

BALTIMORE CITY PUBLIC SCHOOLS

GENERAL ORDER 10-33 SECTION I-1

CHILD ABUSE INVESTIGATIONS Revisions Approved: June 12, 2018

This General Order contains the following numbered sections:

- I. Directive
- II. Purpose
- III. Definitions/Legal Reference
- IV. Procedure
- V. Child Neglect
- VI. Unattended Children
- VII. Mandatory Reporting Requirements
- VIII. Parental Kidnapping
- IX. Effective Date

I. DIRECTIVE

It is the intent of the Baltimore City School Police Force (“BCSPF”) to investigate, consistent with law, all reports of “child abuse” coming to its attention and to work cooperatively with the Department of Child Protective Services, Baltimore City Police Department and the State’s Attorney’s Office to ensure successful prosecution and/or rendering service appropriate to the best interests of the physical and emotional well-being of the child, and implement certain joint investigatory procedures regarding investigation reports of “child-abuse” and “child sexual abuse”.

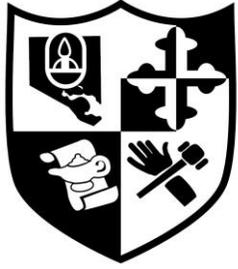
II. PURPOSE

The purpose of this policy is to direct the department’s response to child abuse or suspected child abuse in alignment with the BCSPF’s mission to serve and protect all children.

III. DEFINITIONS/LEGAL REFERENCE

According to the language of Article- Family Law, Section 5-701 *et. seq.* which are the applicable statutes regarding child abuse, the following definitions apply and are found in subsections b, y, and z respectively.

- a. “Abuse” means: (1) physical or mental injury of a child by any parent or other person who has permanent or temporary care or custody or responsibility for supervision of a



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child, or by any household or family members, under circumstances that indicate that the child's health or welfare is harmed or at substantial risk of being harmed or (2) sexual abuse of a child, whether physical injuries are sustained or not.

- b. "Child" means any individual under the age of 18 years.
- c. "Sexual Abuse" means: any act that involves
 - 1. Sexual molestation or exploitation of a child by
 - i. A parent;
 - ii. A household member or family member;
 - iii. Person who has permanent or temporary care or custody of the child; or
 - iv. A person who has responsibility for the supervision of the child; or
 - v. A person who, because of the person's position or occupation, exercises authority over the child; or
 - 2. Sex trafficking of a child by any individual.
- d. "Sexual molestation or exploitation"- includes:
 - 1. Allowing or encouraging a child to engage in:
 - i. Obscene photography, films, poses, or similar activity;
 - ii. Pornographic photography, films, poses, or similar activity; or
 - iii. Prostitution;
 - 2. Incest;
 - 3. Rape;
 - 4. Sexual offense in any degree;
 - 5. Sodomy; and
 - 6. Unnatural or perverted sexual practices.

As required by State law, child abuse investigations are a joint responsibility of the BCSPF, Baltimore City Police Department and the local Department of Child Protective Services. All parties work collaboratively in conducting an investigation in response to allegations of child abuse.

The BCSPF has concurrent jurisdiction with the Baltimore City Police Department to investigate allegations of child physical and sexual abuse, but will turn over the investigation to the Baltimore City Police Department as agreed.



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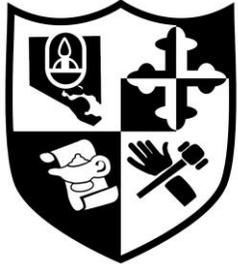
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IV. PROCEDURE

A. Investigating Officer

Immediately upon receiving a report of suspected “child abuse” or “child sexual abuse”, (including anonymous complaint), the primary investigating officer shall:

1. See the child and ascertain if the child is in need of medical treatment and ensure treatment is provided at the nearest medical facility.
 - a. If the child is the victim of serious injury as a result of suspected child abuse, the primary officer conducting the preliminary investigation shall immediately notify the Lieutenant of Operations. Responsibility for continuance of the investigation shall be assumed by the Criminal Investigation Division.
2. Attempt to have an on-site interview with the child’s caretaker.
3. Decide on the safety of the child, wherever the child is, and other children in the home. If the initial evaluation of the police officer on the scene indicates there may be an immediate threat to the wellbeing of the child or other children present, members shall notify the Department of Child Protective Services via Dispatch, to immediately respond to the scene. They shall make an independent assessment of the situation and take whatever appropriate action is deemed necessary for the protection of the child or children.
4. By telephone, notify Dispatch of the incident, i.e., name, age, sex address of the complainant (child) and the Central Complaint Number. In addition to recording this information, Dispatch shall notify the Department of Child Protective Services. When there is probable cause to believe actual “child abuse” or “child sexual abuse” as defined by the Annotated Code of Maryland, Article- Family Law, Section 5-701 *et. seq.* and/or Annotated Code of Maryland, Criminal Law, 3-601, *et. eq.*, the officer shall prepare a Crimes Against Persons Report and indicate “child abuse” or “child sexual abuse” as the offense. A Miscellaneous Incident Report shall be prepared in instances of reported “possible or suspected child abuse” when the preliminary investigation fails to develop sufficient evidence to substantiate allegation.
 - a. Written reports should contain, but not be limited to, the following information:



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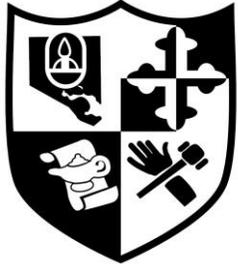
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- i. Names, sex, age and home address or addresses of the children and the parents or other persons responsible for the care of the children in question.
 - ii. When applicable, a copy of, or an extract from, the doctor's or hospital's report regarding the nature and extent of the injury or injuries to the child in question, including any previous injury or injuries possibly having resulted from malicious mistreatment or beating.
 - iii. Cause of injuries and identity of person or persons responsible, if known.
 - iv. Additionally, investigating officers should report anything of importance coming to their attention uncovered as a result of a thorough preliminary investigation.
- b. Once it has been determined that a crime has been committed, if a suspect has been identified and sufficient probable cause exists, an arrest, where appropriate, will be made. If no arrest is made and/or additional investigation is required, the initial report will be referred as appropriate for follow-up.

B. Supervisors

Supervisor should ensure personnel under their command are reasonably trained in responding to calls of child abuse, including the appropriate response and contact with child victims.

1. Follow-up investigations should be coordinated through the Lieutenant of Operations. In the instances of life threatening injury and sexual abuse, follow-up shall be coordinated by the Captain and/or their designee.
2. The Captain shall be responsible for the administrative coordination within the BCSPF and preliminary reporting responsibility from the BCSPF to the Department of Child Protective Services and the State's Attorney's Office as it relates to the laws involving "child abuse" and "child sexual abuse". Upon receipt of the telephone call or notification from the investigating officer, the sector sergeant shall ensure the Department of Child Protective Services is contacted via Dispatch and informed of the alleged "child abuse" offense or "child sex abuse" offense.



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V. CHILD NEGLECT

“Neglect” means the intentional failure to provide necessary assistance and resources for the physical needs or mental health of a minor that creates a substantial risk of harm to the minor’s physical health or a substantial risk of mental injury to the minor.

An officer who becomes aware of a possible case of child neglect shall make an oral report, by telephone or direct communication, to the Department of Child Protective Services as soon as possible. The officer should write a report prior to the end of their tour of duty. The content of the report should include:

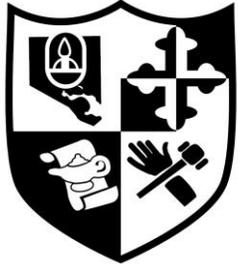
- a. The name, age, and home address of the child;
- b. The name and home address of the child’s parent or other person who is responsible for the child’s care;
- c. The whereabouts of the child;
- d. The nature and extent of the neglect of the child, including evidence or information available concerning possible previous instances of neglect; and
- e. Any other information that would help to determine the cause of the suspected neglect and the identity of any individual responsible for the neglect.

VI. UNATTENDED CHILDREN

A person who is charged with the care of a child under the age of 8 years may not allow the child to be locked or confined in a dwelling, building, enclosure or motor vehicle while the person responsible for the child is absent and the child’s location is out their sight. Persons responsible for the care of children under the age of 8 years may leave them in the care of a reliable person at least the age of 13 years.

VII. MANDATORY REPORTING REQUIREMENTS

“Mandated Reporters” are defined by Maryland Public Schools as one of the following: health practitioner, educator or human service worker, any professional employee of any correctional, public, parochial or private educational, health, juvenile service, social or social service agency, institution, or licensed facility. Educator or human service worker includes: any teacher; any counselor; any social worker; any caseworker; any probation or parole officer and any police officer. In schools mandated reporters include, but are not limited to ,



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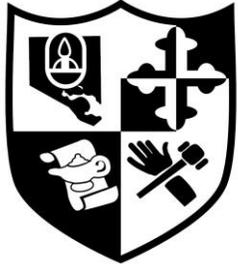
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school counselors, school nurses, school psychologists, pupil personnel workers, behavior specialists, all teachers, all school staff (cafeteria, custodians, maintenance, school administrative assistants, SROs, volunteers, aides, etc.). Reporting does not require proof that child abuse or neglect has occurred.

1. Notwithstanding any other provision of law, including any law on privileged communications, a mandatory reporter:
 - a. Who has reason to believe that a child has been subjected to abuse or neglect, shall notify the Department of Child Protective Services;
 - b. Shall immediately notify and give all information required to the head of the institution or the designee of the head (ie. school principal).
2. An individual who notifies the appropriate authorities shall make:
 - a. An oral report by telephone or direct communication, as soon as possible;
 - b. A written report:
 - i. To Child Protective Services no later than 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subject to abuse or neglect; and
 - ii. With a copy to the local State's Attorney,
3. Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:
 - a. The name, age, and home address of the child;
 - b. The name and home address of the child's parent or other person who is responsible for the child's care;
 - c. The whereabouts of the child;
 - d. The nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and
 - e. Any other information that would help to determine:
 - i. The cause of the suspected abuse or neglect;
 - ii. The identity of any individual responsible for the abuse or neglect.

A reporter is not relieved of the requirements under the law by reporting the incident to their supervisor. The reporter must complete all notification requirements set forth by the law.



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VIII. PARENTAL KIDNAPPING

- A.** Maryland State parental kidnapping laws are contained in the Annotated Code of Maryland, Family Law, Section 9-301 through 9-307 (Child Abduction) which defines a lawful custodian as “a person who is authorized to have custody of and exercise control over a child who is under the age of 16 (sixteen) years. A lawful custodian includes a person who is authorized to have custody by an order of a court of competent jurisdiction in this State or any other state.
- B.** If a child is under the age of 16 (sixteen) years, a relative who knows that another person is the lawful custodian of the child may not:
1. Abduct, take, or carry away the child from the lawful custodian to a place within or outside of this State;
 2. Having acquired lawful possession of the child, detain the child within or outside of this State for more than 48 hours after the lawful custodian demands that the child be returned;
 3. Harbor or hide the child within or outside of this State knowing that possession of the child was obtained by another relative in violation of this section; or
 4. Act as an accessory to an act prohibited by this section.
- C.** Preliminary investigations of parental kidnapping are the responsibility of patrol officers.

IX. EFFECTIVE DATE

This Order shall be effective on the date of publication.

I certify that I have read and fully understand this Order.

Signature _____

Date _____