coldness of the body. After death, the temperature of the body begins to drop and the body may feel cold to the touch after 8 or 12 hours. The body tends to reach the temperature of the surrounding air or water after a period of approximately 20 to 36 hours.</p> <p>e. It is often possible to determine from a distance that the victim is obviously dead. If this is the case, the examination of an indoor crime scene should begin at the entrance to the room where the body was found, and not with close examination of the body. If the scene is outdoors, examine systematically a wide area around the body.</p> <p>5. Witnesses</p> <p>a. Determine who was on the scene and who had left prior to the arrival of the police.</p> <p>b. Obtain their names, addresses and telephone numbers if possible. However, if only a nickname or type and color of a vehicle is available, write it down.</p> <p>c. Request witnesses to remain at the scene until they can be interviewed. If they are unable or unwilling to remain, obtain their names, addresses, telephone numbers, and the location where they may be contacted. <u>Do not ignore any witness.</u> Obtain their identities as soon as possible, while still assuring adequate protection of the scene. This includes uncooperative witnesses! Obtain:</p> <p>(1) A physical description of each witness.</p> <p>(2) A license number of the vehicle; other identifying characteristics that will be of assistance to investigators in locating this type of witness.</p>	

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<ul style="list-style-type: none"> d. Interview briefly all witnesses at the scene; when applicable, have them transported to the police station for formal statements. Keep witnesses separated. e. Advise witnesses that they are not required to talk to the news media. Explain that you prefer that they do not talk with them or other witnesses until interviewed by investigators. f. Opinions and careless statements from officers can cause countless problems. An incorrect statement regarding the probable cause of death could become a defense issue at the subsequent trial. <p>6. A press relations officer and the news media</p> <ul style="list-style-type: none"> a. At the scene of any dead body call that is likely to attract publicity, a press relations officer should be designated. <ul style="list-style-type: none"> (1) All inquiries of the news media should be referred to the press relations officer. (2) The functions of the press relations officer are intentionally limited. He should refrain from answering any questions relative to the actual details of the crime until instructed to do so by investigators. (3) The investigators will evaluate the security of available information and provide the press relations officer with those facts which can be released to the press without jeopardizing the case. b. The news media should not be permitted to photograph the body before it is removed from the scene. 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>(1) Photographs may allow important information to be released.</p> <p>7. Suspect in custody</p> <p>a. If a suspect is arrested, <u>DO NOT INTERVIEW AT THE SCENE</u>. Have the suspect transported to the station for interview later when you have more facts concerning the case, and a thorough knowledge of how the crime was committed.</p> <p>b. Suspects in custody should always be removed from public view as soon as possible. This will minimize the possibility of crowd reaction against either the suspect or the officers.</p> <p>(1) When possible, experienced field officers or investigators should transport the suspect to the station.</p> <p>(2) When the transporting is done by officers other than the investigator, they should be instructed:</p> <p>(a) NOT TO INTERROGATE THE SUBJECT.</p> <p>(b) DO NOT ADMONISH SUSPECT OF HIS CONSTITUTIONAL RIGHTS. (Miranda)</p> <p>c. If the suspect wants to volunteer statements, the officer should listen, remember, and later make notes of any statements made.</p> <p>d. When the perpetrator is known but has fled the scene, officers should initiate an immediate local broadcast for the suspect's apprehension.</p> <p>E. The Crime Scene - Search and Examine</p> <p>1. Minute crime scene examination should now begin and proceed in a methodical manner with only one officer at a time approaching the body.</p>	

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<ul style="list-style-type: none"> a. Starting with the ground or floor around the body, look for items of evidential value such as stains, marks, footprints, etc. Oblique lighting from a flashlight often brings out footprints and impressions that would otherwise not be visible. b. Examine carefully any objects that are observed. c. Determine if there is anything on the floor or ground that may be stepped on or destroyed. d. Determine if anything has been moved or changed prior to your arrival. Has anyone moved the body? Who? Why? When? <p>2. Without moving or altering its position, make a close visual examination of the body including looking between the arms and legs.</p> <ul style="list-style-type: none"> a. If possible, determine the cause of death and the apparent instrument or means used. <ul style="list-style-type: none"> (1) Bludgeoning (2) Stabbing (3) Strangulation (4) Gunshot, etc. b. Carefully observe the external appearance of the body and make detailed notes. Is it: <ul style="list-style-type: none"> (1) Bloody? (2) Beaten? (3) Decomposed, etc.? 	

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<p>c. Describe the clothing of the deceased, noting the obvious discrepancies such as:</p> <ul style="list-style-type: none"> (1) Blouse ripped in front, three white buttons missing. (2) Belt unbuckled, pants unzipped. (3) Right shoe tied, left shoe untied, etc. Examine and, if necessary, photograph the folds and creases on the clothing. The direction of the folds and creases could provide information leading to the method of transporting or placing the body at the location where it was found. <p>d. Look for the presence of blood. If any is found, examine carefully. Note the amount, size, shape, and degree of coagulation, e.g. pool of blood on the floor adjacent to and touching decedent's left ear, circular in shape, approximately 8" in diameter, no apparent evidence of coagulation.</p> <p>e. Describe the location and appearance of wounds, bruises, etc. Make careful observations and describe only what you see - not what you <u>THINK</u> you see!</p> <p>f. Types of wounds</p> <ul style="list-style-type: none"> (1) <u>Lacerations</u> are tears in tissue and may be either external (skin) or internal (stomach wall, liver, etc.). They are caused by a direct blunt force which produces tears in the skin that are ragged, with edges that are bruised (contused). <ul style="list-style-type: none"> (a) A blow from a club to the head causes torn skin flaps. (b) The laceration does not correspond in shape to the instrument allegedly producing it. 	

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<p>(2) <u>Incised wounds</u> are cuts, usually of the skin.</p> <p>(a) The edges are regular, sharp, clean cut with no bruising of surrounding skin.</p> <p>(b) Depth of wound varies at the edges.</p> <p>(c) Wound bleeds freely.</p> <p>(3) <u>Stab and puncture wounds</u> are piercing injuries of the surface of the body and may extend into the internal organs.</p> <p>(a) The wounds are caused by rigid, slender weapons, with or without a sharp edge, but possessing a fairly sharp point.</p> <p>(b) Surface appearance tends to conform in pattern to the entering point.</p> <p>(c) The point of entry may be inconspicuous, if, for example, caused by an ice pick.</p> <p>(d) If multiple wounds, each wound may differ even though produced by the same weapon.</p> <p>1) Different angle</p> <p>2) Different applied force</p> <p>(4) Gunshot wounds are often similar in external appearance to stab wounds. Additionally, there are certain physical characteristics which will not only identify the wound as a gunshot wound, but will give vital information about the circumstances.</p>	

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<p>(5) Entrance wounds</p> <ul style="list-style-type: none">(a) When a bullet strikes a part of the body that is not backed by bone, the skin indents and stretches under the impact.(b) As the bullet, which has rotation as well as forward motion, forces its way through, a small area of skin comes in contact with the sides of the bullet. This causes the wiping off of smoke and grime which is deposited around the entrance wound.(c) Due to the fact that the skin is stretched by the bullet in its passage, the wound entrance will appear to be smaller than the diameter of the bullet which made it.(d) If the bullet strikes the skin at an angle, the gray zone around the hole will be wider on one side and narrower on the other.(e) Generally, there is only a small amount of bleeding from entrance wounds because the tissue destruction is not great at that point. <p>(6) Exit wounds</p> <ul style="list-style-type: none">(a) As the bullet passes through the body, it packs the tissue in front of it. If it has the momentum to go through the body, it bursts its way out through the tissues.	

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<ul style="list-style-type: none"> (b) Exit wounds are much larger than the bullet and are ragged and torn. (c) The loss of blood is generally much greater than at the entrance wound, and often shreds of fat or other tissues will be extruding from the wound. (7) Distance of discharge of a firearm can be divided into three areas: <ul style="list-style-type: none"> (a) Direct muzzle contact. Contact wounds are caused when the muzzle of the firearm is held directly against the skin and fired. <ul style="list-style-type: none"> 1) The visible damage is due more to the flame and expanding gases than to the penetrating bullet. 2) The skin edges are torn and charred from the heat of the muzzle blast. (b) Muzzle 2 to 18 inches away. Smudging and tattooing are the two telltale signs that a bullet has been fired from within 2 to 18 inches. <ul style="list-style-type: none"> 1) Smudging is the deposit of smoke and soot from the burned powder which is deposited around the entrance wound. It has a dirty, grimy appearance and is only on the surface of the skin. It can be wiped off easily with a cloth. 	<p>NOTE: If the bullet is fired through clothing, these markings will be effectively obliterated. If it is suspected that the gun was fired at close range, the clothing should be carefully preserved for laboratory examination.</p>

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<p>2) Tattooing is the residue of unburned powder granules and minute particles of molten metal from the bullet that are driven under the skin by the force of the blast. Tattooing remains permanently and cannot be wiped off.</p> <p>3. Crime scene photographs</p> <p>a. Photographs of the scene may easily give a distorted view of the relationship of the body to fixed objects, due to camera angle, lighting, etc. To portray the crime scene accurately, it may be necessary to use photographs in conjunction with the scene sketches and survey.</p> <p>b. Photographs should be taken of the body and immediate vicinity showing wounds, weapons, etc.</p> <p>(1) Photograph the scene in a clockwise pattern before altering the body's position.</p> <p>(2) Use color film if at all possible.</p> <p>(3) Identification photos of the scene should also be taken showing:</p> <p>(a) The approach to the area</p> <p>(b) Type of area</p> <p>(c) Street signs</p> <p>(d) Street addresses</p> <p>(e) Other identifying objects</p>	

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<p>(4) On "outdoor homicides" it is worthy of consideration to take photos of spectators "watching" the investigation. Although this technique is not recommended or necessary in all cases, several recent homicide cases have been solved or assisted by having photographs of the spectators. Photos may reveal the "presence at the scene" of an otherwise reluctant or evasive witness or even the suspect.</p> <p>(5) After the photographs are taken, the investigator may handle the body with a minimum of disturbance and make a more detailed examination. The recommended method is to start at the head and work down.</p> <p>(a) Hair. Signs that hair has been pulled out in a struggle.</p> <p>(b) Eyes. Bruised, swollen.</p> <p>(c) Mouth. Teeth broken, lips cut, swollen, or torn.</p> <p>(d) Skin. Color and condition.</p> <p>(e) Arms and hands. Defense wounds on arms or between fingers on hands. Fingernails broken. Skin under fingernails.</p> <p>(f) Presence of blood, saliva, vomit, lung purge and their direction of flow.</p> <p>(6) When the body is moved by the Coroner, check the underside of the corpse and the area beneath it for items of evidential value.</p>	

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<p>(7) The investigator should not attempt to learn the identity of the deceased by searching his person for identification. If the identity cannot be established by information or other means at the scene, the officer may obtain it when it is made available at the Office of the Coroner. If the body cannot be readily identified, the Coroners Office will issue a John or Jane Doe number which officials can use in their reports. Photos and fingerprints should be ordered from the coroner if they are necessary for identification.</p> <p>(8) Record outside temperatures and determine (if indoors) the inside temperature. Use wall thermostat if available.</p> <p>4. Crime scene sketch</p> <p>a. A crime scene sketch should be made by the investigating officer at this point in the investigation. The sketch should include the doors, windows, fireplace, and other fixed objects and finally sketch in the body's position in relation to these objects.</p> <p>b. Measurements may then be made of the size of the room, doorways, etc., and then the shortest accurate distance between various parts of the body and several stationary objects noted in the sketch.</p> <p>c. If the investigator is reasonably certain that this is not a natural death and he is going to proceed with the crime scene examination, he should at a later time cause an accurate crime scene survey to be prepared showing all of these details in proper scale.</p>	<p>NOTE: Record any noticeable temperature difference between the area around the thermostat and other rooms, as some rooms trap heat.</p>

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<p>F. Notifying the Coroner</p> <ol style="list-style-type: none"> 1. Detectives or the officer in charge of the investigation should notify the Coroner of the type of death they are investigating. Since the results of the autopsy often depend upon the evidence uncovered at a preliminary investigation, the Coroner may wish to send a representative to the crime scene. 2. The Coroner's office should be notified by investigators and apprised of the circumstances as soon as practical after a homicide has been discovered. They should also be renotified if there is a change in the status of the case; e.g. if a case originally thought to be a suicide turns out to be a homicide. 3. The California Government Code places the responsibility on the Coroner to inquire into and determine the cause of death in all cases where reasonable grounds exist to suspect that death was occasioned by an act of another by criminal means, and to immediately report this to the Chief of Police by telephone and written report. <u>Do not</u>, however, notify the Coroner that you are ready for the removal of the body until the preliminary examination, measurements, and photographs are completed. <p>G. Expand the Search</p> <ol style="list-style-type: none"> 1. Search the immediate area around the body. If two officers are conducting the investigation, one officer should recheck the first. 2. Major crime searches <p>The United States Supreme Court has ruled that there is no "murder scene" exception to the Fourth Amendment which would permit a warrantless search of a major crime scene. <i>Mincey v. Arizona</i>, 57 L. Ed 2d 290 (6-21-78). The Court in <i>Mincey</i> had no difficulty in allowing the</p>	

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<p>cursory search of the apartment for additional suspects or victims. The Court realized the emergency nature of such a search which is essential to the safety of possible victims and others.</p> <p>The police are still free to seize any evidence that is in plain view during the course of their search within "arms reach" of the suspect or in other rooms where additional victims or suspects may reasonably be located.</p> <p>When officers determine that evidence may be present in areas beyond the scope of a cursory search of the premises, they may do what is reasonable to secure the location in order to prevent the disappearance of evidence of the crime while waiting for the issuance of a search warrant. The offices should have a reasonable belief that evidence may be destroyed if the premises are not secured and no unnecessary restrictions should be placed on non-arrestee residents who may be present.</p> <p>Although the Mincey case deals with a residence, the same principles would apply to any location where there was a recognizable expectation of privacy. This could include business establishments or limited areas out of doors, such as a back yard.</p> <ol style="list-style-type: none"> 3. After complying with the Mincey requirements and the laboratory technicians have completed their examinations, the body should be removed by the Coroner representatives. 4. At this point, acting within the scope of the obtained search warrant or with the permission of one who has the authority to give it, a systematic check of the structure, area, etc. is in order. Carefully note items of evidence or conditions which may shed additional light on the investigation such as: 	<p>NOTE: If there is a person at the scene of the crime who has the authority and consents to the search, no warrant would be necessary to conduct a more extensive search.</p>

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<ul style="list-style-type: none"> a. Doors: Locked or bolted (from inside or outside). Marks of forced entry, does doorbell work, is there a doorknocker, scratches around the keyhole, etc.? b. Windows: What type? Locked or unlocked? Positions of window catch, type and position of curtains, drapes or blinds, possibility of seeing in. c. Other papers and mail: Unopened or recently opened mail (could give a general indication of time, etc.). d. Lighting: Which lights were on when the crime was discovered? How are they controlled? Switches, etc. Can they be seen from the outside? Bulbs warm? e. Odors. Gas, strong tobacco, alcohol, perfume, gun powder? f. Kitchen: Food being prepared? What kind? (May or may not correspond with the victim's stomach contents). Partially eaten? Have utensils, glasses, plates been used? Stove on or warm? Water running? Coffee pot empty? (contents evaporated, etc.). g. Heating conditions: What type, vented or unvented? Stove used to heat area warm or cold? Thermostat, fireplace, warm or cold? Examine residue for attempts to burn evidence. h. Signs of a party: Bottles (labels, brands, types of liquor, etc.). Cups, glasses, their contents, number, lipstick, how many places set? i. Contents of ash trays: Cigarette packs or butts, brands, way in which cigarettes have been extinguished, marks of lipstick. 	

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<ul style="list-style-type: none"> s. Presence of items that "Do Not Belong": Many suspects in the excitement of the moment will leave items of great evidential value. Do not overlook this possibility. In a recent murder case, evidence which had been exposed to the elements for almost a week, yielded latent fingerprints that positively connected the suspect to the crime. Investigators should cause a canvass of the neighborhood for witnesses (businessmen, neighbors, etc.). t. Ransacking: To what degree, if any, has the residence been ransacked? Was anything stolen? (Relatives, neighbors, etc., are often able to shed light on this). u. Hiding places for weapons which the suspect may have concealed quickly: Check behind stoves, on top of high furniture, behind books in a bookcase, among bedclothes, on the bed, behind the water heater, in closets, etc. <p>5. Personal information: Is the victim married? Determine as much about the state of the marriage as possible, i.e., unhappy marriage, nagging wife, husband who drinks, extramarital relations, anything that would shed light upon a possible motive. Is there a suicide note? If so, obtain handwriting samples. Has the victim threatened suicide or been despondent lately?</p> <p>6. Rural-type areas: Many problems present in populated areas will also be found in rural areas. There are, however, some significant differences:</p> <ul style="list-style-type: none"> a. Accessibility. b. Length of time body may have been there prior to being discovered may have brought about major physiological changes (decomposition, attacks by animals, etc.) 	<p>NOTE: Do not cut the victim down until all aspects have been covered. When you do, do not cut at the knot. The knot may be a clue. Certain knots are characteristic of trades - sailors, truckers, ranchers, loggers, etc.</p>

Learning Goal 10.17.0 : The student will understand and have a working knowledge of the responding officer's tasks in a homicide investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>c. Use care not to disturb ground that may have footprints, tiretracks, etc.</p> <p>d. Aerial photographs can be used in almost any case. They may provide information for the investigator and are effective when presented to a jury.</p> <p>7. Evidence.</p> <p>There are many "schools of thought" regarding who should book the evidence found at a crime scene. Each opinion has its individual strong points and, for this reason, no set rule is even considered. Generally, if at all practical, the removal and booking of evidence should be restricted to the investigating officer in charge.</p> <p>When evidence is discovered by persons other than the investigator, these items should, if possible, be pointed out to the investigator for his removal and booking to eliminate a long list of persons finding evidence, booking evidence, and eventual court appearances by all of them.</p> <p>There are, however, circumstances where the finder should book it rather than give it to the investigator and this, of course, reduces the chain of continuity to a minimum and insures little difficulty in having it received by the court.</p> <p>In all cases, if items have been tampered with by the finder, the finder should book the evidence.</p> <p>H. Wrap-Up at Scene</p> <p>1. Before leaving the scene, make note of:</p> <p>a. The make, model, color, and license numbers of vehicles parked in the area, if practicable. One of them could be the suspect's if he was frightened off without being able to take it.</p>	

Learning Goal 10.17.0 : The student will understand and have a working knowledge of the responding officer's tasks in a homicide investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> b. Make a sketch of the outdoor scene and immediate neighborhood. This will allow the placing of witnesses, vehicles and houses on the drawing and give an overall picture of what might have been seen. 2. Countless cases have been solved by information supplied by witnesses. However, first the witnesses must be located. This often involves what is called a "house to house" interview. A thorough and methodical procedure must be utilized to insure that all possible witnesses are contacted. <ul style="list-style-type: none"> a. The occupants of every home, apartment, business, etc. in the area must be talked to by an officer and their names and statements regarding the incident obtained. b. Additionally, the question should be posed; "Who else lives here?" If that person is not present at the time, a "call back" must be made at a later time. The same applies if the people are not home when the first attempt is made to contact them. c. The victim's friends, relatives and neighbors may be hesitant to point the finger of suspicion at a person who has aroused their suspicions. <ul style="list-style-type: none"> (1) Point out that what they say will be investigated discreetly. (2) Ask if they have any theories or "hunches" regarding the case; if so, ask what gave them that feeling. (3) Encourage them to contact the investigating officer with any additional information, no matter how slight. 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>I. Crime Scene Re-Enactments</p> <ol style="list-style-type: none">1. One method used to obtain an idea of what occurred is to re-enact the crime, using policemen as principals. This may allow the investigators to form a picture of what went on.2. Re-enactments are especially important in shootings.3. It is also vitally important that the investigators be able to account for as many of the expended bullets as possible.<ol style="list-style-type: none">a. This accounting will allow for a stronger court presentation,b. May turn up additional evidence,c. Will help protect your agency from false claims of injury.	

Learning Goal 10.18.0 : The student will understand and have a working knowledge of the responding officer's tasks in a suicide investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>VIII. SUICIDE INVESTIGATION (10.18.0)</p> <ul style="list-style-type: none"> A. The intentional act of self-destruction by a person <ul style="list-style-type: none"> 1. "Intentional act of self-destruction" implies a conscious and deliberate termination of one's life. B. Suicide is a manner of death; not a cause of death. The cause of death is the means by which the victim caused his/her own death. Such means of causing death could be: <ul style="list-style-type: none"> 1. Hanging 2. Shooting 3. Jumping 4. Overdose C. Suicide Determination/Investigative Factors <ul style="list-style-type: none"> 1. The determination that the death is a suicide is established by: <ul style="list-style-type: none"> a. An orderly preliminary investigation and interpretation of evidence gathered at the scene of death. b. The results of investigation made: <ul style="list-style-type: none"> (1) On the autopsy table (2) In the Toxicology Laboratory c. The elimination of natural, accidental, and homicidal means. d. The demonstration of facts consistent with self-destruction. 	<p>NOTE: No single finding in the investigation is an absolute proof of suicide.</p>

Learning Goal 10.18.0 : The student will understand and have a working knowledge of the responding officer's tasks in a suicide investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>2. "Equivocal Suicide" describes cases where the decision of the manner of death is in doubt and is uncertain.</p> <p>a. In other words, suicide is a possibility, but there could be more than one interpretation:</p> <ul style="list-style-type: none"> (1) Natural Causes (2) Accident (3) Homicide <p>b. These cases involve a great deal of time spent in:</p> <ul style="list-style-type: none"> (1) Extensive field investigation in which an attempt is made to: <ul style="list-style-type: none"> (a) Reconstruct the victim's background. (b) Delve into the victim's personal relationships. (c) Study the personality traits, character, and lifestyle of the victim. (d) Obtain detailed information regarding the events which occurred in the days and hours prior to the victim's death. (2) Painstaking evaluative judgment as to the victim's intentions. <p>3. Family members and friends are sometimes the reason a determination of suicide is not made despite evidence proving the contrary:</p>	

Learning Goal 10.18.0 : The student will understand and have a working knowledge of the responding officer's tasks in a suicide investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> a. They have, on occasion, directly suppressed evidence through such means as: <ul style="list-style-type: none"> (1) Evasion (2) Denial (3) Concealment or destruction of such evidence as: <ul style="list-style-type: none"> (a) Empty medication containers (b) Suicide notes b. In strongly identifying with the bereaved family, and in the face of obvious evidence proving suicide, the inexperienced investigator has often concluded that the death was "probably not suicide". 4. The final determination of suicide remains as a medico-legal opinion. <ul style="list-style-type: none"> a. This opinion is, at best, subjective and is made only after a painstaking evaluation of all available evidence. b. When there is nothing to prove the death as accidental or suicidal, a presumption is made that the death is accidental. D. Autopsy <ul style="list-style-type: none"> 1. An autopsy is not performed on all suicides, however, if the following questions receive an affirmative answer, the performing of an autopsy is quite unlikely: <ul style="list-style-type: none"> a. Has the possibility of homicide been effectively eliminated? <ul style="list-style-type: none"> (1) For instance, an autopsy can not confirm whether a person jumped or was pushed in a fall. 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>b. Is there substantial evidence of the cause of death without autopsy?</p> <p>(1) For instance:</p> <p>(a) An obvious gunshot wound to the head</p> <p>(b) A crushing injury</p> <p>(c) A high toxic reading</p> <p>1) It is possible to obtain a toxicology specimen without autopsy. Specimens can be obtained from such things as saliva and blood and tissue smears.</p> <p>c. Is it likely that litigation concerning the cause and manner of death will occur?</p> <p>(1) For instance, the question of whether a death is homicide or suicide can involve a survivor's inheritance.</p> <p>d. In the event of litigation, is the evidence of suicide strong enough to stand scrutiny in court?</p> <p>E. Suicide Notes</p> <p>1. Must be handled with care so that they can be processed for:</p> <p>a. Fingerprints</p> <p>b. Handwriting analysis</p> <p>(1) Obtain samples of victim's handwriting.</p> <p>2. Keep in mind that a suicide note may have been written under duress. (Homicide/Suicide)</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>3. If the note is not readily available, consider that:</p> <ul style="list-style-type: none"> a. The note could be a substantial distance from the victim. b. The note could be hidden or destroyed by relatives/friends (usually for insurance reasons). c. The note could be received in the mail several days later. <p>F. Types of Suicides, Things to Check for, and Procedures Involved When Determining.</p> <ul style="list-style-type: none"> 1. Firearms <ul style="list-style-type: none"> a. Check for the following: <ul style="list-style-type: none"> (1) Wound consistent with the firearm (2) Position of the weapon in relation to the position of the victim. (3) Ownership of the firearm (4) Whether or not victim had knowledge of firearm operation. (5) Other weapons on the premises (6) Varying amounts of powder burns around the entrance of the wound. (Homicide/Suicide) b. Officer procedure: <ul style="list-style-type: none"> (1) Cover the victim's hands with paper bags for future gunshot residue test. (Homicide/Suicide) 2. Overdose (Can be easily confused with accidental death) 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> a. Check for the following: <ul style="list-style-type: none"> (1) Whether the victim made intentions known. <ul style="list-style-type: none"> (a) Suicide cases usually do make their intentions known. b. Officer procedure: <ul style="list-style-type: none"> (1) Locate drugs and determine: <ul style="list-style-type: none"> (a) Their date of issue (b) How many were used (2) Secure all suspicious drugs 3. Hanging <ul style="list-style-type: none"> a. Check for the following: <ul style="list-style-type: none"> (1) Neck will stretch depending on length of time. (2) Marks on neck should be high. b. Officer Procedure: <ul style="list-style-type: none"> (1) Save knot for evidence. 4. Jumping (Very difficult to determine whether accidental or homicidal.) <ul style="list-style-type: none"> a. Check for the following: <ul style="list-style-type: none"> (1) Signs of a struggle and prints in the area from which the jump occurred. 5. Slashing of Wrists (Common in bathrooms) <ul style="list-style-type: none"> a. Check for the following: <ul style="list-style-type: none"> (1) Hesitation marks 	

Learning Goal 10.18.0 : The student will understand and have a working knowledge of the responding officer's tasks in a suicide investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>6. Carbon monoxide</p> <p>a. Common utilization of:</p> <p>(1) Hose carrying exhaust fumes from exhaust pipe into car when car is in an enclosed area.</p> <p>7. Fire</p> <p>a. Common utilization of:</p> <p>(1) Combustible material by pouring over self and ignite.</p> <p>8. Moving vehicles</p> <p>a. Common means:</p> <p>(1) Victim leaps in front of a train, motor vehicle, etc.</p> <p>(2) Victim drives a vehicle into a fixed object.</p> <p>G. General Assumptions to Consider</p> <p>1. Men usually choose firearms and women usually choose drugs.</p> <p>2. Most victims usually select the front part of the body for attack.</p> <p>3. A female will tend to avoid disfiguring the face.</p> <p>4. Relatives find suicide a difficult manner of death to accept.</p> <p>H. Classroom Demonstration</p> <p>1. Set up the classroom for a simulation of a possible suicide.</p>	<p>10.18.1</p> <p>Given a practical exercise, the student will satisfactorily perform those tasks delegated to a field officer responding to an apparent suicide.</p>

Learning Goal 10.18.0 : The student will understand and have a working knowledge of the responding officer's tasks in a suicide investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none">a. Choose two students to conduct the investigation.b. Setting: You have been called on a possible suicide. You are met by the roommate of the victim, Jim Marking, who relates that the victim has been despondent after losing his job and girlfriend.c. Environment/Props<ul style="list-style-type: none">(1) Body on the floor(2) Suicide note(3) Gun lying by the body <p>2. Have the other students watch and evaluate the suicide preliminary investigation for discussion at the end of the demonstration.</p>	

Learning Goal 10.20.0 : The student will understand and have a working knowledge of the responding officer's tasks in a poisoning investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>IX. POISONING INVESTIGATION (10.20.0)</p> <p>A. Importance of the Preliminary Investigation</p> <ol style="list-style-type: none"> 1. The preliminary investigation of a poisoning occurrence can be of critical importance in saving the victim's life. <ol style="list-style-type: none"> a. Trained investigators can easily detect some poisons. b. Medical practitioners, in order to administer appropriate treatment, will depend on the officer's ability to locate quickly and possibly to identify the poison. 2. The preliminary investigation is critical when proving a poisoning to be accidental or intentional. <ol style="list-style-type: none"> a. The available physical evidence, carefully collected and identified, can indicate whether the poisoning is: <ol style="list-style-type: none"> (1) Suicide (2) Homicide (3) Child endangering (4) Accidental 3. The preliminary investigator should handle all suicides and unnatural deaths as potential homicides. <ol style="list-style-type: none"> a. Once it has been revealed that a murder has been committed, careful consideration must be given to the case because: <ol style="list-style-type: none"> (1) Establishing a suspect and proving guilt may be particularly difficult as circumstantial evidence may provide the only clue(s) to the murder. 	<p>NOTE: Veteran Pathologists and toxicologists may overlook the presence of poison within a victim.</p>

Learning Goal 10.20.0 : The student will understand and have a working knowledge of the responding officer's tasks in a poisoning investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>(2) There is rarely a witness to a poisoning.</p> <p>B. Classification of Poisons</p> <p>1. Inorganic poisons, such as:</p> <ul style="list-style-type: none">a. Cyanideb. Arsenicc. Mercuric Chlorided. Antimony Compoundse. Lead Saltsf. Phosphorous <p>2. Gaseous poisons, such as:</p> <ul style="list-style-type: none">a. Carbon Monoxideb. Illuminating Gasc. Hydrogen Sulfided. Sulfur Dioxide <p>3. Solvents, such as:</p> <ul style="list-style-type: none">a. Chloroformb. Etherc. Acetoned. Benzenee. Carbon Disulfidef. Carbon Tetrachloride	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>4. Organic poison, such as:</p> <ul style="list-style-type: none"> a. Salicylates b. Barbiturates c. Narcotics d. Strychnine e. Nicotine <p>C. Poison Symptoms</p> <ul style="list-style-type: none"> 1. Symptoms may be ascertained by: <ul style="list-style-type: none"> a. Victim's friends b. Victim's family c. Victim's acquaintance(s) d. Attending physician 2. Symptoms include: <ul style="list-style-type: none"> a. Vomiting b. Abdominal pains c. Convulsions d. Coma e. Delirium 3. The recording of symptoms should include all information concerning the victim's actions immediately prior to death or unconsciousness. <ul style="list-style-type: none"> a. A chance remark, in relating the symptoms to the officer, may provide the information necessary to permit a toxicologist to make a calculated guess at the first step in determining the type of poison used. 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>D. Preliminary Investigative Handling of Poison Evidence</p> <ol style="list-style-type: none"> 1. In every suspected poisoning case, the officer should make an immediate search for: <ol style="list-style-type: none"> a. The possible source(s) of the poison agent. b. The container(s) for such. 2. When the source of the poison agent is located, it should be isolated. <ol style="list-style-type: none"> a. If the source is identified, notify concerned medical personnel immediately. b. If the source is not identified, immediately have the suspected substance transported as quickly as possible to one of the following: <ol style="list-style-type: none"> (1) Police crime laboratory (2) Medical laboratory (3) Emergency facility where victim is treated 3. Materials suspected as evidence should also be collected. These could include: <ol style="list-style-type: none"> a. All the contents of a medicine chest b. Freshly used drinking glasses c. Partially empty or empty beverage bottles d. Used spoons e. Foods or beverages 4. All evidence should be photographed before being collected and identified. 	<p>NOTE: Be sure to maintain a proper chain of custody.</p>

Learning Goal

10.20.0 : The student will understand and have a working knowledge of the responding officer's tasks in a poisoning investigation.

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Learning Goal 10.20.0 : The student will understand and have a working knowledge of the responding officer's tasks in a poisoning investigation.

Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> a. Notify the fire department for a washdown and chemical neutralization, if necessary. 8. If the poisoning is criminally connected or there is suspicion of foul play: <ul style="list-style-type: none"> a. Use the basic preliminary investigative techniques. b. Do not overlook the possibility of latent prints. c. If the victim is in critical condition, accompany him/her to the medical facility in case a dying declaration is made. F. Classroom Demonstration <ul style="list-style-type: none"> 1. The instructor should set up the room to give a demonstration of a poisoning situation. 2. Role players: <ul style="list-style-type: none"> a. The victim role player, who has taken poison, goes through convulsions. b. Two officers should be picked as investigators. 3. The students should then evaluate the officers as they conduct the demonstration. 	

Learning Goal 10.22.0 : The student will understand and have a working knowledge of the officer's tasks in child physical abuse and neglect, child sexual abuse and exploitation investigations.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>X. NEGLECT</p> <p>A. Overview</p> <p>Physical neglect is the failure of a parent or caretaker to provide a child with adequate food, shelter, clothing, protection, supervision, medical, and dental care.</p> <p>Neglect is a difficult concept to define. Parents neglect some aspect of their child's needs at some time. However, in situations where the person(s) legally responsible for the child fail to provide the minimum physical and emotional support necessary for the adequate care of that child, the law requires law enforcement agencies to act in protecting that child.</p> <p>Child neglect is the most common form of child abuse and therefore law enforcement officers may become involved in a variety of such cases.</p> <p>Child neglect can be equally as dangerous as physical abuse. Serious physical and mental trauma can result from neglect. A neglected child, as well as the physically and/or sexually abused child, may often experience a life of emotional problems, delinquency, and adult crimes.</p> <p>Although the statistical data to describe the magnitude of child abuse across the nation is, at best, inconsistent, the probability of child abuse as a leading cause of death appears to be generally accepted. Official state and national statistics identify causes of death mainly in medical terms (per "International Classification of Diseases" listings). For this reason, child abuse data is difficult to extract. For instance, a child whose death is officially recorded as pneumonia may, in fact, have contracted the illness as a result of being poorly clothed, fed, sheltered, and medically neglected. Many child abuse experts feel that abuse or neglect may well be the underlying cause of death in many cases listed otherwise in the major medical categories.</p>	<p>10.22.1</p> <p>Given a practical exercise, the student will satisfactorily accomplish all tasks delegated to a field officer responding to an alleged child sexual abuse, physical abuse, or exploitation.</p>

Learning Goal 10.22.0: The student will understand and have a working knowledge of the officer's tasks in child physical abuse and neglect, child sexual abuse and exploitation investigations.

Unit Outline & Presentation	Objectives & Instructional Cues
<p>B. Definitions</p> <ol style="list-style-type: none"> 1. "Neglect" means the negligent treatment or maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person. <ol style="list-style-type: none"> a. "Severe neglect" means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed nonorganic failure to thrive. "Severe neglect" also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, as proscribed by subdivision (d) including the intentional failure to provide adequate food, clothing, shelter, or medical care. b. "General neglect" means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where <u>no physical injury to the child has occurred.</u> <p>For the purposes of this chapter, a child receiving treatment by spiritual means as provided in Section 16509.1 of the Welfare and Institutions Code or not receiving specified medical treatment for religious reasons, shall not for that reason alone be considered a neglected child. An informed and appropriate medical decision made by parent or guardian after consultation with a physician or physicians who have examined the minor shall not constitute neglect.</p>	<p>PC 111665 Definitions</p>

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>C. The Law</p> <p>1. Penal Code Section 270. Failure to provide--summarized.</p> <p>If a parent of a minor child willfully omits, without lawful excuse, to furnish necessary clothing, food, shelter, or medical attention, or other remedial care for his or her child, he or she is guilty of a misdemeanor punishable by a fine not exceeding \$2,000, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.</p> <p>If a parent has notice of a final adjudication in either a civil or criminal action and then willfully omits without lawful excuse to furnish necessary clothing, food, shelter, medical attention, or other remedial care for his or her child, this conduct is punishable by imprisonment in the county jail, not exceeding one year or in a state prison for a determinate term of one year and one day, or by a fine not exceeding \$2,000 or by both fine and imprisonment. A parent who does not have legal custody of a child is not relieved from such criminal liability.</p> <p>2. Penal Code Section 273a. Willful cruelty--summarized.</p> <p>a. 273(a)(1) - Felony</p> <p>Any person, who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured or willfully causes or permits such</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>child to be placed in such situation that its person or health is endangered, is punishable by imprisonment in the county jail not exceeding one year, or in state prison for two, four or six years.</p> <p>b. 273(a)(2) - Misdemeanor</p> <p>Any person, who under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured or willfully causes or permits such child to be placed in such situation that its person or health may be endangered, is guilty of a misdemeanor.</p> <p>D. Civil Protections</p> <p>1. Welfare and Institutions Code Section 300 (dependency proceedings)</p> <p>California Welfare and Institutions Code Section 300 provides:</p> <p>Any person under the age of 18 years who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge such person to be a dependent child of the court:</p> <p>(a) Who is in need of proper and effective parental care or control and has no parent or guardian, or has no parent or guardian willing to exercise or capable of exercising such care or control, or has no parent or guardian actually exercising such care or control. No parent shall be found to be incapable of exercising proper and effective parental care or control solely because of a physical disability,</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>including, but not limited to, a defect in the visual or auditory functions of his or her body, unless the court finds that the disability prevents the parent from exercising such care or control.</p> <p>(b) Who is destitute, or who is not provided with the necessities of life, or who is not provided with a home or suitable place of abode.</p> <p>(c) Who is physically dangerous to the public because of a mental or physical deficiency, disorder, or abnormality.</p> <p>(d) Whose home is an unfit place for him by reason of neglect, cruelty, depravity, or physical abuse of either of his parents, or of his guardian or other person in whose custody or care he is.</p> <p>(e) Who has been freed for adoption by one on both parties for 12 months by either relinquishment or termination of parental rights and for whom an interlocutory decree has not been granted pursuant to Section 224n of the Civil Code or an adoption petition has not been granted."</p> <p>Under the provisions above, a police officer may, in order to protect a child under 18 from further abuse or neglect, take a child into temporary protective custody without a warrant. (Welfare and Institutions Code Section 305)</p> <p>E. Child Neglect Indicators</p> <p>1. Physical Indicators</p> <p>a. Neglect may be suspected if the following conditions exist:</p> <p>(1) Lack of adequate medical or dental care.</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> (2) Chronically sleepy or hungry. (3) Chronically dirty, poor personal hygiene, inadequate dress for weather conditions. (4) Evidence of poor supervision: e.g., child is left alone in the home, or unsupervised under any circumstances; (repeated falls down stairs, repeated ingestions of harmful substances, a child cared for by another child, left in car, street, etc.) (5) Conditions in home constitute a health hazard (garbage, animal, or human excretion). (6) Home lacks heating or plumbing. (7) Fire hazards or other unsafe home conditions. (8) Inadequate sleeping arrangements (i.e., dirty, lack of appropriate bedding, etc.) (9) Nutritional quality of food in home is poor. (10) Spoiled food in refrigerator or cupboards. <p>While some of these conditions may exist in the home environment, it is the extreme or persistent presence of these factors that indicate some degree of neglect.</p> <p>Extreme conditions resulting in an "unfit home" constitute "severe neglect" and may justify protective custody and dependency proceedings under Welfare and Institutions Code Section 300, as well as criminal neglect charges.</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>Disarray and an untidy home do not necessarily mean the home is unfit.</p> <p>b. Failure to Thrive</p> <p>Infants or young children who are much smaller than would be expected at a particular age can be a difficult diagnostic problem for physicians. After excluding those infants who are small because they were small at birth, there are children who are small because of a failure to meet their nutritional needs and/or failure to meet their emotional needs.</p> <p>These children may also demonstrate delayed development and abnormal behavior. Some of the small children, however, do have hidden medical problems.</p> <p>Hospitalization may be required to screen for significant medical illness and, more important, to see if the child responds to adequate nutrition or nurturing.</p> <p>The medical evaluation consists of more than weighing and measuring the baby. The behaviors and interaction of the child and the parent should be observed.</p> <p>If no intervention occurs, the child may be endangered. Emotional disorders, school problems, retardation, and other forms of dysfunction may result.</p> <p>2. Behavioral Indicators</p> <p>a. Development lags</p> <p>b. Extremes in behavior</p> <p>c. Infantile behavior</p> <p>d. Depressed/apathetic</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> e. Begs/steals food f. Seeks excessive attention/affection g. Chronic absence/tardiness at school 3. Parent/Caretaker characteristics <ul style="list-style-type: none"> a. Apathetic/passive b. Unresponsive attitude c. Depressed d. Unconcerned for child e. Socially/physically isolated f. Substance abuse g. Irrational/bizarre behavior F. Investigation <ul style="list-style-type: none"> 1. Assessment of Neglect <ul style="list-style-type: none"> a. Initial complaint <ul style="list-style-type: none"> (1) Reporting party (2) Witnesses (3) Emergency situation (4) Chronic/non-emergency (5) Absence of/or location of parent/caretaker b. Determine need for immediate medical attention c. The ability of child to care for himself 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> (1) Determine whether the children are left during daylight or early evening hours for short periods or whether they are left for long periods late at night. (2) Determine whether the children know how to contact the parent, caretaker, or some other responsible party. (3) Determine whether the children have access to sufficient food, shelter, clothing, heat, water, etc. (4) Determine whether the children are inadequately supervised for long periods of time; engaged in dangerous activities; or left in the care of other children too young to protect them. <p>d. Age of child(ren)</p> <ul style="list-style-type: none"> (1) Determine whether the ages of the children suggests that the older children are capable of overseeing the activities of younger children. Capability and maturity may be more important than age since in some families and in some ethnic sub-cultures children are trained at a relatively young age to care for the younger siblings, and they may do it competently, despite their age. (2) Determine whether any of the children are infants, pre-school age, or have other special needs for supervision and care (e.g., medication). <p>e. Support resources available</p> <p>f. Prior contacts:</p> <ul style="list-style-type: none"> (1) Child welfare services 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> (2) Law enforcement (3) Probation 2. Collection and Preservation of Evidence <ul style="list-style-type: none"> a. Evaluate the <u>entire</u> living environment <ul style="list-style-type: none"> (1) Determine (observe and document) <ul style="list-style-type: none"> (a) Condition and adequacy of shelter (b) Condition and adequacy of clothing (c) Presence and condition of utilities (d) Presence of adequate plumbing (e) Presence of safety/health hazard (e.g., poisons, weapons, controlled substances) (2) Evaluate and collect <ul style="list-style-type: none"> (a) Presence and condition of food (b) Presence of health hazards <ul style="list-style-type: none"> - cockroaches/vermin/fleas - undisposed human/animal feces (c) Presence and condition of clothing (d) Presence and condition of bedding b. Observe and document physical condition of victim <ul style="list-style-type: none"> (1) Adequacy of dress for weather conditions 	<p>Present prepared slides, photos of neglect situation.</p>

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Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> (2) Appearance and health of child (3) Severe diaper rash, skin disorders, poor personal hygiene. (4) Size of child is appropriate for age (5) Apparent lack of medical or dental care c. Obtain statements <ul style="list-style-type: none"> (1) Reporting party (2) Victim (s) (3) Parent/Caretaker (4) Neighbors/relatives (5) Other professionals d. Do background/records check <ul style="list-style-type: none"> (1) Child welfare services (2) State Child Abuse Central Index (DOJ) (3) Law enforcement (4) Schools (5) Health facilities e. Gather physical evidence <ul style="list-style-type: none"> (1) Photograph or video living environment and/or victim (2) Sketches/Diagrams (3) Collect clothing/bedding (4) Food condition (samples) (5) Observed health/safety hazards 	<p>Slides/Pictures of overall environment and specific areas of neglect.</p>

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<p>f. Gather medical information</p> <ol style="list-style-type: none"> (1) Examination reports (2) History (3) Physician's observations and statements <p>G. Investigative responsibility</p> <ol style="list-style-type: none"> 1. Severe neglect - Requires cross reporting and law enforcement intervention. 2. General neglect - Requires report to child welfare services for appropriate action. <p>H. Special Considerations</p> <ol style="list-style-type: none"> 1. Poverty <p>NOTE: <u>Care should be taken to distinguish neglect from poverty. Inability to provide a child with material comforts does not constitute child neglect. Conversely, the officer should be aware that being poor in itself does not excuse neglect.</u></p> 2. Family background <p>NOTE: <u>Care should be taken to distinguish neglect from Sudden Infant Death Syndrome. SIDS occurs occasionally in infants, usually two-weeks to six- months of age, death occurs due to the infants unexplained cessation of breathing. death usually occurs when the infant is sleeping.</u></p> 3. Cultural/socio-economic differences 4. Religious beliefs 5. Ignorance 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>XI. EMOTIONAL ABUSE/DEPRIVATION</p> <p>A. Overview and Definition</p> <ol style="list-style-type: none"> 1. Just as physical injuries can scar and incapacitate a child, emotional cruelty can similarly cripple and handicap a child emotionally, behaviorally, and intellectually. Severe psychological disorders have been traced to excessively distorted parental attitudes and actions. Emotional and behavioral problems, in varying degrees, are very common among children whose parents abuse them emotionally. Excessive verbal assaults (belittling, screaming, threats, blaming, sarcasm), unpredictable responses (inconsistency), continual negative moods, constant family discord, and double-message communication are examples of ways parents may subject their children to emotional abuse. 2. Emotional deprivation has been defined as "....the deprivation suffered by children when their parents do not provide the normal experiences producing feelings of being loved, wanted, secure, and worthy." <p>B. Laws</p> <ol style="list-style-type: none"> 1. 273a(1) P.C. - Felony <ol style="list-style-type: none"> a. Any person, who, under circumstances or conditions likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured or willfully causes or permits such child to be placed in such situation that its person or health is endangered, is punishable by imprisonment in the county jail not exceeding one year, or in state prison for two, four or six years. 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>b. 273(a)(2) P.C. - Misdemeanor</p> <p>Any person, who under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of such child to be injured or willfully causes or permits such child to be placed in such situation that its person or health may be endangered, is guilty of a misdemeanor.</p> <p>2. 300 WIC</p> <p>(a) Who is in need of proper and effective parental care or control and has no parent or guardian, or has no parent or guardian willing to exercise or capable of exercising such care or control, or has no parent or guardian actually exercising such care or control. No parent shall be found to be incapable of exercising proper and effective parental care or control solely because of a physical disability, including, but not limited to, a defect in the visual or auditory functions of his or her body, unless the court finds that the disability prevents the parent from exercising such care or control.</p> <p>(d) Whose home is an unfit place for him by reason of neglect, cruelty, depravity, or physical abuse of either of his parents, or of his guardian or other person in whose custody or care he is.</p> <p>3. 11166(b) PC</p> <p>Permits reporting of emotional abuse and deprivation.</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>C. Behavioral Indicators</p> <ol style="list-style-type: none"> 1. Victims (Emotional Abuse) <ol style="list-style-type: none"> a. Withdrawn, depressed, apathetic b. "Acts out," and considered a "behavior problem" c. Overly compliant d. Speech disorders e. Rocking, headbanging, habit disorders f. Self destructive g. Comments on behavior ("I'm always told I'm bad") <p>The behavior patterns mentioned may be due to other causes, but the possibility of abuse should be considered.</p> 2. Victims (Emotional Deprivation) <ol style="list-style-type: none"> a. Eating disorders b. Developmental problems c. Displays antisocial behavior d. Attention/Affection-seeking behavior e. Displays exaggerated fears 3. Parental/caretaker characteristics <ol style="list-style-type: none"> a. Parents/caretakers placing demands on child which are based on unreasonable or impossible expectations b. Child is used as a "battleground" in marital conflicts 	

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<ul style="list-style-type: none"> c. Role reversal of parent and child d. Parents ignoring, threatening, and rejecting their child(ren), regardless of the reason e. Irrational/bizarre behavior 4. Home Environment Characteristics <ul style="list-style-type: none"> a. Domestic violence b. Alcohol/substance abuse c. Criminal environment e. Prostitution f. Promiscuity g. Gambling D. Investigations <ul style="list-style-type: none"> 1. Gather evidence <ul style="list-style-type: none"> a. Public/private school records b. Psycho/social evaluations c. Psychiatric statements d. Other statements e. Observations f. Background records g. Photographs of victim and/or living conditions h. Other physical evidence (restraints, etc.) 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>E. Special Considerations</p> <ol style="list-style-type: none">1. Pre-existing diagnosed mental/emotional conditions<ol style="list-style-type: none">a. Childb. Parent2. These cases are typically the most difficult to substantiate and cumulative documentation by witnesses and professionals is imperative.	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>XII. PHYSICAL ABUSE</p> <p>A. Overview</p> <p>Inflicted physical injury most often represents unreasonably severe corporal punishment. This usually happens when the parent is frustrated or angry and shakes, throws, or strikes a child. Other forms of punishment may also place a child in a situation where injury occurs or the child is endangered.</p> <p>The combination of physical punishment and rage is ineffective as a disciplinary tool. Experts agree that while physical punishment and rage have the immediate effect of interrupting the child's behavior, the deterrent effect is not long-term. In addition, the use of excessive corporal punishment may teach a child to resolve conflicts violently. Physical punishment may be effective in relieving parental tension more than in disciplining the child. Moreover, it may frequently leave the parent with feelings of guilt and remorse.</p> <p>Many believe that all corporal punishment is abusive. Others believe it is a useful method of discipline under restrained conditions. Discipline and punishment are not the same. Parents and children need to establish mutual respect and rules of behavior. Some techniques suggested for maintaining good discipline are: giving choices; suggesting substitutes; giving face-saving commands; removing tempting objects; setting up rituals and cooperative activities; being sensitive to a child's needs and values; and keeping a sense of fair play. Numerous books and articles are available through your local Child Abuse Council.</p> <p>B. Definition</p> <p><u>Trauma:</u></p> <p>An internal or external injury or wound brought about by an outside force. Usually trauma means injury by violence, but it may also apply to the wound caused by any surgical procedure.</p>	

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<p>Trauma may be caused accidentally or, as in a case of physical abuse, non-accidentally. Trauma is also a term applied to psychological discomfort or symptoms resulting from an emotional shock or painful experience.</p> <p>C. The Law</p> <ol style="list-style-type: none"> 1. 273a "Willful cruelty or unjustifiable punishment of a child" means a situation where any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered. 2. 273d "Corporal punishment or injury" means a situation where any person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition. <p>D. Assessment</p> <p>There are a number of indicators of physical abuse. The presence of unexplained, inconsistent or incompatible explanations of injuries assist the officer in determining the appropriate course of action. Some indicators may be consistent with accidents, so care must be taken to insure consultation with medical experts.</p> <p>E. Indicators</p> <ol style="list-style-type: none"> 1. Types of Injuries <ol style="list-style-type: none"> a. Bruises and welts <ol style="list-style-type: none"> (1) Bruises on an infant, especially facial bruises (2) Bruises on the posterior (back area) side of a child's body 	

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<p>(3) Bruises in specific patterns that might resemble the instrument used (e.g., hand, belt buckle, wire, coat hanger, etc:)</p> <p>(4) Clustered bruises indicating repeated contact with a hand or instrument</p> <p>(5) Bruises in various stages of healing, as indicated by differing shades of skin discoloration. Such bruises indicate injuries occurring at different times, which might be consistent with a pattern of abuse.</p> <p>The timing or age dating of bruises can be an important factor. The following are approximations, but can be used as a rough guide:</p> <table> <tr> <td>Immediate - few hours</td><td>red</td></tr> <tr> <td>Soon - 6 to 12 hours</td><td>blue</td></tr> <tr> <td>Later - 12 to 24 hours</td><td>black-purple</td></tr> <tr> <td>4 - 6 days</td><td>green tint</td></tr> <tr> <td>5 - 10 days</td><td>pale green to yellow</td></tr> </table> <p>(6) Bruises which are bilateral (i.e., found on more than one side of the body) or on multiple surfaces of the body</p> <p>(7) Bite marks, pinch marks, hair pulled out</p> <p>(8) The location of the bruise(s) which are not compatible with the age, growth, and development of the child.</p>	Immediate - few hours	red	Soon - 6 to 12 hours	blue	Later - 12 to 24 hours	black-purple	4 - 6 days	green tint	5 - 10 days	pale green to yellow	
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<p>(9) Defense bruises (forearms held to protect buttocks, etc.)</p> <p>b. Burns</p> <p>(1) Immersion burns indicating dunking in a hot liquid ("stocking" burns on the arms or legs, "doughnut" shaped burns on the buttocks; any burn which stops at a distinct boundary line)</p> <p>(2) Cigarette burns</p> <p>(3) Rope burns</p> <p>(4) Dry burns (no blisters)</p> <p>(5) Scalding burns ("zebra burns")</p> <p>(6) Donut shaped burns</p> <p>(7) Splash burns</p> <p>(8) Pattern burns</p> <p>c. Fractures/Sprains</p> <p>(1) Any fracture in a young child should be suspect</p> <p>(2) Long bone (arm and leg)</p> <p>(a) Spiral</p> <p>(b) Chip</p> <p>(3) Rib fractures</p> <p>(4) Fractures in various stages of healing</p> <p>(5) Skull fractures</p> <p>(6) Dislocation</p> <p>d. Lacerations and abrasions</p> <p>(1) Loop-type</p>	<p>Cautionary Note:</p> <p>Stress medical evaluation by physician experienced in non-accidental injury.</p>

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<ul style="list-style-type: none"> (2) Wraparound (3) Buckle impression (4) Instrument (5) Any laceration, abrasion, or bruise on the genitalia e. Internal injuries/pummeling <ul style="list-style-type: none"> (1) Blows to the body may cause serious internal injuries to the liver, spleen, pancreas, kidneys and other vital organs. Occasionally these injuries may cause shock and result in death. This is the second leading cause of death for victims of child abuse. Detectable surface evidence of such trauma is rarely present. Evidence of internal trauma includes: <ul style="list-style-type: none"> (a) Distended abdomen (b) Blood in urine (c) Vomiting (d) Abdominal pain (e) Shock f. Head Injuries <ul style="list-style-type: none"> Head injuries are the most common cause of child abuse-related deaths and an important cause of chronic neurological disabilities. Serious intracranial injury may occur without visible evidence of trauma on the face or scalp. Such injury may cause brain damage or death if undetected and untreated. 	

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<p>(1) Eggshell-fracture</p> <p>Skull X-rays may reveal an "eggshell" fracture of the back of the skull. Since an accidental trauma to the head usually involves impact on the shoulders also, the blow to the skull rarely produces more than a single crack. When children are slammed or thrown against a solid object the back of the head may shatter.</p> <p>(2) Subdural Hematoma - refers to trapped blood around the brain caused by a blunt force blow to the head. <u>Special caution - serious head injuries don't result from simple falls.</u></p> <p>(3) Whiplash Shaken Infant Syndrome</p> <p>This is a condition that is usually induced by violently or excessively shaking a child. The injury can also be caused by inappropriate play (such as throwing a very young child into the air, etc.). Young children have weak neck muscles and their heads are heavy in relation to their size.</p> <p>Death may result from this type of abuse. A careful post-mortem examination of every child who dies in infancy is required to detect the real cause of death.</p> <p>F. Behavioral Indicators</p> <p>1. Child</p> <p>a. Overly passive, compliant, or fearful; or at the other extreme, excessively aggressive or physically violent</p>	

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<ul style="list-style-type: none"> <ul style="list-style-type: none"> b. Attempts to hide injuries; child wears inappropriate clothing (especially in hot weather); frequently absent from school or physical education classes c. Excessive dependent or independent behavior for their age group d. Inordinate shyness, lack of curiosity, wariness of physical contact, extreme self-control 2. Parent/Caretaker <ul style="list-style-type: none"> a. Delays or fails to seek medical care for child b. Inconsistent or incompatible explanations for child's injuries c. Unrealistic expectations of the child d. Irrational, unprovoked acts of abuse by parents e. Irrational or bizarre actions G. History/Explanations <ul style="list-style-type: none"> 1. Child statement indicates that the injury was caused by abuse 2. Knowledge that a child's injury is unusual for a specific age group (e.g., any fracture in an infant) 3. Unexplained injuries (e.g., parent is unable to explain cause of injury; there are discrepancies; a third party is blamed; explanations are inconsistent with medical diagnosis.) 4. Any explanation that is inconsistent with the injury itself 5. History of previous or recurrent injuries 	

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<p>H. Investigation</p> <ol style="list-style-type: none"> 1. Level of response depends upon the following: <ol style="list-style-type: none"> a. Nature of the call (in-progress vs. old injury) b. Age of the child(ren) or special condition (e.g., developmentally disabled) c. Imminent danger to child without intervention d. Immediate need for medical attention e. Reliability and authenticity of reporting party f. History of prior reports <p>NOTE: <u>The need for a warrantless entry should be determined using the above criteria.</u></p> <ol style="list-style-type: none"> 2. Evidence Collection <p>Pertinent evidence should be collected to substantiate the alleged physical abuse. Such evidence may be:</p> <ol style="list-style-type: none"> a. Photographs of victim and/or the crime scene (Photographs of bruises should be taken several days apart to document age and severity.) b. Medical information c. Instruments/weapons that caused the injury d. Other possible evidence to substantiate the allegation (e.g., clothing) e. Statements of victim(s)/witness/parent(s) 	

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<p>f. Documentation of observations</p> <p>NOTE: <u>Consider need to obtain a search warrant.</u></p> <p>3. Medical Examination</p> <p>a. If the preliminary investigation indicates abuse, the child should be taken to a medical facility that has personnel trained in detection of child abuse (if available). The family doctor, or even the doctor at a local facility may be hesitant to diagnose a case as child abuse.</p> <p>NOTE: <u>The child should be carefully and sensitively told where he or she is being taken, why this is being done and what to expect.</u></p> <p>b. In accordance with the reporting law, medical personnel are required to fill out suspected child abuse medical report and diagram child's injuries.</p> <p>(1) A physician and surgeon or dentist or their agents and by their direction may take skeletal X-rays of the child without the consent of the child's parent or guardian, but only for purposes of diagnosing the case as one of possible child abuse and determining the extent of such child abuse.</p> <p>(2) Neither the physician-patient privilege nor the psychotherapist-patient privilege applies to information reported pursuant to this article in any court proceeding or administrative hearing.</p>	<p>Section 11171. X-rays of child; exemption from privilege</p>

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<p>c. The physician should also be encouraged to:</p> <ul style="list-style-type: none"> (1) Explain if injury is consistent with parent/caretaker's explanation and child's age, growth and development; (2) Record spontaneous statements by child to medical personnel; (3) Record inconsistent and consistent statements by parent/caretaker made to medical personnel. <p>4. Special Considerations</p> <p>Parents have a right to physically discipline their child(ren). However, if the discipline is excessive, authorities have the responsibility to intervene. Considerations include:</p> <ul style="list-style-type: none"> a. Discipline results in physical injury b. Severity and amount of discipline c. Age of the child being disciplined d. Instrument(s) used (if any) e. Location of the injury on the child 	

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<p>XIII. SEXUAL ABUSE AND EXPLOITATION OF CHILDREN</p> <p>A. Definitions</p> <p><u>Sexual Abuse:</u> Sexual abuse (child molestation) is described as contact with a child where the child is being used for sexual stimulation of the other person. Sexual abuse can be committed by a person of any age. The abuser is often older than the victim and/or in a position of authority over the child.</p> <p><u>Sexual Exploitation of Children:</u> Refers to the sexual abuse of a child who is not developmentally capable of understanding or resisting the contact or who is emotionally and/or physically dependent upon the offender. Sexual exploitation generally involves premeditation on the part of the offender. The more graphic forms are child pornography, child prostitution, and child sex rings.</p> <p><u>Incest:</u> Defined and interpreted by the courts as marriage or acts of intercourse between the following persons: Parents and children; ancestors and descendants; brothers and sisters of half or whole blood; and uncles and nieces or aunts and nephews. (Civil Code Section 4400)</p> <p><u>Extra-Familial Sexual Abuse:</u> Refers to sexual abuse between a child and another that takes place outside of the family.</p> <p><u>Intra-Familial Sexual Abuse:</u> Refers to sexual abuse between the child victim and another that takes place within the family.</p> <p><u>Child Pornography:</u> Refers to any visual or print medium that depicts children under 18 years of age involved in sexually explicit activities. In most instances child pornography includes photographs, films, or video tapes of children being sexually abused. The children represented in child pornography have not reached the age of consent (18 years of age). It may be commercial or non-commercial.</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>Pedophile: An individual who <u>prefers</u> sexual contact with children and whose sexual fantasies and erotic imagery focuses on children.</p> <p>B. Myths/Misconceptions</p> <ol style="list-style-type: none"> 1. Victim <ol style="list-style-type: none"> a. The child contributes to his/her own victimization through seductive behavior b. Children fantasize about sexual encounters c. Children immediately disclose after victimization 2. Child Molester <ol style="list-style-type: none"> a. Dirty old man syndrome b. Mentally deficient or retarded c. Drug and alcohol abuse causes molestation d. Are reclusive and rarely offend. <p>C. Sexual Abuse Indicators</p> <p>Sexual abuse of a child may surface through a broad range of physical, behavioral, and social symptoms. Some of these indicators, taken separately, may not be symptomatic of sexual abuse. They are listed below as a guide, and should be examined in the context of other behavior(s) or situational factors.</p> <ol style="list-style-type: none"> 1. Historical Indicators <ol style="list-style-type: none"> a. Child reports sexual activities to a friend, classmate, teacher, friend's mother, or other trusted adult. The disclosure may be direct or indirect, e.g., "I know someone"; "What would you do if?"; "I heard something about somebody." It is not uncommon for the disclosure to be delayed. 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> b. Child wears torn, stained, or bloody underclothing c. Knowledge that a child's injury/disease is unusual for the specific age group d. Knowledge of a child's history of previous or recurrent injuries/diseases e. Sexually transmitted disease f. Pregnancy <p>2. Sexual behavioral indicators of children</p> <ul style="list-style-type: none"> a. Detailed and age-inappropriate understanding of sexual behavior (especially by younger children) b. Inappropriate, unusual or aggressive sexual behavior with peers or toys c. Excessive/compulsive masturbation d. Excessive curiosity about sexual matters or genitalia (self and others) e. Unusually seductive with classmates, teachers, and other adults f. Prostitution or excessive promiscuity g. Excessive concern about homosexuality (especially by boys) <p>3. Behavioral indicators in younger children</p> <ul style="list-style-type: none"> a. Enuresis b. Fecal soiling c. Eating disturbances (overeating, undereating) d. Fears, phobias, overly compulsive behavior 	

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<ul style="list-style-type: none"> e. School problems or significant change in school performance (attitude and grades) f. Age-inappropriate behavior (pseudomaturity or regressive behavior such as bedwetting or thumb sucking) g. Inability to concentrate h. Sleeping disturbances, e.g., nightmares, fearful about falling asleep, fretful sleep pattern, sleeping long hours 4. Behavioral indicators in older children and adolescents. <ul style="list-style-type: none"> a. Withdrawal b. Clinical depression c. Overly compliant behavior d. Poor hygiene or excessive bathing e. Poor peer relations and social skills, inability to make friends f. Acting out, runaway, aggressive or delinquent behavior g. Alcohol or drug abuse h. School problems, frequent absences, sudden drop in school performance i. Refusal to dress for physical education j. Nonparticipation in sports and social activities k. Fearful of showers/restrooms l. Fearful of homelife, e.g., arrives at school early or leaves late 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> m. Suddenly fearful of other things (going outside, participating in familiar activities) n. Extraordinary fear of males (in cases of male perpetrator and female victim) o. Self-consciousness of body beyond that expected for age p. Sudden acquisition of money, new clothes or gifts with no reasonable explanation q. Suicide attempt or other self-destructive behavior. r. Crying without provocation s. Firesetting <p>5. Physical Symptoms</p> <ul style="list-style-type: none"> a. Sexually transmitted diseases b. Genital discharge or infection c. Physical trauma or irritations to the ano/genital area (pain, itching, swelling, bruising, bleeding, lacerations, abrasions, especially if unexplained or inconsistent) d. Pain on urination/defecation e. Difficulty in walking or sitting due to genital or anal pain f. Stomachaches, headaches, or other psychosomatic symptoms. <p>D. Sexual Exploitation Indicators</p> <ul style="list-style-type: none"> 1. In addition to the above indicators, sexual exploitation should be suspected if: 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> a. There are multiple victims and/or multiple suspects b. Child victim(s) describes instances where he/she has been photographed c. Suspect(s) displays an unusual interest in children d. Suspect(s) possesses child erotica e. Evidence of suspect's membership in known pedophile organizations f. Child comes into possession of unexplained money, gifts, alcohol or drugs g. Suspect exhibits sophisticated methods of seducing children h. Evidence of pornography i. Evidence of prostitution j. Evidence of unusual adult/youth associations k. Evidence of nude modeling or live nude performing by the child l. Suspect occupies a position of authority or trust with children m. Suspect spends an abnormal amount of time at recreation centers, theaters and other locations where juveniles congregate <p>E. Offender Indicators: Intra-familial</p> <ul style="list-style-type: none"> 1. Father/Father Figure <ul style="list-style-type: none"> a. Overprotective/Jealous b. Strict disciplinarian c. Secretive/anxiety ridden 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> d. Sexually impotent with adult peers e. Low self-esteem f. Substance abuse g. Job problems h. Inability to establish appropriate relationships with adults i. Authoritative j. Mother's role in family <ul style="list-style-type: none"> (1) Conscious knowledge or subconscious awareness of the abuse (2) Passive/Reactive (3) Role reversal with children (4) Mother out-of-home (5) Denial of abuse (6) Low self-esteem (7) Victim of sexual abuse as a child (8) Victim of spousal abuse <p>2. Mother/Mother Figure</p> <p>There are instances of intra-familial sexual abuse by females. However, little is known about behavioral indicators, family dynamics, and characteristics.</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>XIV. PROCEDURES FOR PRELIMINARY INVESTIGATION OF CHILD SEXUAL ABUSE AND EXPLOITATION</p> <p>A. Receiving Information</p> <ol style="list-style-type: none"> 1. Obtain, record and verify as much information as possible prior to responding to call, time permitting 2. Upon the initial receipt and evaluation of a reported offense, the urgency of the response should be based on the type of sexual abuse and the nature of the case. Such considerations may be: <ol style="list-style-type: none"> a. Potential to obtain or lose evidence b. Danger to the victim(s) c. Need for medical attention d. Whether the suspect still has access to the victim e. Acquaintance vs. stranger assault f. Need for a search warrant g. Consider coordination of response with other pertinent agencies 3. Determine location and condition of victim <p>B. Arrival at Scene</p> <ol style="list-style-type: none"> 1. Record time of arrival 2. Contact and interview reporting party 3. Contact victim and conduct a preliminary risk assessment 	

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<p>C. Preliminary Investigation</p> <ol style="list-style-type: none"> 1. In the preliminary investigation, the following information should be gathered to determine the truth of the allegation of sexual abuse: <ol style="list-style-type: none"> a. Type and extent of sexual contact b. Identification of <u>ALL</u> persons with possible knowledge of the incident c. A detailed description of the crime scene (if known) d. Presence of indicators of sexual exploitation 2. Determine if suspect is at crime scene, if so, isolate 3. Determine relationship between suspect and victim 4. Protect the crime scene and ensure that evidence is not destroyed or contaminated <ol style="list-style-type: none"> a. Identify and separate witnesses <ol style="list-style-type: none"> (1) Determine the sequence for the witness interviews (2) Determine the source of the witness's knowledge of the alleged offense (3) Determine if the witness could be an additional victim (4) Determine the witness' relationship to the victim (5) Consider the developmental level of the witness (6) Determine the relationship of the witness to the suspect (7) Consider motivation of the witness 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>(8) Avoid influencing the witness' account of the alleged offense</p> <p>(9) Consider possibility the witness may recant his/her account of the incident due to intimidation, guilt, or repercussions</p> <p>D. Interview of Victim(s) (Refer to Chapter 7)</p> <p>1. Officers should obtain the following specific information from the victim(s) of child sexual abuse:</p> <ul style="list-style-type: none"> a. Child's own words for the anatomy b. Child's description of the sex acts (consider the use of aids such as dolls, anatomically correct drawings, child's own drawings) c. Was pornography used to lower the child's inhibitions d. Were sexual aids used such as: vibrators, lubricants, etc. e. Was the victim photographed, by whom, and in what manner f. Did the child receive gifts, money, toys, etc. g. Was there an element of secrecy h. Were others present i. Was child used to recruit other children j. Was the child's name, phone number recorded by the offender k. Was the victim in the offender's home, vehicle (have victim describe) l. Unusual m.o. of offenders 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>XV. EVIDENCE COLLECTION IN CHILD SEXUAL ABUSE</p> <p>A. Evidence</p> <ol style="list-style-type: none"> 1. All evidence relating to allegations of sexual abuse and exploitation should be gathered and preserved, including: <ol style="list-style-type: none"> a. Photographs of the victim and/or the crime scene b. Findings in a sexual abuse medical examination c. Articles of clothing and/or bedding from victim and/or suspect d. Biological evidence (victim/suspect) e. Child erotica f. Diaries (victim/suspect/witness) g. Correspondence relating to allegations and/or other offenses h. Personal telephone/address books i. Sexual aids j. Computer equipment/files (suspect/victim) 2. Corroborating information sources that will assist the investigating officer include: <ol style="list-style-type: none"> a. Description of crime scene, residence and/or vehicle b. Description of marks, scars and tatoos (especially on those body parts normally covered by clothing) c. Visual and audio depictions of children (photos, video, and audio cassette recordings) 	

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<ul style="list-style-type: none"> d. Pornography that may have been exhibited to the victim(s) e. Items left behind by the victim/suspect at the crime scene f. Persons the victim may have told prior to the official report to authorities (best friend, neighbor, clergy, etc.) g. Prior medical visits for related symptoms h. Gifts and rewards received from the suspect(s) <p>B. Medical Examination</p> <ul style="list-style-type: none"> 1. If victim discloses recent sexual abuse or alleges penetration, transport the victim to the hospital for medical treatment and collection of medical evidence as soon as possible in order to avoid the irretrievable loss of perishable biological evidence. 2. If delayed reporting of sexual abuse, consider scheduling the medical exam when a child sexual abuse <u>specialist</u> can conduct an examination in accordance with state protocol. 3. In accordance with the medical protocol, the doctor should be requested to check for the following: <ul style="list-style-type: none"> a. Bruises, lacerations, scars (entire body) b. Vaginal, rectal tears, lacerations/scars c. Semen, dried or moist secretions, and foreign materials d. Sexually-transmitted diseases (vaginal, rectal and oral) 	

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<ul style="list-style-type: none"> e. Pregnancy f. Other evidence of trauma <p>NOTE: All evidence obtained from the doctor or nurse should be booked and refrigerated when appropriate.</p> <ul style="list-style-type: none"> 4. Ensure that information entered on the medical/legal examination form clearly describes the extent and location of injuries and the taking of specimens. If the information on the form is illegible, have the doctor or nurse transcribe the information. Do not leave medical facility without a copy of the form. Verify that all observable injuries are included in the medical report. 5. Inquire of doctor or nurse if there are anal/genital injuries; if injuries are present have photographed. <p>C. Suspect Identification.</p> <ul style="list-style-type: none"> 1. The officer should seek to identify and determine whether or not to interview and/or take a suspect into custody. 2. If suspect(s) is interviewed, use the following criteria as a guide. <ul style="list-style-type: none"> a. Advise the suspect(s) of his/her constitutional rights and the nature of the investigation (when appropriate) b. Consider and evaluate all new information and alternative explanations provided by the suspect c. Corroborate information already obtained through the investigation d. Obtain incriminating statements including admissions and confessions 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>D. Arrest of Suspect</p> <ol style="list-style-type: none"> 1. The following factors should be considered when determining whether or not to arrest the suspect(s): <ol style="list-style-type: none"> a. Nature of the offense (felony/misdemeanor) b. Imminent danger to the victim, community, or self c. Likelihood of the suspect(s) to flee d. Destruction of evidence e. Potential ramifications of the arrest f. Impact on the case development <p>E. If Suspect is Taken into Custody</p> <ol style="list-style-type: none"> 1. Record demeanor of suspect to preclude possible defenses: intoxication, mental illness, etc. 2. Record spontaneous statements. 3. Provide alibi information to follow-up investigators as quickly as possible. 4. Separate suspects. 5. Do not permit suspect(s) into crime scene area. If arrested inside, immediately remove. 6. Prevent communication between suspect(s), victim, and witnesses unless necessary. 7. Photograph suspect(s) if there is evidence of injury or torn/stained clothing which may be of evidentiary value. 8. Preserve and collect evidence found on suspect's person: e.g., semen/blood stains, photographs, address books, etc. 	

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<ul style="list-style-type: none"> 9. If clothing is described or is of evidentiary value, remove and book as evidence. 10. To obtain blood and urine samples for alcohol and drug analysis if appropriate. 11. Follow departmental guidelines regarding interrogation of suspect at time of arrest. F. Protective Custody Assessment in Child Sexual Abuse Investigations <ul style="list-style-type: none"> 1. The officer should determine the need for protective custody of the victim(s), sibling(s), and others by taking into consideration the following factors: <ul style="list-style-type: none"> a. Need for medical care b. Imminent danger of continued abuse/intimidation/retaliation c. Whether non-offending parent is appropriately supportive and protective of the child d. Whether physical environment poses an immediate threat to the child's health and safety e. History of prior offenses or allegations of child sexual abuse f. Parent or guardian capable of or willing to exercise care and control over the child 	

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Unit Outline & Presentation		Objectives & Instructional Cues
Molestation	Section 288	
Molesting or Annoying a Child Under 14 Years of Age	Section 647a	
Neglect of Child	Section 273a	
Oral Copulation	Section 288a	
Pandering	Section 266	
Penetration by a Foreign Object	Section 289	
Protective Custody-Abduction Cases	Section 279	
Rape	Section 261	
Rape in Concert	Section 264.1	
Registration of Sex Offenders	Section 290	
Reporting Laws		
-Confidentiality and Disclosure of Reports	Section 11167.5	
-Definitions of Child Abuse	Section 11165	
-Duty of Child Protection Agency	Section 11169	
-Duty of Department of Justice (Central Registry)	Section 11170	
-Duty of Observer-Cross Reporting Requirements	Section 11166	
-Film and Photographic Print Processor	Section 11166(c)	
-Forms	Section 11168	
-Investigation and Reporting of Suspected Child Abuse Cases	Section 11166.1	
-Investigation Procedures	Section 11174	
-Liability of Person Making Report, Reimbursement by State of Attorney Fees Incurred in Defending Action	Section 11172	
-Order for X-ray Without Parental Consent	Section 11171.5	
-Required Information, Confidentiality of Reporter's Identity	Section 11167	
-X-rays, Physician-patient privilege	Section 11171	

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Unit Outline & Presentation		Objectives & Instructional Cues
Sale or Distribution of Obscene Matter (Pornography)	Section 311.2	
School Employee, Arrest for Sex Offense, Notice to School Authorities	Section 291	
Sending to Immoral Places	Section 273f	
Sexual Exploitation	Section 311.3	
Sodomy	Section 286	
Soliciting Commission of Sex Offenses	Section 653f(c)	
Specimens of Sex Offender	Section 290.2	
Unlawful Sexual Intercourse	Section 261.5	
Willful Abandonment or Non-Support	Section 271a	
Willful Cruelty	Section 273a	
Willful Desertion	Section 271	
<u>Welfare and Institutions Code</u>		
Alternative Dispositions of Minor	Section 307	
Beyond Parental Control/Habitual Truant	Section 601	
Criteria for Detention	Section 309	
Dependent Child of the Court	Section 300	
(a) No Parental Control		
(b) Destitute Child		
(c) Physically Dangerous to the Public		
(d) Unfit Home		
Notification of Parent or Guardian of Protective Custody	Section 308	

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Unit Outline & Presentation		Objectives & Instructional Cues
Notification of Parent or Guardian of Detention	Section 627	
Purpose of Juvenile Court Law	Section 202	
Relinquishment or Termination of Parental Rights	Section 300(e)	
Taking Minor to Community Service Program	Section 307.5	
Temporary Custody (300(d) W&I Cases)	Section 309(b)	
Temporary Custody Without a Warrant (300 W&I Cases)	Section 305	
Temporary Custody Without a Warrant	Section 625	
Written Notification of Decision	Section 328.3	
<u>Health And Safety Code</u>		
Inspection of Child Care Facility by Parent	Section 1596.857	
Notification of Parent by Peace Officer	Section 1597.876	
<u>Education Code</u>		
Access To School Records - Emergency	Section 49076	
Notification of Parent or Guardian of Temporary Custody by School Official or Police Officer	Section 48906	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p><u>Case Law</u></p> <p>I. Entering a Home Without a Warrant on Child Abuse Cases</p> <p><u>People vs. Roberts</u> (47 Cal App 2d 374 (1956))</p> <p>Officers gained entry into an apartment where they heard moans and reasonably believed that someone inside was in distress and in need of assistance. They entered for the purpose of giving aid. The court held "Necessity often justifies an action which would otherwise constitute a trespass..."</p> <p><u>People vs. Roman</u> (256 Cal App 2d 656 (1967))</p> <p>An officer, investigating a complaint of child beating, saw through the open door of an apartment a two-year-old child laying on the floor, apparently unconscious. The officer entered the apartment and examined the child. The child had fresh welts on the back of his neck and blood around his nose. When asked if his dad hit him the child sobbed, "yes."</p> <p>Based on the information at hand the officer may make an arrest for a felony.</p> <p><u>In re Dawn O.</u> (58 Cal App 3d 160 (1976))</p> <p>The police officer took a five-year-old child back home at 10:30 p.m. He got the impression that there may be an unattended child inside the apartment. The officer knocked on the door with no response, not for the purpose of securing the residence, but for determining whether there was another child alone inside the apartment. The court ruled that, under the circumstances, it was reasonable to determine if a child had been left alone in a dangerous circumstance.</p> <p><u>People vs. Payne</u> (65 Cal App 3d 679 (1977))</p> <p>The court ruled that police officers, in forcing open a door in the defendant's bedroom, did not act unreasonably or in violation of the defendant's right to privacy or domestic security. Following reports from a reliable informant that the defendant molested children in a bedroom in his garage, the officers set up a surveillance in which he was seen to pick up a male juvenile and drive him to the garage.</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>The defendant failed to respond to one of the investigating officers who repeatedly knocked on the bedroom door and announced that he was conducting a child molestation investigation. The officers were led to believe, despite the absence of any call for help by a juvenile that an emergency situation had arisen in which a particularly heinous crime was being committed.</p> <p>II. Other Case Law</p> <p><u>People vs. Austin</u> (111 CA3d 110)</p> <p>The touching of the victim need not be of the naked body but may be over clothing. Defendant directed eight year old by shoulder into bus. Touching may be minimal.</p> <p><u>People vs. Brown</u> (12 Cal App 3d 600 (1970))</p> <p>The law enforcement officer must consider the type of information relied on to reach the conclusion that there is an emergency circumstance.</p> <p><u>People vs. Carskaddon</u> (170 Cal App 2d 45, 47 (1959))</p> <p>Sexually explicit comments made to a seventeen-year-old girl without accompanying physical act is sufficient to constitute child annoyance.</p> <p><u>People vs. Fritts</u> (72 CA3d 319)</p> <p>The defendant was charged with violations of Penal Code Section 288 of his daughter over a period of one year. The court found that precise dates do not have to be alleged "if not material".</p> <p><u>People vs. La Fontaine</u> (79 Cal App 3d 176, 185 (1978))</p> <p>The court held that mere words may constitute molesting or annoying a child. Touching of the body is not required.</p>	

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<p><u>People vs. Nothnagel</u> (187 CA2d 291 (1961))</p> <p>The touching of a child need not be sexual in character once the corpus delicti of the offense consists of any lewd or lascivious act upon any part of the body of a child under fourteen (14) years of age. The purpose of the offender has consistently been the controlling factor.</p> <p><u>People vs. Roberts</u> (26 CA3d 385)</p> <p>The offender need not have physical contact with the child but may direct other juveniles to engage in sexual acts. The court ruled that this is a violation of Penal Code Section 288.</p> <p><u>People vs. Schultz</u> (49 CA2d 38)</p> <p>The court ruled that the defendant's state of mind was shown by introducing "graphic and convincing evidence by way of photographs taken of a child with her private parts exposed."</p> <p><u>People vs. Sutton</u> (65 Cal App 3d 341 (1976))</p> <p>The officer received a radio call that two children were alone, unattended in an apartment. He knocked on the door and received no answer. He went back to his car to get additional information from dispatch. Meanwhile, the mother returned to the apartment in an intoxicated state. The officer entered the apartment behind her, observed unfit conditions for the children, and took custody of the two children.</p> <p><u>In re Biggs</u> (17 CA 3d 337, 94 CR 519 (1971))</p> <p>The mother's boyfriend, who lived with the mother and the children, was responsible for the child's bruised and battered condition. The mother failed to protect her son from the consistent cruelty of another and this caused the Juvenile Court to make the son a dependent of the court. The dependency of the daughter, who was not physically beaten, was adequately supported, since her witnessing of the beatings would endanger her emotionally. Therefore it is legally acceptable and proper perhaps, required at times to remove all other siblings living therein.</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p><u>In re Phillip B.</u> (92 Cal App 3d 796 (1979))</p> <p>State officials may interfere in family matters to safeguard the child's health, educational development and emotional well-being. Liability cannot be imposed on governmental agencies when the interference is based on a reasonable belief of the need for such action.</p> <p><u>New York vs. Ferber</u> (458 U.S. 747 (1982))</p> <p>A bookstore proprietor was convicted under a New York statute prohibiting persons from knowingly promoting a sexual performance by a child under the age of 16 by distributing material which depicted such a performance. The United States Supreme Court held that "child pornography is not entitled to First Amendment protection provided the conduct to be prohibited is adequately defined by applicable state law..."</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>XVI. INTERVIEW AND INTERROGATION TECHNIQUES</p> <p>A. The objective of the interview is to determine the truth of the allegation(s) without further traumatizing the child.</p> <ol style="list-style-type: none"> 1. Law Enforcement Responsibility <ol style="list-style-type: none"> a. The <u>primary responsibility</u> for conducting criminal investigative interviews and interrogations rests with law enforcement. 2. Interview and Interrogation Considerations <ol style="list-style-type: none"> a. When conducting interviews and interrogations, the investigating officer should consider the following procedures: <ol style="list-style-type: none"> (1) Determine purpose of interview/interrogation (2) Plan and prepare for interview/interrogation carefully (3) Consider use of audio/video technology (4) Determine functional level of the victim, witness and suspect (5) Determine various relationships of all parties involved in alleged offense (6) Determine if there are additional victims, witnesses or suspects (7) Establish existence of evidence (8) Maintain an environment of confidentiality for all parties involved in offense (9) Conduct all interviews/interrogations separately 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>(10) Avoid disclosure of case information to all parties involved in alleged offense to prevent contamination or cross-germination</p> <p>(11) Impress upon all parties involved in alleged offense the need for discretion. Encourage them not to share information.</p> <p>B. Victim Interviews</p> <p>1. Minimizing The Number Of Victim Interviews</p> <p>a. Every effort should be made to minimize the number of interviews with the child victim, techniques to consider may include:</p> <p>(1) Consultation with a specialized law enforcement child abuse investigative unit (if available) prior to the interview</p> <p>(2) Seeking out other sources of information prior to the interview with the victim</p> <p>(3) Coordination of the investigation with Child Welfare Services so that both agencies can be present during interviews</p> <p>(4) Consultations with the district attorney</p> <p>(5) Use of audio and/or video recordings</p> <p>(6) Conducting thorough and well-documented interviews</p> <p>2. Sensitivity</p> <p>a. Care should be taken to be sensitive to the needs of the child. Techniques to consider include:</p>	

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Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> (1) Establishing rapport with the child victim <ul style="list-style-type: none"> (a) Use caution in offering child rewards or incentives (b) Avoid inappropriate touching (c) Avoid giving foods that may cause adverse reaction i.e., high sugar content, etc. (2) Carefully selecting the interview setting and environment (3) Providing the child victim with emotional support (4) Having support persons available if needed (5) Use of interview aids (dolls, drawings, etc.) (6) Establishing the victim's developmental level (7) Being aware that the victim may be blaming himself/herself for the offense (8) Recognizing when to discontinue the interview (9) Being aware of cultural differences (10) Being prepared to respond to the victims questions (11) Concluding the interview in such a fashion that the victim feels free to recontact the investigator 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>3. Special Considerations</p> <p>a. When conducting child victim interviews, the investigator should consider the following:</p> <ul style="list-style-type: none"> (1) To whom the victim disclosed the incident (2) Establish, accept, and use the child's terminology and language for body parts and acts (3) Allow the child to describe the incident in his/her own words (4) Avoid influencing the child's account of the alleged offense (5) Establish time frame(s) and jurisdiction(s) for all alleged offenses (6) Avoid being judgmental when discussing the alleged suspect (7) Avoid technical terminology (8) Avoid making promises or false reassurances (9) Officer should recognize impact of own personal experiences or biases <p>C. Witness Interviews</p> <p>1. Interview Considerations</p> <p>a. When conducting interviews with witnesses of an alleged child abuse offense, the investigating officer should consider the following:</p> <ul style="list-style-type: none"> (1) Determine the sequence for the witness interviews 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> (2) Determine the source of the witness's knowledge of the alleged offense (3) Determine if the witness could be an additional victim (4) Determine the witness's relationship to the victim (5) Consider the developmental level of the witness (6) Determine the relationship of the witness to the suspect (if any) (7) Consider the motivation of the witness (8) Avoid influencing the witness's account of the alleged offense (9) Be aware of the possibility of the witness recanting his/her account of the incident (e.g., intimidation, guilt, or repercussions) <p>D. Suspect Interviews</p> <ul style="list-style-type: none"> 1. Interview Considerations <ul style="list-style-type: none"> a. When conducting an interview/interrogation with the alleged suspect, the following factors should be taken into consideration by the investigating officer: <ul style="list-style-type: none"> (1) Establish to gain rapport with the suspect (2) Carefully select the setting for the interview/interrogation (3) Determine what the relationship is between the suspect(s), witness(es) and the victim(s) 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<ul style="list-style-type: none"> (4) Determine if and when the suspect had access to the victim (5) Note the demeanor of the suspect at the time of the interview (6) Encourage the suspect to relate the incident in his/her own words (7) Note statements that are consistent with other findings and evidence (8) Note statements made that are inconsistent with other findings and evidence (for future impeachment purposes) <p>2. Corroboration of Suspect's Statement</p> <ul style="list-style-type: none"> a. Every attempt should be made to corroborate statements made by the suspect. Use of the following information may help the investigating officer to accomplish this task: <ul style="list-style-type: none"> (1) Statements made by the victim (2) Statements made by the witness (3) Physical evidence (4) Prior criminal history data (5) Prior complaints (about the suspect) 	

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Unit Outline & Presentation	Objectives & Instructional Cues
<p>XVII. COMMUNITY CHILD CARE FACILITIES</p> <p>A. Law Enforcement Responsibility</p> <ol style="list-style-type: none"> 1. Law enforcement agencies have authority to investigate reported child abuse incidents in the following types of community child care facilities: <ol style="list-style-type: none"> a. Family day care homes b. Child day care centers c. Foster family homes d. Group homes 2. Investigations shall be conducted in any community child care facility that is licensed by the State of California or the county. Unlicensed facilities are also included (California Penal Code Sections 11165 (f), 11174, 11174.1) <p>B. Initial Receipt and Evaluation of Information</p> <ol style="list-style-type: none"> 1. Level of Response <ol style="list-style-type: none"> a. The urgency of response by law enforcement personnel to a reported child abuse offense in a community child care facility should be governed by: <ol style="list-style-type: none"> (1) Nature and seriousness of the allegation(s) (2) Present risk to the child(ren) (3) Credibility of the allegation(s) (4) Need for coordination with other appropriate regulatory agencies 	

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<ul style="list-style-type: none"> (5) Need for discretion to protect the rights and credibility of the child care provider (6) Potential for loss and/or contamination of evidence (7) Impact of the action taken on further case development <p>2. Coordination</p> <ul style="list-style-type: none"> a. Coordination of the initial response to a reported child abuse incident in a community child care facility with one or more of the following agencies should be considered by the investigating officer. <ul style="list-style-type: none"> (1) California Department of Social Services (Community Care Licensing Division) (2) Local child welfare services (3) Child placement agencies (4) Other regulatory agencies (fire department, public health department, etc.) <p>3. Reporting Requirements</p> <ul style="list-style-type: none"> a. If suspected child abuse occurs in a group home or institution, the investigation of that abuse must be done in accordance with the regulatory "Guidelines for Investigation of Child Abuse in Group Homes of Institutions" (Penal Code Sections 11174 and 11174.1). These are found in Title 11 of the California Administrative Code, Article 3, Sections 930-930.8. Adherence to the guidelines is mandatory only when the reported incident is "child abuse" as defined and only if it occurs in a "group home or institution" as defined in the regulations. 	

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<p>4. Cross-Reporting Requirements</p> <p>a. When an initial report of child abuse in a group home or institution is received, the child protective agency <u>must</u>, if the report is not unfounded, and at a time when the investigation will not be compromised, notify the agencies or persons listed below. These notifications do <u>not</u> have to be written and can be in any form (Title 11, California Administrative Code, Section 930.4(d)):</p> <ul style="list-style-type: none"> (1) Public or private agency which placed the child in the home (2) County welfare department and/or the county probation department (3) Licensing agency of the group home or institution (4) Administrator of the group home or institution (5) Parents or guardian of the child if the child is not a dependent or ward of the court <p>C. Investigative Procedures</p> <p>1. Preliminary Investigation Procedures</p> <p>a. The initial responding officer should consider, but not be limited to, the following procedures:</p> <ul style="list-style-type: none"> (1) Insure safety of the children (2) An immediate count of all children present in the facility (3) An immediate visual inspection of the condition of facility and personnel 	

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<ul style="list-style-type: none"> (4) Identify the licensee, all employees and persons residing in the facility (5) Note the degree of cooperation by persons contacted <p>2. Legal Action</p> <ul style="list-style-type: none"> a. A child abuse investigation in a community child care facility may lead simultaneously to three types of court action: <ul style="list-style-type: none"> (1) Criminal action (2) Civil action (3) Administrative action <p>Rules of evidence and burdens of proof differ in each of the above proceedings. Evidence which is not admissible in a criminal trial may well be admissible in the administrative proceedings. An administrative action could lead to the closure of the facility and may document the incident in criminal history records.</p> <p>3. Follow-up Investigation Procedures</p> <ul style="list-style-type: none"> a. The investigator should review actions taken by the officer handling the preliminary investigation. It is crucial that: <ul style="list-style-type: none"> (1) All statements are complete and accurate (2) All physical evidence has been identified and documented (3) A search warrant be considered (if appropriate) (4) All mandatory notifications be made 	

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<p>XVIII. REPORTING CHILD ABUSE</p> <p>A. The Reporting Law</p> <p>1. Reporting Requirements</p> <p>While everyone should report suspected child abuse and neglect, Article 2.5 of the Penal Code provides that it is a crime for certain professionals and laypersons who have a special working relationship or contact with children not to report suspected abuse to the proper authorities. Failure to report by telephone immediately or as soon as practically possible and in writing within 36 hours is a misdemeanor "punishable by confinement in the county jail for a term not to exceed six months or a fine of not more than \$1,000 or both." (Pen. Code, §11172, (subd).) Basically, this penalty ensures that those required to do so will report all suspected incidents of child abuse immediately to a child protective agency (the local police or sheriff's department, juvenile probation department or the county welfare department). For those required to report who do not do so, there may also be civil liabilities.</p> <p>Those required to report should be aware that mere reporting does not necessarily mean that a civil or criminal proceeding will be initiated against the suspected abuser.</p> <p>The written reports that mandated reporters must submit within 36 hours must be on a Department of Justice form (DOJ SS 8572). Professional medical personnel are also required to submit a medical report (DOJ 900 or 925). Child protective agencies are required to provide these forms to mandated reporters. (Pen. Code, §11168)</p> <p>The reporting law requires a cross-report from the child protective agency first receiving the report to other child protective agencies and to the district attorney. All cross-reports</p>	<p>See Landeros vs. Flood case</p>

Reference Notes

Medical professionals and other mandated reporters may be subject to civil damage suits if they fail to report. (Landeros v. Flood (1976) 17 Cal.3d 399, an infant, Gina, was brought into a hospital with injuries, treated and released back to her mother. Subsequently, she was treated for new and more serious injuries by a second doctor who reported the injuries as suspected child abuse. The child was made a dependent of the court and a guardian ad litem was appointed. The guardian ad litem then instituted a suit on behalf of the child against the first doctor for failure to report as required by law. The California Supreme Court reversed a lower court decision which dismissed the complaint and held that the complaint stated a cause of action based on a failure to report as required by statute. The case held that failure to perform the statutorily imposed defendant doctor failed to exercise due care. The Supreme Court sent the case back to the lower court for trial. The plaintiffs in this case sued the doctor for \$2 million, plus costs. A decision for the plaintiffs would obviously have been serious for the doctor involved. In spite of the ultimate outcome of this case (the charges could not be substantiated), it is clear that medical practitioners and others persons who have a statutory duty to report may be held civilly as well as criminally liable when they fail to report suspected cases as required by law.)

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<p>are to be made <u>by telephone immediately</u> or as soon as <u>practically possible</u> and <u>in writing</u> within 36 hours using the required forms. (Pen. Code, § 11166, (subd)(g))</p> <p>Those agencies to whom reports are made are required to forward to the Department of Justice Child Abuse Central Index a "preliminary report in writing of every case of known or suspected child abuse which it investigates," whether or not any formal action is taken. Reports must be made on Department of Justice forms. (Pen. Code, § 11169)</p> <p>Implementation of the reporting requirements and handling of child abuse and neglect cases may vary from county to county.</p> <p>The reporting duties of a mandated reporter are individual and cannot be delegated. Supervisors or administrators may not impede or inhibit reporting by a mandated reporter, nor may they take any actions against the reporter for making a report. However, it is permissible to establish internal procedures to facilitate reporting and apprise supervisors and administrators of reports so long as these procedures are not inconsistent with the reporting law. (Pen. Code, § 11166, (subd)(f))</p> <p>If two or more mandated reporters are present in a situation, such as an emergency room, and jointly become aware of a known or suspected instance of child abuse, they may by mutual agreement designate one of them to make the required telephone and written reports. However, if a mandated reporter becomes aware that the designated individual failed to report, he or she must then report. (Pen. Code, § 11166, (subd) (e))</p>	

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<p><u>Who Reports</u></p> <p>Those professionals required to report by Penal Code sections 11165 and 11166 are "child care custodians," "medical practitioners," "non-medical practitioners," "employees of child protective agencies," and "commercial film and photographic print processors." These are defined as:</p> <p>"Child care custodian" means a teacher, administrative officer, supervisor of child welfare and attendance, or certificated pupil personnel employee of any public or private school; an administrator of a public or private day camp; a licensee, an administrator or an employee of a community care facility licensed to care for children; headstart teacher; a licensing worker or licensing evaluator; public assistance worker; employee of a child care institution including, but not limited to, foster parents, group home personnel and personnel of residential care facilities; a social worker or a probation officer.</p> <p>Employees of community service programs or organizations for abused or neglected children under contract or agreement with a county to provide shelter, care or counseling are also considered "child care custodians." (Welf. & Inst. Code, § 307.5)</p> <p>"Medical practitioner" means a physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, or any other person who is currently licensed under Division 2 (commencing with section 500) of the Business and Professions Code, any emergency medical technician I or II, paramedic or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the</p>	

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<p>Health and Safety Code, or a psychological assistant registered pursuant to section 2913 of the Business and Professions Code.</p> <p>"Nonmedical practioner" means a state or county public health employee who treats a minor for venereal disease or any other condition; a coroner; a marriage, family or child counselor; or a religious practitioner who diagnoses, examines, or treats children.</p> <p>"Child protective agency" means a police or sheriff's department, a county probation department or a county welfare department.</p> <p>"Commercial film and photographic print processor" means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives of slides, for compensation. The term includes any employee of such a person; it does not include a person who develops film or makes prints for a public agency.</p> <p>These mandated reporters are provided immunity from civil or criminal liability as a result of making a required or authorized report of known or suspected child abuse. Other persons who report are not liable either civilly or criminally, unless it can be proven that a false report was made and that the person knew that the report was false. (Pen. Code, §11172, (subd) (a))</p> <p>In the event a civil action is brought against a mandated reporter as a result of a required or authorized report, he or she may present a claim to the State Board of Control for reasonable attorney's fees incurred in the action if he or she prevails in the action or the court dismisses the action upon a demurrer or motion</p>	

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<p>for summary judgment made by that person. The maximum hourly rate for recovery of attorney's fees is that charged by the Attorney General at the time of the award and the maximum recovery is \$50,000.</p> <p>Public entities providing a defense pursuant to Government Code Section 995 may not file a claim. (Penal Code, § 11172, subd. (c).)</p> <p>A 1984 amendment to the reporting law requires that, "Any person who enters into employment on and after January 1, 1985, as a child care custodian, medical practitioner, or nonmedical practitioner, or with a child protective agency, prior to commencing his or her employment and as a prerequisite to the employment, shall sign a statement on a form provided to him or her by his employer to the effect that he or she has knowledge of the provisions of section 11166 and will comply with its provisions.... (Pen. Code, § 11165.5)</p> <p>2. Confidentiality of Reporter</p> <p>The California Penal Code requires that the identity of the reporter, the report of suspected child abuse and the information contained therein shall be kept confidential and be disclosed only as specified by law (Penal Code Sections 11167 and 11167.5).</p> <p>3. Context of Report Contents (Penal Code Section 11167)</p> <p>a. A telephone report of a known or suspected instance of child abuse shall include the name of the person making the report, the name of the child, the present location of the child, the nature and extent of the injury, and any other information, including information that led that person to suspect child abuse, requested by the child protective agency.</p>	

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<ul style="list-style-type: none"> b. Information relevant to the incident of child abuse may also be given to an investigator from a child protective agency who is investigating the known or suspected case of child abuse. c. The identity of all persons who report under this article shall be confidential and disclosed only between child protective agencies, or to counsel representing a child protective agency, or to the district attorney in a criminal prosecution or in an action initiated under Section 602 of the Welfare and Institutions Code arising from alleged child abuse, or to counsel appointed pursuant to Section 318 of the Welfare and Institutions Code, or to the county counsel or district attorney in an action initiated under Section 232 of the Civil Code or Section 300 of the Welfare and Institutions Code, or when those persons waive confidentiality, or by court order. d. Persons who may report pursuant to subdivision (d) of Section 11166 are not required to include their names. 4. Confidentiality of Reports; violations and disclosure (Penal Code Section 11167.5) <ul style="list-style-type: none"> a. The reports required by Section 11166 shall be confidential and may be disclosed only as provided in subdivision (b). Any violation of the confidentiality provided by this article shall be a misdemeanor punishable by up to six months in jail or by a fine of five hundred dollars (\$500) or by both. b. Reports of suspected child abuse and information contained therein may be disclosed only to the following: 	

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<p>(1) Persons or agencies to whom disclosure of the identity of the reporting party is permitted under Section 11167.</p> <p>(2) Persons or agencies to whom disclosure of information is permitted under subdivision (b) of Section 11170.</p> <p>(3) Persons or agencies with whom investigations of child abuse are coordinated under the regulations promulgated under Section 11174.</p> <p>(4) Multidisciplinary personnel teams as defined in subdivision (d) of Section 18951 of the Welfare and Institutions Code.</p> <p>c. Nothing in this section shall be interpreted to require the Department of Justice to disclose information contained in records maintained under Section 11169 or under the regulations promulgated pursuant to Section 11174, except as otherwise provided in this article.</p> <p>d. This section shall not be interpreted to allow disclosure of any reports or records relevant to the reports of child abuse if the disclosure would be prohibited by any other provisions of state or federal law applicable to the reports or records relevant to the reports of child abuse.</p> <p>5. Additional Reporting Requirements</p> <p>Notice to child protective agency of information maintained; indexed reports (Penal Code Section 11170)</p> <p>a. The Department of Justice shall maintain an index of all preliminary reports of child abuse submitted pursuant to Section 11169. The index shall be continually</p>	

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updated by the department and shall not contain any reports that are determined to be unfounded. The department may adopt rules governing recordkeeping and reporting pursuant to this article.

- b. The Department of Justice shall immediately notify a child protective agency which submits a report pursuant to Section 11169, or a district attorney who requests notification, of any information maintained pursuant to subdivision (a) which is relevant to the known or suspected instance of child abuse reported by the agency. A child protective agency shall make that information available to the reporting medical practitioner, child custodian, guardian ad litem appointed under Section 326, or counsel appointed under Section 318 of the Welfare and Institutions Code, if he or she is treating or investigating a case of known or suspected child abuse.

When a report is made pursuant to subdivision (a) of Section 11166, the investigating agency shall, upon completion of the investigation or after there has been a final disposition in the matter, inform the person required to report of the results of the investigation and of any action the agency is taking with regard to the child or family.

6. Reporting Laws To Assist In The Investigation

The following California Penal Code sections may assist law enforcement officers in conducting investigations into suspected child abuse cases by:

- a. Permitting information relevant to the incident of child abuse to be given to an investigator following up on an initial report (Penal Code Section 11167 (b)).

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<ul style="list-style-type: none"> b. Permitting a police officer to apply to a magistrate for an order directing that the victim of child abuse be X-rayed without parental consent (Penal Code Section 11171.5 (a)). c. Protecting mandated reporters from civil or criminal liability for providing access to a suspected child abuse victim when requested by a child protective agency officer (Penal Code Section 11172 (b)). <p>7. Immunity from liability; attorney fees; failure to report; offense (Penal Code Section 11172)</p> <ul style="list-style-type: none"> a. No child care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by this article. Any other person reporting a known or suspected instance of child abuse shall not incur civil or criminal liability as a result of any report authorized by this article unless it can be proven that a false report was made and the person knew that the report was false. No person required to make a report pursuant to this article, nor any person taking photographs at his or her direction, shall incur any civil or criminal liability for taking photographs of a suspected victim of child abuse, or causing photographs to be taken of a suspected victim of child abuse, without parental consent, or for disseminating the photographs with the reports required by this article. However, the provisions of this section shall not be construed to grant immunity from such liability with respect to any other use of the photographs. 	

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<p>b. Any child care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who, pursuant to a request from a child protective agency, provides the requesting agency with access to the victim of a known or suspected instance of child abuse shall not incur civil or criminal liability as a result of providing that access.</p> <p>c. The Legislature finds that even though it has provided immunity from liability to persons required to report child abuse, that immunity does not eliminate the possibility that actions may be taken against a reporter the State has legal and financial protection for the report.</p>	<p>An incident can be unfounded only if it is proven to be a false report, inherently improbable, an accidental injury, or not within the definition of child abuse. If an unfounded report is filed, the initial report is removed from the registry. (Pen. Code, § 11169)</p>

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<p>3. Careful evaluation is necessary in a sexual abuse situation to determine whether the child should be removed from the home immediately. The non-offending caretaker may assure the officer that the offender will not be allowed to return to the home. However, in view of the emotional and perhaps economic dependence they may allow the offender back into the house. Thus, the child is again in an unprotected environment.</p> <p>C. Police liability for failing to insure the protection of the child.</p> <p>1. If an officer negligently fails to place an endangered child in protective custody, that officer may be civilly liable for damages if the child suffers further injuries. Whenever there is doubt as to the need for protective custody, the decision should be made in favor of protective custody.</p> <p><u>An officer should never leave the abused or neglected child with neighbors or friends of the child's family in situations where protective custody is required.</u></p> <p>The presence of siblings in the home should be considered when determining protective custody. When one child victim is removed, the abusing parent or caretaker may abuse another child. While only one child may have been identified, others may also be subject to abuse.</p> <p>2. Procedures for placing a child in protective custody:</p> <p>Protective custody procedures differ from county to county, and from department to department.</p> <p>D. Right of Entry is based on Several Court Decisions</p> <p>1. <u>People vs Roberts</u> (47 Cal 2d 374 (1956))</p>	

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<p>a. Officers gained entry into an apartment where they heard moans and reasonably believed that someone inside was in distress and in need of assistance. They entered for the purpose of giving aid. "Necessity often justifies an action which would otherwise constitute a trespass as where the act is prompted by the motive of preserving life or property and reasonably appears to the actor to be necessary for that purpose."</p> <p>2. <u>People vs. Roman</u> (256 Cal app 2d 656 (1967)).</p> <p>a. An officer investigating a complaint of child beating saw through the open door of an apartment a two-year-old child laying on the floor, apparently unconscious. The officer entered the apartment and examined the child. The child had fresh welts on the back of its neck and blood around its nose. When asked if its dad hit him, the child sobbed, "yes."</p> <p>b. "A peace officer may arrest without a warrant whenever he has reasonable cause to believe that the person to be arrested has committed a felony, whether or not the felony has in fact been committed (PC 836(3)). Child beating likely to produce great bodily harm or death is a felony. (PC 273a (1))</p> <p>3. <u>In re Dawn O.</u> (58 Cal App 3d 160 (1976))</p> <p>a. The police officer involved was confronted with the problem of escorting a five-year-old child back home at 10:30 P.M. He got the impression that there may be an unattended child inside the apartment. There the officer knocked on the door with no response, not for the purpose of securing the residence for the child but for determining whether there was another child alone inside</p>	

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<p>the apartment. In those circumstances the court ruled that there was a legitimate and immediate emergency that the child might be left alone in a dangerous circumstance.</p> <p>4. <u>People vs. Payne</u> (65 Cal App 3d 679 (1977))</p> <p>a. The court ruled that police officers, in forcing open a door in defendant's bedroom,, did not act unreasonably or in violation to defendant's right to privacy or domestic security. Following reports from a reliable informant that defendant molested children in a bedroom in his garage, police set up surveillance in which he was seen to pick up a male juvenile and drive him to the garage, whereafter defendant failed to respond to one of the investigating officers who repeatedly knocked on the bedroom door, announced that he was conducting a child molestation investigation, thus leading the officers to believe, despite the absence of any call for help by the juvenile, that an emergency situation had arisen in which a particularly heinous crime was being committed.</p> <p>5. <u>People vs. Brown</u> (12 Cal App 3d 600 (1970))</p> <p>a. The law enforcement officer must consider the type of information relied on to reach their conclusion that there is an emergency circumstance.</p> <p>b. This case refers directly to that type of information. The court found that in a situation where a brother of the victim reported hearsay information to the police that his father was having sexual intercourse with the cerebral palsied and retarded daughter of the family and where the officer had heard other information</p>	

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<p>from a probation officer who was working with the family about prior acts of sexuality in the house, their entry into the house pursuant to the emergency doctrine was valid even though the critical information was based on hearsay evidence. In so ruling the court noted: "The right of privacy and domestic security extend no impenetrable protective cloak against the prevention of a felonious assault upon a helpless victim. The victim's right to physical and mental integrity outweighs the right of the aggressor to remain secure in his domestic sanctuary."</p> <p>6. <u>People vs. Sutton</u> (65 Cal App 3d 341 (1976))</p> <p>a. Officer received call from communications that two children were alone unattended in an apartment. He knocked and received no answer. He went back to his car to get additional information from dispatch. Meanwhile the mother returns, goes to the apartment. She is intoxicated. The officer enters apartment behind her, observes unfit condition for children, takes custody of two children. The court based its decision on <u>In re Dawn O.</u> (58 Cal App 3d 160) "We do not by this holding imply that any different standard for application of the rule of necessity exists in cases involving child endangering. Entry for the purpose of protection of infant children must be justified on the same grounds as any other entry; there must be "an imminent and substantial threat to life, health or property." We conclude, however, as did the court in <u>In re Dawn O.</u>, that the facts reasonably indicating that an infant child may be unattended constitute such a substantial threat is not dissipated by the return of a custodial parent in a state of obvious intoxication."</p>	

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<p>7. <u>People vs. Beaugez</u> (232 Cal App 2d 650 (1965))</p> <p>a. Five month old Jerry Beaugez, Jr. sustained multiple injuries (severe spinal fracture and bruises)</p> <p>b. "Because, in most cases, abuse occurs in the privacy of the home, proof of the actor directly responsible is, more often than not, impossible. If children are to be protected against such mistreatment, responsibility must be fixed upon those directly responsible--those who willfully permit situations to exist which imperil children."</p> <p>c. <u>Re: 273 Penal Code In re Biggs</u> (17 CA 3d 337, 94 CR 519 (1971))</p> <p>The mother's boyfriend, who lived with the mother and the children, was responsible for the child's bruised and battered condition. The mother failed to protect her son from the consistent cruelty of another and this caused the Juvenile Court to make the son a dependent of the court. The dependency of the daughter, who was not physically beaten, was adequately supported, since her witnessing of the beatings would endanger her emotionally. Therefore it is legally acceptable and proper perhaps, required, at times to remove all other siblings living therein.</p>	

SUPPORTING MATERIAL

AND

REFERENCES

Physical Evidence Bulletin Titled: " GUIDELINES FOR PHYSICAL EVIDENCE IN SEXUAL ASSAULT INVESTIGATIONS" is considered Handout #1. This document is available from the Department of Justice, Division of Law Enforcement, Investigation Services Branch.

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Handout #1
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Child Abuse and Neglect

- I. What is child abuse?
 - A. Children are physically beaten
 - B. Children are neglected to the point of physical or medical danger
 - C. Children are sexually molested or exploited
 - D. Children are emotionally or psychologically abused
- II. Identification of physical abuse
 - A. Non-accidental injuries
 - B. Injuries which the child could not have inflicted itself
 - C. The abuse causes a traumatic condition
- III. Tell-tale types of physical abuse
 - A. Non-accidental bruising and laceration patterns
 1. Wrap around (from a belt or switch - wound wraps around body)
 2. Loop-type (electrical cord)
 3. Defense bruises (child holds arms behind back to protect self; bruise pattern continues on arms)
 4. Bruises in unlikely places (back of neck, both sides of face, back of legs, kidney area, etc.)
 - B. Injuries in different stages of healing
 1. Note: Some children are born with skin discolorations resembling bruises (referred to as mongoloid spots). The only way to differentiate these from bruises is to wait a few days; they do not change color or disappear.
 - C. Injuries unlikely for child's age and capabilities
 - D. Burns
 1. Cigarette burns (difficult for a physician to distinguish if healed from chicken pox or impetigo scars)

2. Patterned burns (implement leaves patterned mark, i.e. heater grate)
 3. Immersion burns
 - a. glove or sock for dipped hands and feet
 - b. donut shape on buttocks
 4. Splash burns (often will show from which direction liquid was poured)
- E. Injuries caused by instruments or implements
1. Implement thrown at victim may leave imprint
 2. A 2 by 4 would leave an impression and splinters
- F. Overlapping injuries
1. Scar tissue from old injuries
 2. Hyper or hypopigmentation (skin coloring gone or too much coloring)
- G. Head injuries
1. Split lips, black eyes, injuries on both sides of face, broken or missing teeth
 2. Eggshell fracture
 3. Subdural hematoma
 - a. Trauma from blow to head causing severe bleeding into cranial area
 1. Can also be caused by excessive shaking causing swelling to eyes and surrounding frontal area.
- H. Complications from old injuries
1. Unhealed or incorrectly healed breaks or fractures
- I. Distended limbs or fingers; spiral fractures
1. Caused by twisting limbs, pulling limbs
 2. Gull-wing breaks

- J. The majority of injuries should have a good explanation by responsible parent/guardian. Infants do not typically have burns, bruises and breaks. If they do, a good explanation is in order. Note: Most physical abuse occurs when the child is under five years of age.

III. What constitutes neglect of a minor?

A. Penal Code 270

1. Person willfully omits without lawful excuse to furnish necessary food, shelter, necessary clothing, medical attention.
- B. The law enforcement officer must be certain that the person has not done so solely because of poverty, ignorance or lack of parenting skills. The child, however, if in a state of neglect, will need protection.

IV. What criteria should the officer set up to determine an unfit home?

A. The officer should first look at the entire environment.

1. Are there plumbing facilities?
 - a. Undisposed human defecation?
 - b. Urine-soaked mattresses?
 - c. Water supply?
2. Generally filthy environment?
 - a. Cockroaches or other infestation?
3. What is food supply like?
 - a. Refrigerator working?
 - b. Inadequate food supply? No food staples, etc.
 - c. Spoiled food--check dating on perishable items
4. Inadequate utilities
 - a. Any heating?
5. Inadequate shelter
 - a. Is family living in burned-out home, evacuated area?

6. Inadequate clothing
 - a. Filthy clothing (unchanged diapers)
 - b. Improperly dressed for weather conditions
7. Safety hazards
 - a. Exposed electrical wiring
 - b. Accessible, caustic chemicals, poisons
 - c. Accessible knives, guns, or other harmful implements
8. Is the child small or extremely thin for his/her age?
 - a. Does this child look hungry? Dull?

V. Criteria to determine if a child is endangered

- A. A child locked in a vehicle unattended. (Child is helpless)
- B. Parents/guardians involved in criminal activities
 1. Child exposed to prostitution, drugs, gambling, pornography
- C. Child is passenger in a car driven by an incapacitated driver
 1. Drunk driver or driver is exceeding speed limit excessively.
Driver driving erratically
- D. Child is a sibling of an already abused child
 1. It has been shown that when one abused child is removed from the home, another often becomes the target for abuse.
 2. The fact that one child observes the abuse to another is psychologically damaging.
- E. Child is exposed to accessible dangers
 1. Minors left alone to fend for themselves
 2. Dangerous areas in homes: e.g. balconies with inadequate railings, open stairwells, etc.
- F. Inadequate supervision
 1. Minors left alone to fend for themselves

2. Parents unable to care for children because they are incapacitated (drunk, under influence of drugs, etc.)

VI. Response by law enforcement officers

A. Role

1. Law enforcement officers are the only 24 hour, seven day per week service available.
2. Protection of child is primary purpose of intervention
3. The officer has the right and responsibility to take a suspected abused minor into temporary custody without a warrant.
 - a. 305 Welfare and Institution Code
 - b. Penal Code 11161.5 (Mandatory reporting law) reports from other service agencies
4. The officer when possible, should try and get a warrant if there is time and no further abuse would occur as a result of the delay.
 - a. Section 340 Welfare and Institutions Code states that when a minor comes within the provision of Section 300, and it appears to the court that the circumstances of his/her home might endanger minor's health or welfare, a warrant of arrest might be issued immediately for the minor.

B. Right of entry is based on several court decisions

1. Case law People vs Roberts (47 Cal 2d 374 (1956))
 - a. Officers gained entry into an apartment where they heard moans and reasonably believed that someone inside was in distress and in need of assistance. They entered for the purpose of giving aid. "Necessity often justifies an action which would otherwise constitute a trespass as where the act is prompted by the motive of preserving life or property and reasonably appears to the actor to be necessary for that purpose."
2. Case law People vs. Roman (256 Cal app 2d 656 (1967))
 - a. An officer investigating a complaint of child beating saw through the open door of an apartment a two-year-old child seated on the floor, apparently unconscious. The officer entered the apartment and examined the child. The child had

fresh welts on the back of its neck and blood around its nose. When asked if its dad hit him, the child sobbed, "yes."

- d. "A peace officer may arrest without a warrant whenever he has reasonable cause to believe that the person to be arrested has committed a felony, whether or not the felony has in fact been committed (PC 836(3)). Child beating likely to produce great bodily harm or death is a felony. (PC 273a (1))

3. Case law In re Dawn O. (58 Cal App 3d 160 (1976))

- a. The police officer involved was confronted with the problem of escorting a five-year-old child back home at 10:30 P.M. He got the impression that there may be an unattended child inside the apartment. There the officer knocked on the door with no response, not for the purpose of securing the residence for the child but for determining whether there was another child alone inside the apartment. In those circumstances the court ruled that there was a legitimate and immediate emergency that the child might be left alone in a dangerous circumstance.

4. Case law People vs. Payne (65 Cal App 3d 679 (1977))

- a. The court ruled that police officers, in forcing open a door in defendant's bedroom, did not act unreasonably or in violation to defendant's right to privacy or domestic security. Following reports from a reliable informant that defendant molested children in a bedroom in his garage, police set up surveillance in which he was seen to pick up a male juvenile and drive him to the garage, whereafter defendant failed to respond to one of the investigating officers who repeatedly knocked on the bedroom door, announced that he was conducting a child molestation investigation, thus leading the officers to believe, despite the absence of any call for help by the juvenile, that an emergency situation had arisen in which a particularly heinous crime was being committed.

5. Case law People vs. Brown (12 Cal App 3d 600 (1970))

- a. The law enforcement officer must consider the type of information relied on to reach their conclusion that there is an emergency circumstance.
- b. This case refers directly to that type of information. The court found that in a situation where a brother of the victim reported hearsay information to the police that his

father was having sexual intercourse with the cerebral palsied and retarded daughter of the family and where the officer had heard other information from a probation officer who was working with the family about prior acts of sexuality in the house, their entry into the house pursuant to the emergency doctrine was valid even though the critical information was based on hearsay evidence. In so ruling the court noted: "The right of privacy and domestic security extend no impenetrable protective cloak against the prevention of a felonious assault upon a helpless victim. The victim's right to physical and mental integrity outweighs the right of the aggressor to remain secure in his domestic sanctuary."

6. Case law People vs. Sutton (65 Cal App 3d 341 (1976))

- a. Officer received call from communications that two children were alone unattended in an apartment. He knocked and received no answer. He went back to his car to get additional information from dispatch. Meanwhile the mother returns, goes to the apartment. She is intoxicated. The officer enters apartment behind her, observes unfit condition for children, takes custody of two children. The court based its decision on In re Dawn O. (58 Cal App 3d 160) "We do not by this holding imply that any different standard for application of the rule of necessity exists in cases involving child endangering. Entry for the purpose of the protection of infant children must be justified on the same grounds as any other entry; there must be "an imminent and substantial threat to life, health or property." We conclude, however, as did the court in In re Dawn O., that the facts reasonably indicating that an infant child may be unattended constitute such a substantial threat is not dissipated by the return of a custodial parent in a state of obvious intoxication."

7. Case law People vs. Beaugez (232 Cal App 2d 650 (1965))

- a. Five month old Jerry Beaugez, Jr. sustained multiple injuries (severe spiral fracture and bruises)
- b. "Because, in most cases, abuse occurs in the privacy of the home, proof of the actor directly responsible is, more often than not, impossible. If children are to be protected against such mistreatment, responsibility must be fixed upon those directly responsible--those who willfully permit situations to exist which imperil children."
- c. Re: 273 Penal Code

"By applying the "rule of reason" to the whole provisions, we construe its meaning as a whole to condemn the intentional placing of a child, or permitting him to be placed, in a situation in which serious physical danger or health hazard to the child is reasonably foreseeable. This is the construction of intent which the context of the statute as a whole justifies, and so construed we find it not void for vagueness."

- d. Siblings of abused minors can also be taken into custody under this case law.

C. Issuing complaints

1. What constitutes a felony in child abuse? 273 Penal Code
 - a. Child beating likely to produce great bodily harm or death.

VII. Procedure

A. Protection of child from further injury

1. Placement with proper child protective services

B. Medical attention

1. If abuse is suspected, the officer should take the child to a facility that has doctors trained in detecting child abuse injuries.
2. The officer should get a detailed report of all injuries and give the explanation given to him/her of the injuries by the parent/guardian to the doctor. Thus, if the injuries could not have occurred in such a manner, the doctor will be able to verify that.

C. Once the officer is inside the home, he/she should isolate the victim and question him/her as to the origin of the injuries.

1. Perhaps the most important rule of evidence in sexual abuse cases is the exception to the hearsay rule which allows a police officer to testify in court as to statements made by the victim at the time of the arrest. (People vs. Gentry, 370 Cal App 2d 462).
2. Take down verbatim all statements made by the child at the time of arrest. Such evidence may be critical to the prosecution.

3. The officer should examine the child thoroughly for apparent injuries (broken bones, cuts, bruises).
 - a. Disrobe the child completely (there may be other bruises, burns on buttocks, bottoms of feet hidden by clothing).
- D. The officer should be alert to possible evidence inside the house that may be needed at the trial later, such as a belt, broom handle, switch, etc.
- E. The officer should ascertain from the parents/guardians their explanation of the child's injuries and record statements exactly.
 1. Both parents or other adults living in the home should be interviewed.
 - a. Spouses are not immune from testifying against one another in child abuse cases. (People vs. Batres 269 Cal App 2d 900) "The privilege of the wife and mother to refuse to testify against the husband and father under the circumstances here presented does not apply."
- F. If a sexual crime has been committed (i.e., incest), the officer should low-key right and wrong. He/she should try to be non-judgmental, professional.
- G. The officer should photograph the area in which the abuse took place, the injuries sustained by the victim and any other areas that would corroborate the case.
 1. If the child has burns, it may be difficult to photograph these type of injuries. If possible, the officer should find out when the dressings would be changed and arrange to photograph the injuries at that time.
 2. The officer should try to minimize any further trauma to the child during the photography.
- H. The officer should obtain statements from all witnesses.
 1. The Mandatory Reporting law (Penal Code 11161.5) requires that all school teachers, doctors, social workers, probation officers, psychiatrists, psychologists, counselors, nursery school teachers, workers, camp counselors, and all who in their jobs come into contact with children report abuses within 36 hours to the police department, probation department or social services department by telephone and in writing.

- I. The officer should be aware of the kind of a relationship the parent and child have.
 1. Are the parents socially isolated?
 2. Do parents protect one another rather than the child?
 3. Do the parents have unrealistic or inappropriate expectations of the child?
 4. Does the parent believe the child is getting even" with him/her?
 - a. Statements like: "He enjoys upsetting me." or "He doesn't act like other children his age," might be typical statements from a parent who expects too much from a child.
 5. Is there a common law husband living in the house?
 6. Whose child is the victim?
- J. The field officer should keep in mind that his/her initial investigation and report has great bearing on whether or not a child will be removed from the parents.
 1. A complete and detailed report should be written
 - a. Photographs should be included (Polaroid are good because they are immediately attachable)
 - b. Statements from all witnesses and suspects should be accurate and complete.
 - c. Child's statements should include exact wording used by child with an explanation of terminology by officer.

INTERVIEWING CHILD VICTIMS OF SEX OFFENSES

By C. J. Flammang

With the continued increase of delinquency and youthful crime rates, one is prone to concentrate upon the juvenile in the role of the offender. Often overlooked within the day-to-day police operation are the numbers of youth who are victimized by other youth and adults. A significant amount of this victimization involves sexually oriented offenses directed toward children.

Even the mention of juveniles and sex invokes the traditional image of the incidence of statutory rape, with the victim being viewed as a co-participant. Thus, the concept of the juvenile as an offender continues to prevail.

While much has been written about interviewing, no significant amount of material is contained within the literature relating to sexual offenses directed toward children. Interviewing techniques are generally presented as a smaller segment of information dealing within interrogation. The interview, as such, has not received the attention that has been provided interrogation in police literature. As has been the case in many police functions, there is a question of misplaced priorities in relation to interviewing and interrogation. It is true that interrogation is highly important, but it is also true that the police do a disproportionate amount of interviewing. The skills necessary to conduct an effective interview are required tools of the police officer.

Interviewing is based upon a different objective than the goal of the interrogation. It requires a different approach, and these factors demand the utilization of a separate set of skills. The total setting of the interview is drastically altered in cases involving the young victim of a sexual offense. For the purpose of this article, the subject matter will be limited to those persons usually under age fourteen, who have been subjected to a sexual encounter, and the subsequent police task of interviewing the child victim.

RANGE OF SEXUALITY ENCOUNTERED BY YOUNG CHILDREN

The term pedophilia is applied to that classification of persons who are prone to direct their sexuality toward children. While this group represents a large segment of the problem under discussion, child molest situations also involve youthful suspects committing sex offenses against youthful victims.

The incompetency felt by the pedophil individual toward the release of his sexual desires within a reasonably mature setting with persons of his own age is believed to be a large measure of the motivation to direct his attentions toward young children.¹ There are numerous other factors involved, including the innocence perception, in which the individual is attracted to the young child because of a shattered womanhood fantasy.

The youth who acts out his sexual drives by involvement with younger children is usually striving to release the tensions those drives have created. However, pedophilia is observed among adolescents, and in the event the tendencies are not discovered and corrected, that individual will probably carry them into adulthood.

Although sexual drives are an inherent part of the human needs response, sexual behavior is learned. As stated by Ullman and Krasner:

...it is an area of taboo, an area associated with a primary source of positive reinforcement, and involves a complicated interpersonal relationship, it is not surprising that it suffers particular vicissitudes in our society. Emphasis is continually placed on sexual success as a measure of personal worth and therefore, sexual difficulties may, by generalization, be associated with many other role behaviors.²

While the actual incidence of sexuality directed toward young children is not known, the range of the offenses are commonly encountered.³ Types of offenses run the totality of the continuum of the human sexual experience. The offenses include homosexuality, sodomy, incest, normally accepted acts of intercourse, various methods of oral copulation, and numerous incidents of sex play. The latter is most frequently encountered, due to the physical differences between the victim and the adult offender and the pain that is likely to occur during the act of penetration. The recognition of these facts by the adult participant tends to explain the often-heard statement by the suspect to the effect that the victim was not hurt.

Human sexual behavior is dependent upon a multiplicity of variables. Two of these are the interpersonal relationship and the circumstances of opportunity. It is because of these factors that so many police encounters with sex offenses directed toward young children tend to emanate from within the family or in the neighborhood setting. A great majority of the incidents are family oriented. These usually do not surface rapidly but, rather, represent long periods of chronic adult-child sexual activity.

The youngest victim to qualify as a witness and provide courtroom testimony against an adult suspect was a five-year-old girl. Admittedly, she was an exceptional child; however, children from seven years on should normally be able to perform the witness role.

1. J. Paul de River: Crime and the Sexual Psychopath, Springfield, Thomas, 1958, p. 160.
2. Leonard P. Ullman and Leonard Krasner: Case Studies in Behavior Modifications. New York, Holt, Rinehart and Winston, 1965, p. 234.
3. The American Humane Association, Denver, under the direction of Vincent DeFrancis, is studying the epidemiology of sex crimes against children.

IMPORTANCE OF THE CHILD VICTIM AS A WITNESS

The majority of sex offenses against small children occur in semi-secrecy and for obvious reasons. One of the major factors providing older suspects with a sense of confidence is the concept that the child will either not willingly testify or will be incapable of providing testimony. This concept is manifested by the suspect's statements or actions upon apprehension, that it is the child's word against his. Quite often the suspect is right. It is for this reason that the child victim is an important individual in the investigation. A secondary reason for the importance of the victim as a witness lies in the need to establish the certainty of the corpus delicti before pursuing the investigation. The victim's description of the offense is the basis for accepting or rejecting the report of a crime in a child molest case in the absence of extensive physical evidence. Usually the offense is really a series of offenses that have occurred over a long period of time in a sheltered situation. These factors account for the small number of cases in which physical evidence of a meaningful nature is discovered.

The following examples will dramatize the importance of the child victim as a witness. During one four-hour period, the author successfully investigated and apprehended three different suspects, in three separate incidents, at three geographic locations, each remote from the other. One case involved acts of homosexuality being perpetrated upon elementary school boys while returning home from school. The second incident was an attempt to rape a young female while she was playing in a vacant lot. The last offense was a fondling of the private parts of a six-year-old girl adjacent to a recreation park. None of the victims had ever seen the suspect before the offenses had occurred.

The success attained in these investigations does not indicate an outstanding ability upon the part of the author, but rather reflects the capabilities of the children who were victimized, to perform in the role of witnesses.

Another consideration of the child victim as a witness involves the importance of the child as a courtroom witness. Generally speaking, the suspect will often force the issue of the courtroom experience. This may be merely at the point of the preliminary hearing, but police officers should not be surprised if their victim is required to testify. In the event the case goes to court, the suspect is relying upon the hope that the victim will not make an effective witness. In addition, in the courtroom setting, the child victim is often the only vehicle for establishing that the crime, in fact, was committed.

In evaluating the several roles of the victim as a vehicle of information, one discovers three definite effects upon the totality of the investigative procedure. The first is the need for the victim to convince the officer of the actuality of the crime. The second is the utilization of the victim for information that will lead to the identification and apprehension of the

suspect, in the event the suspect is unknown. The third is the necessity of viewing the victim in the role of the most important courtroom witness and predetermining the child's effectiveness at testimony.

THE ELEMENTS OF THE POLICE INTERVIEW

Interviewing is a purposeful communication technique.⁴ Its purpose is to seek information.⁵ In the final analysis, it amounts to an interpersonal relationship. Because of the intimacy of the individuals involved, personalities play an important part in the interview. In large measure, the success of the interview depends upon the officer's ability to quickly interpret the personality of the person being interviewed and then to adjust the projection of his own personality to fit the needs of the situation. Most authorities agree that the initial contact between the interviewer and the person being interviewed, is a crucial point in which a frame of reference must be established.⁶

The police interview is characterized by a degree of voluntariness on the part of the individual being interviewed. It is not a situation in which the officer is the sole actor, but it requires the ability to listen and ferret out important information that is contained in the overall statements by the interviewed.

An interview has the elemental needs to establish rapport, to keep the person talking, to avoid long pauses or use them effectively, and to ignore or disregard some comments.⁸

The effective police interview has other properties, including the time factor. Interviews cannot be successfully conducted in a hurry. Haste must be avoided. They require preparation. No interview can be truly successful unless the officer has all of the available information it is possible to have before entering the interview arena. Furthermore, the officer should plan the interview and know where he is to begin before the encounter. Included in the planning process should be reactions to the unexpected and the ability to adjust the thrust of the interview accordingly.

The nature of the interview requires the development of certain skills that are not a part of the interrogation or other communicative processes. The interview is but another example of the multiplicity of tasks involved in the police function.

4 C.J. Flammang, The Police and the Underprotected Child, Springfield, Thomas, 1970, p. 196.

5 George J. Dudycha: Psychology for Law Enforcement Officers.

6 Ibid, p. 74

7 Flammang, op.cit., pp. 197-198.

8 Dudycha, op.cit., pp. 74-75.

INTERVIEWING THE CHILD VICTIM OF SEXUAL OFFENSES

The interviewing of the young child is a sensitive situation. Police personnel often lose sight of the fact that a child is not just a small adult. If handled properly, children can provide very effective information.⁹ In order to obtain solid facts from a young child, different skills must be employed than would be used in an interview involving an older person.

The nature of the offense is one in which parental and adult reactions are likely to be emotional and explosive. This fact has caused one authority to express the need for the officer to deal with the adult reactions as a primary function before the interview.¹⁰ In order to control the interview of the child, the police must first take charge of the total situation in which the interview will occur. Usually by discussing the concept of protection through innocence, the parents will be brought to a realistic position. Protection through innocence suggests that the child victim of a nonviolent sexual act will not suffer greatly from the effects of the experience unless the child interprets the situation to be extremely wrong as a result of the reactions of the adults around him. Once parents and others are convinced of the harm that the adult reactions to the offense do to the child, the officer is in the position to move toward establishing the interview setting.

Where the interview occurs is not nearly as important as who may be included as observers. The only requirement for the setting of the interview is that the location provide a degree of privacy and that it limit interruptions from external sources. In the victim's home, a bedroom or the kitchen may be the best universal choices. The school may be a very effective place. Even the police vehicle may be successfully utilized. Naturally, if there is no emergency nature to the offense, an office at headquarters may be ideal.

Whenever possible, the child should be interviewed by officers only, with no observers. A word of caution: a male officer should not interview a female victim without someone else present. When it is necessary to have another person (not an officer) present, that other person should be a neutral party. Neutral in this context means a person free from excessive emotional reaction to the nature of the subject matter and a person who is willing to observe and not become engaged in the verbalization of the interview.

Determining the Child's Capability to be a Witness

In the courtroom, the decision of whether or not to allow the testimony of the child is a matter that falls within the judicial discretion of the judge. In

⁹ Harry Soderman and John J. O'Connell: Modern Criminal Investigation. New York, Funk and Wagnalls, 1952, p. 34

¹⁰ Mary Holman: The Police Officer and the Child. Springfield, Thomas, 1962, p. 109.

order to make that decision, the judge will question the child in an attempt to determine the youth's ability to observe the oath administered to witnesses. This ability can be predetermined by the officer, and this action can occur as a result of an important part of the interview. That part is the crucial opening of the conversation.

Beginning the interview with icebreakers that establish the child's ability to provide personal information places the interview into an immediate context of informality and friendliness. Children like to discuss themselves and show off their knowledge. Questions to be pursued include not only personal data, but also questions rating the child's development and maturity, establishing his concept of time, and relating to veracity.

Examples of Personal Questions. The questioning of the child about where he lives, the names of his parents, and information about other siblings in the home tends to bring about a responsiveness. If there are other children in the home, their names and ages should be secured from the victim, along with information about whether they are older or younger than the child being interviewed. (Later, this information can be used to determine the whereabouts of the siblings during the commission of the offense.)

The child should be questioned regarding school attendance, friends, and personal interests.

The child victim should be able to state the month or day of his birth. Either piece of information would be sufficient for a young child. The investigator should not disqualify a child on the basis of an inability to provide this information, especially in relationship to the year of the birth.

Questions Rating Development and Maturity. It should be determined if the victim can tell time or answer general questions regarding community life which the particular child experiences such as, church attendance, recreational or educational opportunities usually open to children, and other areas of possible experience.

The officer should attempt to discover if the child can tie shoes or perform other motor control tasks normal for a child of that age.

Questions Establishing a Concept of Time. These questions should be utilized throughout the interview, as it is necessary to demonstrate the child's ability to judge time to some reasonable extent, in relation to the offense.

General questions aiding this procedure cover the subject matter of what days of the week the child attends school (or does not attend, a question with less answers that arrives at the same conclusion). Having the child name the months or the time of year that he does not attend school provides a basis for the determination of the child's concept of a year period.

As the interview proceeds and the story of the offense unfolds, the child may be able to establish time periods in relation to childhood experiences. The daily television schedule provides the opportunity to direct the child's attention to the time of day. The same is true for eating habits; whether it was daylight or dark; if it occurred before or after going to bed or going to school. There are many routine daily functions in the life of the child upon which to relate the time element of the offense.

For broader time lengths, relating the incidents to various holidays, school vacation periods, important family activities, or other pertinent experiences will succeed in focusing the child's attention on a time period that delimits the vagueness.

Questions Relating to Veracity. The child should be able to state in his own words what is meant by telling the truth. It is necessary for the child to make a negative connection to the act of lying and a positive one to the act of telling the truth.

The child does not have to explain the nature of truth. He merely has to indicate that he is aware of what is involved in the act of truthfulness. For the younger child, it may be helpful to frame the questions in reverse, such as, what happens to a person who tells a lie? The child must be able to show that he knows that telling the truth is good and that telling a lie is wrong.

The Child and Leading Questions

A tolerance exists to a minimum degree for leading questions directed toward children. This is an acceptable courtroom practice. The officer must remain aware of the suggestibility of the interviewee, and leading questions should be kept to a minimum, if not omitted entirely. The problem involved in the use of leading questions is the increase of the factor of inaccuracy. The purpose of the interview is to obtain factual information, and questioning forms that reduce the ability to achieve that objective are in opposition to the reason for the interview. Holman has warned against the officer putting words into the child's mouth and extends that admonition to include the act of parents being allowed to do the same thing.¹¹ This latter problem is best overcome by isolating the parents from the interview situation.

Determining the Details of the Offense

The child being questioned must establish the facts of the crime. This requires the officer to pursue questioning that will elicit the details of the acts performed. Such details are not common experiential knowledge to a young child. Sexual activities cannot be described by young children, in a vivid way, unless the child has been exposed to the sexuality involved.

11. Idem.

Because of the nature of the subject matter, the officer must use tact and discretion in formulating and stating the questions. He has to realize that the child will not have a vocabulary with which to express many of the facts. In those instances, it will be necessary to shift from one word or phrase to another, in an attempt to arrive at a verbalization of the event or item, that is mutually understood. A very good method is to ask the child what term he applies to a certain body part or to describe a certain act.

Many children will not be able to provide a term that will describe an act of a sexual nature, while others may be found to be shockingly explicit. They all will be able to reach an understood agreement for terms that designate various portions of the body. Utilizing these body part terms, the officer can then question the child as to mechanics of the act.

Some officers enter these interviews with preconceptions of how the act occurred. This is a fatal error. The deviations within the scope of human sexuality are close to infinite. The officer should realize that in a situation where no penetration took place, the child may relate answers to questions concerning fondling, when in fact oral offenses also were included.

The term child victim can also be misleading, as it carries a connotation of passive participation. The realities are that a child may be stimulated pleasurable as a result of the sexual contact, and become an active participant. Thus, some questioning along the lines of what acts the child performed upon the person of the suspect may be in order. It represents a possibility that should not be discounted.

In entering into the main area of the interview, the officer should insure that the child understands the meaning of the victim role. The interviewer must recognize that there has been some excitement and reaction displayed since the child first allowed the situation to come to light. The fact of the presence of the officer indicates to the child that this is a more than normal situation. The child must not be allowed to believe that he is in trouble or that people think him to be nasty.

After quelling those types of fears on the part of the child and beginning the search for the details of the offense, the officer should conduct the interview with the recognition that it is an investigative process, not a course in sex education. Very sensitive areas may be encountered. If the child's reactions indicate that he is not aware of what the officer is talking about, and this lack of awareness is due to inexperience and not vocabulary, the officer should not pursue that course further. There is no need to teach the child facts that extend beyond the scope of the information-seeking goal of the interview.

Among adults who could affect the child by the adult reaction to what is stated, is the officer. No police personnel should register any response to what transpires within the interview that could be misinterpreted by the child. Along this same vein, the officer should recognize that the child may

be quite close to the suspect, beyond the sexual display. Therefore, the approach used by the police should omit any derogatory or other negative statements about the suspect in the presence of the child. Vindictiveness is not a part of the investigative process.

Police Actions Related to the Interview, But Occurring Afterwards

Upon the completion of the interview, the police should explain to the parents that the child may have to repeat the story to others, including the prosecutor and the act of testifying in open court. Officers should never state that the child will not have to testify or talk to others, if the case is to be pursued.

The parents should be cautioned against continued questioning or recounting the incident within the home. They should be encouraged to let the matter drop until the time that it is necessary to bring it out again. The child's emotional reactions and return to normalcy are given a better prognosis if the matter is allowed to lay dormant.

Later, if the case goes to court, the officer should be aware of the rapport that he established with the child during the interview, and that the child may have a close affinity toward the officer. Without going to extremes, the officer should be sure to recognize the presence of the child in and around the courtroom. He should take steps to alleviate the anxieties of the victim and to encourage the child's efforts at testifying. This is not intended to mean that the officer should react to the child while the latter is on the witness stand; rather, it refers to before-court sensitivity.

CONCLUSIONS

Police encounters with child victims of sex offenses are not unusual. The child represents an important vehicle in the investigative process, and the officer should approach the youth with that importance in mind. The interview of the child is a critical stage in the investigation, and the results of that interview will in large measure determine the results of the police action.

About the Author: The author is an Associate Professor with the Police Training Institute, University of Illinois, having recently joined that faculty. Prior to his present tenure, Professor Flammang served as the first police consultant with the Municipal Technical Advisory Service, the University of Tennessee. He has previously been associated with the Police Science Program at Fresno City College, California, and with the Delinquency Control Institute, Indiana University of Pennsylvania.

Professor Flammang obtained his law enforcement experience with the Fresno County Sheriff's Department, California. He holds an MA degree from Fresno State College.

He has authored numerous articles in law enforcement publications. He co-authored A Sample Police Officer's Duty Manual, with Captain Harold Guerin of the Sacramento County Sheriff's Department. Professor Flammang is the author of The Police and the Underprotected Child, published in 1970 by Charles C. Thomas, Publisher, Springfield, Illinois.

Selected California Government Codes
Relating to Coroner's Duties and Responsibilities
In Homicide and Death Cases

California Government Codes
Section 27491.3

In any death into which the coroner is to inquire, he may take charge of ANY and ALL PERSONAL EFFECTS, valuables, and property of the deceased AT THE SCENE OF DEATH and hold or safeguard them until lawful disposition can be made. He may, in his discretion, LOCK THE PREMISES and APPLY A SEAL to the door or doors prohibiting entrance to the premises, pending arrival of a legally authorized representative of the deceased; provided that this shall not be done in such a manner as to interfere with the investigation being conducted by law enforcement agencies. Any costs arising from the premises being locked or sealed while occupied by property of the deceased may be a proper and legal charge against the estate of the deceased.

Any such property or evidence related to the investigation or prosecution of any known or suspected criminal death may, with knowledge of the CORONER, be delivered to a law enforcement agency or district attorney, receipt for which shall be acknowledged.

It shall be unlawful for ANY PERSON to search for or remove any papers, moneys, valuable property or weapons constituting the estate of the deceased from the person of the deceased or from the premises, PRIOR TO THE ARRIVAL OF THE CORONER or WITHOUT HIS PERMISSION. At the scene of any death, when it is immediately apparent or when it has not been previously recognized and the coroner's examination reveals that police investigation or criminal prosecution may ensue, the coroner shall not further willfully disturb the body or any related evidence until the law enforcement agency has had reasonable opportunity to respond to the scene, if their purposes so require and they so request.

Opinion Relative to California Government Code Section 27491.3

This section permits discretionary options that the deputy coroner may take in relinquishing control of a deceased person's premises and property.

Paragraph 1 of this section stipulates that the deputy coroner may take charge of a deceased person's property or he may seal the premises under certain conditions.

This latitude can result in problems for the Police Department in some instances. Under current policy the Coroner's Office can, instead of sealing a premise, leave the premise and contents in control of a next of kin relative,

or in control of anyone who had been living with the deceased at the time the deceased expired. There is no requirement that a person should have lived with the deceased for a specified period of time before he qualified as someone who could be entrusted with the deceased property or dwelling. The coroner's philosophy in this area being that if the deceased trusted the person enough to have that person reside with him, than the coroner would not eject that person from the premises.

California Government Codes

Section 27463 - Coroner's Register, entries to be made.

Sub-Section C - The property taken from the person or premises of the deceased by the coroner or by any other law enforcement agency shall be registered in the CORONER'S REGISTER where it will be numbered and indexed.

Section 27464 - Whenever the death of any person shall have been referred to the coroner for investigation, there shall be delivered to the coroner any note, letter, or document apparently written by the deceased which may tend to indicate an intention by the writer to take his life, including directions for disposition of his property or disposal of his remains. A facsimile copy thereof shall be placed in the coroner's records, and if an inquest be held, a true copy shall be read into the record and transcribed into the notes of the official stenographer. Upon completion of legal proceedings arising from such death, the original instrument shall be delivered by the coroner to the addressee or to the legal representative of the estate of the decedent; provided, nowever, that if the instrument purports to be testamentary in nature, it shall be filed with the county clerk as provided by law.

Section 27465 - Within 30 days after an inquest upon a dead body the coroner shall deliver to the legal representatives of the deceased any money or other property found upon the dead body.

Section 27468 - If within 30 days after an inquest upon a dead body no legal representative of the decedent demands from the coroner the property found upon the person of the decedent, the coroner shall SELL the property at public auction upon reasonable public notice, and immediately thereafter deliver the proceeds of the sale to the treasurer, who shall place them to the credit of the county.

HOMICIDE INVESTIGATION

Glossary of Terms

ABORTION:	Uterus empties itself prematurely; criminal abortion is a willful production of a miscarriage of a woman who is pregnant, whether by administering drugs, or using instruments, or by any other means not authorized by law.
ABRASION:	Wearing away of the skin in small shreds by friction.
ACCIDENT:	An unforeseen occurrence, especially one of an injurious character.
ADIPOCERE:	Peculiar waxy substance formed during the decomposition of animal bodies buried in moist places. It consists principally of insoluble salts of fatty acids--also called "grave wax" (soap-like appearance).
ACUTE:	Sharp or severe.
AMNESIA:	Lack or loss of memory, especially in remembering past experiences.
ANATOMY:	Study of the structure of the human body.
ANEMIA:	Insufficient oxygen-carrying capacity of the blood.
ANESTHETICS:	A group of drugs capable of producing either localized or general loss of sensation. Example: (1) Chloroform - heavy, colorless liquid with a characteristic odor and taste; (2) Ether - colorless, volatile liquid with penetrating odor.
ANEURYSM:	A sac formed by the dilation of the walls of an artery or of a vein and filled with blood.
ANGINA:	Spasmodic pain.
ANTE-MORTEM	Before death.
ANTIDOTE:	A remedy for counteracting a poison.
ANTITOXIN:	A substance found in the blood serum and in other body fluids which is specifically antagonistic to some particular toxin.

ANUS:	The distal end and outlet of the alimentary canal.
AORTA:	The great trunk artery which carries blood from the heart to be distributed by branch arteries through the body.
ARSENIC:	A medicinal and poisonous element; a brittle, lustrous, graying solid, with a garlicky odor.
ARTERY:	Any one of the vessels through which the blood passes from the heart to the various parts of the body.
ASPHYXIA:	Suffocation:
ASPIRATION OF VOMITUS	Breathing or drawing in vomitus into the respiratory tract, blocking same.
CADAVERIC SPASM:	Stiffening and rigidity of a single group of muscles occurring immediately after death.
CARBON MONOXIDE: (CO)	A colorless, odorless, very toxic gas.
CARBON DIOXIDE	A heavy, colorless gas.
CARDIO:	A combining form denoting relationship to the heart.
CARDIOVASCULAR:	Pertaining to the heart and blood vessels.
CARTILAGE:	The gristle or white elastic substance attached to articular bone surface and forming certain parts of the skeleton.
CASTRATION:	Removal of the gonads (primary sex organs).
CAVITY:	A hollow place or space.
CEREBRAL:	Pertaining to the cerebrum, which is the main portion of the brain occupying the upper part of the cranium.
CERVICAL:	Pertaining to the neck.
CHRONIC:	Sickness of long duration.
CIRCULATION:	Movement in a regular course; as the circulation of the blood.
CONGENITAL:	Existing at or dating from birth.
CONTRECOUP:	Injury resulting from a blow on a remote part.

CONTUSION:	Bruise as a result of rupture of the blood vessels.
CONVULSION:	A violent, involuntary contraction or series of contractions of the voluntary muscles.
CORONARY:	A term applied to vessels, nerves, ligaments.
CORPSE:	The dead body of a human being.
CRANIUM:	The skull or brain pan.
CULPABLE:	Meriting condemnation or blame.
CYANOSIS:	Blueness of the skin, often due to cardiac malformation causing insufficient oxygenation of the blood (increase in carboxyhemoglobin).
DECOMPOSITION:	The separation of compound bodies into their constituent principles - post mortem degeneration of the body
DEGENERATION:	Deterioration.
DELIRIUM:	A mental disorder marked by illusions, hallucinations, physical restlessness and incoherence.
DEPRAVED:	Perverted.
DETERIORATE:	To become worse - impairment.
DIAGNOSIS:	The art of distinguishing one disease from another.
DIAPHRAGM:	The musculomembranous partition that separates the abdomen from the thorax.
DISARTICULATION:	Amputation or separation at a joint.
DISEASE:	Any departure from a state of health; illness or sickness.
DISINTERMENT:	Digging up body after burial.
DISTAL:	Remote, farthest from the center.
DORSAL:	Pertaining to the back.
DOTAGE:	Feebleness of mind in old age.
DUODENUM:	The first portion of the small intestine.

DYSENTERY:	A term given to a number of disorders marked by inflammation of the intestines, and attended by pain in the abdomen and frequent stools containing blood and mucus.
ECZEMA:	An inflammatory skin disease.
EMBALMING:	The treatment of the dead body to prevent putrefaction.
EMBOLISM:	A blocking of an artery or vein by a clot or obstruction (usually carried by blood circulation).
EMBRYO:	The fetus in its earlier stages of development.
EPIDERMIS:	The outermost layer of the skin.
EPILEPSY:	A chronic functional disease characterized by brief seizures in which there is loss of consciousness, with a succession of tonic or clonic convulsions.
EXTENUATE:	To lessen.
EXHUME:	The disinterring or removal of a body from the grave.
FATAL INJURY:	An injury resulting in death.
FELONIOUS HOMICIDE:	The killing of a human being without justification or excuse.
FEMUR:	The thigh bone.
FETISHISM:	Association of lust with items of certain portions of the female body or with certain articles of female attire.
FETUS:	The unborn offspring of a human or an animal.
FISTULA:	An abnormal passage leading from an abscess to the body surface.
FRATRICIDE:	The act of killing one's brother or sister.
GANGRENE:	Death of tissue, characterized by anoxia and marked inflammation.
HEMORRHAGE:	Bleeding.
HISTOTOXIC:	Poisonous to tissue or tissues.
HOMICIDOMANIA:	Impulsive desire to commit murder.

HYDROPHOBIA:	The usual common name for rabies in man.
HYPERTENSION:	High blood pressure.
INCISION:	A wound inflicted by an instrument with a sharp cutting edge.
INFANTICIDE:	The act of killing an infant soon after birth.
INFARCT:	An area of necrosis (death of a cell or group of cells) in a tissue produced by sudden arrest of circulation in a vessel.
MYOCARDIA INFARCTION:	An area of death in heart tissue, usually resulting from coronary thrombosis.
PULMONARY INFARCTION:	An area of necrosis in lung tissue produced by sudden arrest of circulation in a vessel.
INHALATION:	The drawing of air or other vapor into the lungs.
INTESTINE:	The membranous tube that extends from the stomach to the anus.
INTRA:	Prefix meaning within.
LACERATION:	A split or tear of the skin, produced usually by blunt force.
LATERAL:	Pertaining to a side.
LIGAMENT:	Any fibrous, tough band which connects bones or supports viscera.
LIGATURE:	Anything which binds or ties.
LIVER:	A large gland situated in the upper part of the abdomen on the right side, usually of a dark red color.
LIVIDITY:	Post-mortem discoloration due to the gravitation of blood.
LUMBAR:	Pertaining to or near the lower region of the back.
MASOCHISM:	Sexual perversion in which the pervert takes delight in being subjected to degrading, humiliating, or cruel treatment such as flogging or choking.
MEDIAL:	Pertaining to the middle.

MEMBRANE:	A thin layer of tissue which covers a surface or divides a space or organ.
MENINGITIS:	Inflammation of the meninges (thin membranous coverings of brain.
MISCARRIAGE:	The premature emptying of a uterus prior to 28 weeks of gestation.
MONOMANIA:	Intent concentration on a single subject or class of subjects.
MUMMIFICATION:	The complete drying up of the body as the result of burial in a dry place, or by exposure to dry atmosphere.
MYOCARDIUM:	The heart muscle.
NARCOMANIA:	An insane desire for narcotics or alcohol.
NATAL:	Pertains to birth.
NAUSEA:	Tendency to vomit; sickness at the stomach.
NECROPHILISM:	Morbid attraction to corpses; sexual intercourse with a dead body.
NON COMPOS MENTIS:	Not sound of mind; insane.
OSSIFICATION:	Formation of bone or a bony substance.
OSTEITIS:	Inflammation of a bone.
OSTEOMYELITIS:	Inflammation of bone caused by pyogenic organism.
PANCREAS:	A large elongated gland behind the stomach.
PAPILLARY:	Pertaining to or resembling a nipple, ridges, or grooves.
PARALYSIS:	The loss of the power of voluntary motion.
PARANOIA:	Mental disorder characterized by the development of ambitions or suspicions into delusions of persecution.
PARENTICIDE:	The act of killing one's own parents.
PATHOLOGY:	The part of medicine which explains the nature, cause, and symptoms of disease.
PATRICIDE:	The act of killing one's own father.

PERMEATION:	The spreading through a tissue or organ of a disease process.
PETECHIAL HEMORRHAGES:	Hemorrhages that occur in minute (pinlike) points beneath the skin.
PHALANX:	Any bone of a finger or toe.
PHONOMANIA:	Insanity marked by a tendency to commit murder.
PNEUMATIC:	Pertaining to air or respiration.
POST MORTEM:	After death.
PROXIMAL:	Nearest to the center.
PSYCHOSOMATIC:	Pertaining to the mind-body relationship.
PUBIC:	Pertaining to the pubes (anterior pelvic bones).
PULMONARY:	Pertaining to the lungs.
PULMONARY EMBOLISM:	The closure of the pulmonary artery or one of its branches by an embolus.
PUTREFACTION:	Decomposition of soft tissues by bacteria and enzymes.
RANCID:	Having a musty, rank taste or smell.
RESPIRATION:	The act or function of breathing.
RETARDATION:	Delay or hindrance.
RIGOR MORTIS:	A rigidity or stiffening of the muscular tissue and joints of the body after death.
SACRO:	Combining form denoting relationship to the sacrum.
SCHIZOPHRENIA:	A mental disorder.
SCLEROSIS:	Induration or hardening.
SEMEN:	The thick, whitish secretion of the reproductive organs in the male.
SENILE:	Pertaining to old age.
SORORICIDE:	Act of murdering one's own sister.

SPASM:	Sudden, violent, involuntary contraction of a muscle or group of muscles.
SPUTUM:	Matter ejected from the mouth; saliva and mucus.
STAGNANT:	Failure of circulation (for example, shock, cardiac failure).
STILL BIRTH:	28 weeks of gestation, or over, and born dead.
STRANGULATION:	Any abnormal constriction of the throat, causing a suspension of breathing.
STROKE:	A sudden or severe attack, with rupture of the blood vessel.
SUFFOCATION:	The stoppage of respiration.
TARSUS:	The instep proper of the foot with its seven bones.
TETANUS:	An acute infectious disease caused by bacteria which release a powerful toxin.
THERMO:	Combining form denoting relationship to heat.
THROMBO:	Combining form denoting relationship to a clot.
TIBIA:	The inner and larger bone of the leg below the knee.
TISSUE:	An aggregation of cells united in the performance of a particular function.
TORSO:	The trunk of the body without the head or extremities.
TOXIC:	Poisonous.
TOXICOLOGIST:	An expert in the knowledge and detection of poisons.
TRACHEA:	The windpipe.
TRAUMA:	A wound or injury.
TREMOR:	An involuntary trembling or quivering.
UMBILICAL:	Pertaining to the umbilicus (navel).
VASCULAR:	Pertaining to or full of vessels.
VEIN:	A vein which conveys the blood to or toward the heart.
VENTRICLE:	One of the two lower cavities of the heart.

RECOMMENDED READING

"Criminal Investigation," by H. Gross and R. L. Jackson

"Homicide Investigation," by Le Moyne Snyder

"Modern Criminal Investigation," by H. Soderman and J. J. O'Connell

"Outline of Death Investigation," by Raymond I. Harris

"Scientific Investigation and Physical Evidence," by Leland V. Jones

"Studies in Homicide," by Marvin Wolfgang

"Techniques of Crime Scene Investigation," by Arne Svensson and Otto Wendell

PERSONS MANDATED TO REPORT
CHILD ABUSE AND NEGLECT

The Child Abuse Reporting Law requires child care custodians, medical practitioners, non-medical practitioners, and employees of child protective agencies to report a child whom the person knows, observes, or reasonably suspects has been the victim of child abuse or neglect.

While everyone should report suspected child abuse or neglect, it is a crime for certain professionals and lay personnel not to report suspected abuse to the proper authorities.

Persons other than those on the following list may report instances of suspected child abuse and may do so anonymously.

A. Child Care Custodians

1. School Personnel
 - a. Teacher
 - b. Administrative Officer
 - c. Supervisor of child welfare and attendance
 - d. Certified pupil personnel employee of any public or private school
2. Administrator of a public or private day camp
3. Licensed Day Care Worker
4. Administrator of a community care facility licensed to care for children
5. Headstart Teacher
6. Public Assistance Worker
7. Employee of a child care institution including:
 - a. Foster Parents
 - b. Group Home Personnel
 - c. Personnel of Residential Care Facilities

8. Social Worker
9. Probation Officer
10. Licensing worker or licensing evaluator

B. Medical Practitioners

1. Physician and Surgeon
2. Psychiatrist
3. Psychologist
4. Dentist
5. Resident
6. Intern
7. Podiatrist
8. Chiropractor
9. Licensed Nurse
10. Dental Hygienist
11. Any other person licensed under Business and Professions Code 500 which presently includes:
 - a. Clinical Laboratory Technician
 - b. Speech Pathologist and Audiologist
 - c. Optician
 - d. Physical Therapist
 - e. Optometrist
 - f. Osteopath
 - g. Pharmacist
 - h. Psychiatric Technician
 - i. Veterinarian

- j. Nursing Home Administrator
- k. Hearing Aid Dispenser
- l. Ophthalmologist

NOTE: Neither the physician/patient privilege nor psychotherapist/patient privilege may be invoked as an excuse for failure to report pursuant to the child abuse reporting statute. Further, there is no privilege to refuse to disclose a confidential communication between a physician and patient and a psychotherapist and patient in any court proceeding or administrative hearing regarding information reported pursuant to the Child Abuse Reporting Statute (Penal Code Section 11171(b)).

C. Non-Medical Practitioner

- 1. State or County Public Health employee who treats a minor for venereal disease or any other condition
- 2. Coroner
- 3. Paramedic
- 4. Marriage, Family, or Child Counselor
- 5. Religious Practitioner who diagnoses, examines or treats children

D. Employees of Child Protective Agencies

Child protective agencies consist of police departments, sheriff's departments, county probation departments, and county welfare departments.

Reporting Responsibilities

Internal procedures may be established to facilitate reporting where the reporting responsibilities are vested in more than one person.

When two or more persons who are required to report are present and jointly have knowledge of a suspected instance of child abuse, and when there is agreement among them, a telephone report may be made by a member of the team selected by mutual agreement. A single report may be made and signed by such selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make such report.

The reporting duties are individual. No supervisor or administrator may impede or inhibit such reporting duties and no person making such report shall be subject to any sanction for making such report.

What to Report

Child abuse may be any act of commission or omission which endangers or impairs a child's physical or emotional health, or development. These acts can include sexual abuse or assault, physical abuse, physical neglect, inadequate supervision, mental and/or emotional abuse.

Pursuant to the child abuse reporting law, child abuse which falls into one or more of the following categories must be reported:

1. Sexual Assault

- a. Rape (Penal Code Section 261)
- b. Rape, acting in concert by force or violence (Penal Code Section 264.1)
- c. Incest (Penal Code Section 285): applies to persons who are within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other or who commit fornication or adultery with each other.
- d. Sodomy (Penal Code Section 286)
- e. Lewd and lascivious acts on a child under 14 years of age (Penal Code Section 288(a) and (b))
- f. Penetration of a genital or anal opening by foreign object (Penal Code Section 289)
- g. Child Molestation (Penal Code Section 647a)
- h. Oral copulation (Penal Code Section 288a)

Sexual assault should be suspected if:

- a. The child reports sexual activities with parents.
- b. The child shows an early and exaggerated awareness of sex, with either seductive interest or fearful avoidance in close contact with others.

- c. There is tearing, bruising, or specific inflammation of mouth, anus, or genitals, or evidence of semen (oral, rectal, vaginal).
- d. There is venereal disease of the eyes, mouth, anus, or genitals of a child under 15.
- e. A girl is pregnant and very evasive in naming her partner.
- f. A child with behavior problems hints at conflicts at home, but seems very fearful of talking about one of the parents; and/or sexual partner.
- g. A child is known to be the victim of other forms of abuse by parent(s).

2. Physical Injuries

Injuries to a child inflicted by other than accidental means must be reported. These injuries may include, but are not limited to: bruises, abrasions, lacerations, burns, fractures, hematomas, or internal injuries.

Physical abuse should be suspected when one or more of the following indicators are present:

When the parent -

- a. Shows evidence of loss of control, or fear of losing control.
- b. Presents contradictory history.
- c. Projects cause of injury onto a sibling or third party.
- d. Has delayed unduly in bringing child in for care.
- e. Shows detachment.
- f. Reveals inappropriate awareness of seriousness of situation (either overreaction or underreaction).
- g. Continues to complain about irrelevant problems unrelated to the injury.
- h. Personally is misusing drugs or alcohol.
- i. Is socially isolated; little extended family support.
- j. Presents a history that cannot or does not explain the injury.

- k. Gives specific "eye witness" history of abuse.
- l. Gives a history of repeated injury.
- m. Has no one to "bail" her (him) out when "up tight" with the child.
- n. Is reluctant to give information.
- o. Refuses consent for further diagnostic studies.
- p. Hospital "shops".
- q. Cannot be located.
- r. Is psychotic or psychopathic.
- s. Has been reared in a "motherless" atmosphere.
- t. Has unrealistic expectations of the child.

When the child -

- a. Has an unexplained injury.
- b. Shows evidence of dehydration and/or malnutrition without obvious cause.
- c. Has been given inappropriate food, drink, and/or drugs.
- d. Shows evidence of overall poor care.
- e. Is unusually fearful.
- f. Shows evidence of repeated injury.
- g. "Takes over" and begins to care for parents' needs.
- h. Is seen as "different" or "bad" by the parents.
- i. Is indeed different in physical or emotional makeup.
- j. Is dressed inappropriately for degree or type of injury.
- k. Shows evidence of sexual abuse.
- l. Shows evidence of repeated skin injuries.
- m. Shows evidence of repeated fractures.

- n. Shows evidence of "characteristic" X-ray changes to long bones.
- o. Has injuries that are not mentioned in history.

3. Neglect

Neglect is defined in the statute as the negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. It includes both acts and omissions on the part of the responsible person.

(1) Severe neglect means:

The negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed non-organic failure to thrive. "Severe neglect" also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered, as prescribed by subdivision (d), including the intentional failure to provide adequate food, clothing, or shelter.

(2) General neglect means:

The negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, or supervision where no physical injury to the child has occurred.

All forms of neglect are reportable under Penal Code Section 273a. Neglect may be suspected if one or more of the following indicators exist:

- a. Poor skin hygiene.
- b. Lack of medical attention for fairly obvious infection such as purulent draining ear, soft tissue abscess.
- c. Lack of medical attention for prolonged symptoms of pain, diarrhea, vomiting, respiratory distress.
- d. Injuries untreated.
- e. No immunizations.
- f. Inadequate or grossly inappropriate clothing.

- g. No dental care.
- h. Aberrant behavior: unresponsive infant, sad or withdrawn pre-schooler, almost any behavior off the norm in the school age child; often aggressive.
- i. Exaggerated fears, preschool night terrors.

4. Mental and Emotional Abuse

Mandated reporters are encouraged to report instances of inflicted mental suffering or the endangering of a child's emotional well-being.

Willfully cruel and unjustifiable infliction of mental suffering must be reported (Penal Code Section 11165[d], [g], 273a).

NOTE: Although emotional abuse or neglect is difficult to define, there is increasing evidence of the potentially severe damage that it may cause particularly to very young children. This is significant as the definition of "non-organic failure to thrive" is expanded to include more than simple lack of weight gain. Social and emotional skills may be permanently impaired, as well as resulting damage to intellectual cognitive skills. These children as adults may present as permanently socially and/or mentally retarded.

Because of the severity and potential permanence of this damage, such acts or omissions merit reporting despite the vagueness of the definition of those acts or omissions. A protective service referral may also be appropriate in cases where it is anticipated that a child may fail to thrive (e.g., a newborn with a depressed, withdrawn, angry parent).

5. Acts or Omissions Prohibited by Penal Code Section 273a (Willful abuse or injury to person or health of a child.)

The acts or omissions covered under this section which are reportable include, but are not limited to:

- a. All types of physical and sexual abuse.
- b. Intentional or negligent failure to provide adequate food, clothing, shelter, or medical care.
- c. ~~Intentional or negligent failure to protect a child from harm caused by another.~~

The statute reaches three types of offenders in their conduct relating to children:

- a. The person who willfully inflicts, causes, or permits unjustifiable physical pain.
- b. The custodian who willfully causes or permits the child's life, limb, or health to be injured.
- c. The person who willfully causes or permits a child to be placed in such situation that his life, limb, or health is endangered.

b. Acts Prohibited by Penal Code Section 273d (Corporal Injuries)

The statute applies to any person who willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition such as those listed in Section 2.

The injury must result in a traumatic condition. Traumatic condition is defined as a condition of the body such as a wound or injury.

When to Report

The report of suspected child abuse or neglect must be made to a child protective agency (DPSS or law enforcement) immediately upon suspecting child abuse or as soon as practically possible by telephone. The person reporting shall also prepare and send a written report within 36 hours to the child protective agency.

The written report shall be submitted on forms adopted by the Department of Justice. These forms may be obtained from your local law enforcement agency, Welfare Department or Probation Department.

The telephone report shall include:

1. The name of the person making the report;
2. The name of the child;
3. The present location of the child;
4. The nature and extent of the injury; and
5. Any other information including information that led such person to suspect child abuse.

A report must be made when persons in their professional capacity or within the scope of their employment obtain knowledge of or observe a child whom they reasonably suspect has been the victim of child abuse.

Observe means to see, perceive, notice, or arrive at a conclusion after study.

Reasonably suspect means that it is objectively reasonable for a person to entertain such a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience to suspect child abuse.

Therefore, a mandated reporter must report an instance of child abuse when he/she suspects that a child has been abused, after observing the child or upon being advised of the abuse by the victim, the abuser, or a third person or after gaining knowledge from any source.

To Whom Reports Are Made

Reports of suspected child abuse or neglect are made to a child protective agency.

According to the child abuse reporting law, child protective agencies include:

1. A Police Department;
2. Sheriff's Department;
3. County Probation Department; and
4. County Welfare Department.

Legal Liability

Persons Mandated to Report

Child Care Custodians, Medical Practitioners, Non-Medical Practitioners, and employees of a child protective agency are protected from civil and criminal liability. This means that these persons may not be prosecuted or held personally liable, even if subsequent investigation determines that the reported abuse did not occur.

Immunity from liability also extends to the taking of photographs and X-rays and dissemination of these photographs with the required reports.

Criminal Liability

Under California law, it is a crime to fail to report suspected abuse of children to the appropriate authorities.

Penal Code Section 11172 states that a person mandated to report who fails to report an instance of child abuse which he or she knows to exist or reasonably should know to exist is guilty of a misdemeanor and is punishable by confinement in the County Jail for a term not to exceed six months or by a fine of not more than \$500 or by both.

Civil Liability

Failure to report suspected child abuse could also result in civil liability. A person who is mandated to report suspected abuse but does not do so could be held responsible for the cost of any damage to the child (*Landerors v. Flood*, 17 Cal. 3 399 [1976]).

Persons Not Mandated to Report

Persons not mandated to report are nevertheless encouraged to report suspected child abuse and neglect. Such persons who do report are protected from civil and criminal liability. However, making a false report, and knowing such report to be false, constitutes a misdemeanor. (Penal Code Section 148.5)

Interdepartmental Responsibility

Child Protective Agencies

A County Probation or Welfare Department shall immediately, or as soon as practically possible, report by telephone every instance of suspected child abuse reported to it, to the law enforcement agency having jurisdiction over the case, and to the agency responsible for investigating cases under Section 300 of the Welfare and Institutions Code. A written report within 36 hours must also be submitted.

Exception: Reports of general neglect as defined in Section 3 (2) are reportable only to the county welfare department.

A law enforcement agency shall immediately, or as soon as practically possible, report by telephone every instance of suspected child abuse reported to it, to the County Welfare Department, and the agency responsible for investigating cases under Section 300 of the Welfare and Institutions Code. A written report within 36 hours must follow.

Exception: Reports of general neglect as defined in Section 3 (2) are reportable only to the county welfare department.

A child protective agency shall send to the Department of Justice a written report of every case of suspected child abuse which it investigates.

If a report is later proved unfounded, the agency shall so notify the Department of Justice.

The child protective agency shall make information, which it receives from the Department of Justice, available to the reporting medical practitioner, child custodian, or guardian ad item (appointed under Section 318 of the Welfare and Institutions Code) provided they are treating or investigating the suspected child abuse case.

The child protective agency shall notify the person(s) required to report of the result of any investigation and action taken with regard to the child or family.

Department of Justice

The Department of Justice has adopted forms to be used by the child abuse reporters and the child protective agencies.

When a child protective agency submits a report to the Department of Justice, the agency shall be notified of any relevant information relating to the suspected instance of child abuse which the Department maintains.

REPORTING SUSPECTED CHILD ABUSE/
NEGLECT IN OUT-OF-HOME CARE

In all instances of suspected child abuse/neglect of a child living in out-of-home care, reports shall be made in accordance with P.C. Section 11165, et. seq. to a child protective agency. The report must be made by phone and in writing within 36 hours.

ADDITIONAL CRITERIA FOR INVESTIGATING
SUSPECTED ABUSE/NEGLECT OF CHILDREN
IN FOSTER FAMILY HOMES

1. Interview the foster parent(s)
 - o Number of children in care; ages
 - o Availability and supervision of foster parent? Outside job?
 - o Identified child
Is one child seen as problem? Why? Are there supports for this child? (Therapy, tutoring, etc.)
 - o What is parent's description of incident?
 - o Have there been previous incidents?
2. Talk to other children in home?
 - o Who supervises them? (Are children in charge?)
 - o What are their chores?
 - o How are they disciplined?
 - o What do they usually do with free time?
 - o Do they like it there?
 - o Who do they tell if they have complaints?
 - o Are they on any medication? Why?
3. Physical setting
 - o Any health or safety hazards?
 - o Overcrowded?
 - o Date of last licensing visit?
4. Appearance of children
 - o Adequate, appropriate clothing
 - o Signs of undernourishment?
 - o Look depressed/withdrawn?
 - o Over-clingy/needy
 - o Will not talk/seem afraid/vigilant
 - o Over compliant. Everything is wonderful.

ADDITIONAL CRITERIA FOR INVESTIGATING
SUSPECTED ABUSE/NEGLECT OF
CHILDREN IN GROUP HOMES.

1. Interview Administrator/Director
 - o Number of children
 - o Discipline techniques used
 - o Identified Child
 - Is one child seen as problem? Why? Are there supports for this child? (Therapy, tutoring?)
 - o Administrator's description of incident?
 - o Have there been previous incidents with this worker? With others? How were they handled?
2. Interview alleged abuser
 - o His/her description of incident:
 - Is it the same story?
 - o Previous incidents
3. Physical setting
 - o Health or safety hazards
 - o Overcrowded?
 - o Date of last licensing visit.
4. Appearance of children
 - o Adequate, appropriate clothing?
 - o Signs of undernourishment?
 - o Look depressed/withdrawn?
 - o Over-clingly/needy?
 - o Will not talk/seem afraid/vigilant
 - o Overly compliant. Everything is wonderful.

ADDITIONAL CRITERIA FOR INVESTIGATING SUSPECTED
ABUSE/NEGLECT IN RESIDENTIAL TREATMENT CENTERS

1. Interview Administrator/Director
 - o Number of children
 - o Number of professional staff
 - o Use of aversive therapy
 - isolation
 - medication
 - restraint
 - o If so, by whom? Under what circumstances? Are there written guidelines/safeguards?
 - o Director's explanation of incident
 - o Clear line of command
2. Interview alleged abuser
 - o His/her description of incident
 - o Previous incidents?
3. Physical setting
 - o Any health or safety hazards
 - o Overcrowded?
 - o Date of last licensing visit?
4. Appearance of children
 - o Adequate, appropriate clothing?
 - o Signs of undernourishment?
 - o Look depressed/withdrawn?
 - o Over-clingly/needly?
 - o Will not talk/seems afraid/vigilant
 - o Overly compliant. Everything is wonderful.

LEGAL STATUTES PERTAINING TO CHILD ABUSE

Penal Code

Abandonment	Section 270
Abduction	Sections 277/280
Child Pornography	Section 311.2a
Closed Circuit TV/Video Tape of Child's Testimony	Section 1347
Corporal Punishment	Section 273d
Daily Reports to the Office of the Attorney General	Section 11107
Degrading, Immoral or Vicious Practices in Presence of a Child	Section 273g
Delinquency, Contributing to	Section 272
Employing a Minor to Perform a Prohibited Act	Section 311.4
Enticing a Female Under 18 for Prostitution	Section 266
Exhibiting Harmful Matter to a Child	Section 313.1
Home, Failure of Parents to Provide	Section 270a
Incest	Section 285
Kept in a House of Prostitution	Section 309
Kidnapping	Section 207
Making Available for Lewd Acts	Section 266j
Messenger to Immoral Places	Section 273e
Molestation	Section 288
Molesting or Annoying a Child Under 14 Years of Age	Section 647a
Neglect of Child	Section 273a
Oral Copulation	Section 288a
Pandering	Section 288a

Penetration by a Foreign Object	Section 289
Protective Custody-abduction Cases	Section 279
Rape	Section 261
Rape in Concert	Section 264.1
Registration of Sex Offenders	Section 290
Reporting Laws	
-Confidentiality and Disclosure of Reports	Section 11167.5
-Definitions of Child Abuse	Section 11165
-Duty of Child Protection Agency	Section 11169
-Duty of Department of Justice (Central Registry)	Section 11170
-Duty of Observer-Cross Reporting Requirements	Section 11166
-Film and Photographic Print Processor	Section 11166(c)
-Forms	Section 11168
-Investigation and Reporting of Suspected Child Abuse Cases	Section 11166.1
-Investigation Procedures	Section 11174
-Liability of Person Making Report; Reimbursement by State of Attorney Fees Incurred in Defending Action	Section 11172
-Order for X-ray Without Parental Consent	Section 11171.5
-Required Information; Confidentiality of Reporter's Identity	Section 11167
-X-rays; Physician-patient privilege	Section 11171
Sale or Distribution of Obscene Matter (Pornography)	Section 311.2
School Employee; Arrest for Sex Offense; Notice to School Authorities	Section 291
Sending to Immoral Places	Section 273f
Sexual Exploitation	Section 311.3
Sodomy	Section 286
Soliciting Commission of Sex Offenses	Section 653f(c)
Specimens of Sex Offender	Section 290.2
Unlawful Sexual intercourse	Section 261.5
Willful Abandonment or Non-Support	Section 271a
Willful Cruelty	Section 273a
Willful Desertion	Section 271

Dependent Child of the Court

Section 300

- (a) No Parental Control
- (b) Destitute Child
- (c) Physically Dangerous to the Public
- (d) Unfit Home

Notification of Parent or Guardian of Protective Custody Section 308

Notification of Parent or Guardian of Detention Section 627

Purpose of Juvenile Court Law Section 202

Relinquishment or Termination of Parental Rights Section 300(e)

Taking Minor to Community Service Program Section 307.5

Temporary Custody (300(d) W&I Cases) Section 309(b)

Temporary Custody Without a Warrant (300 W&I Cases) Section 305

Temporary Custody Without a Warrant Section 625

Written Notification of Decision Section 328.3

Health And Safety Code

Inspection of Child Care Facility by Parent

Section 1596.857

Notification of Parent by Peace Officer

Section 1597.876

Education Code

Access To School Records - Emergency

Section 49076

Notification of Parent or Guardian of Temporary

Custody by School Official or Police Officer

Section 48906

Case Law

I. Entering a Home Without a Warrant on Child Abuse Cases

People vs. Roberts (47 Cal App 2d 374 (1956))

Officers gained entry into an apartment where they heard moans and reasonably believed that someone inside was in distress and in need of assistance. They entered for the purpose of giving aid. The court held "Necessity often justifies an action which would otherwise constitute a trespass..."

People vs. Roman (256 Cal App 2d 656 (1967))

An officer, investigating a complaint of child beating, saw through the open door of an apartment a two-year-old child laying on the floor, apparently unconscious. The officer entered the apartment and examined the child. The child had fresh welts on the back of his neck and blood around his nose. When asked if his dad hit him the child sobbed, "yes."

Based on the information at hand the officer may make an arrest for a felony.

In re Dawn O. (58 Cal App 3d 160 (1976))

The police officer took a five-year-old child back home at 10:30 p.m. He got the impression that there may be an unattended child inside the apartment. The officer knocked on the door with no response, not for the purpose of securing the residence, but for determining whether there was another child alone inside the apartment. The court ruled that, under the circumstances, it was reasonable to determine if a child had been left alone in a dangerous circumstance.

People vs. Payne (65 Cal App 3d 679 (1977))

The court ruled that police officers, in forcing open a door in the defendant's bedroom, did not act unreasonably or in violation of the defendant's right to privacy or domestic security. Following reports from a reliable informant that the defendant molested children in a bedroom in his garage, the officers set up a surveillance in which he was seen to pick up a male juvenile and drive him to the garage.

The defendant failed to respond to one of the investigating officers who repeatedly knocked on the bedroom door and announced that he was conducting a child molestation investigation. The officers were led to believe, despite the absence of any call for help by a juvenile, that an emergency situation had arisen in which a particularly heinous crime was being committed.

II. Other Case Law

People vs. Austin (111 CA3d 110)

The touching of the victim need not be of the naked body but may be over clothing. Defendant directed eight year old boy's shoulder into bus. Touching may be minimal.

People vs. Brown (12 Cal App 3d 600 (1970))

The law enforcement officer must consider the type of information relied on to reach the conclusion that there is an emergency circumstance.

People vs. Carskaddon (170 Cal App 2d 45, 47 (1959))

Sexually explicit comments made to a seventeen-year-old girl without accompanying physical act is sufficient to constitute child annoyance.

People vs. Fritts (72 CA3d 319)

The defendant was charged with violations of Penal Code Section 288 of his daughter over a period of one year. The court found that precise dates do not have to be alleged "if not material".

People vs. La Fontaine (79 Cal App 3d 176, 185 (1978))

The court held that mere words may constitute molesting or annoying a child. Touching of the body is not required.

People vs. Nothnagel (187 CA2d 291 (1961))

The touching of a child need not be sexual in character once the corpus delicti of the offense consists of any lewd or lascivious act upon any part of the body of a child under fourteen (14) years of age. The purpose of the offender has consistently been the controlling factor.

People vs. Roberts (26 CA3d 385)

The offender need not have physical contact with the child but may direct other juveniles to engage in sexual acts. The court ruled that this is a violation of Penal Code Section 288.

People vs. Schultz (49 CA2d 38)

The court ruled that the defendant's state of mind was shown by introducing "graphic and convincing evidence by way of photographs taken of a child with her private parts exposed."

People vs. Sutton (65 Cal App 3d 341 (1976))

The officer received a radio call that two children were alone, unattended in an apartment. He knocked on the door and received no

answer. He went back to his car to get additional information from dispatch. Meanwhile, the mother returned to the apartment in an intoxicated state. The officer entered the apartment behind her, observed unfit conditions for the children, and took custody of the two children.

In re Biggs (17 CA 3d 337, 94 CR 519 (1971))

The mother's boyfriend, who lived with the mother and the children, was responsible for the child's bruised and battered condition. The mother failed to protect her son from the consistent cruelty of another and this caused the Juvenile Court to make the son a dependent of the court. The dependency of the daughter, who was not physically beaten, was adequately supported, since her witnessing of the beatings would endanger her emotionally. Therefore it is legally acceptable and proper perhaps, required, at times to remove all other siblings living therein.

In re Phillip B. (92 Cal App 3d 796 (1979))

State officials may interfere in family matters to safeguard the child's health, educational development and emotional well-being. Liability cannot be imposed on governmental agencies when the interference is based on a reasonable belief of the need for such action.

New York vs. Ferber (458 U.S. 747 (1982))

A bookstore proprietor was convicted under a New York statute prohibiting persons from knowingly promoting a sexual performance by a child under the age of 16 by distributing material which depicted such a performance. The United States Supreme Court held that "child pornography is not entitled to First Amendment protection provided the conduct to be prohibited is adequately defined by applicable state law..."

TREATMENT FOR CHILD ABUSERS AND THE ABUSED

While law enforcement is usually involved in the initial response and investigation of child abuse, and whether or not criminal action is instituted, it should be remembered that it may not always be appropriate to respond to this type of criminal activity with traditional crime and punishment approaches to the solution. Fines or prison sentences alone are unlikely to rehabilitate the child abuser. Treatment techniques for the entire family are being developed and implemented throughout the nation and in California through a number of programs utilizing interdisciplinary techniques.

Treatment can have positive, long-run effects when parents can be assisted in feeling better about themselves--when their basic emotional needs for love, self-respect and competence are satisfied, they are less likely to mistreat their children.

Treatment can be the catalyst by which abusers can learn to develop their own feeling of self-worth and to begin to make up for the devastating belittling and physical abuse many of them experienced in their own childhoods.

Treatment for abusive parents is primarily a process of reparenting. Parents need someone who can be there in times of crisis and who can help them with their practical needs by leading them to resources or by providing more direct help. They need assistance in learning how to manage their own lives, and help in understanding childrens' needs.

While it is obviously vital for abusers to have treatment resources available to them, whether they volunteer or are court-ordered, there is a clear and compelling need for similar treatment for the abused child. Most existing treatment programs concentrate on the abuser, with concurrent efforts to bring the family back together again.

Many experts have expressed the concern that not enough individual psychological and counseling attention is paid to the child. This can be extremely important in the area of incest, for example. Although the parent may be receiving successful treatment, there is still a child at home or in placement who for a variety of reasons is riddled with guilt, who may be feeling an acute lack of self-worth, who may be doubting his or her own sexuality--and who very much needs individual counseling. Studies have shown, too, that the female victim of incest may have a higher potential for suicide and that many prostitutes were themselves victims of sexual abuse as children. The need for treatment of the child-victim may be illustrated by a few cases we are all aware of because of their notoriety. These include Charles Manson, Arthur Bremmer, and Edwin Kemper, all of whom were discovered through psychiatric examination to have been either abused or neglected children. These potentials need to be dealt with, aside from treating the parent. Intervention can be prevention of future delinquent behavior and child abuse.

For the child-victim who is perhaps old enough to understand, the answer to the spoken or unspoken question "why?" is vital to know--beyond simply having a parent back in the home again who is deemed to be no longer abusive. Special attention needs to be paid, too, to the abused child who is not old enough yet to speak, or who is not generally felt to be old enough to understand. The potential impact of what we may think is a forgotten event may be stored in the subconscious and manifested later.

Twenty-four hour crisis lines, designed and developed to provide referrals and concerned listeners, have been established in many areas of the state. The use of para-professionals and parent aides to staff the hot lines, make home visits, and to provide counseling and other direct services have proven effective in many instances.

To complement crisis and other counseling services, many communities offer to families a variety of additional support:

1. Homemaking services (worker comes to home and helps).
2. Emergency funds.
3. Emergency shelter care.
4. Child care services (day care).
5. Crisis nurseries (24 hour, parents drop off kids).
6. Food, and/or
7. Visits by public health nurses (assistance to new mothers, for example).

SPECIAL TECHNIQUES FOR CHILD WITNESSES
by Doris Stevens and Lucy Berliner
Harborview Medical Center, Seattle, WA

In recent years there has been much publicity about the ordeal of prosecution for the rape victim. Many states have initiated programs to address victims' rights, but it is too early to tell how victim advocate programs and related legislation will affect the rate of prosecution of rape and other sexual assault offenses.

It is not widely known that a significant number of sexual assault victims are children. National statistics on the incidence of sexual abuse of children are not kept. Many local jurisdictions do not have systems for gathering such information either. Incidents of child sexual abuse currently being brought to the attention of police agencies are probably only the most unusual or severely abusive cases. The number of child sexual assault victims referred to the Sexual Assault Center for medical or counseling services has been increasing steadily since 1973. During the past year, over 25% of cases referred to SAC were victims age 14 and under. Thirteen percent of our total cases were age nine or younger. Twenty-one percent were sexually assaulted by members of their immediate family. The majority of child victims we serve are molested by an offender who is known to the child (61%); only a small number are molested by total strangers. Although child molesters are usually not violent in the sense that forcible rapists are, child victims are usually confused and frightened as a result of the abuse, and sometimes physically injured as well. It has been our experience that child molesting is often a compulsive behavior; therefore, if the offender is not prosecuted for his crime, a series of children will undoubtedly be exposed to his abuse.

If child molesters are prosecuted, child victims must endure the same processes as adult victims do, without benefit of special procedures or protection. This fact contrasts with the differential treatment which our society provides to minors in other areas of the criminal justice system. The United States was the first society in the world to establish separate criminal justice system procedures for juvenile offenders, based on belief that children have experiences, capabilities, and vulnerabilities that are significantly different from adults. However, our society has not subscribed to protecting all children involved in criminal proceedings - only juvenile offenders. If a child is witness to a crime committed by an adult, that child is drawn into the adult criminal justice system procedures, where there is usually little allowance made for the child's limited ability to compete within an adult system. Two negative effects can result: (1) child victims and

Center for Women Policy Studies
2000 P Street, NW, Suite 508
Washington, DC 20036
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their families report being further traumatized by investigation and court procedures; and (2) prosecutions of child molesters are unsuccessful because the crimes are either not reported initially or the child witness is not able to convey the information necessary to corroborate the sexual offense charge in court.

If our society believes that sexual molestation of children is a serious crime, then it seems that special techniques must be adopted within the criminal justice system which not only encourage cooperation of child witnesses, but at the same time acknowledge the inherent limitations on a child's performance.

Although procedures for filing charges of sexual abuse and trial preparation are somewhat different in each jurisdiction, there are some common basic requirements. We shall assume that most systems necessitate several separate interviews in which the child witness is asked to review details of the assault; these are usually conducted by the police department and prosecuting attorney's office. (In Seattle, there is a minimum of three basic interviews.) The child is expected to recount the incident - as well as events preceding and following - in vivid detail. The child is also expected to provide to a series of strange adults additional, accurate information on dates, times, sequences, and a description of suspect and location. Usually it is not possible for a parent or advocate to be with the child during these interrogations. The child may be required to identify the offender by picture or line-up, and there may be preliminary hearing, during which the child again recounts details of the sexual abuse. If the suspect does not plead guilty, there will be a trial in which the child will testify again and also be subject to cross-examination in an open courtroom while facing the accused. The above process takes place over many months. (An average time for adjudication of these cases in Seattle is six months.)

It is no wonder that many parents and mental health professionals fear that the effect of criminal proceedings on the child will be more emotionally traumatic than the assault itself. At the Sexual Assault Center, we have observed on numerous occasions the negative effects of a child's involvement in investigation and prosecution proceedings. It is our opinion that the problems inflicted on child sexual assault victims in the criminal justice system result from (a) an inadequate understanding of children and their capabilities by system personnel, and (b) misconceptions held by those same personnel about the nature of the crime of child molestation. Without basic knowledge in both areas, criminal justice system personnel are ill-equipped to elicit necessary information from the victim or maintain her cooperation and that of her family.¹ Since the victim is usually the only witness, she is the prosecution's most valuable resource, particularly because there is rarely any corroborating evidence. ~~Increased reporting of sexual abuse of children and~~

¹Since 93% of child victims served by the SAC have been girls, we will use the female pronoun for the sake of clarity.

improved conviction rates depend on changing those aspects of the legal system which inhibit victim cooperation. This article will present some general information about child development and child molestation. With this information as background, we will also suggest some different strategies for accommodating the child witness in criminal justice system proceedings.

It is generally accepted that normal child development progresses in sequential, overlapping phases of increasingly complex learning. The child masters skills at one level and moves on to the next stage. Physical, intellectual, and social growth occurs in this fashion. Although there are many different theories of child development, the major theoretical frameworks all recognize similar phases, beginning with infancy and continuing through early childhood, preschool-age, school-age and adolescence. Some of the major skills which the child must acquire are social relationship skills, language, conceptual thinking, and the ability to interact with an increasingly more complex social framework. It must be remembered that each child learns at a different rate and generalizations are never strictly applicable to any one child.

Knowledge of the basic principles of child development has immediate significance for law enforcement personnel in investigating sexual abuse cases. Obviously the child cannot be a witness unless she has acquired the verbal skills. In the case of the pre-verbal child who has been molested, another witness or corroborating evidence would be necessary in pursuing prosecution. A child establishes verbal language as the primary mode of communication between the ages of two and four. Although the preschool child (ages four through six) can talk well, she does not understand concepts well and therefore, her verbal skills may imply a better comprehension than actually exists. The preschool child does not understand metaphors, analogies, or irony; she can memorize, but without comprehension. The narrative account of a four-year-old child tends to be rambling and disjointed, containing both relevant and irrelevant details. Children in the preschool-age group engage in intuitive thought; they can accept connections between events but do not understand causality. The preschool child entertains one thought at a time and cannot conceive of multiple thoughts as an integrated whole. Although she can vividly recall isolated events, often triggered by association with familiar sight or sound, the memory is usually spotty and lacking in continuity and organization. For the four to six-year-old, concepts of time, space and distance are usually personalized and not logical and orderly.

Emotionally, the preschooler is an outgoing, spontaneous child with few internalized limits. She can be stubborn, quarrelsome, and scatological. The child spends most of her time in play, particularly dramatic, acting out play. Although fantasy becomes an important element in the child's repertoire, she can easily distinguish fact from fantasy. When lying occurs, it is usually the child's attempt to make something look better or extricate herself from the problem situation. Children in this age group are unable to practice real deception because they still invest adults with complete authority and believe that adults would perceive any lie. In addition, the child still depends totally on her family to meet all physical and emotional needs. She

has an egocentric perception of the world with only tentative awareness of any relationships which do not involve her directly. It is apparent that the abilities of the preschool-age child fall far short of the traditional requirements which the legal system has for witness performance.

The school-age child (ages six through eleven) is better prepared to respond to the expectations of an interviewer. This child is beginning the gradual shift from total reliance on family to a peer culture. She is aware of herself in different roles - as student, child, peer. But she still depends on parents for refuge and support. Girls and boys tend to group together in same-sex bands with separate interests. A loyalty develops as the child seeks recognition from the group, with its rituals, traditions, and rules. It is at this point that children begin to practice deception and guile around adults as they establish a sense of separateness. Although they may become sullen, insolent, and taciturn with adults, they seldom lie about major issues. This is particularly true when relating to issues of justice and equality.

They are very sensitive to any apparent unfairness or differential application of justice. They are often rigid and harsh on each other and become legalistic nit pickers with adults. Intellectually, school-age children have increasing mastery of language and symbols, can locate themselves in time and space, and gradually move from absolutism to relativism. Thinking still remains concrete rather than abstract, but they are voracious learners who are rapidly developing all skills and are intensely interested in understanding how things work.

The crime of child molesting - its characteristics and emotional consequences - can be examined within the framework of normal child development. Sexual abuse of children rarely involves physical injury and is perpetrated primarily by adult males who are known to the child. The child may readily submit to the known authority figure because she has been taught to respect and obey adults; therefore, the use of violence by the offender is generally unnecessary. Sexual abuse of the pre-adolescent child usually does not include sexual intercourse but consists of fondling, oral-genital contact, or manual penetration of the child's vagina or anus. The offender may have offered the child a bribe of affection, gift, or money. Unlike forcible rape which is a single dramatic attack, sexual abuse may begin insidiously, progress to greater intimacy, and continue over a long period of time. This is especially true in cases involving family members, the most common of which is father molesting daughter. When the assailant is a stranger, it is far easier for the child to overcome her fear of "telling on" an adult because she has usually been asked by parents to report unusual behavior by a stranger. In the case of an offender who is known by the child (often a close family friend or family member), the obstacles to telling are much greater. This is a situation for which the child is not prepared; she is unclear about whether or not the act is wrong, and whether or not the people to whom she reports will believe her. If she has ambivalent feelings towards the molester, she may not want to cause

trouble for him. If the adult molester denies the allegations, the child may be disbelieved and her tales of abuse characterized as "vivid imagination."

The specific emotional consequences of sexual abuse cannot presently be predicted, but the intensity of distress reported by child victims generally correlates with the reaction of the parents and authorities who become involved (doctor, counselor, policemen, attorneys). When the assault is non-violent and occurs only once, it is clearly less traumatizing than the extremely violent or longer-term situation. If the child is not believed or is accused of provoking the incident(s), she will acquire additional negative feelings about herself. Too often parents who do believe their child's account can still be ignorant about the dynamics of child molesting; they may increase problems for their child by over-reacting and treating the child as if she has changed. The child often interprets this as blame. Even when the parent responds in a calm, appropriately supportive, believing manner, the activities of the criminal justice system will usually exacerbate the child's distress. Perpetual discussion of the sexual assault in repeated interviews over many months discourages rapid resolution of the assault-related trauma for both child and parents. The criminal justice system must address the conflict that exists between a child victim's emotional needs following a sexual assault and the requirements for prosecution of the case.

The first major issue in pursuing a sexual assault case is establishing the credibility of the child witness. Adults are extremely reluctant to believe a child over an adult, as all children well know. Popular mythology dictates that children often fabricate tales of sexual assault despite a lack of any research to substantiate this belief. Thus it is incumbent on the investigator, police, or prosecutor, to dismiss such misconceptions and evaluate each case on its individual merits. Unfortunately, this task is usually made difficult because of the absence of corroborating evidence. Often the investigator must rely entirely on evaluation of the child's testimony. The inherent reluctance of a child to challenge adult authority and the possibility of retaliation which the child may be risking should be kept in mind when beginning an investigation. There are criteria which can be used to assess a child's statement. The words the child uses, the acts she describes, and the degree to which she is able to recount the event to a stranger can all be measured against characteristics of that child's developmental stage. If the overall adjustment of the child to family, school, and peers is satisfactory, it is highly unlikely that she would be deviant in one area of her personality development (i.e., producing an elaborate fabrication of sexual abuse).

There are many useful strategies for improving the investigation of this crime by applying knowledge of children's behavior to the investigative procedure. Many of the following suggestions may seem obvious, but unfortunately these procedures have not been adopted in many jurisdictions. When the initial complaint is received, usual procedure is for the victim to be interviewed by a series of law enforcement personnel - uniformed officer, detective, and prosecutor - as well as by a doctor, and perhaps a counselor or Children's

Protective Services worker. A child has a limited capacity to respond to repeated questioning, so in order to most effectively elicit information and maintain her cooperation, these various agencies might develop a coordinated approach. Joint interviewing could be established or preferably one person could be designated to take the victim's statement. This should be done as soon as possible following the assault, because passage of time very significantly affects an ability to testify. The initial interview could be videotaped to afford the prosecuting attorney an opportunity to review her capability as a witness. One comprehensive statement should be adequate to file charges.

The setting of the interview and the manner in which it is conducted have significant bearing on the child's performance as a witness. The crowded, noisy, bare-walled precinct room or the formal attorney's office with a massive desk are not conducive to eliciting an easy flow of information from a child. She should be interviewed in a quiet, private room which allows the child some room for exploration. A child cannot comfortably sit still on a hard-backed chair for any length of time. Toys, books, crayons and drawing paper should be available to aid in occupying and relaxing the child so she can converse more easily. The younger child will need a parent or familiar person present to feel secure enough to talk during the interview, whereas the older child may be too embarrassed to talk freely if the parent is present. (Children generally develop a strong sense of modesty around the age of six or seven.)

The interviewer can alleviate the child's anxiety by establishing personal rapport with the child. The interviewer should be relaxed and casual, and preferably not in uniform. Communication can be established by inquiring about the child's interests, family and friends, pets, school and neighborhood, and by allowing her in turn to ask questions of the interviewer. A simple explanation of the function of the interviewer and the agency (police, prosecutor) will help the child understand and therefore cooperate with the proceedings. The language and the number and kind of questions used are the crucial aspects of the interview. Although it seems obvious that the level of language employed by the interviewer should apply to the child's level of comprehension, this rarely occurs. Attorney's are by far the worst offenders in this area. Children in the legal system are regularly subjected to legal jargon and terminology that even their parents do not comprehend. Much of the concern about credibility stems from the confusion which results when the child does not understand the question and therefore answers incorrectly or incompletely. Because the attention span of children is shorter than that of adults, the interviewer should carefully choose questions that elicit the most information. It is a waste of time to ask questions the victim cannot answer. For example, a four-year-old who does not yet perceive time in a logical, sequential order need not be asked about dates and times of the abuse. Too often the interviewer is limited by his own fixed approach to investigation and does not adapt to the child's situation. The child may become frustrated and directly or indirectly refuse to discuss the incident further. The situation then arises where criminal justice system personnel, parents, or mental health professionals decide the child is not a credible witness or that she cannot "handle" the prosecution processes.

Time is an important element of the entire process. There is often a long delay between each subsequent step which can seriously limit a child's ability to testify. Whenever possible, the proceedings should be accelerated. A child's memory quickly blurs so that although she can remember the molesting incident, other details may become indistinct. It is usual in this jurisdiction for four to six months to elapse between reporting of the crime and a trial date. Even an adult has difficulty remembering accurately after this much elapsed time. In addition, children are often expected to sit for lengthy interviews on different occasions or to wait for several hours before testifying. This can damage the testimony also because of the child's limited capacity to wait.

Court appearances (preliminary hearing, grand jury hearing, or trial) are the most difficult encounter for the child witness. The courtroom is unfamiliar and intimidating to even the most secure adult. Astonishing as it may seem, children are generally required to testify while sitting alone on the witness stand; the child must speak into a microphone while facing the alleged assailant in an open courtroom which may be filled with spectators. Questioning may go on for hours with the child expected to sit quietly and respond without benefit of explanation or clarification. The prosecutor who initially interviewed the child may not handle the case for trial and usually additional interviews are conducted prior to trial. Even prosecutors who have managed to establish a rapport with the child find it impossible to transfer it to the trial setting because, once in the courtroom, they seem compelled to revert to legal terminology. When cross-examination occurs, it is usually unsympathetic despite the victim's youth, since the offender's attorney defends his client with the usual tactic of attacking the credibility of the victim. Prosecutors are often reluctant to object for fear of appearing too protective of the witness; judges hesitate to interject for fear of swaying the jury. Thus, the child is abandoned to set of abstract beliefs in justice, and we can ask if justice is indeed being carried out without the complete participation of the witness. One possible model to address this problem is assigning a legal representative to advocate for each child appearing as the victim/witness in a criminal matter. This person would be appropriately qualified with knowledge of child development and the law and could speak out in court when the questioning became inappropriate to the child's age, level of comprehension, or emotional state. The child victim advocate role would not interfere with the proceedings or abrogate the rights of the defendant.

Including the child's family throughout the process can provide valuable aid to the child and to the criminal justice system in pursuing prosecution. It has been our experience that parents of the child victim are usually not informed of steps in the prosecution; yet at the same time, they are expected to cooperate fully with the investigation. Parents are asked to wait patiently while their child is interviewed. They pay for medical exams to obtain medicolegal evidence, arrange to take their child out of school, rearrange their own schedules for various interviews, and pay for parking, mileage and babysitting costs. Throughout this lengthy, inconvenient process, parents are often not given opportunity to express their concerns regarding their

child's involvement in the process. The parent who wishes to strongly pursue prosecution of the offender and is assertive about seeking information is labeled "too eager," and the reluctant parent is accused of obstructing justice. When parents are informed and educated realistically about the various proceedings, they can be invaluable in building a case. Their cooperation can be enlisted by treating them respectfully and involving them in decisions, consulting with them about their child, answering their inquiries, and patiently allaying their fears. We feel the option of the family should be gathered when the child victim cannot be involved (such as in making sentencing recommendations). Many parents find the experience with the criminal justice system so unpleasant that they vow never to report another crime. Families should be encouraged to participate not only when their own child is involved but as responsible citizens who believe the system can work.

In spite of the fact that the community at large is outraged by the crime of child molesting, the legal system has failed to develop mechanisms which support and encourage successful prosecution when the victim witness is a child. If criminal prosecution is the avenue society chooses to deal with this important problem, then there is an obligation to adjust the requirements of the legal system to conform to the special needs and abilities of children. These changes would clearly necessitate specialized training for all official figures involved with the investigation, as well as development of new and flexible procedures. Legislation should be explored to provide the legal foundation for special protection of the child witness.

ARTICLE 2.5. CHILD ABUSE REPORTING

§ 11165. Definitions

As used in this article:

(a) "Child" means a person under the age of 18 years.

(b) "Sexual assault" means conduct in violation of the following sections of the Penal Code: Sections 261 (rape), 264.1 (rape in concert), 285 (incest), 286 (sodomy), subdivisions (a) and (b) of Section 288 (lewd or lascivious acts upon a child under 14 years of age), and Sections 288a (oral copulation), 289 (penetration of a genital or anal opening by a foreign object), and 647a (child molestation).

(c) "Neglect" means the negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person.

(1) "Severe neglect" means the negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed non-organic failure to thrive. "Severe neglect" also means those situations of neglect where any person having the care or custody of a child willfully causes or permits the person or health of a child to be placed in a situation such that his or her person or health is endangered, as proscribed by subdivision (d), including the intentional failure to provide adequate food, clothing, or shelter.

(2) "General neglect" means the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, or supervision where no physical injury to the child has occurred.

For the purposes of this chapter, a child receiving treatment by spiritual means as provided in Section 16508 of the Welfare and Institutions Code or not receiving specified medical treatment for religious reasons, shall not for that reason alone be considered a neglected child.

(d) "Willful cruelty or unjustifiable punishment of a child" means a situation where any person willfully causes or permits any child to suffer, or inflicts thereon, unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of the child to be placed in a situation such that his or her person or health is endangered.

(e) "Corporal punishment or injury" means a situation where any person willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition.

(f) "Abuse in out-of-home care" means situations of physical injury on a child which is inflicted by other than accidental means, or of sexual assault or neglect or the willful cruelty or unjustifiable punishment of a child, as defined in this article, where the person responsible for the child's welfare is a foster parent, or the administrator or an employee of a public or private residential home, school, or other institution or agency.

(g) "Child abuse" means a physical injury which is inflicted by other than accidental means on a child by another person. "Child abuse" also means the sexual assault of a child or any act or omission proscribed by Section 273a (willful cruelty or unustifiabale punishment of a child) or 273d (corporal punishment or injury). "Child abuse" also means the neglect of a child or abuse in out-of-home care, as defined in this article.

(h) "Child care custodian" means a teacher, administrative officer, supervisor of child welfare and attendance, or certificated pupil personnel employee of any public or private school; an administrator of a public or private day camp; a licensed day care worker; an administrator of a community care facility licensed to care for children; headstart teacher; a licensing worker or licensing evaluator; public assistance worker; employee of a child care institution including, but not limited to, foster parents, group home personnel and personnel of residential care facilities; a social worker or a probation officer.

(i) "Medical practitioner" means a physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.

(j) "Nonmedical practitioner" means a state or county public health employee who treats a minor for venereal disease or any other condition; a coroner; a paramedic; a marriage, family, or child counselor; or a religious practitioner who diagnoses, examines, or treats children.

(k) "Child protective agency" means a police or sheriff's department, a county probation department, or a county welfare department.

1116b. Report; duty; time

(a) Except as provided in subdivision (b), any child care custodian, medical practitioner, or employee of a child protective agency who has knowledge of or observes a child in his or her professional capacity or within the scope of his or her employment whom he or she knows or reasonably suspects has been the victim of child abuse shall report the known or suspected instance of child abuse to a child protective agency immediately or as soon as practically possible by telephone and shall prepare and send a written report thereof within

36 hours of receiving the information concerning the incident. For the purposes of this article, "reasonable suspicion" means that is objectively reasonable for a person to entertain such as a suspicion, based upon facts that could cause a reasonable person in a like position, drawing when appropriate on his or her training and experience, to suspect child abuse.

(b) Any child care custodian, medical practitioner, nonmedical practitioner, or employee of a child protective agency who has knowledge of or who reasonably suspects that mental suffering has been inflicted on a child or his or her emotional well-being is endangered in any other way, may report such known or suspected instance of child abuse to a child protective agency.

(c) Any other person who has knowledge of or observes a child whom he or she knows or reasonably suspects has been a victim of child abuse may report the known or suspected instance of child abuse to a child protective agency.

(d) When two or more persons who are required to report are present and jointly have knowledge of a known or suspected instance of child abuse, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by such selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so, shall thereafter make the report.

(e) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties and no person making such a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with the provisions of this article.

(f) A county probation or welfare department shall immediately or as soon as practically possible report by telephone to the law enforcement agency having jurisdiction over the case, and to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, every known or suspected instance of child abuse as defined in Section 11165, which shall only be reported to the county welfare department. A county probation or welfare department shall also send a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

A law enforcement agency shall immediately or as soon as practically possible report by telephone to the county welfare department and the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, every known or suspected instance of child abuse report to it, except acts or omissions coming within the provision of paragraph (2) of subdivision (c) of Section 11165, which shall only be reported to the county welfare department. A law enforcement agency shall (Add by Stats. 1980, c. 1071 §4. Amended by Stats. 1981, c. 435, §2.)

also send a written report thereof with 36 hours of receiving the information concerning the incident to any agency to which it is required to make a telephone report under this subdivision.

§ 11167. Report; contents

(a) A telephone report of a known or suspected instance of child abuse shall include the name of the person making the report, the name of the child, the present location of the child, the nature and extent of the injury, and any other information, including information that led such person to suspect child abuse, requested by the child protective agency.

(b) Information relevant to the incident of child abuse may also be given to an investigator from a child protective agency who is investigating the known or suspected case of child abuse.

(c) Persons who may report pursuant to subdivision (c) of Section 11166 are not required to include their names. The identity of all persons who report under this article shall be confidential and disclosed only when needed for court action initiated under Section 232 of the Civil Code, or Section 300 of the Welfare and Institutions Code, or in a criminal court order or between child protective agencies.

(Added by Stats. 1980, c. 1071, §4. Amended by Stats. 1981, c. 435, §3.)

§ 11168. Written report; forms

The written reports required by Section 11166 shall be submitted on forms adopted by the Department of Justice after consultation with representatives of the various professional medical associations and hospital associations and county probation or welfare departments. Such forms shall be distributed by the child protective agencies.

(Added by Stats. 1980, c. 1071, §4.)

§ 11169. Preliminary reports to Department of Justice; unfounded reports

A child protective agency shall forward to the Department of Justice a preliminary report in writing of every case of known or suspected child abuse which it investigates, other than cases coming within the provisions of paragraph (2) of subdivision (c) of Section 11165, whether or not any formal action is taken in the case. However, if after investigation the case proves to be unfounded no report shall be retained by the Department of Justice. If a report has previously been filed which has proved unfounded the Department of Justice shall be notified of that fact. The report shall be in a form approved

by the Department of Justice. A child protective agency receiving a written report from another child protective agency shall not send such report to the Department of Justice.

(Added by Stats. 1980, c. 1071, §4. Amended by Stats. 1981, c. 435, §4.)

§ 11170. Notice to child protective agency of information maintained;
indexed report

The Department of Justice shall immediately notify a child protective agency which submits a report pursuant to Section 11169 of any information maintained pursuant to Section 11170 which is relevant to the known or suspected instance of child abuse reported by the agency. The indexed reports retained by the Department of Justice shall be continually updated and shall not contain any unfounded reports. A child protective agency shall make such information available to the reporting medical practitioner, child custodian, or guardian ad litem appointed under Section 318 of the Welfare and Institutions Code, if he or she is treating or investigating a case of known or suspected child abuse.

When a report is made pursuant to subdivision (a) of Section 11166, the investigating agency shall, upon completion of the investigation or after there has been a final disposition in the matter, inform the person required to report of the results of the investigation and of any action the agency is taking with regard to the child or family.

(Added by Stats. 1980, c. 1071, §4. Amended by Stats. 1981, c. 435, §5.)

§ 11172. Immunity from liability; failure to report; offense

(a) No child care custodian, medical practitioner or nonmedical practitioner, or employee of a child protective agency who reports a known or suspected instance of child abuse shall be civilly or criminally liable for any report required or authorized by this article. Any other person reporting a known or suspected instance of child abuse shall not incur civil or criminal liability as a result of any report authorized by this article unless it can be proven that a false report was made and the person knew that the report was false. No person required to make a report pursuant to this article, nor any person taking photographs at his or her direction, shall incur any civil or criminal liability for taking photographs of a suspected victim of child abuse, or causing photographs to be taken of a suspected victim of child abuse, without parental consent, or for disseminating the photographs with the reports required by this article. However, the provisions of this section shall not be construed to grant immunity from such liability with respect to any other use of the photographs.

(b) Any person who fails to report an instance of child abuse which he or she knows to exist or reasonably should know to exist, is required by this article, is guilty of a misdemeanor and is punishable by confinement in the county jail for a term not to exceed six months or by a fine of not more than five hundred dollars (\$500) or by both.

(Added by Stats. 1980, c. 1071, §4. Amended by Stats. 1981, c. 135, §1; Stats. 1981, c. 435, §6.)

§ 11174. Guidelines

The Department of Justice, in cooperation with the State Department of Social Services, shall prescribe by regulation guidelines for the investigation of child abuse, as defined in subdivision (f) of Section 11165, in group homes or institutions and shall ensure that every investigation of alleged child abuse coming within that definition is conducted in accordance with the regulations and guidelines.

(Added by Stats. 1980, c. 1071, §4. Amended by Stats. 1981, c. 435, §7.)