



CITY OF PORTLAND, OREGON



Bureau of Police

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Executive Summary Directive 0640.30, Child Abuse Investigations

Introduction

The Portland Police Bureau began reviewing Directive 0640.30, Child Abuse Investigations, in early 2022. The Bureau posted the directive for First Universal Review in February 2022 to seek public comments on the directive. The Bureau posted a revised draft of the directive for Second Universal Review in July 2022 to seek public comments on proposed changes.

The final revised directive contains few updates, as the Bureau significantly revised the directive fairly recently. The main updates aim to improve the organization of the directive and offer clearer and more helpful guidance for member action.

Public Comments

The Bureau received few comments during First Universal Review, and no comments during Second Universal Review. All public comments received are included later within this document. The only comments received reflected gratitude that the Bureau adopted previously received comments.

The Bureau's Revised Policy

The Bureau made few revisions to Directive 0640.30, Child Abuse Investigations.

Of note, the Bureau clarified the circumstances in which Bureau members must notify the Department of Human Services (DHS). In addition to notifying DHS of all suspected child abuse, members must notify DHS: any time a child observes domestic violence, any time a member takes a child into protective custody, any time a member leaves a child with someone other than the child's parent or guardian, and any time an adult caretaker is arrested for child abuse.

Most of the other changes to the directive involve edits and re-organization of content for clarity and brevity, such as streamlining the section discussing reporting writing expectations.

Finally, guidance on protective custody was revised and removed. That topic is now addressed only in Directive 0850.30, Juvenile Interviews, Detention, and Custody, to ensure consistency and to prevent directives from containing conflicting information.

The Bureau welcomes further comments on this directive during its next review.

This directive goes into effect on December 29, 2022. Published on December 8, 2022.

0640.30, Child Abuse Investigations

Refer:

- ORS 107.705 Family Abuse Prevention Act Definitions
- ORS 163.160 – 185 Assaults
- ORS 163.200 – 205 Criminal Mistreatments
- ORS 163.545, Child Neglect II
- ORS 163.665 – 163.693 Visual Recording of Sexual Conduct of Children
- ORS § 161.015(8), General Definitions for General Provisions
- ORS 419B.005, Child Abuse Definitions
- ORS 419B.015(1)b(C)
- ORS 419B.020, Duty of Department or Law Enforcement Agency
- ORS 419B.023, Duties of Person Conducting Investigation (also known as Karly's Law)
- ORS 419B.150, When Protective Custody Authorized
- Multnomah County Child Abuse Team Protocol (Multnomah County District Attorney's Office)
- DIR 0640.20, Sexual Assault Kits and Sexual Assault Investigations
- DIR 0825.00, Protection Orders and Domestic Violence Cases
- DIR 0850.30, Juvenile Interviews, Detention, and Custody
- DIR 0850.39, Missing, Runaway, Lost, or Disoriented Persons

Definitions:

- Child: An unmarried person under 18 years of age or under 21 years of age and residing in or receiving care or services at a child-caring agency.

- Child abuse: Oregon State law defines abuse as:
 - Any physical injury to a child by other than accidental means, including any injury that appears to be at variance with the explanation given as cause for the injury.
 - Any mental injury to a child which shall include only observable and substantial impairment of the child's mental or psychological ability to function, caused by cruelty to the child, with due regard to the culture of the child.
 - Sexual abuse, including but not limited to rape, sodomy, sexual assault, incest, and unlawful sexual penetration.
 - Sexual exploitation of a child including but not limited to visual recording of sexual conduct of children or allowing, permitting, encouraging, or hiring a child to engage in prostitution.
 - Negligent treatment or maltreatment of a child including, but not limited to, failure to provide adequate food, clothing, shelter or medical care.
 - Threatened harm to a child, which means subjecting a child to a substantial risk of harm to the child's health or welfare.
 - Buying or selling a person under 18 years of age.
 - Permitting a person under 18 years of age to enter or remain in or upon premises where methamphetamines are being manufactured.

- Unlawful exposure to a controlled substance or to the unlawful manufacturing of a cannabinoid extract.
- Department of Human Services (DHS): Oregon's principal agency responsible for overseeing a wide range of assistance programs and services, to include how and where to report child abuse. DHS offers a 24-hr service hotline where any person or mandated reporter can or must report suspected cases of abuse.
- Family or Household Member: Spouses; former spouses; adult persons related by blood, marriage, or adoption; persons who are cohabiting or who have cohabited with each other; persons who have been involved in a sexually intimate relationship with each other within two years immediately preceding the filing by one of them of a petition to circuit court for relief; unmarried parents of a child.
- Non-family member: Any person not listed as a family member, including neighbors, friends, teachers, other temporary child custodians and strangers.
- Serious Physical Injury: A physical injury which creates a substantial risk of death, or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss or impairment of function of any bodily organ.
- Sexual Abuse: Any sexual contact, by means of touching the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party, with a person who does not consent or who is incapable of consenting to a sexual act because of their age, mental status, or because they are physically helpless. Sexual abuse is considered a sexual offense punishable under Oregon State laws and include, but are limited to, rape, sodomy, unlawful penetration, sexual assault, and purchasing sex with a minor.
- Sexual Assault Victim Advocates (SAVA): Volunteers from either a local non-profit organization specializing in serving victims of sexual assault or from the District Attorney's office. These volunteers respond to police requests through the Bureau of Emergency Communications (BOEC) to stay with a victim through hospital evaluation and care while also providing support and advocacy as needed.
- Shelter home: A confidential location for a child to stay as determined and arranged by the Department of Human Services (DHS), the location of which is only known by DHS, Juvenile Court or the transporting member.
- Suspicious physical injury: As defined by Oregon State law, includes, but is not limited to, burns or scalds; extensive bruising or abrasions on any part of the body; bruising, swelling or abrasions on the head, neck or face; fractures of any bone in a child under the age of three; multiple fractures in a child of any age; dislocations, soft tissue swelling or moderate to severe cuts; loss of the ability to walk or move normally according to the child's development ability; unconsciousness or difficulty maintaining consciousness; multiple injuries of different

types; injuries causing serious or protracted disfigurement or loss or impairment of the function of any organ; and any other injury that threatens the physical well-being of a child.

Policy:

1. Child abuse investigations are sensitive in nature. The Portland Police Bureau recognizes the importance of providing confidential and compassionate service in a professional manner with due care and concern for the persons affected. In all cases, protecting children shall be the highest priority.
2. As part of a multi-disciplinary team (MDT) approach, all law enforcement agencies in Oregon are required to write a police report and notify the Department of Human Services (DHS), the District Attorney's Office, and the Child Abuse Response and Evaluation Services-Northwest (CARES-NW) on cases involving child abuse, even if the allegations are determined to be unfounded. Therefore, the Bureau collaborates with other service providers including the Department of Human Services (DHS) child protective services, school officials, and local health and mental health departments to develop specific procedures and guidelines for investigating child abuse.

Procedures:

1. Responding to cases of suspicious physical injury.
 - 1.1. Members who observe a child who has suffered a suspicious physical injury shall ensure that a designated medical professional conducts a medical assessment within 48 hours. Members shall do any of the following to fulfill this requirement:
 - 1.1.1. Contact CARES-NW via phone or email to arrange for a medical assessment, or
 - 1.1.2. Advise the responding detective of the child's suspicious physical injury and need for a medical assessment within 48 hours, or
 - 1.1.3. In the absence of a responding detective, advise the DHS Hotline for child abuse of the child's suspicious physical injury and the need for a medical assessment within 48 hours.
 - 1.2. If the child requires emergency medical treatment or evaluation, the member shall request ambulance transportation to the nearest hospital or hospital of family choice. If the child needs non-emergency medical treatment, the member may transport the child to a medical facility, preferably with another member, if feasible.
 - 1.2.1. Members facilitating the transportation of a child to a hospital for treatment of a serious physical injury shall immediately notify their supervisor who will contact a CAT supervisor or Detective supervisor.
2. Custody arrest.
 - 2.1. For cases where probable cause exists for criminal mistreatment 1 or misdemeanor assault on a child physical abuse case, members shall contact Detectives or a CAT supervisor; however, if no detective is available or the CAT supervisor advises the member to handle the case, the member shall:
 - 2.1.1. Advise the suspect of their Miranda rights;
 - 2.1.1.1. Record the suspect's response to either waive their rights or invoke their right to remain silent.
 - 2.1.1.2. Interview the suspect if they waive their rights.

- 2.1.1.3. Document the suspect's statements in their police report;
3. Notifying DHS.
 - 3.1. Members shall notify DHS of the following:
 - 3.1.1. All suspected child abuse cases, unless the call originated from the DHS Hotline for child abuse.
 - 3.1.2. Any time a child observes domestic violence.
 - 3.1.3. Any time a member takes a child into protective custody.
 - 3.1.4. Any time a member leaves a child with any person other than the child's parent or legal guardian.
 - 3.1.5. Any time an adult caretaker is arrested for child abuse, regardless of whether children were taken into protective custody.
4. Investigating cases of child sexual abuse.
 - 4.1. Members shall notify the Detective Division (Detectives) Child Abuse Team (CAT) of cases where, at the time of reporting:
 - 4.1.1. A child has been sexually assaulted within 120 hours.
 - 4.1.2. The victim is under 14 years of age and the suspect is a non-family member.
 - 4.1.3. The victim is under 18 years of age and the suspect is a family member.
 - 4.2. Members who have reasonable cause to believe that a child is a victim of sexual abuse and that physical evidence of the abuse is likely to be destroyed shall seek a physical examination pursuant to Directive 0640.20, Sexual Assault Kits and Sexual Assault Investigations.
 - 4.2.1. The responding member shall coordinate the medical treatment, physical examination, and sexual assault kit (SAK) of the child unless they are relieved of this requirement by another member or detective. The member shall document in their report the time and person who assumed responsibility of the case.
 - 4.2.1.1. In the event that a child under 12 years of age refuses an examination and the child's parent or guardian refuses to allow medical evaluation, the member shall take the child into protective custody. Members shall contact Detectives and DHS for assistance.
 - 4.3. Members may facilitate transportation or transport a child to the preferred children's facility, Randall Children's Hospital at Emanuel Medical Center. On weekdays, members shall contact a CAT supervisor to arrange an emergency examination at the CARES-NW Program at Randall Children's Hospital.
 - 4.4. Members shall request through the Bureau of Emergency Communications (BOEC) for a Sexual Assault Victim Advocate (SAVA) to respond to the appropriate hospital.
5. Interviewing children.
 - 5.1. In the best interest of the children, it is preferable for all children to be interviewed by CARES-NW or a similar Child Forensic Interview Center. For reporting purposes, members shall thoroughly interview the person(s) to whom the child disclosed the abuse.
 - 5.2. Members shall attempt to minimize the number of interviews conducted with child abuse victims.

- 5.3. Members not specifically trained in child interview techniques shall not interview children under the age of 10.
 - 5.4. For cases of physical abuse, if necessary, members may interview the child (if they are able to speak) using non-leading questions.
 - 5.5. For cases of sexual abuse:
 - 5.5.1. Members may interview children over the age of 10, but only to the extent necessary to establish a criminal allegation.
 - 5.5.2. Members shall not interview children who are 10 years of age or younger. These cases shall be referred to CARES-NW, the assigned DHS personnel, or a CAT detective.
 - 5.5.2.1. If a sexual crime occurred within 120 hours, a member may conduct a short interview with the child to establish if the child needs an immediate medical examination.
 - 5.6. If the child (or other children) is at risk by a perpetrator still within the home, a member may conduct a brief interview with the child to establish the need for protective custody.
6. Photographic evidence.
 - 6.1. Sworn members involved in a case of child abuse shall coordinate efforts with DHS workers to secure photographic evidence of abuse.
 - 6.1.1. Pursuant to Oregon law, any person conducting a child abuse investigation who observes a child who has suffered suspicious physical injury shall immediately photograph the injuries. Anogenital injuries may only be photographed by a medical provider, but even these injuries must be photographed immediately.
 - 6.1.2. Photographs may be obtained by:
 - 6.1.2.1. The responding member.
 - 6.1.2.2. Detectives or the investigator.
 - 6.1.2.3. The Forensic Evidence Division (FED).
 - 6.1.2.4. Requesting criminalists from the participating agency or Forensics to respond to the scene.
 - 6.1.2.5. A medical provider.
 - 6.2. Sworn members shall ensure submitted photographs accurately represent size and scope of injuries with the use of a scale reference.
 - 6.3. Members who photograph a child's injuries shall upload the images into the Digital Image Management System (DIMS) in accordance with Directive 0640.02, Photography and Digital Imaging.
 - 6.4. Members who encounter cases of child neglect shall document unhealthy environments or unsafe conditions through photographs to serve as important photographic evidence for criminal prosecution and juvenile court purposes.
 7. Management of sexual exploitation photographic evidence.
 - 7.1. Allegations of sexual exploitation involving visual recordings of sexual conduct of children have the potential to expand the investigation to a complex multi-jurisdictional investigation. Members responding to these calls shall:
 - 7.1.1. Determine the media (printed, electronic, film, video tape, etc.) on which the visual recordings of sexual conduct of children exist.

- 7.1.2. Prohibit any person from further viewing or distributing the visual recordings of sexual conduct of children. This includes having any of the recordings duplicated or otherwise sent to the member's email or cell phone.
 - 7.1.3. Members shall inform persons who have evidence on their electronic devices (i.e., smartphones, tablets, computers) to not delete the recordings or images until they can be extracted by FED or an appropriate agency.
 - 7.1.4. Lawfully secure items of potential evidentiary value by seizing them as evidence under a warrant, consent, or other exceptions to the warrant requirement. Extreme care should be taken when seizing computers and other electronic devices/media on which the recordings are stored to ensure the evidence is preserved.
 - 7.1.5. Interview and obtain clear and detailed statements from witnesses who observed the recordings regarding the sexual conduct depicted in the visual recordings.
 - 7.1.6. Notify the CAT supervisor and advise them of the circumstances in order to determine whether or not a detective will respond to coordinate the investigation.
8. Protective custody and Working with DHS.
- 8.1. Members shall follow Directive 0850.30, Juvenile Interviews, Detention, and Custody for guidance on protective custody.
 - 8.2. If a member intervenes and relocates a child (i.e., moves them to or from a shelter care, writes a medical hold, or places them with a relative or friend), they shall do the following:
 - 8.2.1. Write General Offense (GO) and Arrest Booking reports; and
 - 8.2.2. Notify the DHS Hotline for child abuse (1-855-503-7233).
 - 8.3. Peace officers, counselors, and DHS employees have statutory authority to take protective custody of children in the circumstances outlined in ORS 419B.150.
 - 8.3.1. If a DHS social worker is present at the location of the call, the member may allow the representative to take custody of the child. In other circumstances, the member shall transport the child to a confidential destination as directed by DHS or the Juvenile Intake Unit.
 - 8.4. The responding member is responsible for the criminal investigation even when a DHS worker is present.
9. Report writing.
- 9.1. Members shall write a police report for the following:
 - 9.1.1. All cases of reported physical or sexual child abuse of a child, even if the allegations appear unfounded.
 - 9.1.2. When they are dispatched to cover DHS.
 - 9.1.2.1. If multiple members respond to assist DHS, only one police report is necessary.
 - 9.1.3. When a member changes a child's location (i.e., shelter care, medical hold, custody transfer, or placed with a relative, friend, or DHS).
 - 9.1.4. An adult reporting an offense that occurred when they were a child, regardless of how much time has elapsed.

9.2. Reports shall include:

- 9.2.1. The date and time the member notified DHS of the case.
- 9.2.2. A description of all injuries, no matter how minor.
- 9.2.3. Details of injury such as the location on the child's body; size, shape, and color; and the object that caused the injury, if known.

9.3. Reports shall not include:

- 9.3.1. The location of any shelter home. This is confidential information and may only be obtained from DHS.

9.4. Incidents of child sexual abuse may be coordinated between DHS and the Bureau's Operations Support Unit (OSU). However, OSU may take the report only under the following conditions:

- 9.4.1. The child is currently safe and away from the perpetrator and the incident is being reported 120 hours after occurrence.
- 9.4.2. The caller is reluctant to make a direct report to a uniform member.
- 9.4.3. The caller is out of the area and their local law enforcement agency will not take a courtesy report regarding an incident that occurred within Portland.

10. Supervisor Responsibilities.

10.1. Supervisors shall review and/or monitor child abuse investigations for completeness by ensuring that the following are conducted:

- 10.1.1. Verifying notification to DHS (required for protective custody or suspected child abuse initially discovered by members).
- 10.1.2. Verifying written reports for all child abuse calls, including those unfounded.
- 10.1.3. If a suspect is arrested, ensuring reports and photographs are forwarded to CAT Detectives as soon as practical.
- 10.1.4. Ensuring notification of a CAT supervisor if a child is sexually assaulted within 120 hours, or seriously injured and requires hospitalization.

11. Detectives Responsibilities.

11.1. When Detectives are unable to respond and investigate, Detectives shall provide advice in response to members' questions and inquiries.

11.2. CAT will maintain a 24-hr on-call supervisor who shall provide immediate assistance and advice on child victim cases. CAT may respond after hours and on weekends upon approval from a CAT supervisor.

11.3. A CAT Detective may be requested and assigned when the victim(s) are currently under 18 years of age and the perpetrator is a family member who is taken into custody for Rape I, Sodomy I, Sex Abuse I, or Unlawful Sexual Penetration I and II.

11.4. Detectives may respond to the appropriate hospital when:

- 11.4.1. A child has been sexually assaulted within the last 120 hours and there is likelihood of obtaining evidence through a SAK.
- 11.4.2. A child is hospitalized due to a suspicious serious physical injury.

11.5. CAT shall receive and review copies of all child abuse reports. A CAT supervisor may staff such reports with the DA and/or DHS representatives of the MDT in order to determine whether to assign a case for investigative follow-up or to refer the matter to DHS.

12. Records Division Responsibilities.

12.1. Records Division shall provide copies of all child abuse reports, founded and unfounded, to DHS

Effective: 12/29/2022

Next Review: 12/29/2024

0640.30, Child Abuse Investigations

Refer:

- ORS 107.705 Family Abuse Prevention Act Definitions
- ORS 163.160 – 185 Assaults
- ORS 163.200 – 205 Criminal Mistreatments
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- ORS 163.665 – 163.693 Visual Recording of Sexual Conduct of Children
- ORS § 161.015(8), General Definitions for General Provisions
- ~~ORS 419A.255, Maintenance; Disclosure; Providing Transcript; Exceptions to Confidentiality~~
- ORS 419B.005, Child Abuse Definitions
- ORS 419B.015(1)b(C)
- ORS 419B.020, Duty of Department or Law Enforcement Agency
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- ORS 419B.150, When Protective Custody Authorized
- Multnomah County Child Abuse Team Protocol (Multnomah County District Attorney's Office)
- DIR 6400640.20, Sexual Assault Kits and Sexual Assault Investigations
- ~~DIR 640.40, Investigations and Interviews on School Property Assistance Resource~~
- ~~DIR 8250825.00, Protection Orders and Domestic Violence, Arrests, and Restraining Orders Cases~~
- DIR 0850.30, Juvenile Interviews, Detention, and Custody
- DIR 0850.39, Missing, Runaway, Lost, or Disoriented Persons

Definitions:

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 - Suspicious physical injury: As defined by Oregon State law, includes, but is not limited to, burns or scalds; extensive bruising or abrasions on any part of the body; bruising, swelling or abrasions on the head, neck or face; fractures of any bone in a child under the age of three; multiple fractures in a child of any age; dislocations, soft tissue swelling or moderate to

severe cuts; loss of the ability to walk or move normally according to the child's development ability; unconsciousness or difficulty maintaining consciousness; multiple injuries of different types; injuries causing serious or protracted disfigurement or loss or impairment of the function of any organ; and any other injury that threatens the physical well-being of a child.

Policy:

1. Child abuse investigations are sensitive in nature. The Portland Police Bureau (~~PPB~~) recognizes the importance of providing confidential and compassionate service in a professional manner with due care and concern for the ~~individuals~~ persons affected. In all ~~instances, the protection of cases, protecting~~ children shall be the highest priority.
2. As part of a multi-disciplinary team (MDT) approach, all law enforcement agencies in Oregon are required to write a police report and notify the Department of Human Services (DHS), the District Attorney's Office, and the Child Abuse Response and Evaluation Services-Northwest (CARES-NW) on cases involving child abuse, even if the allegations are determined to be unfounded. Therefore, ~~PPB~~ the Bureau collaborates with other service providers including the Department of Human Services (DHS) child protective services, school officials, and local health and mental health departments to develop specific procedures and guidelines for investigating ~~cases of~~ child abuse.

Procedures:

~~1. Member Responsibilities.~~

~~2.1. Responding to cases of suspicious physical injury.~~

~~2.1.1.1.~~ Members who observe a child who has suffered a suspicious physical injury shall ensure that a designated medical professional conducts a medical assessment within 48 hours. Members shall do any of the following to fulfill this requirement:

~~2.1.1.1.1.~~ Contact CARES-NW via phone or email to arrange for a medical assessment, or

~~2.1.2.1.1.2.~~ Advise the responding detective of the child's suspicious physical injury and need for a medical assessment within 48 hours, or

~~2.1.3.1.1.3.~~ In the absence of a responding detective, advise the DHS Hotline for child abuse of the child's suspicious physical injury and the need for a medical assessment within 48 hours.

~~2.2.1.2.~~ If the child requires emergency medical treatment or evaluation, the member shall request ambulance transportation to the nearest hospital or hospital of family choice. If the child needs non-emergency medical treatment, the member may transport the child to a medical facility, preferably with another member, if feasible.

~~2.2.1.1.2.1.~~ Members facilitating the transportation of a child to a hospital for treatment of a serious physical injury shall immediately notify their supervisor who will contact a CAT supervisor or Detective supervisor.

2. Custody arrest.

2.1. For cases where probable cause exists for criminal mistreatment 1 or misdemeanor assault on a child physical abuse case, members shall contact Detectives or a CAT supervisor; however, if no detective is available or the CAT supervisor advises the member to handle the case, the member shall:

2.1.1. Advise the suspect of their Miranda rights;

2.1.1.1. Record the suspect's response to either waive their rights or invoke their right to remain silent.

2.1.1.2. Interview the suspect if they waive their rights.

2.1.1.3. Document the suspect's statements in their police report;

3. Notifying DHS.

3.1. Members shall notify DHS of the following:

All suspected child abuse cases, unless the call originated from the DHS Hotline for child abuse.

3.1.1. Responding to

3.1.2. Any time a child observes domestic violence.

3.1.3. Any time a member takes a child into protective custody.

3.1.4. Any time a member leaves a child with any person other than the child's parent or legal guardian.

3.1.5. Any time an adult caretaker is arrested for child abuse, regardless of whether children were taken into protective custody.

3.4. Investigating cases of child sexual abuse.

3.1.4.1. Members shall ~~request through their supervisors for~~notify the Detective Division (Detectives) Child Abuse Team (CAT) ~~to respond in of~~ cases where, at the time of reporting:

3.1.1.4.1.1. A child has been sexually assaulted within 120 hours.

3.1.2.4.1.2. The victim is under 14 years of age and the suspect is a non-family member.

3.1.3.4.1.3. The victim is under 18 years of age and the suspect is a family member.

3.2.4.2. Members who have reasonable cause to believe that a child is a victim of sexual abuse and that physical evidence of the abuse is likely to be destroyed shall seek a physical examination pursuant to Directive ~~6400640~~.20, Sexual Assault Kits and Sexual Assault Investigations.

3.2.1.4.2.1. The responding member shall coordinate the medical treatment, physical examination, and sexual assault kit (SAK) of the child unless they are relieved of this requirement by another member or detective. The member shall document in their report the time and ~~individual person~~ who assumed responsibility of the case.

3.2.1.1.4.2.1.1. In the event that a child under 12 years of age refuses ~~to have an examination conducted~~ and the child's parent or guardian refuses to allow medical evaluation, the member shall take the child into protective custody. Members shall contact Detectives and DHS for assistance.

3.3.4.3. Members may facilitate transportation or transport a child to the preferred children's facility, Randall Children's Hospital at Emanuel Medical Center. On weekdays, members shall contact a CAT supervisor to arrange an emergency examination at the CARES-NW Program at Randall Children's Hospital.

3.4.4.4. Members shall request through the Bureau of Emergency Communications (BOEC) for a Sexual Assault Victim Advocate (SAVA) to respond to the appropriate hospital.

4.5. Interviewing children.

- 4.1.5.1. In the best interest of the children, it is preferable for all children to be interviewed by CARES-NW or a similar Child Forensic Interview Center. For reporting purposes, members shall thoroughly interview the person(s) to whom the child disclosed the abuse.
- 4.2.5.2. Members shall attempt to minimize the ~~amount~~number of interviews conducted with child abuse victims.
- 4.3.5.3. Members not specifically trained in child interview techniques shall ~~refrain from interviewing~~not interview children under the age of 10.
- 4.4.5.4. For cases of physical abuse, if necessary, members may interview the child (if they are able to speak) using non-leading questions.
- 4.5.5.5. For cases of sexual abuse:
 - 4.5.1.5.5.1. Members may interview children over the age of 10, but only to the extent necessary to establish a criminal allegation.
 - 4.5.2.5.5.2. Members shall not interview children who are 10 years of age or younger. These cases shall be referred to CARES-NW, the assigned DHS personnel, or a CAT detective.
 - 4.5.2.1.5.5.2.1. If a sexual crime occurred within 120 hours, a member may conduct a short interview with the child to establish if the child needs an immediate medical examination.
- 4.6.5.6. If the child (or other children) is at risk by a perpetrator still within the home, a member may conduct a brief interview with the child to establish the need for protective custody.

5.6. Photographic evidence.

- 5.1.6.1. Sworn members involved in a case of child abuse shall coordinate efforts with DHS workers to secure photographic evidence of abuse.
 - 5.1.1.6.1.1. Pursuant to Oregon law, any person conducting a child abuse investigation who observes a child who has suffered suspicious physical injury shall immediately photograph the injuries. Anogenital injuries may only be photographed by a medical provider, but even these injuries must be photographed immediately.
 - ~~5.1.1.1.1.1. Members may contact CARES-NW directly via email and provide information regarding a child abuse case (i.e., case number, child's name and birth date, and photographic evidence) as a method of complying with Karly's Law.~~
 - ~~5.1.1.1.1.1. Any photographic evidence shall be emailed to CARES-NW prior to uploading into the Digital Image and Management System (DIMS).~~
 - 5.1.2.6.1.2. Photographs may be obtained by:
 - 5.1.2.1.6.1.2.1. The responding member.
 - 5.1.2.2.6.1.2.2. Detectives or the investigator.
 - 5.1.2.3.6.1.2.3. The Forensic Evidence Division (FED).
 - 5.1.2.4.6.1.2.4. Requesting criminalists from the participating agency or Forensics to respond to the scene.

6.1.2.5. A medical provider.

~~5.2.6.2.~~ Sworn members shall ensure submitted photographs accurately represent size and scope of injuries with the use of a scale reference.

~~5.3.6.3.~~ ~~If a child is taken into protective custody, sworn~~ Members who ~~take photographs of the photograph a~~ child's injuries shall ~~first email photographs to CARES-NW and then~~ upload the images into the Digital Image Management System (DIMS) in accordance with Directive ~~6400640.02~~, Photography and Digital Imaging.

~~5.4.6.4.~~ Members who encounter cases of child neglect shall document unhealthy environments or unsafe conditions through photographs to serve as important photographic evidence for criminal prosecution and juvenile court purposes.

~~5.4.1.1. Members shall observe the child and parent in the environment and document any of the following through photographs:~~

~~5.4.1.1.1. If the parent(s) displays needle marks on their body;~~

~~5.4.1.1.2. Unsanitary or hoarding conditions;~~

~~5.4.1.1.3. Insect or animal infestations;~~

~~5.4.1.1.4. Lack of food or expired dates on food products;~~

~~5.4.1.1.5. Lack of running water;~~

~~5.4.1.1.6. Drugs and drug paraphernalia;~~

~~5.4.1.1.7. Weapons; and/or~~

~~5.4.1.1.8. Uninhabitable or other unsafe conditions (e.g., broken windows, leaking roof).~~

~~6.7.~~ Management of sexual exploitation photographic evidence.

~~6.1.7.1.~~ Allegations of sexual exploitation involving visual recordings of sexual conduct of children have the potential to expand the investigation to a complex multi-jurisdictional investigation. Members responding to these calls shall:

~~6.1.1.7.1.1.~~ Determine the media (printed, electronic, film, video tape, etc.) on which the visual recordings of sexual conduct of children exist.

~~6.1.2.7.1.2.~~ Prohibit any person from further viewing or distributing the visual recordings of sexual conduct of children. This includes having any of the recordings duplicated or otherwise sent to the member's email or cell phone.

~~6.1.3.7.1.3.~~ Members shall inform ~~individuals~~ persons who have evidence on their electronic devices (i.e., smartphones, tablets, computers) to not delete the recordings or images until they can be extracted by FED or an appropriate agency.

~~6.1.4.7.1.4.~~ Lawfully secure items of potential evidentiary value by seizing them as evidence under a warrant, consent, or other exceptions to the warrant requirement. Extreme care should be taken when seizing computers and other electronic devices/media on which the recordings are stored to ensure the evidence is preserved.

~~6.1.5.7.1.5.~~ Interview and obtain clear and detailed statements from witnesses who observed the recordings regarding the sexual conduct depicted in the visual recordings.

~~6.1.6.7.1.6.~~ Notify the CAT supervisor and advise them of the circumstances in order to determine whether or not a detective will respond to coordinate the investigation.

~~6.2.— Responding to child abuse calls on public school property.~~

~~6.2.1.— If the initial response and investigation is conducted on public school premises, the school administrator will first be notified by a responding member, unless the administrator is the subject of the investigation. According to state law, a designated school staff member's presence for an interview is not required, therefore, the Bureau member shall use their judgment on whether to include them.~~

7.8. Protective custody and Working with DHS.

~~7.1.1.— A child may be taken into protective custody when:~~

~~7.1.1.1.— A child under 10 years of age is left without supervision.~~

~~7.1.1.2.— The child's conditions or surroundings reasonably appear to jeopardize the child's welfare.~~

~~7.1.2.— If a child is taken into protective custody, the member shall make reasonable efforts to notify the parents immediately, regardless of the time of day. Notification may be in person, by telephone, or in email. Notification will include the following:~~

~~7.1.2.1.— Name of the child taken into custody;~~

~~7.1.2.2.— Explanation as to why the child was taken into custody;~~

~~7.1.2.3.— General information about the child's location placement (i.e., hospital, shelter home) Members shall follow Directive 0850.30, Juvenile Interviews, Detention Hall [JDH], etc.);~~

7.2.8.1. Scheduling information for Juvenile Court proceedings, and Custody for guidance on protective custody.

~~7.2.1.1.— The telephone number of the DHS Hotline for child abuse.~~

~~7.2.1.2.— A CAT supervisor may waive this notification if they determine that immediate notification of a parent may compromise the investigation or endanger other children.~~

~~7.2.2.— Under no circumstances shall the member inform an individual, including a parent, of the location of a foster/shelter care home, nor shall they disclose the location in their report.~~

7.3.8.2. If a member intervenes and relocates a child (i.e., moves them to or from a shelter care, writes a medical hold, or places them with a relative or friend), they shall do the following:

7.3.1.8.2.1. Write General Offense (GO) and Arrest Booking reports; and

8.2.2. Notify the DHS Hotline for child abuse; (1-855-503-7233).

~~7.3.1.1.— Peace officers, counselors, and~~

~~7.3.1.2.— Deliver via in-person or fax copies of police reports to Juvenile Court intake as soon as practical, but no later than the end of shift.~~

~~7.3.2.— If an adult caretaker is arrested for child abuse, the arresting member shall call the DHS Hotline for child abuse, even if the child is not taken into employees have statutory authority to take protective custody.~~

~~7.3.3.— The member shall take a child into protective custody when:~~

7.4.8.3. The child is of children in the circumstances outlined in immediate danger if not taken into protective custody. ORS 419B.150.

~~7.4.1.1.— There is a threat that abuse will occur if the child is not removed from the home (i.e., the child has been the victim of sexual molestation by a family member and that family member is still in the home, likely to return to the home or the other members of the family are not supportive of the victim).~~

~~7.4.1.2.— There are no other alternative resources such as a relative to care for the child.~~

~~7.4.2-8.3.1.~~ If a DHS social worker is present at the location of the call, the member may allow the representative to take custody of the child. In other circumstances, the member shall transport the child to a confidential destination as directed by DHS or the Juvenile Intake Unit.

~~7.5-8.4.~~ The responding member is responsible for the criminal investigation even when a DHS worker is present.

~~8.1. Custody arrest.~~

~~8.1.1.1.— For cases where probable cause exists for criminal mistreatment 1 or misdemeanor assault on a child physical abuse case, members shall contact Detectives or a CAT supervisor; however, if no detective is available or the CAT supervisor advises the member to handle the case, the member shall:~~

~~8.1.1.1.1.— Advise the suspect of their Miranda rights;~~

~~8.1.1.1.1.1.— Record the suspect's response to either waive their rights or invoke their right to remain silent.~~

~~8.1.1.2.1.1.1.— Interview the suspect if they waive their rights.~~

~~8.1.1.3.1.1.1.— Document the suspect's statements in their police report;~~

~~8.1.1.4.— Ensure all reports are attached along with the suspect's RegJIN/LEDS printout in a case envelope correspondence;~~

~~8.1.1.5.— Email photographs to CARES NW and then upload the images into DIMS in accordance with Directive 640.02, Photography and Digital Imaging. Notify the Deputy District Attorney (DDA) once the photographs are in DIMS for their review.~~

~~8.1.1.6.— Ensure the word "Custody" is appropriately displayed in a case envelope correspondence.~~

9. Report writing.

9.1. Members shall write a police report for the following:

9.1.1. All cases of reported physical or sexual child abuse of a child, even if the allegations appear unfounded. ~~Under no circumstances shall members provide BOEC a coded radio disposition in lieu of writing a report.~~

~~9.1.1.1.— GO Reports:~~

~~9.1.1.1.1.— Members shall write a GO report if they determine that a crime has been committed.~~

~~9.1.1.1.1.1.— Members shall describe and document all injuries, no matter how minor, in the GO report.~~

~~9.1.1.1.1.2.— Members shall provide description details such as listing the location of injuries on the child's body; describing each injury by size, shape and color; and identifying the object that caused the injury if known.~~

~~9.1.1.2. Members shall write a GO report for calls they determine to be unfounded.~~
9.1.2. ~~Members shall write a police report when~~ When they are dispatched to cover DHS.

9.1.2.1. If multiple members respond to assist DHS, only one police report is necessary.

~~9.1.3. Members shall write GO and Arrest Booking reports when:~~

~~9.1.3.1. Arresting or citing~~ When a suspect,

~~9.1.4.~~ 9.1.3. member changes a child's location ~~is changed by a member's intervention~~ (i.e., shelter care, medical hold, custody transfer, or placed with a relative, friend, or DHS);).

~~9.1.4.1. A child is taken from a current custodian and given to another person, including a DHS social worker.~~

~~9.1.5. Members shall write a courtesy report for outside agencies for any of the following circumstances:~~

~~9.1.5.1. When the location of occurrence is outside Portland Police jurisdiction.~~

~~9.1.5.2. An outside agency advises they will not respond.~~

~~9.1.5.3. An outside agency requests a courtesy report.~~

~~9.1.6.1.1. Members shall not disclose the location of any shelter home in any report~~ adult. ~~This is confidential information and may only be obtained from DHS.~~

~~9.1.7.~~ 9.1.4. Members who receive a report from an individual 18 years or older reporting an offense that occurred when they were a juvenile child, regardless of how much time has elapsed since, shall write a report and, if needed, make referrals.

9.2. Reports shall include:

9.2.1. The date and time the member notified DHS of the case.

9.2.2. A description of all injuries, no matter how minor.

9.2.3. Details of injury such as the location on the child's body; size, shape, and color; and the object that caused the injury, if known.

9.3. Reports shall not include:

9.3.1. The location of any shelter home. This is confidential information and may only be obtained from DHS.

9.4. Incidents of child sexual abuse may be coordinated between DHS and the Bureau's Operations Support Unit (OSU). However, OSU may take the report only under the following conditions:

9.4.1. The child is currently safe and away from the perpetrator and the incident is being reported 120 hours after occurrence.

9.4.2. The caller is reluctant to make a direct report to a uniform member.

9.4.3. The caller is out of the area and their local law enforcement agency will not take a courtesy report regarding an incident that occurred within Portland.

~~10.1. Notifying DHS.~~

~~10.1.1. Members shall notify DHS of All suspected child abuse cases, unless the call originated from the DHS Hotline for child abuse. Members shall indicate the time of notification at the beginning of a police report. Members may also notify DHS in cases where a child witnesses domestic violence.~~

~~11.10. Supervisor Responsibilities.~~

~~11.1.10.1. Supervisors shall review and/or monitor child abuse investigations for completeness by ensuring that the following are conducted:~~

~~11.1.1.10.1.1. Verifying notification to DHS (required for protective custody or suspected child abuse initially discovered by members).~~

~~11.1.2.10.1.2. Verifying written reports for all child abuse calls, including those unfounded.~~

~~11.1.3.10.1.3. If a suspect is arrested, ensuring reports and photographs are forwarded to CAT Detectives as soon as practical.~~

~~11.1.4.10.1.4. Ensuring notification of a CAT supervisor if a child is sexually assaulted within 120 hours, or seriously injured and requires hospitalization.~~

~~12.11. Detectives Responsibilities.~~

~~12.1.11.1. When Detectives are unable to respond and investigate, Detectives shall provide advice in response to members' questions and inquiries.~~

~~12.2.11.2. CAT will maintain a 24-hr on-call supervisor who shall provide immediate assistance and advice on child victim cases. CAT may respond after hours and on weekends upon approval from a CAT supervisor.~~

~~12.3.11.3. A CAT Detective may be requested and assigned when the victim(s) are currently under 18 years of age and the perpetrator is a family member who is taken into custody for Rape I, Sodomy I, Sex Abuse I, or Unlawful Sexual Penetration I and II.~~

~~12.4.11.4. Detectives ~~shall~~may respond to the appropriate hospital when:~~

~~12.4.1.11.4.1. A child has been sexually assaulted within the last 120 hours and there is likelihood of obtaining evidence through a SAK.~~

~~12.4.2.11.4.2. A child is hospitalized due to a suspicious serious physical injury.~~

~~12.5.11.5. CAT shall receive and review copies of all child abuse reports. A CAT supervisor may staff such reports with the DA and/or DHS representatives of the MDT in order to determine whether to assign a case for investigative follow-up or to refer the matter to DHS.~~

~~13. Forensic Evidence Division Responsibilities.~~

~~13.1. Criminalists shall respond to the location of a Measure 11 crime and take photographs of any visible injuries present on a child.~~

~~13.2. When requested, Criminalists shall consult with the investigating member to determine what types of photographs are needed, where on a victim's body to photograph, and the best location to take photographs.~~

~~14.12.~~ Records Division Responsibilities.

~~14.1.12.1.~~ Records ~~will~~Division shall provide copies of all child abuse reports, founded and unfounded, to ~~Department of Human Services (DHS), per ORS 419A.255 Maintenance; Disclosure; Providing Transcript; Exceptions to Confidentiality.~~

~~15. Notification of Child Abuse through BOEC or the Bureau's Operations Support Unit.~~

~~15.1. DHS may be the first to receive information on a child abuse case. In these cases, DHS will determine if police response is necessary and will contact BOEC to dispatch a sworn member to respond to the call.~~

~~15.2.1.1. Incidents of child sexual abuse may be coordinated between DHS and the Bureau's Operations Support Unit (OSU). However, OSU may take the report only under the following conditions:~~

~~15.2.1.1.1.1. The child is currently safe and away from the perpetrator and the incident is being reported 120 hours after occurrence.~~

~~15.2.2.1.1.1. The caller is reluctant to make a direct report to a uniform member.~~

~~15.2.3.1.1.1. The caller is out of the area and their local law enforcement agency will not take a courtesy report regarding an incident that occurred within Portland.~~

#1

COMPLETE

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Q1

Please provide feedback for this directive

COMMENTS ON YOUTH-RELATED DIRECTIVES, FEBRUARY 2022

To Chief Lovell, Capt. Parman, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Portland Committee on Community Engaged Policing, US Dept. of Justice, Citizen Review Committee and the Portland Police Bureau:

Below are Portland Copwatch's comments on two of the four Directives (policies) posted for review in February . We do not have comments on the Fingerprinting and Photographing of Juveniles (640.70) or Missing, Runaway, Lost or Disoriented Persons (850.39) at this time, though we may take another look during the Second reviews of those.

We believe the Bureau is planning to revise these policies due to the passage of SB 418, which prohibits police from providing false information to a minor suspected of committing a misdemeanor or felony. We hope that information gets added in the appropriate places.

Similarly, Directive 640.40 makes several references to School Resource Officers, a program which was dismantled in 2020, and we suspect the Bureau will fix that language as well.

For eight years now, we have asked the Bureau to assign a letter or number to each major section (Definitions/ Policy/ Procedure) to avoid the confusion of having multiple Sections marked "1." Our comments below address Procedure sections unless otherwise noted.

We also continue to think the First Review should have a longer period than 15 days, particularly in cases like this where two of the Directives are eight pages long.

640.30 CHILD ABUSE INVESTIGATIONS (previous comments made October 2015)

Notable Improvement #1: We thank the Bureau for adopting language we proposed in 2015, replacing the phrase "be sensitive" with "provide service in a professional manner with due care and concern for the individuals affected."

Notable Improvement #2: Similarly, Section 1.8 now includes that questioning can only happen if a person waives their Miranda rights, another thing we suggested previously.

CONCLUSION

Thank you again for the opportunity to comment. We recognize how far this process has come since the Bureau told the Citizen Review Committee in 2015 that it would "never happen" to let the public know how many comments came in on the Directives. We hope the process and responsiveness to the public continues to evolve.

--dan handelman and other members of
--Portland Copwatch

Q2

Contact Information (optional - your name will be visible on PPB's website)

Name

Portland Copwatch