



## **Child Abuse Unit Standard Operating Guidelines**

Effective April 2, 2017

### **PURPOSE**

The purpose of these standard operating guidelines is to provide Child Abuse Unit detectives and supervisors, or Sex Crimes detectives and supervisors in those cases in which Child Abuse detectives are not available, with guidelines for investigating reports of child abuse.

### **DEFINITIONS AND ACRONYMS**

**Abuse**—Any one of the following acts that seriously endanger the physical, mental or emotional health and safety of a child:

- (a) The infliction of physical or mental injury upon the child by a parent or any other person;
- (b) The attempted infliction of physical or mental injury upon a child by any person;
- (c) Allowing, as a result of inadequate supervision, the affliction or attempted infliction of physical or mental injury upon a child by any person;
- (d) The exploitation or overwork of a child by a parent or any other person; or
- (e) The involvement of the child in any sexual activity constituting a crime under the laws of this state.

**Adult collateral**—An adult family member or a caretaker of a child who is the subject of a child abuse investigation or a witness to the alleged child abuse.

**Audrey Hepburn Care Center (CARE Center)**—A child abuse center that provides pediatric forensic medical evaluations. Its operating hours are 8 am–5 pm, Monday through Friday..

**Child**—A person under 17 years of age who, prior to juvenile proceedings, has not been judicially emancipated or emancipated by marriage (La. Ch.C. art.728; definition changed from 18 to 17 years for purposes of this Chapter).

**CODIS**—Combined DNA Index System.

**Cold case**—Any investigation that is not active and has remained unsolved for over a year from the date of initial report.

**CCMS**—Criminal Case Management System.

**Commercial Sexual Exploitation of Children (CSEC), also known as Domestic Minor Sex Trafficking (DMST)**—To recruit, harbor, transport, provide, sell, purchase, receive, isolate, entice, obtain, or maintain the use of a person under the age of eighteen years for the purpose of engaging in commercial sexual activity. Commercial sex act means any sexual act performed or conducted when any thing of value has been given, promised, or received by any person. Refer to La. R.S. 14:46.3.

**Developmental disability**—A severe chronic disability that can be cognitive or physical or both. Developmental disabilities appear before the age of 22 and are likely to be lifelong. Some developmental disabilities are largely physical issues, such as cerebral palsy or epilepsy. Some individuals may have a condition that includes a physical and intellectual disability, for example Down syndrome or fetal alcohol syndrome. Refer to La. R.S. 28:451.2(12) for the state definition.

**Forensic interview**—A semi-structured interview conducted by a trained forensic interviewer with all protected persons, defined as under age 17 or adults with disabilities, intended to elicit detailed information in a non-leading, non-suggestive, and non-blaming manner about a possible event that the individual may have experienced or witnessed. Refer to La. C.Ch.511

**Multidisciplinary Team (MDT)**—The MDT is responsible for the investigation of all child abuse cases and is comprised of NOPD detectives and supervisors, Orleans Parish Department of Children and Family Services (DCFS) investigators and supervisors, Orleans Parish District Attorney Office Assistant District Attorneys, Orleans Parish Victim Witness advocates, Audrey Hepburn CARE medical providers or staff, NOCAC Forensic Interviewers and staff, and/or other professionals involved in case. Refer to La. C.Ch.508

**Neglect**—The refusal or unreasonable failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness or condition of the child. Neglect includes prenatal neglect (See La. Ch.C. art. 502).

**NCAttrak**—A web-based system, maintained by the CARE Center, for entering, organizing, retrieving, aggregating, and protecting information about each child abuse case.

**New Orleans Children's Advocacy Center (NOCAC)**—A program within the Audrey Hepburn CARE Center at Children's Hospital that provides a coordinated, multi-agency approach to the investigation, intervention, and treatment of child sexual and physical abuse. The NOCAC coordinates forensic interviews and multidisciplinary team reviews.

**Protective custody**—Taking a child into custody without a court order based on reasonable grounds to believe that the child's surroundings are such as to endanger the child's welfare and immediate removal appears to be necessary for the child's protection (La. Ch.C. art. 621).

**SAK**—Sexual assault kit.

## **CHILD ABUSE UNIT CASES**

1. Child Abuse Unit detectives shall investigate all child abuse related incidents involving victims under the age of 17 years at the time the incident is reported, including the following signals:
  - (a) 29 (death);
  - (b) 30 (homicide) at the behest of the Criminal Investigations Division Commander;
  - (c) 42 (first-degree rape);
  - (d) 42-B (oral sexual battery);
  - (e) 42-M (first-degree rape, male victim);
  - (f) 42-U (unfounded first-degree rape);
  - (g) 43 (second-degree rape);

- (h) 43-B (sexual battery);
  - (i) 43-M (second degree rape, male victim);
  - (j) 43-MB (misdemeanor sexual battery);
  - (k) 43-U (unfounded second-degree rape);
  - (l) 46-C (Trafficking of Children for Sexual Purposes);
  - (m) 80 (carnal knowledge of a juvenile);
  - (n) 81 (indecent behavior);
  - (o) 81S (sexting);
  - (p) 89 (crime against nature);
  - (q) 92 (contributing to the delinquency of a juvenile);
  - (r) 93 (cruelty to a juvenile);
  - (s) 283 (video voyeurism); and
  - (t) 27 (attempted crime) related to any of the above signals.
2. For purposes of these standard operating guidelines, the phrase “child abuse” refers to all incidents identified in the preceding paragraph.
  3. When directed by a supervisor to handle a case with a victim under 17 years of age at the time of the incident, Sex Crimes detectives shall handle the case in accordance with the **Child Abuse Unit Standard Operating Guidelines**.
  4. Detectives may also follow the **Child Abuse Unit Standard Operating Guidelines** for incidents involving an adult victim or witness with developmental disabilities as defined by La. R.S. 28:451.2 and conduct forensic interviews at the Children's Advocacy Center.
  5. The Sex Crimes Unit shall handle all sex-related incidents with victims 17 years of age and older per the **Sex Crimes Unit Operating Guidelines** unless otherwise directed by a supervisor.

#### **ADDRESSING MEDICAL NEEDS & NOTIFYING AUDREY HEPBURN CARE CENTER**

6. Upon receiving a report of possible child abuse, the detective shall immediately determine the appropriate medical response to the alleged mistreatment based on the level or urgency:
  - (a) **Emergency**: alleged abuse or contact with suspected perpetrator may have occurred within 72 hours of the report or when there are current symptoms, such as stomachaches, headaches, or vomiting, or injuries such as active pain or bleeding;
  - (b) **Urgent**: alleged contact and sexual abuse occurred more than 72 hours but less than two weeks from the report or physical abuse where marks on the skin are present, but no pain, bleeding, or medical symptoms such as stomachaches, headaches, or vomiting are present; or
  - (c) **Non-urgent**: alleged contact or abuse occurred more than two weeks prior to the report, and no identifiable signs or symptoms of abuse are present.
7. In **emergency situations**:
  - (a) During the hours of 8 am – 5 pm from Monday to Saturday, detectives shall immediately contact the CARE Center. Emergency patients shall be seen in the CARE Center for an emergency forensic examination if at all possible.
  - (b) When the CARE Center is not available, detectives shall refer the victim and family to the Children's Hospital Emergency Department. Detectives shall explain

to families that a follow-up appointment will be conducted with the CARE Center within 2 weeks of the initial visit. The CARE Center shall review the emergency department findings and photos during the follow-up forensic evaluation and relay relevant findings to the detectives.

8. In **urgent situations**, the detective shall contact the CARE Center to schedule an appointment with the child no later than the next business day.
9. In **non-urgent situations**, the detective shall refer victims and families to the CARE Center where they will be scheduled for the next available appointment.
10. In all cases, the detective shall explain to victims and their families that the CARE Center examination is child-friendly. Detectives shall also state that no out-of-pocket expenses will be incurred as a result of the CARE Center examination.

### **NOTIFYING THE DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

11. NOPD shall immediately notify the Department of Child and Family Services (DCFS) of any report of child abuse or neglect, including incidents contributing to a child's death, involving a parent, caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker, regardless of the signal or disposition of the investigation by NOPD.
12. Notification to the DCFS should occur as follows (see La. Ch.C. art. 610(B)):
  - (a) The report shall contain the following information, if known:
    - i. The name, address, age, sex and race of the child;
    - ii. The nature, extent, and cause of the child's injuries or endangered condition including any previous known or suspected abuse to the child or the child's siblings;
    - iii. The name and address of the child's parent(s) or other caretaker;
    - iv. The names and ages of all other members of the child's household;
    - v. The name and address of the reporter;
    - vi. An account of how this child came to the reporter's attention;
    - vii. Any explanation of the cause of the child's injury or condition offered by the child, the caretaker, or any other person;
    - viii. The number of times the reporter has filed a report on the child or the child's siblings;
    - ix. Any other information which the reporter believes might be important or relevant;
    - x. The name of the person or persons who are thought to have caused or contributed to the child's condition; and
    - xi. If reported by the child, the name of such person or persons.
  - (b) If the initial report was made orally by a mandatory reporter, it shall be followed by a written report to the local child protection unit of the DCFS either by secure fax or e-mail within five days.
  - (c) Written reports are to be made using the DCFS Written Report Form for Mandated Reporters of Child Abuse/Neglect available electronically under the Resources folder on nopd.org.

13. The assigned Child Abuse Unit detectives shall ensure the mandated notification to DCFS is performed.
14. If DCFS is not cooperating with the NOPD investigation, detectives shall immediately notify their supervisor and remind DCFS that it may not knowingly and willfully obstruct the procedures for receiving and investigating reports of child abuse or neglect (La. R.S. 14:403).

### **COLLABORATING WITH DCFS**

15. When necessary, NOPD shall conduct parallel and collaborative investigations of child abuse and neglect with DCFS. NOPD will notify DCFS if a detective has been assigned and inquire about any DCFS involvement.
16. If a DCFS investigator has been assigned, the NOPD detective will request assistance in conducting a joint investigation.
17. When requested, NOPD shall send a uniformed patrol unit with the DCFS investigator when reports of abuse/neglect are received, even when an NOPD detective has not been assigned to conduct a parallel and collaborative investigation.

### **NOTIFYING THE DISTRICT ATTORNEY'S OFFICE**

18. The District Attorney's Office shall be notified via telephone immediately on all rapes:
  - (a) When a report of rape is made within 24 hours of the occurrence of the event;
  - (b) When the victim and perpetrator have no known prior relationship; or
  - (c) When the safety of the victim or witness may be in jeopardy and relocation of the victim or witness may be necessary.
19. In all cases investigated by Child Abuse, detectives shall forward a Major Offense Report Form (MORF) to the District Attorney's Office within 24 hours of an NOPD item number's issuance. The MORF shall include the names and dates of birth of all children residing in the abusive environment.
20. In all child sexual abuse cases, detectives shall submit a supplemental report to the District Attorney's office within 20 days of receiving the allegation.
21. Detectives shall forward **all** child sexual abuse case files to the District Attorney's office (La. Ch.C. art. 615.1).

### **HOLDING SUSPECTED VICTIMS FOR INTERVIEWS**

22. An NOPD member should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of a forensic interview or physical exam without the consent of a parent or guardian unless one of the following applies:
  - (a) Exigent circumstances exist, such as:
    - i. A reasonable belief that medical issues of the child need to be addressed immediately;
    - ii. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed; or

- iii. The alleged offender is the custodial parent or guardian, and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

### PRELIMINARY VICTIM INTERVIEWS

- 23. Detectives shall follow the guidelines under **Scheduling Victim Forensic Interviews** to schedule an interview for the victim.
- 24. Every attempt shall be made to obtain information necessary for a probable cause determination from the adult reporters and collaterals.
- 25. No interviews of child victims shall be conducted on scene absent exigent circumstances. All child interviews shall be conducted by a qualified forensic interviewer at the NOCAC or approved satellite NOCAC locations. In urgent cases under exigent circumstances in which the detective requires specific information to move forward, the detective may obtain permission from a supervisor to attempt to obtain only the specific information required. In such cases, detectives shall be supportive and should consider utilizing the following questions and statements:
  - (a) "I know this is hard, but right now I need a little bit of information."
  - (b) "Tell me about where this happened" to establish **jurisdiction**.
  - (c) "Tell me about who did this" to **identify the suspect**.
  - (d) "You are so brave to have told someone. That takes courage."
  - (e) "What happened is not your fault. I am sorry that this happened to you."
  - (f) "Your (protective caregiver) called us to make sure that you are safe."
  - (g) "Your (protective caregiver) called (other supportive adult) to help keep you safe too."
  - (h) "Your (protective caregiver) is not going to let (the perpetrator) come around you right now to make sure that you stay safe."
  - (i) "You will need to talk to someone at the Children's Advocacy Center about what happened. The people there are very nice, and it is their job to listen to you."
- 26. All exigent circumstances that warrant the immediate interview of a child shall be documented in a supplemental report. The interview shall be documented in detail in the supplemental report, and the interview shall be recorded whenever feasible. This documentation shall be provided to the multidisciplinary team.

### IDENTIFY AND LOCATE WITNESSES AND SUSPECTS

- 27. Detectives should identify and interview any potential witnesses, bearing in mind that multiple crime scenes may exist. It is especially important that the detective identify and interview the first person the victim told about the abuse.

### WITNESS INTERVIEWS

- 28. Detectives should interview any person who might have seen or spoken with the victim about the reported incident.
- 29. Child witnesses shall receive a forensic interview in the same manner as child victims. Absent exigent circumstances, detectives shall not interview child witnesses. See

**Scheduling Victim Forensic Interviews** for more information.

## **SUSPECT INTERVIEWS**

30. Suspects should be interviewed only by the detective but can be detained by the responding officer.

## **EVIDENCE COLLECTION**

31. Detectives should ensure that all evidence is collected, including but not limited to:
  - (a) Clothing worn at the time of the abuse and immediately afterward, especially the clothing worn closest to the genitals (such as undergarments, pants, and shorts) if the incident may be sexual in nature. The detective should place the clothes in separate paper bags to prevent cross-contamination and follow procedures regarding chain of custody for evidence;
  - (b) Bed sheets and condoms;
  - (c) Drawings, writings, tape recordings, or e-mails made by the victim regarding the allegation;
  - (d) Photographs of the crime scene prior to processing if necessary; and
  - (e) Evidence collected by medical professionals.
32. In addition, in cases of sexual exploitation, other potential evidence can include:
  - (a) Hotel worker statements and hotel records;
  - (b) Photographs of the victim, scene, and locations where the child was seen;
  - (c) Cell phones and other electronic devices from the victim and accused and relevant records contained within;
  - (d) Anything bought by the accused for the victim;
  - (e) Online advertisements;
  - (f) Social media posts and personal messages; and
  - (g) Photographs of the suspect's tattoos.
33. Detectives should protect the integrity of evidence and request the assistance or direction of the Scientific Criminal Investigations Section (SCIS – Crime Lab) regarding the collection or preservation of evidence. Detectives should secure the crime scene to ensure that evidence is not lost, changed, or contaminated. In addition, detectives should follow these guidelines:
  - (a) Use gloves whenever handling evidence and change gloves after every contact to prevent cross-contamination.
  - (b) Evidence should be handled by as few people as possible.
  - (c) In cases when a sexual assault has occurred within the past 72 hours, the detective should encourage the victim not to change clothing, smoke, eat, drink, shower, urinate, or defecate by explaining that those activities could destroy evidence.
  - (d) Detectives should carry receptacles for urine samples to be used when necessary.
  - (e) If a drug-facilitated sexual assault is suspected, preserve drinks to allow the crime lab to test for the presence of drugs.
34. The detective should encourage the custodian of the child victim to contact the detective or the NOCAC to take photos of injuries if they change over time. It is preferable for the NOCAC to take the photos.

35. Supervisory approval is required before taking photographs of genitals or breasts.

### **ALCOHOL/DRUG-FACILITATED SEXUAL ASSAULT CONSIDERATIONS**

36. Whether ingested voluntarily or without the knowledge of the victim, if a drug-facilitated sexual assault is suspected, special attention should be given to collecting perishable evidence of drug and/or alcohol use by suspects or victims as soon as practical (i.e. urine samples or BAC readings) and alcohol use by witnesses (i.e. BAC readings) whenever possible.
37. Signs of drug-facilitated sexual assault include:
  - (a) The victim reports being under the influence of a drug during the sexual assault;
  - (b) The victim experiences vaginal soreness or other signs of sexual activities and cannot remember the entire incident;
  - (c) The victim reports becoming heavily intoxicated very rapidly; and/or
  - (d) The victim reports symptoms of amnesia.

### **PROTOCOL FOR SUSPECT EXAMINATION**

38. This protocol is an exception to the body cavity searches section of **Chapter 1.2.4 – Search and Seizure**. If the suspect is a juvenile, detectives shall ensure that a responsible adult who represents the interests of the juvenile suspect and is the same gender as the suspect is present for the examination.
39. Immediately after the preliminary suspect interview, the detective should determine whether a forensic sexual assault examination of the suspect should be conducted. Factors to consider in that decision include:
  - (a) The length of time since the assault occurred;
  - (b) The nature of the assault;
  - (c) Whether the victim believes he or she injured/marked the suspect;
  - (d) The likelihood that cells, fluid, or other types of biological or trace evidence were transferred from the victim to the suspect; and
  - (e) Unusual or highly distinctive physical characteristics of the suspect's body that are normally not visible due to clothing.
40. Detectives must obtain a search warrant prior to conducting the exam. Detectives should keep in mind that the items or evidence explicitly identified on the search warrant are the only items or samples that can be obtained during the suspect's examination, including photographs of the suspect's body. The detective should clearly articulate the type and number of samples needed that can be supported by the description of probable cause alleged in the search warrant application.
41. Only detectives trained in conducting sensitive suspect examinations may conduct these suspect examinations. Detectives shall conduct the exam with a supervisor present in a private room that cannot be viewed from the outside. The detective and supervisor present shall be of the same gender of the suspect (Refer to **Chapter 41.14 – Discriminatory and Bias-Based Policing, LGBT Community** for searches of transgender individuals). The detective shall first explain what will be taking place, advise the suspect that the exam is pursuant to a signed search warrant, and offer the suspect the opportunity to cooperate and voluntarily swab the necessary areas of the



body. If the suspect refuses, the detective shall consult with the supervisor present as to the method to be used, the number of additional detectives or officers required, and the amount of force to be used to execute the actions that are necessary and reasonable to recover the evidence.

42. If detectives collect clothing or footwear as evidence, they will provide the suspect with replacement clothing or footwear. All evidence collection procedures to prevent cross-contamination or spoilage of evidence shall be followed. Each recovered item shall be packaged and tagged immediately.
43. While executing the search warrant and conducting the forensic sexual assault exam, the detective shall document all evidence and take photographs as necessary.
44. The detective shall document any spontaneous statements made by the suspect during the exam.
45. It is critically important to note that the victim's and suspect's examinations must take place in **different locations**. It is important that every effort be made to avoid cross-contamination of evidence from the victim and suspect.

#### **STORING EVIDENCE**

46. The sexual assault kit (SAK) should not be accepted from the medical staff until it has been properly sealed and labeled. The detective should transport the kit directly to Central Evidence and Property, and it should be stored according to the Louisiana State Crime Lab's recommended practices.
47. The Investigation and Support Bureau (ISB) shall track evidence that has been submitted to the Louisiana State Police for testing.
48. The decision not to submit evidence for testing shall be documented in a supplemental report.

#### **PROTECTIVE CUSTODY**

49. When officers consult a Child Abuse Unit detective concerning protective custody in a child abuse related case, the detective may:
  - (a) Take a child into temporary protective custody without a court order if there are reasonable grounds to believe that the child's surroundings endanger his/her welfare and immediate removal appears necessary (La. Ch.C. art. 621).
    - i. Prior to taking a child into temporary protective custody, the detective should take reasonable steps to deliver the child to another qualified parent or legal guardian unless it reasonably appears that the release would endanger the minor or result in abduction. In such circumstances, the detective should advise the qualified parent or legal guardian that he/she may petition the court for either a temporary restraining order or a protective order (La. Ch.C. arts. 617-618). If this is not a reasonable option, the detective shall promptly notify and release the child to the DCFS.

- (b) File a complaint with the court alleging that there are reasonable grounds to believe that the child is in need of care and that emergency removal is necessary to secure the child's protection (La. Ch.C. art. 619(A)).
  - i. If the detective believes the danger is imminent, he/she shall relay the facts supporting the issuance of the order orally or by telephone to the judge and submit an affidavit of the information to the court within 24 hours (La. Ch.C. art. 620).
- 50. If the detective determines protective custody is warranted, the detective shall contact DCFS, and NOPD shall provide the best provisions for transport of the child to the NOCAC (available 8 AM - 5 PM, Monday through Saturday) or, when NOCAC is unavailable, an alternative location identified by DCFS. When possible, NOPD shall contact DCFS to remove a child from his/her family, guardian, or other responsible adult.
- 51. The detective must complete a face sheet in the EPR system with the Signal 78 - Protective Custody unless the platoon officer has done so already.

#### **DRUG-ENDANGERED CHILDREN**

- 52. Detectives shall notify a Child Abuse supervisor when they discover children exposed to the manufacturing, trafficking, or use of narcotics.
- 53. The Child Abuse supervisor shall work with the appropriate agencies, including the Louisiana Department of Children and Family Services (DCFS), other law enforcement agencies, medical service providers, and local prosecutors, to determine the appropriate response.

#### **CASES INVOLVING CHILD FATALITIES**

- 54. The Child Abuse Unit shall handle all child death cases unless otherwise directed by the Criminal Investigations Division Commander.
- 55. The Child Abuse Unit shall notify NOCAC to schedule case review with the multidisciplinary team (MDT).
- 56. If the designated lead investigator has determined the circumstances surrounding the child's death are suspicious of abuse and/or neglect, the lead investigator will report his or her determination to DCFS.
- 57. The Child Abuse Unit shall cooperate with any investigations by the Louisiana State Child Death Review Panel (R.S. 40:2019(D)).

#### **CASES INVOLVING COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN**

- 58. Detectives shall notify a Child Abuse supervisor when they discover children who are being sexually exploited.
- 59. Indicators of sexual exploitation may include:

- (a) Child has run away from home;
  - (b) Inappropriate dress, including overtly sexual clothing or oversized clothing;
  - (c) Child has unexplained bruises or injuries;
  - (d) Child is in possession of large amounts of money, more than one cell phone, or hotel keys;
  - (e) Child has a boyfriend, girlfriend, or friend more than 5 years older than the child;
  - (f) The child is not enrolled in school or is missing large amounts of school;
  - (g) The child has fake identification or someone else is in control of their documentation
  - (h) The child was arrested or spotted in an area known for prostitution, such as an adult entertainment venue, strip club, massage parlor, adult video shop, and/ or hotel.
58. The Child Abuse detective and supervisor shall work with the appropriate agencies, including the Louisiana Department of Children and Family Services (DCFS) and, as appropriate, other law enforcement agencies, medical service providers, and local prosecutors to determine the appropriate response.
59. In accordance with La. R.S. 14:46.3, no victim of trafficking shall be prosecuted for unlawful acts committed as a direct result of being trafficked. Consent of a minor is not a defense and shall not be relevant to the investigation. No victim of trafficking shall be arrested, investigated, or referenced in terms of La. R.S. 14:82 Prostitution.

#### **SCHEDULING VICTIM FORENSIC INTERVIEWS**

60. The detective or his/her designee shall contact the NOCAC during NOCAC operating hours to schedule a forensic interview for the involved children. If outside NOCAC operating hours, the detective or his/her designee shall contact the NOCAC within the next business day's operating hours to schedule a forensic interview.
61. When the offender has been instructed to have no contact with the involved children, detectives shall instruct caregivers to not bring the offender for appointments at the NOCAC.
62. NOPD will notify NOCAC and the CARE staff if any juvenile attending an appointment has been identified as possibly acting inappropriately in response to exposure to sexual abuse. The NOCAC and CARE team can take necessary precautions to provide a private contained space or close supervision.
63. NOPD shall notify the NOCAC of cases involving potential limited English language proficiency, disabilities, or special needs.
64. In exceptional cases, and with the approval of a supervisor, the detective may contact the list of NOCAC forensic interviewers to determine possible availability to conduct an after-hours emergency forensic interview. Detectives shall consider the child's ability to stay alert when requesting an after-hours interview. Forensic interviews yield better outcomes if conducted during a child's usual awake moments and after the initial crisis and shock has been addressed.
65. After the initial forensic interview, the involved members of the MDT may elect to conduct extended forensic interviews.

## RESPONDING TO DELAYED REPORTS

66. In cases of delayed reporting (more than 24 hours since the incident), the detective shall contact the reporting individual immediately and coordinate a forensic interview with the NOCAC on the next business day.

## MONITORING VICTIM FORENSIC INTERVIEWS

67. The detective should arrive prior to the scheduled forensic interview to assist with welcoming the family and obtaining intake information and consents.
68. The detective shall monitor the forensic interview with DCFS and will be given opportunities to have investigative questions addressed through the forensic interviewer.
69. With approval of a supervisor, the detective can arrange for the forensic interview to be monitored by a member who is a licensed or credentialed physician, social worker, psychologist, medical psychologist, professional counselor, or a representative of Department of Social Services in accordance with La R.S. 15:440.4.
70. The detective shall sign the NOCAC's forensic interview DVD release form. NOPD is entitled to receive three DVDs of the interviews in cases under investigation. NOPD shall forward one of these DVDs along with its report to the Orleans Parish District Attorney's Office if the case involves a possible sex crime. A copy of the DVD shall be placed in evidence.

## DOCUMENTATION

71. Detectives shall submit an incident report in EPR which protects the confidentiality of the victim per **Chapter 42.19 – Child Abuse**.
72. The detective should include in the case file the Major Crime Scene Officer Statements completed by other responding officers.
73. Detectives shall provide an overview of the investigation in the gist section of CCMS to produce the Major Offense Reporting Form.
74. Detectives shall document the investigation of reported child abuse by completing a supplemental report. Supplemental reports are not required for child abuse items marked gone on arrival or void. If SVS is eventually able to contact the complainant of a gone on arrival call, the investigating detective shall initiate a new item number and follow all provisions of these standard operating guidelines.
75. Supplemental reports shall include all information obtained during the investigation, including all contacts with the victim and caregivers.
76. Detectives shall document every contact with the victim and caregivers in the work log section of CCMS.
77. Detectives should use the victim's own words in written reports and utilize quotation marks for exact quotations.

## CASE FILE

78. Detectives shall use the SVS Investigative Case File Index, located in the resources folder on nopd.org, to assist in conducting and documenting a complete investigation.
79. **The entirety of the case file** in all cases investigated by the Child Abuse Unit shall be submitted to the District Attorney's Office within 20 calendar days of the arrest of the perpetrator. In all child sexual abuse cases, detectives shall submit the case file to the District Attorney's Office within 20 days of receiving the allegation of sexual abuse. The case file shall include:
- (a) Incident recall and 911 audio recording;
  - (b) Incident report (EPR);
  - (c) Major Crime Scene Officer Statements;
  - (d) All related supplemental police reports;
  - (e) All photographs related to the case;
  - (f) Medical and/or SANE reports;
  - (g) EMS run sheets;
  - (h) All victim and witness interviews (video, audio, or transcribed);
  - (i) Suspect statements (video, audio, or transcribed);
  - (j) All surveillance video;
  - (k) All body worn camera video applicable to the case;
  - (l) All related crime scene tech reports;
  - (m) All crime lab submittal forms;
  - (n) All crime lab reports;
  - (o) Central Evidence and Property receipts;
  - (p) All search warrants, including application, order, and return;
  - (q) Arrest warrants applicable to the case;
  - (r) All electronic evidence;
  - (s) All composite sketches applicable to the case; and
  - (t) All Crimestoppers tips applicable to the case.

Any of the above items that are unavailable or inapplicable shall be specifically noted as such on the Investigative Case File Index.

80. Supplemental reports shall detail any pending investigation. Once the pending investigation has been completed, an additional supplemental report shall be submitted indicating that fact.

## CASE SIGNAL

81. Detectives shall document in a supplemental report any decision to classify a reported sexual assault as a Signal 21 (miscellaneous complaint). A Child Abuse Unit supervisor and the Criminal Investigations Division (CID) Commander must approve this decision in writing.
82. To change the signal from a child abuse signal to any other signal, the detective must:
- (a) Mark up the original signal as Unfounded unless the original signal is a 42 or 43 in which case the detective shall change the original signal to 42-U or 43-U (unfounded).
  - (b) Generate a new item number with the new, non-child abuse signal;

- (c) Receive written confirmation for the signal change from a Child Abuse Unit supervisor and the Special Victims Section Commander.
- (d) A copy of the written confirmation shall be maintained in the case file.

## **CASE STATUS**

83. Detectives should utilize the following case statuses:
- (a) Open
  - (b) Cleared by arrest
  - (c) Cleared by warrant
  - (d) Cleared by exception: No formal charges are issued due to elements beyond law enforcement control (i.e. death of offender, prosecutor declines to take the case after an offender has been identified, offender is arrested but will be prosecuted in a different jurisdiction). For the case to be cleared by exception, NOPD must have:
    - i. Identified the offender;
    - ii. Gathered enough evidence to support an arrest on a sexual assault charge and turned over the offender to the court for prosecution;
    - iii. Identified the offender's location so that the suspect could be taken into custody; and
    - iv. Encountered a circumstance outside the control of law enforcement that prohibits the agency from arresting, charging, and prosecuting the offender.
  - (e) Unfounded: False or baseless complaint.
    - i. Unfounded, false: Evidence obtained through an investigation shows that a crime was not committed or attempted.
    - ii. Unfounded, baseless: A case does not possess all necessary elements of the crime or was improperly classified as child abuse.
84. Detectives must file a supplemental report for all unfounded cases to explain the disposition decision.
85. A Child Abuse Unit supervisor and the Special Victims Section Commander shall review and approve in writing on the Investigative Case File Index any decision to classify a case as "unfounded."
86. A Child Abuse Unit supervisor and the Special Victims Section Commander shall review and approve in writing on the Investigative Case File Checklist all dispositions of cleared by exception.

## **CODIS HITS**

87. In all cases wherein a Combined DNA Index System (CODIS) Match Notification is received regarding a sex crime, the Child Abuse Unit shall:
- (a) Attempt to locate and conduct interviews with all relevant victims and witnesses in accordance with the interview procedures outlined herein;
  - (b) Apply for a search warrant for the buccal swab of the suspect; and
  - (c) Submit the case file including the receipt of any DNA confirmation to the District Attorney's Office.
88. The Child Abuse Unit shall track all CODIS hits in the CODIS Hit Outcome Program

(CHOPs).

## **COLD CASE**

89. A cold case is any investigation that is not active and has remained unsolved for over a year since the date of report. Cold cases shall be handled by a cold case detective unless the SVS Commander decides that the original detective or another detective should handle the case. Before deeming the investigation a cold case, the original detective shall conduct a Case Summary Meeting.
90. When new developments prompt a re-examination of a cold case, a Child Abuse Unit supervisor shall determine if the investigation shall remain with the cold case detective or be reassigned to the original detective. If the original detective is no longer with Child Abuse or otherwise unavailable, the Child Abuse supervisor shall determine if the investigation shall remain with the cold case detective or be reassigned to a new detective.

## **CASE SUMMARY MEETINGS**

When a detective has exhausted all available leads and still does not have sufficient information to establish probable cause, the detective shall conduct a case summary meeting with a representative of the victim. At the case summary meeting, the detective shall:

- (a) Meet in person with the representative if possible;
- (b) Summarize the investigation;
- (c) Provide the contact information of the cold case detective to the representative as the new primary contact;
- (d) Document the representative's contact preferences and information on the Victim Contact Form (Form # 347), noting that the individual is a representative of the victim, and store this form in the case file; and
- (e) Document the occurrence of the case summary meeting in the work log section of CCMS.

## **CONTACTING COLD CASE VICTIMS**

91. Detectives shall consult with the multidisciplinary team (MDT) before contacting any cold case victims.
92. The detective shall contact the victim of a cold case only if he/she is now 17 years of age or older. If the victim is under the age of 17, the detective shall contact an adult representative of the victim.
93. If the status of a cold case changes, the detective shall contact the victim or the victim's representative in person or over the phone in a timely manner unless the victim or victim's representative previously requested not to be contacted further about the investigation or contacting the victim or victim's representative could harm the investigation. All attempts and contacts shall be documented in the work log section of CCMS.

## **CONTACTING COLD CASE VICTIMS THROUGH SOCIAL MEDIA**

94. Detectives shall not disclose confidential information or the nature of the investigation through social media. Detectives shall not indicate that they work on special victims cases in public social media messages.
95. If a victim or the victim's representative cannot be reached over the phone or in person, the detective may contact the victim or the victim's representative through a private social media message sent from an NOPD social media account. A detective shall not contact a victim or a victim's representative via a non-NOPD social media or e-mail account.
96. When contacting the victim or the victim's representative through social media, a detective should:
  - (a) Introduce himself/herself.
  - (b) Inform the victim or the victim's representative that this contact is not an emergency.
  - (c) Explain why the contact is being made without compromising the confidentiality of the case.
  - (d) Request an alternative, secure way to contact the victim or victim's representative in the future.

## **FALSE REPORTS**

97. In the event that the detective has found evidence establishing probable cause that a false report of a crime has been made, the SVS Commander and the CID Commander shall determine whether an arrest should be made after consultation with the MDT and District Attorney's Office.

## **CHILD ABUSE SUPERVISORS**

98. Child Abuse supervisors shall:
  - (a) Set clear expectations for the treatment of victims;
  - (b) Respond to the scene to assist detectives on all felony child abuse investigations;
  - (c) Review investigative reports and case dispositions;
  - (d) Ensure thorough, timely investigations and document supervision on the SVS Investigative Case File Index;
  - (e) Review and approve all dispositions of "cleared by exception";
  - (f) Review and approve all dispositions of "unfounded" with the SVS Commander;
  - (g) Ensure detectives follow up on all CODIS hits;
  - (h) Build relationships and enhance cooperation with victim advocates and forensic examination programs to respond to and reduce the risk of child abuse;
  - (i) Seek and create opportunities for ongoing training to improve the skills needed to properly respond to and investigate child abuse;
  - (j) Incorporate interactions with partner agencies into member performance evaluations; and
  - (k) Recognize officers for rendering effective services.



## **CASE ASSIGNMENT**

99. Child Abuse supervisors shall promptly review reports of child abuse and assign cases to detectives. Cases with the following factors will receive the highest priority in case assignment:
- (a) An imminent time deadline before which the suspect must be charged or released (701 release);
  - (b) Significant injury or impairment of the victim;
  - (c) A weapon is involved;
  - (d) Allegations of witness tampering, strangulation, or stalking behavior; and/or
  - (e) A victim expresses a fear or risk of imminent bodily harm by the perpetrator.

## **SVS COMMANDER**

100. The SVS Commander and the CID Commander must both sign to indicate their review and approval on the SVS Investigative Case File Index for any case with an unfounded or closed by exception disposition.
101. This review shall emphasize proper investigation and documentation to accurately charge a case. In addition to the responsibility of supervising Child Abuse detectives, the SVS Commander shall assist platoon supervisors in maintaining the quality of platoon officer reports and help promote and maintain connections between the Department and responsible agencies.
102. The SVS Commander should demonstrate a detailed understanding of victim issues and proper response by detectives and responding officers.
103. The SVS Commander, in conjunction with a supervisor in the Child Abuse Unit, shall closely review and approve in writing on the Investigative Case File Index any decision to classify a report as "unfounded."
104. The SVS Commander shall provide the Deputy Chief of ISB and the Superintendent of Police with a summary report of all "unfounded" cases on a semi-annual basis.

## **DETECTIVE OVERSIGHT**

105. The SVS Commander shall:
- (a) Ensure and document that every Child Abuse detective is familiar with the Department's policies, Child Abuse Unit Standard Operating Guidelines and monitor compliance with policies, including the Sex Crimes Unit Standard Operating Guidelines;
  - (b) Respond to the scene when required or requested;
  - (c) Monitor investigative files to determine if all necessary actions were taken in the investigation and direct any necessary follow-up;
  - (d) Ensure thorough, timely investigations and document supervision on the SVS Investigative Case File Index;
  - (e) Return incomplete investigation files to the detective with specific instructions on actions to take; and
  - (f) Provide consultation on cases as needed and monitor investigations to determine if additional training may be necessary. If additional training is warranted, the SVS Commander shall direct the detective to appropriate training and monitor

the detectives' investigations to determine the effectiveness of their training.

#### TRAINING & POLICY MAINTENANCE

106. The SVS Commander shall review **Chapter 42.19 – Child Abuse** and the **Child Abuse Unit Standard Operating Guidelines** with newly assigned members within 30 days of their assignment and prior to their handling of any cases.
107. The SVS Commander shall provide Child Abuse detectives with training in accordance with the **Training** section of these guidelines.
108. The SVS Commander shall review **Chapter 42.19 – Child Abuse** and the **Child Abuse Unit Standard Operating Guidelines** annually and notify Policy Standards Section of the need to update the regulations with changes in policy, law, and best practices.

#### **CID COMMANDER**

109. The SVS Commander and the CID Commander must both sign to indicate their review and approval on the SVS Investigative Case File Index for any case with an unfounded or closed by exception disposition.
110. The CID Commander, in conjunction with a Child Abuse Unit supervisor, **must approve in writing** any decision by a detective to classify a reported sexual assault as a Signal 21 (miscellaneous complaint).
111. The CID Commander, with the SVS Commander, the MDT, and District Attorney's Office, will determine whether filing a false police report should result in an arrest.

#### **CASE TRACKING**

112. Child Abuse Unit supervisors shall utilize a case-tracking database to ensure thorough and timely investigations.
113. This system shall separately track all reports of child abuse, including drug-facilitated sexual assault, sexual assaults involving persons with disabilities, sodomy, and male victims of sexual assault.
114. This system shall also track the final disposition of child abuse investigations, including whether an arrest was made and whether the DA charged the suspect or rejected the case and, if so, the reason for the rejection if the DA provides a reason.
115. An ISB member not assigned to SVS, and appointed by the Deputy Chief of ISB, shall perform a quarterly review of every case to ensure the accuracy of the information in the tracking system.
116. The Compliance Bureau shall monitor and audit the tracking system as necessary.
117. SVS must appoint a person(s) to enter and access information using the NCAtrak system. These details include the type of abuse investigated, relationship of the alleged offender to the child victim and alleged offender's demographics, charges filed and case dispositions, as well as any other relevant information regarding NOPD's contact with

the investigation.

### **MULTIDISCIPLINARY TEAM CASE REVIEW**

118. The Child Abuse Unit shall participate in multidisciplinary teams for the investigation of child abuse or neglect cases in order to coordinate efforts and make informed case decisions.
119. NOPD shall bring all relevant reports and information to team reviews. NOPD shall be prepared to discuss, plan, and monitor the progress of the investigation, discuss child protection and other safety issues, and discuss issues relevant to the case.
120. NOPD shall review all child sexual assault cases marked unfounded or miscellaneous with the MDT.

### **STAFFING**

121. When possible, NOPD should staff Child Abuse with sufficient detectives to limit the workload to 26 cases per detective per year.
122. NOPD should refrain from assigning Child Abuse detectives to special events when possible.
123. Whenever the Department cannot provide adequate staffing, Sex Crimes detectives shall assist in investigations involving victims over the age of twelve when ordered by a Special Victims Section supervisor.

### **TRAINING**

124. All Child Abuse detectives shall receive a minimum of three hours of training from the NOCAC before handling a case.
125. All Child Abuse detectives shall receive 32 hours of initial training as soon as possible, including at least eight hours of training from the NOCAC. Training topics shall include:
  - a) Realistic dynamics of child abuse, including issues related to response to trauma and delayed reporting;
  - b) Overcoming the perception of false/unfounded allegations to successfully investigate non-stranger child abuse;
  - c) Drug and alcohol facilitated sexual assault;
  - d) Skills-based training on interviewing;
  - e) Child abuse report writing;
  - f) Discovery, collection, preservation, and submission of evidence;
  - g) Addressing concerns of non-offending parents; and
  - h) Other topics.
126. All Child Abuse detectives shall receive 8 hours of in-service training from the NOCAC annually.