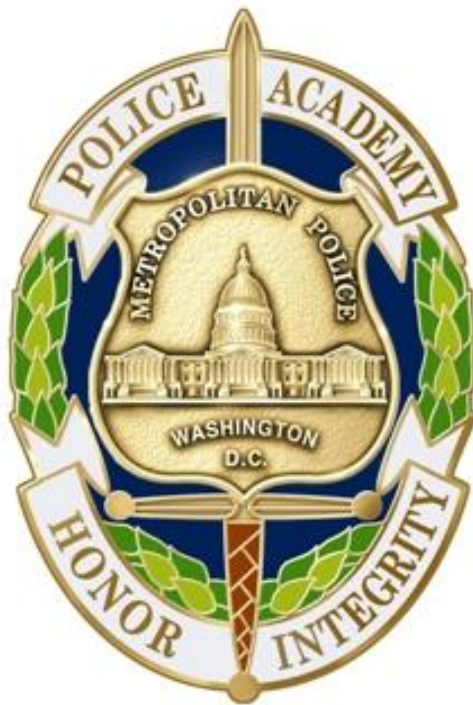


# Metropolitan Police Academy



## 8.1 Juvenile Interactions

*October 13, 2023*

## INTRODUCTION

Handling cases that involve juveniles requires extra care, consideration, and documentation. You must also ensure that you always treat every individual with whom you come into contact with empathy and understanding. There will be times in which you encounter a juvenile who has been the victim of abuse, cruelty, or neglect, and this lesson will teach you the departmental guidelines that you must adhere to ensure that the juvenile is able to receive the care and help they need. You will also learn how to classify the elements of crimes so that you understand when to make notifications and to whom the notifications must be made.

### 8.1.1 Define key terms related to juveniles

Knowing the following definitions located in DC Code §16-2301 is needed to understand how to write your reports and utilize the language necessary to detail all of the elements of an offense involving a juvenile. It is important that you know that, by law, a **child** is considered to be someone less than eighteen (18) years of age unless they have been emancipated from their parents by the court.

**Child Abuse** is defined as:

- the infliction of physical or mental injury on a child that goes beyond reasonable and moderate discipline administered by a parent, guardian, or other custodian;
- the sexual abuse or exploitation of a child; or
- the negligent treatment or maltreatment of a child, such as the failure to provide adequate food, clothing, shelter, or medical care. This includes medical neglect and deprivation that is not due to the financial means of a parent, guardian, or other custodian.

**Child Neglect** is defined as a situation in which one or more parents, guardians, or responsible adults have failed to provide for the essential physical needs of the child, to include food, clothing, and shelter, which has caused or would likely cause serious physical injury, sickness, or disability.

There will be some children to whom extra considerations must be given because of their age, or perhaps they suffer from a mental illness or disease of some sort.

The reporting officer handles the preliminary Child Neglect investigation and determines if there is validity to the allegation. Be sure that the neglect occurred in Washington, DC. YFSD and CFSA must be notified to conduct a further investigation.

What is Child Neglect? It can include:

- Deprivation of adequate food, clothing, or shelter, including unsanitary conditions.
- Educational neglect [e.g., a child is not enrolled in an educational program, to include home schooling; a child is chronically absent from school (ten (10) or more times)].
- Medical Neglect (e.g., a child exhibits an obvious wound, bone break, or injury and is not receiving medical attention; there is a failure to follow up on mental health issues),
- Lack of supervision or abandonment.
- Substance abuse by a caretaker.
- Domestic violence.

An **At-Risk Child** is:

- under thirteen (13) years of age;
- a flight risk;
- unusually small for their age;
- handicapped;
- suicidal; or
- has a contagious disease.

Occasionally, MPD receives a call for service for children left alone without adult supervision. This becomes of particular concern to MPD if a child is under the age of ten (10) when left alone:

- Handle this in the same manner you would a child neglect case.
- Remain with the child/children and contact CFSA.
- Ascertain how long the child/children have been alone.
- Maintain custody of the child/children until CSFA arrives on the scene. Should a parent or guardian return while you are on the scene, the member shall not relinquish custody of the child/children without the approval of CFSA.
- Transport the child/children to CFSA should CFSA be unable to respond or their arrival time would be excessive. See section 8.1.4 below for information about transportation.

Two of the main organizations you will be in contact with while dealing with scenes that involve children are the **Child and Family Services Agency (CFSA)** and the **Youth and Family Services Division (YFSD)**.

- CFSA is an agency within the District of Columbia government, dedicating itself to the safety, permanence, and well-being of children and families residing in the District (CFSA.DC.GOV). CFSA is “responsible for protecting child victims and those at risk of abuse and neglect and assisting their families.” Staff investigate potential abuse, monitor potentially dangerous situations within homes with children, and offer assistance to remove children from homes where they are abused or neglected. CFSA works in conjunction with the Youth and Family Services Division. Officers can **notify CFSA at (202) 671-SAFE**.
- The YFSD is a group of detectives within the MPD. YFSD is responsible for keeping abreast of all cases that involve juveniles who have committed offenses or have been the victims of abuse or neglect. Officers can **notify YFSD at (202) 576-6768**.

**NOTE:** Whenever you have an incident in which you arrest a juvenile or believe that a child has suffered from abuse or neglect, you *must* notify the Youth and Family Services Division and the Child and Family Services Agency. MPD reports must note the time CFSA and YFSD were notified and the name of the person notified.

## **8.1.2 Classify the Elements of Cruelty to Children**

Some of the most difficult offenses that you may encounter during your time as a police officer are those that involve the mistreatment of children. This could be a particularly sensitive subject and scene, but it is important that you maintain your impartiality when dealing with the potential suspects in cases

involving the victimization of children. It is imperative that you control your emotions and conduct a thorough investigation because letting negative emotions influence how you behave on the scene could have negative consequences on the results of any investigation and make it harder for victims in those cases to gain justice. Cruelty to children is characterized in either the first or second degree based upon the severity of the criminal act and/or resulting bodily injury involved. Your role as an officer during these investigations will be discussed later in this lesson.

Cases involving cruelty, abuse, or neglect are conducted, investigated, and handled by a separate division within the department, much like those involving adult victims of sexual assault are handled by a specialized section—the Sexual Assault Unit. As already noted, when you arrive on a scene and realize through your primary investigation that a child has been abused or neglected, you *must* notify *both* the Youth and Family Services Division and the Child and Family Services Agency. Upon notification, a detective from YFSD will arrive on scene and conduct the rest of the investigation, including taking any reports that may be necessary, as well as making any and all arrests related to the offense.

### **First Degree Cruelty to Children § 22–1101(a)**

A person commits First Degree Cruelty of Children if they:

- “Intentionally, knowingly, or recklessly tortures, beats, or otherwise willfully maltreats a child under 18 years of age or
- engages in conduct which creates a grave risk of bodily injury to a child, and thereby causes bodily injury.”

When you think of First-Degree Cruelty to Children, think of the purposeful and egregious forms of abuse that an adult may inflict upon a minor. These are acts that would in no way occur from simple oversight or perhaps neglect.

An element of the statute is that the cruelty towards the minor must be done *intentionally, knowingly, or recklessly*. For example, if you were dispatched to a scene for a welfare check and upon arrival spoke to a child with cigarette burns littering their arms who informed you that the burns were done by their father, upon further investigation, the father could be charged with First Degree Cruelty to Children. This is because the child has injuries that could not have occurred by accident or oversight. To sustain such injuries, another person would have acted in a willful manner to cause such injuries.

Another way an individual could be charged with First Degree Cruelty to Children is if they engage in conduct that creates a grave risk of bodily injury and, because of their actions, the child is injured. For example, you are dispatched to a traffic crash scene. When you arrive, you see a child being treated by DCFEMS EMTs, who tell you that the minor is suffering from what appears to be a broken arm related to the accident and several other contusions and abrasions. When you speak to the driver, you detect the odor of an alcoholic beverage on his person. You conduct a standard field sobriety test, which the driver fails. The driver could be placed under arrest for driving while intoxicated. You notify a detective from the Youth and Family Services Division as the driver may also, in this instance, be charged with First Degree Cruelty to Children because his conduct, driving while intoxicated, created a grave risk of bodily injury to a child and subsequently *caused* such injury to a child.

Cruelty to Children in the First Degree is a felony offense punishable by 15 years in prison.

## **Second Degree Cruelty to Children – § 22–1101(b)**

An individual commits Second Degree Cruelty to Children if that person “intentionally, knowingly, or recklessly:

- maltreats a child or engages in conduct which causes a grave risk of bodily injury to a child; or
- exposes a child or aids and abets in exposing a child in any highway, street, field house, outhouse or other place, with intent to abandon the child.”

First Degree Cruelty is a crime that includes a positive act of some kind. The person committing the offense has to *do something* to inflict injury on the child or *engage in a behavior* that causes injury. In contrast, Second Degree Cruelty generally coincides with a *negative* action. When this crime occurs, the person who commits the offense has *failed* to do something. They may willfully and purposely fail to provide food to a child or proper warm clothing during the winter. Such negative acts must be done intentionally, knowingly, or recklessly, and the person cannot be arrested for this offense if the failure is not done with the required mental state. In other words, the failure cannot be due to accident or oversight.

Second Degree Cruelty to Children also covers abandoning children, regardless of whether the abandonment actually happens. If the intent to abandon a child can be articulated, then the probable cause for an arrest is established. Abandonment is defined as leaving a child alone or in the care of another under circumstances that demonstrate an intentional abdication of parental responsibility **GO-SPT-309.06 (Child Abuse and Neglect)**.

Cruelty to Children in the Second Degree is a felony offense punishable by 10 years in prison.

There are, however, exceptions to the element that deals with the abandonment of a child. In 2009, the District of Columbia passed and made into law the Newborn Safe Haven Act of 2010. Under this law, a newborn, fourteen (14) days or less old, that is not the victim of abuse or neglect can be surrendered to personnel at a hospital, police, fire station, or any other emergency medical facility. It is important that you understand that if you are called to a scene, conduct a preliminary investigation, and realize that a newborn was voluntarily given to the personnel at any of the previously outlined locations, and the newborn is not a victim of apparent abuse or neglect, then no crime has occurred. In addition, the Safe Haven Law gives parents the option of remaining anonymous when giving up their newborn. Even if found to not be a criminal offense, CFSA should still be notified.

### **8.1.3 Identify departmental forms related to juveniles**

#### **Offense Report**

There will be times that you respond to a scene where you will find that a juvenile is the victim of a crime that may include some form of abuse or neglect. Following the conclusion of your investigation, you must complete an offense report. Your report can also be used to document whether the abuse or neglect can be tied to drug-related activity in the home environment.

When you come into contact with a juvenile who is engaging in behavior that does not cross the line into illegality but you take a report documenting the incident, you are to also immediately inform the juvenile’s parents or guardians about the report and provide them with the report number. Juvenile contact reports are also used to document those who are truant, except when the juvenile is truant from school, as discussed in the next section.

### **Juvenile Incident Report**

Whenever you come into contact with a juvenile on a scene where you suspect they are being employed illegally, is a runaway, or is a fugitive from home or any other jurisdiction, you must complete a **Juvenile Incident Report (PD 379C)** and submit it to YFSD.

There will be times when you come into contact with juveniles during the school week that are skipping school. During those times, by law **GO-OPS-305.01 (Interacting with Juveniles)**, you must initiate a stop of the juvenile, or juveniles, and conduct an investigation to determine whether they have a legitimate reason for not being in school when it is in session. If it is found that they are truant, then you must complete a Juvenile Incident Report.

### **Notebook**

If the reason you come into contact with a juvenile is for disorderly behavior that does not cross the line into territory that would make their actions unlawful, then simply notebook the information. Gather the necessary information from the juvenile, which is the same information you would obtain to take an offense report, and counsel the juvenile.

## **8.1.4 Describe the patrol officer's role in Child Abuse/Neglect investigations**

### **Mandatory Reporters (§ 4–1321.02)**

There are numerous cases whereby MPD is required to take a report because, under DC law, MPD is a mandatory reporter.

Such scenarios include:

- **Child Abandonment** – Leaving a child alone or in the care of another under circumstances that demonstrate an intentional abdication of parental responsibility.
- **Child Abuse** – Infliction of physical or mental injury on a child that goes beyond reasonable and moderate discipline administered by a parent, guardian, or custodian. This includes sexual abuse or exploitation of a child and negligence or maltreatment of a child. Sexual Abuse includes causing or attempting to cause a child to engage in sexually explicit conduct.
- **Child Neglect** – Situations in which parents, guardians, or responsible adults have failed to provide for the essential physical needs of a child, to include food, clothing, and shelter, which has caused or would likely cause serious physical injury, sickness, or disability.
- **Check on Welfare of a Juvenile** – Call for service wherein an MPD member is dispatched to a location or address to determine of one or more juveniles' well-being and/or safety.
- **Domestic Violence** — An act punishable as a criminal offense that is committed by an offender upon a person to whom the offender is related by blood, legal custody, marriage, having a child in common, or with whom the offender shares or has a shared a mutual residence; or with whom the offender maintains or maintained a romantic relationship not necessarily including a sexual relationship. Any juvenile exposure to DV must be reported to CFSA.

- **Unsupervised Minor Child** – Any child, usually under ten (10) years of age, who is without the means and resources to take care of him- or herself.
- **Maltreatment or Negligent Treatment** – Failure to provide adequate food, clothing, shelter, or medical care, which includes medical neglect, and the deprivation is not due to a lack of financial means of a parent, guardian, or other custodian.
- **Neglected Child** – A child “who has been abandoned or abused by their parent, guardian, or custodian, or whose parent, guardian, or custodian has failed to make reasonable efforts to prevent the infliction of abuse upon the child. For the purposes of this definition, the term "reasonable efforts" includes filing a petition” for civil protection from intra-family violence. Additionally, a child “who is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for their physical, mental, or emotional health, and the deprivation is not due to the lack of financial means of their parent, guardian, or custodian.” (§16-2301)
- **Person in Need of Supervision (PINS)** – A child in need of supervision is someone who is:
  - “subject to compulsory school attendance and habitually truant from school without justification;”
  - subject to a prescribed or legal curfew and habitually violates the curfew without justification;
  - “habitually disobedient to the reasonable and lawful commands of their parent, guardian, or custodian; or
  - “is in need of care or rehabilitation. (§16-2301)

**REMINDER:** If you encounter a child who you believe is in immediate danger of being mentally, physically, or sexually abused, you *must immediately* make a report. A notification must also be made to YFSD and CFSA.

### **CFSA**

As noted at the beginning of this lesson, CFSA is the primary agency that investigates abuse and neglect cases in the District of Columbia. MPD officers are required to notify CFSA of all suspected abuse and neglect cases. There are many instances in DC where illegal weapons, narcotics, or other hazardous materials are found in a home where a child is a resident. Regardless of whether the child is home at the time the items are found, MPD officers must make a report and notify CFSA of such cases.

### **YFSD**

The MPD, however, becomes the primary law enforcement agency should abuse be evident and/or elements of a crime exist. In that situation, officers on the scene must notify the Youth and Family Services Division (YFSD), as the division within the MPD that is charged with investigating cases of abuse.

The YFSD will be requested by officers when:

- A crime has occurred, or assistance is needed to determine if a crime has occurred.
- CFSA is making an immediate removal for physical abuse.

- A child has been hospitalized.
- Physical evidence needs to be collected.
- CFSA requests YFSD.

Although YFSD is essential in these investigations, there are **instances when officers must take immediate action** in child abuse and neglect cases:

- The complaint warrants arrest or criminal prosecution.
- CFSA personnel are not available, and time is of the essence.
- The child is in danger, and CFSA personnel cannot enter the home.
- The suspected perpetrator may flee.
- Police presence is required to maintain order and protect CFSA personnel safety.
- The child must be taken into protective custody against parental wishes. **NOTE:** Absent exigent circumstances, officers cannot remove a child from a home without the approval of CFSA.

If immediate action occurs, notifications to CFSA and YFSD are to be made as soon as possible if they have not already been made.

If an officer has any questions or doubts on whether a case should be treated as child abuse or child neglect, officers *must* seek guidance from YFSD.

### **Child Abuse Indicators**

It is important that officers recognize that child abuse injuries are deliberate and have common features. Child physical abuse indicators include, but are not limited to:

- Pattern injuries that may be linked to specific objects that were used in an attack (e.g., hot irons, coat hangers, fingertip marks caused by tight gripping).
- Signs of old injuries to various parts of the body that are in different healing stages, particularly those that are not common to childhood, such as a bruised knee.
- Broken bones, bruises, abrasions, or lacerations.
- Burns.
- Bite marks.
- Head injuries.
- Unexplained injuries.



- Destructive or physically violent behavior.
- Difficulty sitting or walking.
- Clingy behavior, depression, or self-mutilation.
- Inordinate delay in seeking medical attention.
- Evidence of the administration of home remedies for relatively serious injuries.

Officers will encounter situations whereby a child is injured, and the parent(s) claim it was due to legal discipline. In such a scenario, request an official and the Youth Division and notify CFSA. Detectives in CFSA are well equipped to assist officers in discerning between parental discipline and cruelty.

### **Common Acts of Cruelty**

These are common acts of cruelty:

- Burning, biting, choking, or cutting a child.
- Striking a child with a closed fist.
- Inflicting injury to a child by shaking, kicking, or throwing.
- Non-accidental injury to a child under the age of eighteen (18) months.
- Interfering with a child's breathing.
- Threatening a child with a dangerous weapon or using such a weapon on a child.

### **Child Sexual Abuse**

Be mindful that although sexual abuse of a child is a serious crime, physical injuries due to this crime may not be readily apparent or obvious. It is important that when you are on the scene of an alleged case of sexual abuse, YFSD and CFSA are immediately notified. **NOTE:** Officers on the scene of a sexual abuse investigation can **NEVER** physically examine the alleged victim(s).

When encountering potential victims of Child Sexual Abuse, be prepared to observe much hostility and/or aggression. There may also be extreme fear in cooperating with the police. Sexually exploited children may exhibit sexualized behavior (e.g., precocious knowledge of explicit sexual behavior, engaging in overt or repetitive sexual behavior). Sexual abuse victims also frequently exhibit self-destructive and/or clingy behavior.

**NOTE:** Missing persons, chronic runaways, and truant calls for service are opportunities for MPD to *identify cases* of sexual exploitation, neglect, and/or abuse. Be especially diligent in identifying such cases for follow-up by YFSD or CFSA, if applicable. Try to understand *why* the juvenile is running away, truant, refusing to go home, etc. This information can help MPD get juveniles the help they need.

### **Evidence and Witnesses**

The reporting officer(s) on the scene must preserve any applicable crime scene and/or evidence. A notification to a supervisor must be made, and there can be no more than a cursory interview of the victim by MPD personnel outside of YFSD detectives. Officers should limit their questions to gather basic information by asking such questions as “Can you tell me what happened?” and “Is the person who did this here?” The remainder of the questions are to be handled by YFSD detectives.

Any potential witnesses must be directed to YFSD detectives, as well.

### **Incident/Offense Reports**

All incident/offense reports made in Mark43 must include the following information in the internal narrative:

- The name, age, sex, and address of:
  - the subject child;
  - the siblings and/or other children in the household; and
  - the parents or others responsible for the child’s care.
- The time YFSD and CFSA were notified and the name of the person notified.
- All observed indicators of child abuse or neglect.

The YFSD detective will assist the original reporting officer(s) in preparing any reports. Most of the time, a YFSD detective will even handle writing the offense report. However, this may not always be the case.

### **Transporting Children**

Whenever transporting a juvenile, you *must* use a child safety seat per DC Municipal Regulations.

A **Juvenile Incident Report (PD 379)** must be completed when transporting a child to CFSA. You can find this particular report online.

### **Checks on Welfare of Children**

Checks on the welfare of juveniles are an important service that MPD provides to the public. As we learned in an earlier lesson, officers must complete an Incident Report in response to every call for service for a Check on Welfare. Include in reports all related facts and circumstances, the identities of the person(s) from whom information was obtained, and how the welfare of the person(s) was verified. MPD officers must always leave contact information at the location of the check, including the related Central Complaint Number (CCN).

When a Check on Welfare call for service *involves a juvenile*, additional steps are necessary when the welfare of the juvenile’s cannot be verified. The responding officer must notify an official at their element and be guided by that official’s guidance. The officer must also notify YFSD and CFSA.

It is not uncommon for CFSA to be the origin of welfare checks on juveniles. If you located a juvenile for CFSA, notify the requesting detective and ask for an ETA on when MPD can expect them at the juvenile’s

location. MPD must await the detective's arrival unless this is not feasible or CFSA refuses to provide an ETA. Since MPD resources are not unlimited, an officer awaiting the arrival of CFSA when there is no ETA or the wait is unreasonable must notify an official. The official will then guide the officer on the best course of action to take. This may mean that MPD transports the juvenile directly to CFSA instead of awaiting CFSA's arrival at the location.

### **Overview**

As a law enforcement officer, the law specifically mandates that in the case of juveniles, when you have any reason to believe that a child has been or is in immediate danger of being mentally or physically abused or neglected, you must immediately notify the Child and Family Services Agency (CFSA) and MPD's Youth and Family Services Division (YFSD). **The notifications are mandatory.** This includes when the call for service involves sexual abuse or sexual exploitation, to include prostitution.

Any juvenile believed to be meeting adults for sex *must* have the involvement of both the Youth Division and Child and Family Services.

A report must also be taken, and Child and Family Services must be notified when you have reason to believe that the abuse or neglect is a result of drug-related activity in the vicinity of the child.

In addition, CFSA must be notified if a child witnesses any domestic violence at home. **NOTE:** Exposure to domestic violence in the home may impact a child's safety and well-being. Exposure is a more inclusive term that goes beyond "witnessing" and can include watching or hearing the violent incident, direct involvement in the incident (e.g., trying to intervene), experiencing the build-up of tension to the violence, or experiencing the aftermath of an assault (e.g., seeing bruises or observing maternal depression).

You are required to always take police action when a child is involved, whether you are currently on duty or off. If it becomes known to you that a child may be abused, harmed, or neglected when you are in an off-duty capacity, you must still make the proper notifications. Even if you do not take the report yourself, you must call the law enforcement agency of the appropriate jurisdiction, whether MPD or otherwise, and report the suspected or proven abuse of the child so that the agency may take the additional steps necessary to ensure the child is protected and safe.

### **8.1.5 Describe procedures regarding juveniles in the custody of arrested or hospitalized persons**

There will be times when you must make an arrest of an individual, or a person is hospitalized who has a juvenile in their custody. When this happens, you are to immediately summon an official to your scene and contact the Child and Family Services Agency. You cannot release a juvenile into the custody of anyone who is not a parent or legal guardian. You will want to attempt to make contact with another parent, if possible.

Even if the juvenile informs you that another person who arrives on scene is their older sister, brother, other relative, or family friend, if that person is not the juvenile's legal guardian, you cannot release the juvenile into their custody. CFSA will make the final determination on when a juvenile is released and to whom. Ensure that you document the information of the individual to whom the juvenile is released and the CFSA agent that authorized the release within the non-public section of your report. This is the case for non-YFSD cases as well, such as an arrest of the parent or legal guardian.

In short, the only agency in DC authorized to release a juvenile to someone other than a parent or legal guardian is CFSA.

### **8.1.6 Conduct a juvenile contact**

(Practical exercise and completion of forms)

#### **Summary**

You have learned during this lesson how to classify the elements of crimes where juveniles are the victims of abuse, cruelty, and neglect, as well as whom you should notify when you find yourself on such a scene. You have also learned how you are by law a mandatory reporter in regard to juveniles and that you are required to make notifications to the Child and Family Services Agency (CFSA) and/or the MPD Youth and Family Services Division (YFSD) whenever you have reason to believe that a juvenile is the victim of abuse or neglect.

#### **REFERENCES**

GO 305.01	Interacting with Juveniles	09/01/2023
Federal Law	Juvenile Justice and Delinquency Prevention Act of 2018	2018
GO 309.06	Child Abuse and Neglect	11/18/2010