

WEST PALM BEACH POLICE DEPARTMENT

IV-15 JUVENILE PROCEDURES

EFFECTIVE DATE: 10/01/2005

CALEA Standards: 44.1.1, 44.1.3, 44.2.1, 44.2.2, 44.2.3, 44.2.5

CFA Standards: 19.01-19.04

I. POLICY: It is the responsibility of all members of the West Palm Beach Police Department to familiarize themselves with established procedures for handling both criminal and non-criminal juvenile incidents as defined in this policy. Only a small percentage of juveniles commit the majority of crimes and require secure custody. Most are likely candidates for non-secure custody and positive diversion and intervention strategies. Officers will, whenever reasonable and justified under this policy, take those measures necessary to effect positive changes in juvenile offenders consistent with Florida State Statutes and the security interests of the community.

It is the responsibility of all Department components and personnel to establish and perpetuate those programs designed to prevent and control juvenile delinquency. The department believes children, if reached early enough, can develop a strong positive attitude towards law enforcement and the laws they enforce.

The aim of our efforts regarding youth prevention programs are to build self-esteem and resiliency in youth and to provide positive alternatives to alcohol, tobacco, illegal drugs, delinquency, violence, gang activity and other negative behaviors.

II. DEFINITIONS:

A. Status Offender- A juvenile who is a runaway, truant, or ungovernable.

B. Delinquent Child- A child found by a court to have committed a felony, misdemeanor, contempt of court, or violated a local ordinance and whose case has not been prosecuted as an adult case.

C. Dependent Child- A child who:

1. Has been abandoned by his or her parents or custodian.
2. For any reason is homeless or destitute.
3. Has no proper parental support, maintenance, care, or guardianship.
4. Because of neglect by parents or guardian is deprived of education as required by law or of medical, psychiatric, psychological or other care necessary for well-being.

D. Non-Secure Custody- A condition under which a juvenile's freedom of movement is controlled by members of this agency and, during such time, the juvenile:

1. Is held in an unlocked, multi-purpose area that is in no way designed for residential use, such as a report writing room or an office.
2. Is held long enough to complete identification, investigation and processing and then released to a responsible adult or transferred to the Juvenile Assessment Center (JAC).
3. Is held under continuous visual supervision until released.

E. Secure Custody- When a juvenile is physically detained or confined in a locked room designed to securely detain persons who are in law enforcement custody.

III. ENFORCEMENT ALTERNATIVES:

A. Officers dealing with juveniles may exercise reasonable discretion when deciding which alternative is appropriate to the situation. Alternatives include, but are not limited to,

1. Release without further action.
2. Informal counseling to inform the youth of the consequences of his or her actions.
3. Informal referrals to community services.
4. Referral to parents or responsible adults.
5. Informal counseling of parents or responsible adults.
6. Issuance of summons or complaint.
7. Arrest under secure custody.

IV. ENFORCEMENT CRITERIA:

A. The following general guidelines may be used to determine the appropriate enforcement action to take when dealing with juvenile incidents.

1. When some type of intervention is necessary to avoid additional delinquent acts by the child in the future, the officer may release without further action or following informal counseling and/or refer the child to parents or community resources providing the child has had no prior enforcement contacts with the police. Examples of these incidents include, but are not limited to: curfew violations, loitering, minor liquor law violations, and disorderly conduct.

2. Officers may elect to transport the youth to his or her home, make personal telephone contact with the youth's parents or guardian to provide them with the information pertaining to their child's actions, refer the youth to the appropriate community service agency with or without follow-up, or detain the youth at Police headquarters or another designated facility until he or she is released to a parent or guardian when,:

- a. The nature of the incident is of a more serious nature than previously outlined.
- b. The youth involved is fully aware of the seriousness or potential seriousness of his or her actions and/or is acting in alliance or collusion with others to commit such acts.
- c. The youth fails to cooperate or to positively respond to police intervention and direction.
- d. The youth has received prior informal warnings or referrals or has engaged in delinquent acts.
- e. The youth's parents or guardians have apparently failed to provide appropriate control and supervision.

3. Officers will appropriately charge juveniles when the circumstances of the incident include:

- a. Acts that, if committed by an adult, would be a felony.
- b. Delinquent acts involving deadly weapons.
- c. Delinquent acts involving assault or battery or domestic battery.
- d. Serious gang-related offenses.
- e. Delinquent acts while on probation or parole or when they have charges pending against them.
- f. Delinquent acts as repeat offenders or when they have refused to participate in diversion or intervention programs.
- g. When it has been determined that parental or other adult supervision is ineffective.

4. An officer may also take a juvenile into custody if the youth is lost, seriously endangered, truant, or is a runaway. In all such cases, the juvenile will be held in non-secure custody and officers will contact the child's parents or guardian as soon as possible.

a. When the child is lost or a runaway, the officer will contact the appropriate shelter and make arrangements for the child to be delivered there (see Appendix A).

b. When the child is truant, the child will be delivered to the Truancy Interdiction Program Center.

c. When the child is seriously endangered, the officer will call the Abuse Hotline and make arrangements for the child to receive lodging at an approved site (see Appendix B).

5. In cases of alleged child abuse, officers will contact a supervisor and notify "A Crimes Against Children" or the "On-Call Detective Supervisor" unless probable cause justifies immediate action in order to protect the safety and well-being of the child.

V. STATUS OFFENSES:

A. Based on the seriousness of and circumstances surrounding the offense, the background and demeanor of the juvenile, and other relevant factors, an officer may release a juvenile to his or her parents, guardian, or other responsible adult.

B. Juveniles taken into custody for status offenses will be patted down for weapons prior to being transported and will be handcuffed or otherwise restrained.

C. Officers will pay particular attention to juveniles under the influence of alcohol or other drugs and determine whether emergency medical services are necessary.

D. Juveniles taken into custody for status offenses will be held in non-secure custody as mandated by State Law and for the least amount of time necessary to conduct identification, investigation and processing requirements to facilitate their release to a parent or responsible adult.

1. Transportation of a juvenile in a caged vehicle is not considered secure custody.

E. Status offenders and other juveniles taken into temporary non-secure custody for non-criminal type offenses should not be fingerprinted or photographed for purpose of record unless this can be accomplished with the juvenile's permission.

F. Status offenders in temporary custody will not be placed in a holding area with adult suspects or detainees and will be:

1. Under constant visual supervision;

2. Afforded reasonable access to bathroom facilities;

3. Provided food if in need of nourishment to include any special dietary requirements for health or medical reasons;

4. Provided with reasonable access to water; and

5. Allowed reasonable access to a telephone.

VI. TRUANCY INTERDICTION PROGRAM (TIP):

A. Except for those students who have been suspended, expelled, or have a verifiable reason for not being in school, any youth found in a place other than school during school hours is eligible for the Truancy Interdiction Program. The TIP Center is open to receive truants between 0900 hours and 1400 hours. Truant students picked up after 1400 hours are to be returned to the school which they normally attend.

1. Truancy interdiction begins with uniformed patrol officers stopping and questioning school age children who are not in school during school hours.
2. All children are checked via police radio with the School District Police Dispatch for suspension, expulsion, withdrawal, or other non-truant status information.
3. When the youth is truant, he or she will be transported to the TIP Center (see Appendix A).
4. Upon arrival at the TIP Center, the officer will complete a Field Investigation Card (FIC) supplying basic information about the child.
5. The officer will then give custody of the child to the TIP personnel and go back into service.
6. The child is logged in and interviewed by TIP personnel.
7. The child's school is contacted to inform the administration of the child's truancy; obtain a parent's or guardian's name, address, and phone number; and the child's school attendance record.
8. A parent or guardian is contacted to come to the TIP Center. The TIP staff aggressively encourages parents or guardians to respond to the center when called.
9. If the parent or guardian advises they are unable to leave work, the staff member will contact the parent or guardian's employer and state that the employee has a family emergency and it will be necessary for the employee to respond. The TIP Center personnel explain that the only other option is to transport the youth to the employer's place of business and summon the employee to issue the referral and a copy of Florida State Statutes regarding truancy.
10. A TIP staff member confers with the parent or guardian regarding the child's truancy. The student's attendance record is reviewed with the parent or guardian to ensure he or she is aware of the child's noncompliance.
11. The parent or guardian is informed of the F.S.S. regarding mandatory school attendance and their responsibility to assure attendance.
12. The parent and student's need for counseling services are assessed at this time and referrals are often made for additional services.
13. The parent or guardian is provided with a "Student Readmission Sheet" and is instructed to return the youth to school for a conference with the previously notified school officials to discuss additional alternative measures to prevent future truancy problems.
14. The TIP Center personnel then request the school officials to provide written results of the conference to the Center.

VII. DELINQUENT (CRIMINAL TYPE) OFFENSES:

- A. Juveniles arrested for delinquent offenses are subject to the same security requirements as adults and will be handcuffed or otherwise restrained as necessary during transport and processing.
- B. Juveniles accused of delinquent offenses may be securely detained only for the period of time and in the manner prescribed by law to allow for identification, investigation, processing, and released to parents or a responsible adult, or transferred to the JAC.
- C. The juvenile should be informed of the procedures that will be followed in regard to custody, release, and/or transport to another facility.
- D. All juvenile referrals must include the name and address of the custodial parent.

VIII. CITATION OR SUMMONS ALTERNATIVES FOR JUVENILES:

A. Officers taking juveniles into custody for status offenses or misdemeanor traffic infractions in which no crime of violence occurred may release the juvenile to his or her parent, guardian, or other responsible adult in lieu of taking the juvenile to the JAC.

1. Juveniles will only be released to "responsible adults" when all reasonable efforts to contact a parent or legal guardian have been exhausted. The person the child is released to must produce some type of identification. The officer will document the type of identification presented in his or her report. A criminal history will be performed on the "responsible adult" prior to releasing the child into their custody. An adult will not be considered a "responsible adult" if they have a prior criminal history involving any felony, drug trafficking, child abuse, or prostitution.

B. When arresting for criminal traffic violations officers will complete all necessary paperwork and provide the parent, guardian, or other responsible adult and the juvenile with a court date at which the youth must appear to answer the charges in County Court.

IX. JUVENILE ARREST PROCEDURE:

A. Florida law authorizes officers to take a child into custody for a delinquent act or violation of the law (misdemeanor, felony, local ordinance). The laws of arrest that apply to an adult also apply to a juvenile.

B. When an officer arrests a juvenile, the following procedures will be followed by the arresting officer will:

1. Handcuff the juvenile and transport him or her to headquarters, the JAC, his or her residence, or other appropriate location. The fact that a prisoner is a juvenile does not preclude the use of handcuffs.

2. Notify a Dispatcher of the destination when transporting a juvenile as well as the beginning and ending mileage.

3. Make every reasonable effort to notify the parent or legal custodian that the child is in police custody as soon as feasible. Upon notification of a parent or guardian, the following information will be supplied immediately:

- a. The reason for detention.
- b. The place of detention.
- c. The parents' or guardian's right to an initial visit.

4. Check NCIC, FCIC, and PALMS, and call JAC to determine if the juvenile has any active warrants, a Pick-Up Order, is a runaway, or has been adjudicated as an adult.

5. Juveniles arrested for the following will be photographed and fingerprinted:

- a. assault,
- b. CCW,
- c. assault on an LEO, Firefighter or other specified officers as defined in F.S.S. 784.07
- d. exposure of sexual organs,
- e. petit theft,
- f. open carrying of a weapon,
- g. unlawful possession of a firearm
- h. cruelty to animals
- i. battery
- J. negligent treatment of children
- k. Unlawful use of destructive devices or bombs
- l. arson, resulting in bodily harm to a firefighter, or
- m. the unlawful possession or discharge of a weapon or firearm at school or a school function.

6. Juveniles transported to the JAC will require no further action.

C. Juveniles brought to headquarters, whether or not in secure custody, are to be held separate from the adult detainees. All requirements of SOP related to Prisoner Processing and Temporary Holding Facility will be adhered to.

D. When a juvenile is arrested for any crime that, if committed by an adult, would be a felony or the crime involves the use of violence:

1. The officer will complete all paperwork and transport the juvenile to the JAC.
2. During school hours, the appropriate school principal will be notified immediately.
3. After normal business hours, notification will be made by contacting the School Board Police (see Appendix A).
4. The name of the person to whom the information was given will be documented in the police report.

E. All juveniles taken into custody for a delinquent act will be taken without unreasonable delay to headquarters, CID, or the JAC, unless medical treatment is necessary. If an arrested juvenile is believed to be intoxicated, drugged, or injured to such a degree that his or her health is in danger and the officer believes medical attention is necessary, the officer will:

1. Notify his or her immediate supervisor;
2. Contact the juvenile's parents or legal guardian;
3. Arrange for the juvenile to be examined/ treated by a physician. If the juvenile is in no immediate danger and the physician medically releases the juvenile, a release may be signed by the physician if he/she is willing.

F. If the parent(s)/legal guardian can not be contacted, the officer will contact the JAC and explain the situation to the intake worker.

1. A separate Juvenile Referral will be completed by the arresting officer, listing the child as dependent. If the child is admitted to the hospital, the referral will be delivered to the DCF Intake immediately.
2. The arresting officer must make arrangements for the child's admission to the hospital. The arresting officer must immediately contact the JAC Intake so that a case worker can be assigned regarding the dependency issue.

G. If an officer believes the juvenile needs psychological testing, but does not fit the Involuntary Examination Criteria, the officer can suggest to the JAC case worker at the screening that psychological testing be conducted. The recommendation can be verbal or documented on a Juvenile Affidavit separate from the Affidavit for the delinquent act.

1. If the arrested juvenile appears to meet the criteria for involuntary examination, the juvenile will be transported to the Community Mental Health Center. The officer will complete a written report detailing the circumstances, prior to the end of the officer's shift.
2. All officers should familiarize themselves with the Florida Mental Health Act.

X. JUVENILE FIRST OFFENDER PROGRAM:

A. When a juvenile is arrested for a misdemeanor or violation of a city or county ordinance, the officer should contact intake at the JAC to ascertain whether the arrestee is a first time offender.

B. When it is confirmed that the juvenile is a first time offender, all efforts should be made to contact the parents or guardian of the arrestee prior to taking him or her to the JAC.

1. If the arrestee is taken to the JAC and is processed, he or she is no longer eligible for admission in the First Offender Program.

C. The paperwork from the arrest of the juvenile will be routed to the Court Liaison Officer and forwarded to the Juvenile Officer for review.

D. The Juvenile Officer may resolve the first offense crime with the involved parties and the arrestee through some type of agreement or diversionary program, thus eliminating any court proceeding or action.

XI. QUESTIONING, INTERVIEWS, INTERROGATIONS:

A. When a juvenile is to be questioned about a crime in which he or she is suspected of being involved, and a "custodial interrogation" situation exists, the juvenile will be afforded the same Constitutional Rights as an adult regarding Miranda Rights.

1. Parents or guardians should be notified of the interrogation and be present when possible.
 - a. Officers must make every effort to locate the parent or guardian and be able to articulate their efforts in court.
2. When the parent or guardian is located and refuses to be present or authorizes the officer to go forward with the interrogation without his or her presence, the officer may begin the interrogation and then document the facts surrounding the reasons the parent or guardian were not present in his or her report.
3. If the parent or guardian cannot be located and notified of the intended interrogation, the officer may proceed with the interrogation.
4. Notification to the parent or guardian that the juvenile is in custody and the need to interrogate the juvenile should be written into the report by the officer. Unsuccessful attempts to locate the parents or guardian should also be written into the report by the officer. Information should include who made or attempted to make the notification and how notification, or the attempts to notify, were made and when.
5. Prior to the interrogation, the officer will consider the juvenile's age, educational level, knowledge of the charge and nature of rights, experience, background, ability to read, write and understand the English language, or the child's native language, the location of the interrogation, the number of people present, requests by the juvenile, and the juvenile's Miranda rights.
 - a. It is the officer's responsibility to ensure that the juvenile fully understands his or her rights. The officer will explain the rights so they are easily understood. The officer must be able to clearly articulate how the officer knew the juvenile understood his or her rights and explain in court, if necessary.
 1. Proof of understanding can be developed by asking the youth to explain each warning in their own words.
6. The time of interrogation should be limited to the time necessary to obtain the information on the matter of concern. In no case should an interrogation last longer than three (3) hours without the approval of a supervisor. Periodic breaks and rest periods will be included as appropriate.
7. The number of officers and other concerned parties will be limited to the fewest number present as possible. When possible, a minimum of two (2) officers should be present during the interrogation.
8. No more than two (2) officers should interview the juvenile during any one interview/ interrogation session to prevent allegations of coercion. Others (Investigators, DCF case workers, Sexual Assault Assistance Program Counselors etc.) may be present, but should not participate in the interview.
9. When a juvenile refuses to give a statement, the parent or guardian will not demand or force the child to give a statement.
10. The interrogation should be recorded on a cassette.

XII. PROCEDURES FOR HANDLING DEPENDENT CHILDREN:

A. Taking custody of a child without an order from a Circuit Court Judge, except arrests for delinquent acts, is to be effected only in those instances where the circumstances are of an emergency nature and immediate action is necessary or if the juvenile is alleged to have engaged in non-criminal misbehavior (a status offense).

1. Runaways are handled per SOP # III-8.
2. Truants may only be taken into custody for the purpose of transporting him/her to the TIP Center or back to his/her school or another designated location. The officer may release a child who is over sixteen (16) years of age and has a work permit or a certificate exempting him/her from school or if the officer is able to verify or determine the juvenile has a reasonable explanation for school absence (Section VI- TIP).
3. Parent(s) or Guardian(s) of ungovernable juveniles should be referred to the C.I.N.S. and F.I.N.S. Unit of DCF for assistance.

B. When a child is not in immediate danger, (considering the child's age, physical/mental condition and source of danger), and parent(s) or other responsible adults are present, the child need not be taken into custody.

C. If a child alleges, or has been reported as being physically, mentally, or sexually abused by a person of familial or custodial authority and the accused lives within the child's residence or has ready access to the child, the following will occur:

1. Dispatch will not alter the reported child abuse classification;
2. An officer will be dispatched to the scene to conduct an initial investigation;
3. The responding officer will determine if further investigation is warranted; if warranted, the officer will contact DCF through the Abuse Registry, pursuant to F.S. 39.201(2) (a). (See Appendix B);
4. Case details will be discussed with the DCF case worker, who is responsible for determining whether the child should remain at home, be allowed to stay with a relative or friend, or be placed in temporary shelter. If the officer turns a juvenile over to a DCF Case Worker for placement into a shelter, the case worker will complete a Juvenile Affidavit for dependency.

D. When necessary, an officer may take a dependent child into custody and deliver the child, without delay, to a DCF case worker, Safe Harbor Runaway Shelter, or a mental health facility as case facts dictate.

E. The name and location of the placement facility or shelter will not be released except to those persons acting in official capacities with duly recognized governmental agencies, unless authorized by DCF.

F. Investigations involving actual or alleged child abuse will follow the guidelines set forth in the current "Palm Beach County Memorandum of Understanding/ Working Agreement" (Appendix C).

G. If the child is a recovered runaway the parent(s), legal guardian(s) or other responsible adult relative may be informed of the child's placement at Safe Harbor Runaway Shelter, or other similar facility, unless allegations of abuse have been made and an DCF investigation is pending; the assigned DCF Case Worker will determine to whom and when this information will be released.

H. All necessary offense/incident reports and other applicable forms must be completed by the officer prior to the end of the shift when the juvenile has been handled as a dependent or a delinquent child.

I. Interviews and/or arrests on school property may be made or conducted:

1. If there is a proper setting for the interview;
2. Within the guidelines of Department and school policies;

- 3. When investigating an incident on school property;
- 4. During a routine investigation.
- 5. In schools where School District Police Officers are assigned, the investigating officer should make every effort to coordinate the interview or arrest through the School District Officer.

XIII. JUVENILE RECORDS:

A. For guidelines pertaining to the maintenance, distribution, and confidentiality of juvenile records refer to the Records Function SOP.

XIV. PROCEDURE FOR HANDLING JUVENILE TRAFFIC VIOLATION:

- A. Juveniles may be issued citations for non-criminal traffic violations and released from the scene.
- B. Juveniles charged with misdemeanor criminal traffic offenses or misdemeanor violations of Chapter 322 F.S.S. may be released after being issued a traffic citation by:
 - 1. Releasing the child on his or her own recognizance;
 - 2. Releasing the child to a parent, guardian, or other responsible adult relative
 - 3. Juveniles who refuse to sign a traffic citation will be taken into custody and the officer will notify his or her supervisor.
 - a. The juvenile will be transported to the police station where the officer will contact the juvenile's parent(s), guardian(s), or a responsible adult. If one of the aforementioned persons is contacted the juvenile may be released to that person after being advised of the mandatory court appearance.
 - 4. When a juvenile is arrested for a felony traffic offense, the arresting office will follow the same procedure as in any juvenile felony arrest.

XV. RECREATIONAL PROGRAMS:

- A. The agency organizes, supports, and participates in the Police Athletic League Program (PAL). This is a community-based recreational program for children, which includes the following, but not limited to;
 - 1. Summer and after school programs
 - 2. Football league
 - 3. Basketball league
 - 4. Cheerleading league
 - 5. Karate lesson

XVI. PROGRAM EVALUATIONS:

A. The agency will review and prepare a written evaluation of all enforcement and prevention programs relating to juveniles. It is the responsibility of the Community Response Division Commander to prepare this report annually. The evaluation should include quantitative and qualitative elements of each program. The results of the evaluation will serve as an aid in reaching decisions on whether programs should be modified or discontinued. This report will be completed and sent to The Chief of Police, via chain of command.

XVII. REFERENCES:

- SOP # II-17 Records Function.
- SOP # III-1 Arrest Procedures.
- SOP # III-2 Arrestee Transportation.
- SOP # III-3 Prisoner Processing/Temporary Holding Facility.
- SOP # III-29 Traffic Warnings, Citations, and Arrests.
- F.S.S., Ch. 39 Proceedings Relating to Children.
- F.S.S. Ch. 322 Drivers' Licenses.
- F.S.S., Ch. 394 Mental Health.
- F.S.S. 743.064 Emergency medical care or treatment to minors without parental consent.
- F.S.S. 985.212 Fingerprinting and Photographing (juveniles).
- F.S.S. 943.051 Fingerprinting and Photographing (juveniles).

Delsa R. Bush, Chief of Police

Original issue: 05/19/89
Revised: 10/01/2005
I.D. # 1350

History: SOP # changed to IV-15 on 01/01/2005, SOP # changed to 19.01 on 05/15/99
Old SOP #: 6.210.012 Juvenile Function and Programs, 6.210.015 Truancy Interdiction Program, 6.210.016 Juvenile Procedures, 6.210.017 School Liaison Program
Revision Dates: 06/01/99, 12/15/1999, 10/30/2002, 01/01/2005, 09/01/2005

. Job Title Task Files: Supervisor

APPENDIX A

A. To inform schools of a juvenile's arrest that occurred after business hours contact the School Board Police at (561) 434-8700.

APPENDIX B

A. When a child alleges abuse, or has been reported as being abused in any way, the DCF will be contacted through the 1-800-96-ABUSE registry.

APPENDIX C

**MEMORANDUM OF UNDERSTANDING/WORKING AGREEMENT
Protective Investigations
Palm Beach County**

**West Palm Beach Police Department
Department of Children & Families
State Attorney
Child Protection Team
Children’s Place at Home Safe**

The agencies named in this document agree to the following:

PURPOSE:

The purpose of this Memorandum of Understanding/Working Agreement is to coordinate services to the families of Palm Beach County through cooperation, collaboration, and the sharing of appropriate information by agencies within this jurisdiction. To the extent set forth in this memorandum of Understanding/Working Agreement or the written protocol established by the Community Alliance of Palm Beach County in the *Child Abuse Protective Investigation Protocol Final Report, revised July 2002* which is attached to and incorporated by reference, the all parties assume partial or full responsibility for conducting certain components of protective investigations. Specifically, this agreement establishes operational protocols for the joint investigation of abuse reports involving criminal allegations in order to:

1. Provide standard, consistent and thorough investigations
2. Maximize the resources through a joint investigative process
3. Minimize the number of interviews for children who are victims of abuse on neglect
4. Allow for the orderly collection of evidence in the criminal investigative process
5. Ensure the provision of appropriate services when deemed necessary for children and their families
6. Provide a forum for on-going communication and resolution of issues involving family safety in this community and foster an effective collaboration among

Law enforcement
State attorney
Judiciary
Domestic violence providers
Child protection team
Local school system
Department of Juvenile Justice (DJJ)
Department of Children and Families (DCF)

DEFINITIONS

Abandoned: A situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations...The incarceration of a parent, legal custodian, or caregiver responsible for a child's welfare may support a finding of abandonment. 39.01(1)

Abuse: Any willful act or threatened act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child. 39.01(2)

Harm: to a child's health or welfare can occur when any person:

- a. Inflicts or allows to be inflicted upon the child physical, mental, or emotional injury. As used in this subparagraph, the term "willful" refers to the intent to perform an action, not to the intent to achieve a result or to cause an injury.
- b. Purposely giving a child poison, alcohol, drugs, or other substances that substantially affect the child's behavior, motor coordination, or judgment or that results in sickness or internal injury.
- c. Leaving a child without adult supervision or arrangement appropriate for the child's age or mental or physical condition, so that the child is unable to care for the child's own needs or another's basic needs or is unable to exercise good judgment in responding to any kind of physical or emotional crisis.
- d. Inappropriate or excessively harsh disciplinary action that is likely to result in physical injury, mental injury as defined in this section, or emotional injury.
- e. Allows, encourages, or forces the sexual exploitation of a child.
- f. Neglects the child. Within the context of the definition of "harm," the term "neglects the child" means that the parent or other person responsible for the child's welfare fails to supply the child with adequate food, clothing, shelter, or health care, although financially able to do so or although offered financial or other means to do so.
- g. Uses mechanical devices, unreasonable restraints, or extended periods of isolation to control a child.
- h. Engages in violent behavior that demonstrates a wanton disregard for the presence of a child and could reasonably result in serious injury to the child.
- i. Negligently fails to protect a child in his or her care from inflicted physical, mental, or sexual injury caused by the acts of another.
- j. Has allowed a child's sibling to die as a result of abuse, abandonment, or neglect.
- k. Makes the child unavailable for the purpose of impeding or avoiding a protective investigation unless the court determines that the parent, legal custodian, or caregiver was fleeing from a situation involving domestic violence. 39.01(30)

Criminal Investigation: An investigation conducted by an appropriate law enforcement agency for the purpose of uncovering evidence which may lead to an individual's prosecution for adult abandonment, neglect, exploitation, or child abuse, or other appropriate criminal charge.

Domestic Violence: Any assault, battery, sexual assault, sexual battery, or any criminal offense resulting in physical injury or death of one family or household member by another who is or was residing in the same single dwelling unit. 39.902(1)

Emergency Placement - Child: The temporary care of a child who is alleged to be or who has been found to be dependent, pending further disposition, before or after adjudication or after execution of a court order. The placement may be with a relative, non-relative, or state licensed home or facility.

False report: A report of abuse, neglect, or abandonment of a child to the central abuse hotline, which report is maliciously made for the purpose of:

- (a) Harassing, embarrassing, or harming another person;
- (b) Personal financial gain for the reporting person;
- (c) Acquiring custody of a child; or
- (d) Personal benefit for the reporting person in any other private dispute involving a child.

The term "false report" does not include a report of abuse, neglect, or abandonment of a child made in good faith to the central abuse hotline. 39.01(27)

Family or household member: Spouses, former spouses, adults related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided

together at any time. 39.902(3); or the parent, legal custodian, or adult relative who has a legal responsibility by blood, marriage, or court order to support or care for the child.

Joint Investigation: Two agencies conducting concurrent criminal and protective investigations. "Each agency conducting a joint investigation shall be entitled to full access to the information gathered by the department in the course of the investigation." 39.302(1). DCF shall enter into agreements with the jurisdictionally responsible county sheriff and local police departments that will assume the lead in conducting any potential criminal investigations arising from allegations of child abuse, abandonment, or neglect. 39.306.

Neglect of a child: A caregiver's failure or omission to provide a child with the care, supervision, and services necessary to maintain the child's physical and mental health, including, but not limited to, food, nutrition, clothing, shelter, supervision, medicine, and medical services that a prudent person would consider essential for the well-being of the child; or A caregiver's failure to make a reasonable effort to protect a child from abuse, neglect, or exploitation by another person. Neglect of a child may be based on repeated conduct or on a single incident or omission that results in, or could reasonably be expected to result in, serious physical or mental injury, or a substantial risk of death, to a child. 827.03(3)(c). See also F.S. 39.01(45).

Protective investigation: The acceptance of a report alleging child abuse, abandonment, or neglect, by the central abuse hotline or the acceptance of a report of other dependency by the department; the investigation of each report; the determination of whether action by the court is warranted; the determination of the disposition of each report without court or public agency action when appropriate; and the referral of a child to another public or private agency when appropriate. 39.01(57).

INVESTIGATIVE PROCEDURES

A. LAW ENFORCEMENT PROTOCOL

ADAPTED FROM: The 1998 Governor's Family Safety Task Force Florida Law Enforcement Child Abuse Response Protocol (additions and changes noted below)

1. Initial Response
 - A. When the **child abuse** call comes in through dispatch or 911:
 1. **Communications (dispatch) will not alter the reported child abuse classification.**
 2. The responding officer should collect dispatch information.
 3. Dispatch should secure the 911 tape for 90 days.
 4. Once the officer arrives on the scene and assesses the complaint, he/she shall make a determination whether an investigation is warranted. If an investigation is warranted, the officer shall contact the Florida Abuse Hotline at 1-800-96ABUSE, pursuant to s. 39.201(1)(f), F.S.
 - B. When the call comes from the Florida Abuse Hotline or a Child Protective Investigator, an officer shall be dispatched to conduct a criminal investigation. Dispatch shall not classify call as Assist Other Agency.
 1. Upon notification of a report of abuse from the Hotline, DCF shall immediately confirm the venue of the crime and then forward allegations of criminal conduct to the appropriate law enforcement agency in which the alleged conduct has occurred. s. 39.301(2)(a).
 2. Law Enforcement Agency shall await telephonic contact from DCF prior to dispatching law enforcement officer.
 3. DCF and law enforcement shall coordinate their response. Law enforcement dispatch shall classify the call as a Apriority call.
 4. If DCF investigative interview is outside the jurisdiction and law enforcement cannot respond the Police Department will seek assist from other agency utilizing Mutual Aid Agreement.
 - D. Obtain recent and historical protective investigative reports from the Department of Children and Families. The name of any person reporting child abuse, abandonment, or neglect may not be released

to any person other than employees of the department responsible for child protective services, the central abuse hotline, law enforcement, the child protection team, or the appropriate state attorney, without the written consent of the person reporting. s. 39.202(4).

E. Upon arriving at the scene the officer and the protective investigator (P.I.) shall immediately assist each other to assess and secure the alleged crime scene.

- When the alleged abuse and neglect has resulted in a child's death, the initial responder shall report such death and circumstances forthwith to the district medical examiner. s. 406.12. First responder shall call out the Rapid Response Team.
- Identify the victims, suspects and witnesses, including other children and third parties.
- Secure control of any weapons present.
- Determine extent of injuries.
- Provide medical first responder treatment and request emergency medical assistance if needed.
- Conduct preliminary interview of victim and witnesses. Children should not be interviewed in the presence of the parent or guardian unless and until the perpetrator has been determined.
- Evaluate welfare and safety of the victim.

F. Survey the crime scene for physical evidence of abuse and neglect. Photograph all relevant evidence.

G. Observe and note injuries to household members who may be victims of some degree of domestic violence or other criminal offenses and take appropriate and necessary action. Photograph all relevant evidence.

H. Separate people on scene from evidence.

I. Determine if other assistance is needed, i.e., a translator, victim advocate, crime scene investigator, other specialized officer or detective, or other services.

J. Document any utterances or statements made by the child victim or other children at the scene in relation to the case. Document any utterances or statements made by the parent or other guardian/responsible adult at the scene in relation to the case.

K. Conduct a criminal history check on address, and potential suspect and wants and warrants check on suspects and witnesses.

L. Law enforcement on the scene shall have primary responsibility in collecting and preserving evidence.

M. Both the law enforcement officer and the P.I. shall prepare a written report. The initial report is crucial to the post-investigation process, any potential prosecution, the protective investigation by the Department of Children and Families, and any related cases arising from the incident being investigated.

In accord with the individual law enforcement agency's directives and procedures the initial responder shall prepare a written report of his actions and findings. That information shall then be made available for the follow-up investigation. Upon completion of the investigation a written supplemental report shall be prepared.

The written report should:

- Identify the child abuse and/or neglect crime.
- State date, time and place crime occurred.
- Determine existence of any 911 call, or any call on other recorded police lines, and identify date, time, and when available, name of caller. State information provided by the dispatcher.
- Document any custody issues disclosed during interviews.
- Document probable cause
- Document all verbal and written statements
- Document the names, dates of birth, social security numbers, addresses, phone numbers and statements of all victims, suspects and household members.
- Reference prior incident reports.
- List names and addresses of victim contact persons.
- Identify the suspect.

- Show the relationship between the victim and suspect.
- Describe victim and suspect appearance including their demeanor at time of arrival at scene.
- Document all injuries, physical conditions and medical treatment rendered. Observable or reported injuries shall be preserved by photography and documented in the written report. Photographs must be taken with a measurable guide and persons photographed must be identified in the photos. The officer should always consider the privacy of the victim, witnesses when photographing injuries.
- Document the name of the medical treatment provider and other health care providers such as Emergency Medical Services (EMS) personnel.
- Document evidence collected, from where, when and by whom including chain of custody.
- Identify other children present and living in the home and what action was taken to provide for their safety.
- Describe indicators of future threats to safety of family members.
- Reference any special needs such as language barriers or disabilities of parties involved.
- Document the criminal history information.
- Complete a narrative of the officer's observations and description of the alleged incident.
- Identify all witnesses, by name, date of birth, address, and contact phone numbers; if interviewed set out substance of statement and whether written, recorded or oral.

N. Law Enforcement and the Department shall agree on the future course of the investigation. In the event of a disagreement, Law Enforcement and the Department shall initiate a consultation with their respective specialist.

O. The final determination shall be entered into the central database.

2. **Follow-up Investigation:**

Steps A through C are conducted when the initial responder does not continue with the in-depth investigation. Agencies requiring that the responding officer also conduct the in-depth investigation may skip steps A through C and begin at D.

- A. Determine through contact with first responder and his/her supervisor, or by reviewing the initial report what emergency action has been taken, what is being initiated, and the allegations that have been reported.
- B. Determine what notifications have been made and need to be made.
- C. Obtain names with all identifying information of suspects remaining at the scene from the first responding officer, when applicable. Ensure that the initial responding officer has documented all persons who have left the scene prior to your arrival.
- D. Collect and preserve additional evidence.
- E. In consultation with the P.I. recommend or coordinate the medical examination of victims and siblings or other children in the home with the Department of Health Child Protection Team or other medical facility designated in the local Memorandum of Agreement.
- F. In consultation with the P.I. recommend to the Department of Children and Families or Department of Health Child Protection Team that psychological evaluations be conducted when the victim exhibits evidence of severe emotional abuse, physical abuse, sexual abuse and/or neglect.
paragraph G. moved to II D.}
- G. When the alleged abuse and neglect has lead to a child's death, obtain the results of the medical examination of all children residing with the victim.
- H. Interview victim, witnesses and suspect. Prior to conducting interviews the law enforcement investigator shall, with the assistance of a Department of Children and Families protective investigator, determine interview strategies. Whenever possible, child interviews should be conducted at a C.P.T. interview facility utilizing a C.P.T. case coordinator in consultation with the law enforcement investigator. The chief judge shall provide by order reasonable limits on the number of interviews that a victim of child abuse under the age of 16 years must submit to for law enforcement or discovery purposes. (s. 914.16. See copy of Admin. Order pg. 8 & 9.)

1 Interview the Victim.

- Any token gifts given the child, i.e., dolls, small badges, stickers, should be done after the interview and without promising the child anything in exchange for testimony.

- Audiotaping or videotaping of the victim statement should be conducted in accordance with local law enforcement procedure or administrative order. If the interviewer chooses to only use an audiotape, the interviewer must document the non-verbal responses of the victim and non-verbal behavior of the other witnesses present. Although presence of persons other than the interviewer is discouraged, when videotaping the victim, any persons in the interview room should be in view of the video camera.
- When the initial interview with the child is conducted at school, the law enforcement agency may allow, a school staff member who is known by the child to be present during the initial interview if:
 - (a) Law enforcement agency believes that the school staff member could enhance the success of the interview by his or her presence; and
 - (b) The child requests or consents to the presence of the school staff member at the interview. School staff may be present only when authorized by law. s. 39.301(16).

- Interview victim in a location that is comfortable, non-distracting and provides privacy and a sense of safety for the child. When possible, the officer should interview the child away from the scene where the incident occurred.
- Children are often portrayed as unreliable witnesses, susceptible to suggestive and leading questions. The interviewer must be trained and experienced in conducting child interviews. It is strongly suggested that a C.P.T. interview facility be utilized, as well as a CPT case coordinator to conduct the interview. The child should also be questioned as to whether prior incidents of abuse have occurred.
- The interviewer must qualify the child as a witness in an age appropriate manner.
- Document the child’s words exactly in identifying body parts and distinguish between contact-union versus non-contact/non-union when gathering information on sexual acts.
- When a child draws or makes notes for the interview, document on the drawings or notes the date, time and the names of persons present during the interview. The drawings or notes should be retained as items of evidence.
- Review the child-victim’s statement line by line and seek to corroborate each and every element of information provided in order to enhance the child’s credibility.

2. Interview non-offending witnesses.

- Caution should be taken to ensure that the non-offending parent or care-giver is not provided information that can be passed on to the suspect.

3. Interview suspects.

- Law enforcement takes the lead and controls when, where and how the suspect is to be interviewed.

4. Interview other witnesses.

- When recent or historical victims have been identified as part of the case, they should be interviewed as witnesses. Prosecutors may use the Williams Rule of Evidence to submit the statements of historical victims in court (similar fact evidence).

I. Using agency procedures conduct a controlled phone call.

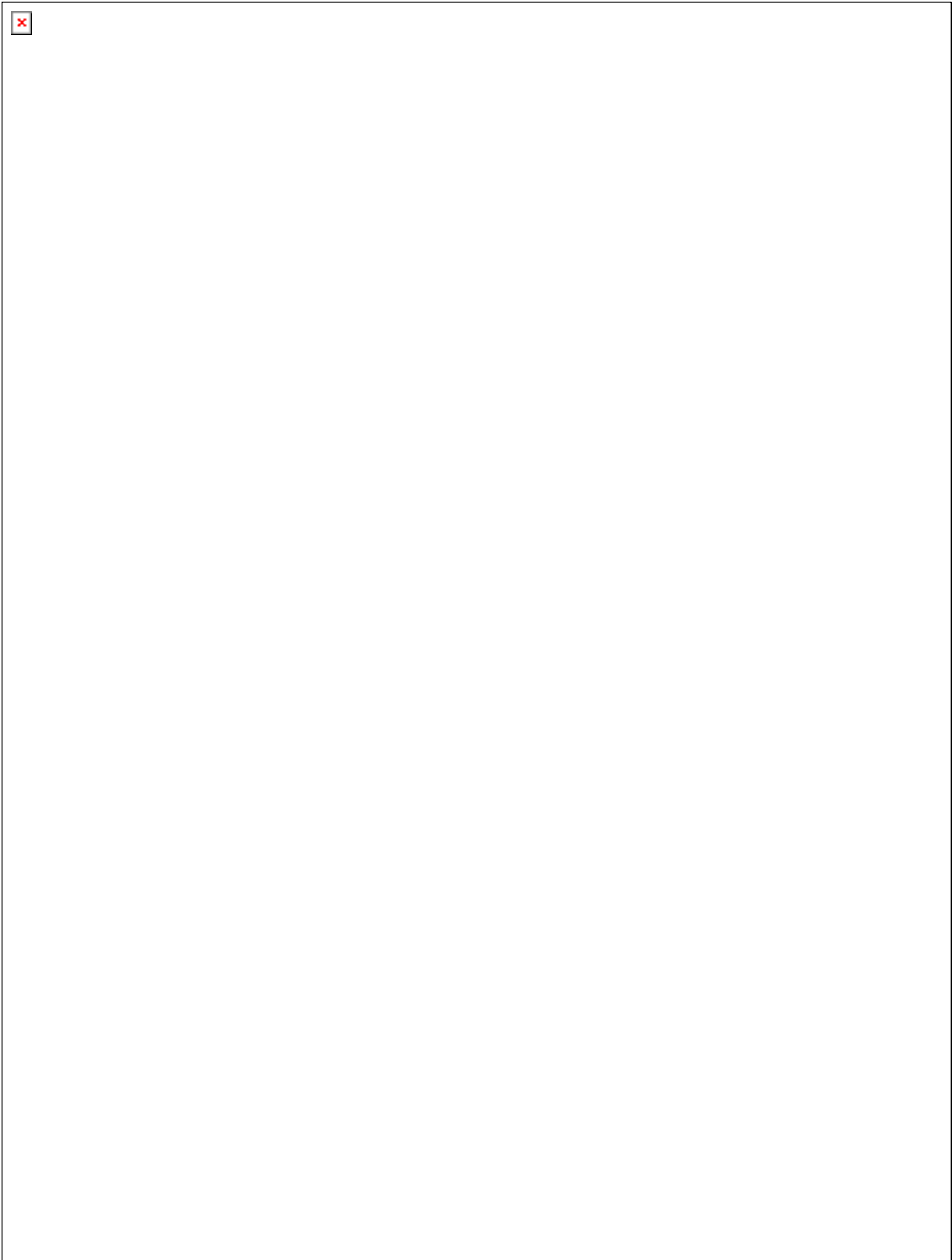
J. Document all statements.

K. Prepare any search warrants that would be required to secure further evidence not yet collected. When the investigator is able to obtain documented consent to search the scene from individuals with the right to authorize a consensual search, a warrant is not required. Use extreme caution when proceeding without a search warrant.

Final determination

- Upon gathering the necessary information, evaluate and compare the suspect’s prior criminal history, relationship to the child, statements of the suspect, victim and witnesses, and the collected evidence to determine probable cause for which offenses, if any, have been committed. Consult with the Division Chief of the State Attorney’s Office Crimes against Children Unit.
- If the decision is made not to make an arrest Law Enforcement shall document their findings and reasons in a final report.

The final determination shall be entered into the central data base.







B. DEPARTMENT OF CHILDREN AND FAMILIES - DISTRICT SPECIFIC PROTOCOL

The Department of Children and Families will be responsible for assessing the immediate safety of the child and taking the necessary actions that will ensure the continued safety of the child. The Department will also be responsible for determining and implementing necessary services to support the family.

All allegations of suspected child abuse, neglect, or abandonment are reported to the Florida Abuse Hotline at 1-800-96-A-BUSE by either the citizens or by law enforcement through dispatch of 911 calls.

Based on the allegation stated in the report and the potential risk to the victim or the family members, Central Florida Abuse Hotline counselors assign response priority to the reports and forward them to the county where the alleged victim is located. In Palm Beach County all reports are received by the Crime Intelligence Unit and sent to the appropriate PI Unit.

All reports requiring an immediate on-site protective assessment shall be immediately forwarded by the Hotline to the appropriate protective investigative staff in the county where the victim is located.

Reports not requiring an immediate on-site protective assessment will be forwarded by the Hotline to the appropriate district staff in time to allow for a protective assessment to be commenced within 24 hour.

When the alleged abuse and neglect has resulted in a child's death, the initial responder shall report such death and circumstances forthwith to the district medical examiner, FS. 406.12. First responder shall call out the Rapid Response Team.

Although reports must be assigned to the county where the victim is located, the county where the abuse occurs or the county where the child resides, if different, must assist the lead county when requested. However, if a criminal proceeding is commenced in the county of residence, the residential county must take the lead with the county of location assisting.

Hotline staff shall accept calls on child-on-child sexual abuse that do not meet the criteria for an investigation. This information is entered into the Florida Abuse Hotline Information System solely for statistical purposes and no district response is required. The caller is then electronically transferred to the appropriate county sheriff's office. The written report is sent from the Hotline to the sheriff's office within 24 hours.

All reports for District 9, Palm Beach County, are received at a central location. The receiving staff is responsible to forward the report electronically to Law enforcement, Child Protection Team, and the appropriate DCF Investigations unit.

Law enforcement and DCF Protective Investigator shall provide each other with background information relating to the subjects of the reports.

Upon receiving a report from the Florida Hotline, the designated law enforcement officer and the Department of Children and Families Protective Investigator will jointly conduct an investigation.

The investigation is commenced when the child protective investigator or other designated responder attempts to make the initial on-site, face-to-face contact with the victim.

Upon arriving at the scene the law enforcement officer and the protective investigator, shall immediately assist each other to assess and secure the alleged crime scene. Identify the victims, suspects, and witnesses, including other children and third parties.

Secure control of any weapons present.

Determine extent of injuries.

Provide medical first responder treatment and request emergency medical assistance if needed.

Conduct preliminary interview of victim and witnesses.

Children should not be interviewed in the presence of the parent or guardian unless and until the perpetrator has been determined.

Evaluate welfare and safety of the victim.

PI Required Notifications

Upon commencement of an investigation, but not necessarily before the face-to-face contact with the child, the parent, guardian or other person responsible for the child's welfare, including an adult household member identified as having allegedly mistreated a child, shall be informed of the following:

That a report has been received by the central abuse hotline alleging child abuse, neglect, or abandonment.

The name of the person responding, the name of that individual's supervisor and information on how to contact each person.

The purpose of the investigation.

The right to review the department's records 30 days after the commencement of the investigation and anytime thereafter prior to the destruction of the record.

The right to have an attorney present during any interviews: however; the department may proceed with other inquiries to determine the safety of the child and the veracity of the report.

General information about outcomes and services related to the department's response/investigation that would assist the family to better understand what they may expect.

The commitment of the department to the safety of the child and the involvement of the family to the fullest extent possible in decisions regarding service planning and provision.

The right of the parent or legal custodian to be involved to the fullest extent possible in determining the nature of the allegation and the nature of any identified problem.

The notification required in paragraph 9 above will be accomplished by delivery of brochure CF/PI 175-32. The individual receiving the notice must be given the opportunity to ask questions to ensure understanding. The case file must reflect that the notification occurred. This will be accomplished by a notation in the chronology showing the name of the person to whom the brochure was given and the date it was given.

When an investigator suspects that a false report has been made, the investigator must advise the reporter of the potential administrative fines, civil and/or criminal penalties, which may result if a false report has occurred. Licensing staff shall be advised of a report involving a licensed home or facility. If the facility is unlicensed, the owner/operator shall be advised of the report. If the report is on a child who is active on the caseload of a child welfare staff person, that staff person shall also be advised of the report. Notice to staff must occur no later than the next working day after report receipt.

Staff must advise the Children and Families contract manager and the manager/ operator of the contract agency of the alleged abuse, neglect, or abandonment reports involving any child who is receiving services from the contract agency.

Staff must advise the appropriate human rights advocacy committee of every report of institutional child abuse or neglect within 48 hours of commencement of the investigation/assessment. This may be accomplished by forwarding the initial report from the Florida Abuse Hotline Information System or via a district developed document.

Child Protective Investigator

Shall commence the case within the required time frames

When the family cannot be located at the time of the initial visit, attempts to locate them on a daily basis, at different times, must be continued. If it is not feasible or prudent to make daily attempts that fact must be documented and explained in the case file noting supervisory concurrence. The date, time, and location of all attempted visits must be documented in the case file.

Shall make face to face contact with the victim/child, other children, caretaker responsible and all other adult household members

Shall observe and document the conditions, appearance, and development of each child named in the report and all other children who reside in the same household

When age appropriate, each child named in the report and all other children who reside in the household must be interviewed

PI must be sensitive to the social, economic, and cultural environment of the family including their response to the department's presence in their lives

If the person responsible for the child will not allow observation of the child, for whatever reason, the PI shall immediately contact their supervisor for guidance and document in the case file as to both the caretaker's refusal and the supervisor's directions

Shall make all necessary notifications

Shall assess child safety issues. Staff must use the allegation matrix and begin documentation of the strengths and risks during initial assessment (within 24 hours) through the use of district specific strengths and risks assessment instrument. The assessment instrument assists in documenting the strengths and needs of the family as they relate to family functioning and safety of all children in the home

Shall follow prescribed protocol

Shall confer with Law enforcement on the scene

Shall reach a mutual agreement as to when both parties leave the scene

If warranted, shall make a removal decision

Shall document in FPSS and on HomeSafenet

Disagreement or clarification is warranted between Law enforcement and Protective Investigators.
 Law Enforcement
 The patrol officer will call the specialist from their agency
 The specialist will call DCF's specialist to make a coordinated decision

Child Protective Investigator:
 The protective investigator will call DCF specialist
 The DCF specialist will call the municipality's designated specialist
 DCF may also call local dispatch and ask for a line supervisor to respond, if needed

Completing the Initial Investigation.

Child Protective Investigator:
 Shall remove a child if warranted. The person taking a child into the department's custody must request information from the child's parent or custodian regarding parents, proposed parents, and "next of kin" (defined as adult relative of a child who is the child's brother, sister, grandparent, aunt, uncle, or first cousin).
 Shall determine need for services
 Shall make immediate referral for services, if warranted
 Shall close case if no services are needed and there is no indication of child abuse/neglect

Recording data from investigation

DCF/Child Protective Investigator:
 Child protective investigator shall update report information on FAHIS within 24 hours of the first contact. Under no circumstances shall anyone delete any maltreatment from the report. All reported maltreatments require appropriate documentation prior to closure of the case. If applicable, PI shall enter report information into HomeSafenet.

Follow-up on Investigation

PI shall complete Child Safety Assessment within the specified time period (48 hours) and ensure all relevant safety factors are documented.*

PI shall make all required collateral contacts and document the contacts in the investigative file. To be relevant, this person(s) needs to have had contact with the child, alleged perpetrator or the family. The person(s) contacted must have had direct knowledge or information regarding the family situation.

Once investigation is completed, PI shall write a final report of his/her investigation on FAHIS (Investigation Decision Summary) and submit the file for the final review of the supervisor and closure.

When there is obvious, compelling evidence that there is no finding of abuse or neglect for any alleged or suspected maltreatment of the alleged victim(s), and there are no prior reports with some indications or verified findings of abuse or neglect on any subjects of the report or other individuals living in the home, and

The report does not contain allegations pertaining to the sexual abuse of a child then:

The Protective Investigator will only be required to complete:

The Initial Child Safety Assessment within the specified time period (48 hours) and ensure that all relevant safety factors are documented.

A face-to-face interview with the child, other children, siblings, and all adults living in the home.

All criminal history background checks on all adult household members.

Provided conditions (1), (2) and (3) are met and there are no additional concerns found in (b) and (c), the Protective Investigator may close the investigation without completing additional follow-up casework activities. This would include not having to complete collateral contacts or updating the Initial Child Safety Assessment. The rationale for this decision must be clearly documented in the Initial Child Safety Assessment (ICSA), which must be retained in the case file.

Referral to Child Protection Team

The reports that include one or more of the following allegations must be referred to Child Protection Team:

Injuries to the head, bruises to the neck or head, burns or fractures in a child of any age

Bruises anywhere on a child 5 years of age or under

Sexual abuse of a child in which vaginal penetration is alleged and/or in which other unlawful sexual conduct has been determined to have occurred

Any sexually transmitted diseases in a prepubescent child
 Reported malnutrition of a child and failure to thrive
 Reported medical neglect of a child

Any family in which one or more children have been pronounced dead on arrival at health care facility or have been injured and later died, as a result of suspected abuse, abandonment, or neglect when any other sibling or child remains at home

Symptoms of serious emotional problems in a child when emotional or other abuse, abandonment or neglect is suspected

Child Protection Team Assessment - Certain reports of child abuse and neglect will indicate a need for child protection team assessment. All reports shall be screened pursuant to section 39.303, FS, and, when indicated [see, especially s.39.303 (2), FS], a referral made to the team as soon as possible in the investigative response phase.

Team assessment activities include medical evaluation, consultation, specialized interviewing, nursing and family psycho social assessment, psychological/psychiatric evaluation when indicated, and arranging and conducting multi-agency and multi-disciplinary staffings. See also CFOP 175-20,

"Child Protection Teams and Sexual Abuse Treatment Programs." Some cases will require an immediate referral to assure the safety of the child and/or to preserve forensic evidence. In all cases, early consideration and when indicated, early referral, is necessary in order to allow for timely response by the team.

Although a child may already have been medically examined by a non-child protection team physician, referral to the team is still made for an independent medical evaluation or for a team medical consultation with the physician who initially examined the child.

It must provide the team the report number and the date of the report. When the initial referral to the team is from another source, team staff will verify that an abuse report was made by contacting the protective investigations unit. If a report has not been received, team staff are required as mandated reporters to report to the Abuse Hotline.

SHARING OF INFORMATION/TRAINING/GRIEVANCE

A. The Department of Children and Families is recognized as a criminal justice agency for the purpose of child protective investigations. Information will be shared in accordance with the Child Abuse Protective Investigation Protocol Final Report, revised July 2002, and Section 39.306, F.S.

.306 Child protective investigations; working agreements with local law enforcement. The department shall enter into agreements with the jurisdictionally responsible county sheriffs' offices and local police departments that will assume the lead in conducting any potential criminal investigations arising from allegations of child abuse, abandonment, or neglect. The written agreement must specify how the requirements of this chapter will be met. For the purposes of such agreement, the jurisdictionally responsible law enforcement entity is authorized to share Florida criminal history and local criminal history information that is not otherwise exempt from s. 119.07(1) with the district personnel, authorized agent, or contract provider directly responsible for the child protective investigation and emergency child placement. The agencies entering into such agreement must comply with s. 943.0525. Criminal justice information provided by such law enforcement entity shall be used only for the purposes specified in the agreement and shall be provided at no charge. Notwithstanding any other provision of law, the Department of Law Enforcement shall provide to the department electronic access to Florida criminal justice information which is lawfully available and not exempt from s. 119.07(1), only for the purpose of child protective investigations and emergency child placement. As a condition of access to such information, the department shall be required to execute an appropriate user agreement addressing the access, use, dissemination, and destruction of such information and to comply with all applicable laws and regulations, and rules of the Department of Law Enforcement.

B. All information, reports, documents, etc., provided under the provisions of this agreement shall retain any confidential status provided under law and shall not be distributed outside the undersigned agencies unless otherwise authorized or mandated by law.

C. Within statutory guidelines, the Department of Children and Families will provide to the law enforcement agency copies of protective investigation reports during criminal investigations. Any reports shall be provided

without cost to the law enforcement agency. Copies of these reports shall include the name of the reporter, whose identity should remain confidential pursuant to Section 39.202, F.S.

D. On going training will occur for new recruits, first responders, and agency specialists.

E. Any conflict in the interpretation of this Memorandum of Understanding/Working Agreement shall be resolved through the Palm Beach County Child Safety Review Commission.

All parties agree to this Memorandum of Understanding/Working Agreement for Protective Investigations in Palm Beach County and the written protocol established by the Community Alliance of Palm Beach County in the Child Abuse Protective Investigation Protocol Final Report, revised July 2002.

APPENDIX D

Child Safety Review Database Form

General DCF Information **DCF 24-hour Telephone # 1-866-DCF-9DCF**

DCF Case #: Hotline Notified? Yes No Date Time

DCF/PI Name

General Police Information

Officer=s Name: Officer=s ID#: Officer Agency:

PD Case# / CAD#: Incident Time:

Nature of Case: (check ONE box) Incident Date:

Child Abuse Child on Child Assault
 Child Neglect Sexual Abuse - Caretaker
 Child Death Sexual Abuse B Non-Caretaker
 Other

Victim Information

Last Name First Name Middle Name

DOB: Race: Sex: SSN:

Street #: Prefix: Street Name: Type:

Suffix:

Bldg #: Apt #: City: Zip: State:

Caretaker/Perpetrator Information

Last Name: First Name: Middle Name:

DOB: Race: Sex: SSN:

Street #: Prefix: Name: Type: Suffix:

Bldg #: Apt #: City: State:

Zip:

Caretaker or Perpetrator: Relation to Victim:

Additional Persons (Check ONE) Victim Caretaker/Perpetrator

Last Name: First Name: Middle Name:

DOB: Race: Sex: SSN:

Street #: Prefix: Name: Type: Suffix:

Bldg #: Apt #: City: State:

Zip:

Additional Persons (Check ONE) Victim Caretaker/Perpetrator

Last Name: First Name: Middle Name:

DOB: Race: Sex: SSN:

Street #: Prefix: Name: Type: Suffix:

Bldg #: Apt #: City: State:

Zip:

Additional Persons (Check ONE) Victim Caretaker/Perpetrator

Last Name: First Name: Middle Name:

DOB: Race: Sex: SSN:

Street #: Prefix: Name: Type: Suffix:

Bldg #: Apt #: City: State:

Zip:

NARRATIVE: _____
