

**COUNTY OF MONROE
OFFICE OF THE SHERIFF
ROCHESTER, NEW YORK**

GENERAL ORDER POLICE BUREAU	DATE OF ISSUE June 9, 2022	EFFECTIVE DATE June 9, 2022	No. 043-22
SUBJECT: GENERAL ORDER Child Abuse Investigations		DISTRIBUTION Police Bureau Personnel	AMENDS
REFERENCE:			RESCINDS 43-P-07

Purpose: The purpose of this order is to provide a procedure for the investigation of child abuse, neglect complaints.

* **Policy:** All incidents of suspected child abuse or maltreatment will be reported on a Standardized Incident Report or a Domestic Incident Report. The investigating deputy will also complete a New York State Office of Children and Family Services Report of Suspected Child Abuse or Maltreatment Form LDSS-2221A and submit both to his/her supervisor for review.

I. General Overview

A. Pursuant to Chapter 740 of the Laws of 2006 (FCA 1034 (2) and SSL 424) that require, in part, that a Family Court Judge be available at all times to hear pre-petition applications for an order requiring access to a child who is the subject of a child protective investigation. The law allows for 24 hour access to a Family Court Judge to obtain "Access to Child" or "Access to the Home" judicial orders for action by CPS workers.

Note: Off hours calls should not be made directly to a Judge. Off hours calls from local service districts seeking access orders must be made to 1-800-430-8457.

B. This law allows local CPS the ability to seek assistance from the court when unable to access a child during a Child Protective Services investigation.

C. CPS has the burden to show "reasonable cause to suspect" that the child's "life or health may be in danger" and they cannot locate child or have been denied access to the child "sufficient to determine their safety." Or, in instances where access to the home is necessary, CPS must have "probable cause to believe that an abused or neglected child may be on the premises" and CPS has been denied access to the home sufficient to evaluate the home.

1. In the event of these situations, CPS is not required to call law enforcement.

2. If requested by CPS, deputies will respond and assist CPS with their investigation.

3. If a court order is required pursuant to this law, deputies will be required to remain at the location until the court order is received.

4. Absent exigent circumstances, deputies are to comply with Constitutional requirements regarding entry to a citizen's home in the absence of a warrant or court order.
5. The judicial order, once obtained, will indicate and allow the authorization for CPS to perform the following actions:
 - a. Enter the home.
 - b. Determine if the child is present.
 - c. Conduct a "home visit".
 - d. Evaluate the home environment.

II. Procedure

A. Patrol Operations:

1. Deputies will refer to page two of form LDSS 2221-A for definitions of child abuse and child maltreatment. "Persons legally responsible", mentioned in the definitions, include parents, guardian, day-care center personnel, in-home day-care workers, or any persons continually or at regular intervals found in the same household as the child. Teachers and babysitters are not included in this definition, but can be subject to charges of endangering the welfare of a child, assault, etc.
2. The deputy filing the LDSS 2221-A Form will immediately report the incident by telephone (1-800-635-1522) to the Child Protective Service of the Monroe County Department of Social Services. The patrol supervisor will also be notified at that time. The name of the person notified will be included in the narrative of both the Standardized Incident Report, or Domestic Incident Report, and the LDSS 2221-A Form.
3. Patrol supervisors will review the LDSS 2221-A Form for content completeness, clarity and legibility. If approved, the report will be forwarded to the Zone Criminal Investigation Section Sergeant. If the case is of such a nature that immediate follow-up is required, the investigation will be assigned to an on-duty investigator, zone investigator or the Impact Investigator.
4. If more than one agency is involved with the suspected child abuse incident, each agency is responsible for filing a LDSS 2221-A Form and notifying the Child Protective Service by telephone. The Sheriff's Office must file a LDSS 2221-A Form, even though hospital, school personnel, or others may have filed a report. The LDSS 2221-A Form will include the name of all Monroe County Sheriff's Office personnel involved with the case.
5. If immediate danger to the victim is present, regardless of arrest action, protective custody may be taken. This should be done with the consultation of a CPS caseworker and a supervisor.
- * 6. Deputies will ensure that photographs and/or physical evidence are obtained when appropriate and placed into PMO per MBGO 016.

B. Patrol Supervisors shall:

- * Respond to the scene if necessary and, if the patrol supervisor determines that the investigation should begin immediately, contact MCU Investigator Sergeant who will decide if the investigation will be deferred to IMPACT or zone investigators.

- * C. If the referral is from CPS, the MCU Investigator Sergeant will arrange for the assignment of an investigator as outlined in this order.

D. The Investigator will:

1. Respond to the scene or other appropriate location.
2. Contact the Monroe County Child Protective Services to respond to the scene.
3. If not already done, initiate or complete the investigation by completing the appropriate report, filing LDSS 2221-A Form, interviewing the victim, etc.
- * 4. Maintain coordination with personnel at MCU when applicable.

E. Project IMPACT scope and responsibilities:

- * 1. Project IMPACT is a multi-disciplinary team (MDT) of investigators primarily responsible for child abuse, child neglect and/or sexual abuse where the suspect is eighteen years of age or older. In the following cases Project IMPACT will be consulted to determine if a referral for a follow-up investigation is appropriate:

- Assault, any degree (where suspect is the parent)
- Rape, first and second degree
- Rape, third degree, subdivision 2
- Criminal Sexual Act, first or second degree
- Criminal Sexual Act, third degree, subdivision 2
- Sexual Abuse, any degree
- Aggravated Sexual Abuse, any degree
- Endangering the Welfare of a Child (where sex abuse is a factor)
- * Course of Sexual Misconduct against a child (1st and 2nd degree)
- * Predatory Sexual Assault against a Child
- * Sexual Misconduct
- * Sex Trafficking

2. If the responding deputy or supervisor determines this is an IMPACT case, he/she will:

- a. Conduct a preliminary investigation and complete the appropriate report(s) (including LDSS 2221A).

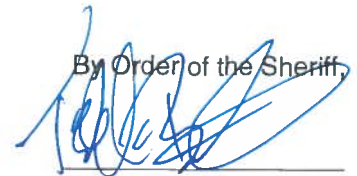
Note: If it is necessary to interview a juvenile victim, personnel properly trained in this area should be utilized.

- b. Refer the follow-up to IMPACT (the victim should not be interviewed).
- c. Contact his/her supervisor to determine if IMPACT needs to be contacted immediately.

3. The patrol supervisor shall:
 - a. Determine the need for immediate call-in or follow-up during normal hours.
 - * b. Contact the MCU Investigator Sergeant if a call-in is needed.
 - c. Review reports and forward follow-up to the IMPACT Investigator.
4. IMPACT Deputy Investigator shall:

Conduct investigations according to departmental policy and procedure, as set forth in PBGO 003 II. B.
- * 5. The IMPACT Investigator is part of an MDT and shall be considered part of the CIS MCU organizational structure.

By Order of the Sheriff,



Todd K. Baxter

* Indicates additions or deletions from previous order.