

<b>YORK-POQUOSON SHERIFF'S OFFICE</b>	<b>GENERAL ORDERS</b>
<b>SUBJECT: Child Abuse</b>	<b>NUMBER: GO 2-30</b>
<b>EFFECTIVE DATE: March 13, 2019</b>	<b>REVIEW DATE: February 3, 2019</b>
<b>AMENDS/SUPERSEDES: GO 2-30, January 1, 2003</b>	<b>APPROVED:</b>  Sheriff
<b>VLEPSC:</b>	

1 **INDEX WORDS**

2  
3 Child abuse  
4 Child neglect  
5 Emergency Custody/Removal/Placement  
6 Interviewing (children)  
7 Investigator responsibilities  
8 Patrol responsibilities  
9

10 **POLICY**

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12 It is the policy of the York-Poquoson Sheriff's Office to protect and ensure the safety and welfare of  
13 our children. All deputies must be knowledgeable about child abuse and neglect, their effect on  
14 children, and shall be prepared to help victimized children. Coordination and collaboration with  
15 other criminal justice and social services agencies is paramount. Initial responsibility for the  
16 investigation of most cases of abuse or neglect lies with law enforcement. The Sheriff has assumed  
17 community leadership in the prevention of child victimization and in the prosecution of offenders.  
18 The protection of all children is vital to the well-being of our community.  
19

20 The York-Poquoson County Sheriff's Office uses a multidisciplinary approach to conducting  
21 interviews in child abuse cases. This process involves the investigator, child protective services  
22 workers, victims and witness representative and the Commonwealth Attorney in the interview  
23 process in order to minimize the trauma to the victim and the number times the victim has to  
24 describe what occurred.  
25

26 In sexual assault cases, deputies shall limit their questioning of a victim to only those facts  
27 necessary to determine that a recent sexual assault occurred and information about possible  
28 suspects. This information may also be obtained from a parent, guardian or other competent  
29 person who the victim told about the offense in the case of child victims. This policy is not  
30 intended to prohibit a deputy from asking what happened or require a deputy to discourage a  
31 victim from stating what occurred.

32 In the case of severe neglect or recent child abuse or sexual assault cases within the previous 72  
33 hours involving a suspect who was/is in a caretaker role, or if the child is still in the custody or  
34 care of the suspect, the deputy shall notify the on-duty supervisor so that the on-call investigator  
35 can be notified.

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**PURPOSE**

To establish guidelines for investigating crimes in which the victims are children (any persons under the age of 18 years).

**PROCEDURES**

- General responsibilities
  - The following is an abbreviated list of individuals required to report known or suspected acts of child abuse or neglect to the Department of Social Services in accordance with Section [63.2-1509](#), Code of Virginia:
    - Any law enforcement officer or animal control officer;
    - Any person licensed to practice medicine;
    - Any hospital resident or intern;
    - Any person employed in the nursing profession;
    - Any person employed as a social worker or family-services specialist;
    - Any probation officer;
    - Any teacher or other person employed in a public or private school, kindergarten or nursery school;
    - Any person providing full-time or part-time child care for pay on regularly planned basis,;
    - Any mental health professional;
    - Any mediator eligible to receive court referrals;
  - Sheriff’s Office personnel shall be trained and knowledgeable about child abuse and neglect, the effects on children, and how to identify abuse and neglect.
  - All personnel interacting with child victims shall use developmentally appropriate communication skills.
  - All deputies shall know and regularly review the sections of the Code of Virginia that pertain to crimes most commonly committed against children which include:
    - Child Abuse, Section [16.1-228](#), Code of Virginia (definitions).
    - Contributing to the Delinquency of a Minor, Section [18.2-371](#), Code of Virginia (Causing or encouraging acts rendering children delinquent, abused, etc.).
    - Child Abuse and Neglect Section, [18.2-371.1](#), Code of Virginia (Abuse and Neglect of Children; Abandoned Infant).
    - Child Neglect, Section [18.2-314](#), Code of Virginia (Failure to Secure Medical Attention for an Injured Child).
    - Sexual Assault of Children, Section [18.2-61](#), Code of Virginia (Rape).
    - Sexual Assault of Children, Section [18.2-67.3](#), Code of Virginia (Aggravated Sexual Battery).
    - Sexual Assault of Children, Section [18.2-361](#), Code of Virginia (Crimes Against Nature).
    - Sexual Assault of Children, Section [18.2-67.1](#), Code of Virginia (Forcible Sodomy)

- 81           ○ The Department of Social Services/Child Protective Services (CPS) is mandated to  
82 investigate all of the above listed offenses when the offender is in a caretaker role of the  
83 victim.  
84           ○ Deputies shall coordinate with Child Protective Services (CPS) as appropriate.  
85           ○ When and where appropriate, deputies shall work with local schools and social service  
86 agencies to educate children to identify and prevent their own victimization, and to  
87 provide community awareness.  
88
- 89       ● Emergency Custody/Removal/Placement
    - 90           ○ Deputies shall evaluate the circumstances of the possible abuse or neglect and decide  
91 whether the child requires:
      - 92               ▪ Immediate removal to a place of safety, or
      - 93               ▪ Whether an alternate course of action is more appropriate.
    - 94
    - 95           ○ In any case, deputies shall communicate all pertinent information to CPS as soon as  
96 possible.
      - 97               ▪ CPS shall determine a course of action.
      - 98               ▪ The investigative authority of CPS is outlined in Section [63.2-1505](#), Code of  
99 Virginia.
    - 100
    - 101           ○ Law enforcement officers have the authority under section [63.2-1517](#), Code of Virginia,  
102 to take custody of a child for up to 72 hours if:
      - 103               ▪ The child's circumstances are such that continuing in his or her place of residence  
104 and the care and custody of the parent or guardian, custodian or other person  
105 responsible for the child's care, presents an imminent danger to the life or health, or
      - 106               ▪ To the extent that severe or irremediable injury would be likely to result, or
      - 107               ▪ Evidence of abuse is perishable or subject to deterioration before a hearing can be  
108 held, and
      - 109               ▪ A court order cannot be obtained immediately, and
      - 110               ▪ The court has set up procedures for placing such children, and
      - 111               ▪ Following taking the child into custody, the parents or guardians shall be notified as  
112 soon as practicable.
        - 113                   ❖ Every effort shall be made to provide such notice in person.
      - 114
    - 115           ○ A report to the local Social Services Department shall be made.
    - 116           ○ The deputy shall notify the JDRC and within 72 hours and shall obtain an emergency  
117 removal order per Section [16.1-251](#), Code of Virginia.
    - 118           ○ Any person or agency petitioning for an emergency removal order, after 4 hours have  
119 elapsed, following taking custody of a child shall state the reason thereof.
      - 120               ▪ In the event a preliminary removal order is issued within 72 hours of the removal of  
121 the child, an emergency removal order is not necessary.
      - 122               ▪ If the 72 hour period for holding the child and for obtaining the emergency or  
123 preliminary removal order expires on a Saturday, Sunday, or legal holiday or day  
124 which the court is lawfully closed, the 72 hours shall be extended to the next day  
125 that the court is open.

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- Deputies shall consult with their supervisor prior taking a child into custody under the provisions of this policy and Virginia law.
  - Patrol responsibilities
    - Deputies shall make a report to the Department of Social Services, CPS if they suspect child abuse or neglect and the offender was in a caretaker roll of the child at the time of the offense.
    - If the patrol deputy suspects child abuse, he or she shall explain to the child and parent(s)/guardian(s) the law-enforcement role in ensuring the health and safety of the child.
    - If entry to the home is refused and the deputy feels entry is necessary, he/she may gain entry in one of several ways.
      - In a non-emergency, a search warrant from a magistrate or judge.
      - In an emergency, forced entry without a warrant is legal when there is probable cause to believe that a child is in danger. See [GO 2-1, Constitutional Safeguards](#) for guidance on warrantless entries and exigent circumstances searches.
    - The deputy shall immediately ensure the safety of the child.
    - Summon an ambulance or administer emergency medical care, within the training of the deputy, if necessary.
    - Reassure the child that he or she is safe now and has done nothing wrong.
    - Transport the child victim to a safe place, if necessary.
      - This may include a local shelter.
      - The deputy shall confer with CPS to decide on the appropriate placement.
      - See [GO 2-28, Victim Services](#), regarding transportation of crime victims.
    - If the child is a victim of sexual assault, refer to sexual assault procedures in [GO 2-31, Sexual Assault](#).
  - Interviewing the victim
    - Child victims require special treatment.
    - To minimize the number of times the child will have to tell his story, coordinate with investigations, other agencies such as CPS and the Commonwealth's Attorney's office before interviewing.
    - If the child is the victim of possible parental abuse, consider the following strategies:
      - Observe and note child's reactions during the initial contact.
      - Usually the parents should not be present during the interview of the child (the child may be afraid to tell the truth).
      - The deputy must be sensitive to the emotional stress of the child due to the interview itself.
        - ❖ Some children may not even understand that the behavior of the parents has been abusive or neglectful.
      - The deputy shall not appear to be taking sides against the parents.

- 171                   ❖ Children will generally become defensive if someone criticizes their parents,  
172                   even if they agree.
- 173
- 174                   ▪ Provide reassurances to an anxious child victim by expressing belief in the child's  
175                   story and an understanding of the child's dilemma but do not make promises.
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- 177                   • Investigator responsibilities
- 178                   ○ If not already reported to the Department of Social Services, CPS and the offender was  
179                   in a caretaker roll of the child, the investigator shall report the child abuse or neglect to  
180                   the Department of Social Services, CPS.
- 181                   ▪ Child victims have little power and depend on law-enforcement officers and social  
182                   services agencies to take action in whatever way is needed to lessen their  
183                   victimization.
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- 185                   ○ In collaboration with the Commonwealth's Attorney, CPS, Victim Witness and other  
186                   relevant authorities, the investigator shall determine whether or not criminal prosecution  
187                   is the best means to achieve that end.
- 188                   ▪ Short of an arrest, protective and removal orders may be appropriate.
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- 190                   ○ The investigator shall place a high priority on coordinating and communicating at every  
191                   juncture of the case with the Commonwealth's Attorney and appropriate social services  
192                   agencies.
- 193                   ○ A copy of the offense report shall be sent to Social Services, CPS.