

Law Enforcement and Child Abuse Allegations

By Robert Hugh Farley MS
Farley International[®]
Consultant to VIRTUS in Crimes against Children

Introduction

As we learn about continued protests in the United States to defund and abolish the police, one may wonder how this could affect the investigation of allegations of child abuse and the mission to protect children. Let us take this time to confirm what our appropriate actions should be in the event that any one of us suspects child abuse.

Background

Across the United States, state laws address the reporting of child abuse to authorities when there is a suspicion that a child has been abused. One does not need to have proof that abuse actually occurred in order to make a report to authorities. Depending on the state, one can make a report to:

- A child abuse hotline staffed by Child Protective Services (CPS)
- A local law enforcement agency
- In some situations, reports are made to both CPS and law enforcement.

Responding to an allegation of suspected child abuse or neglect is a multidisciplinary issue. Because no one organization has all of the necessary resources, research has shown that child abuse investigations are best conducted in a coordinated manner by utilizing a Multi-Disciplinary Team (MDT), or trained child abuse professionals. This approach allows all of the team members to share information and eliminate any duplicative efforts to make the investigation as efficient and effective as possible. The core members of a traditional Multi-Disciplinary Team are:

- Law enforcement
- Child Protective Services (CPS), typically consisting of social workers
- The medical community, such as physicians and Sexual Assault Nurse Examiners (SANE nurses)
- Prosecutors
- A child advocacy center (CAC)
- Mental health professionals

The Investigation

The two disciplines of the MDT that are tasked with the initial investigation of allegations of child abuse are CPS and/or law enforcement.

A CPS investigation is usually limited to addressing allegations made against offenders who are parents, guardians or caretakers of the victim. The goal of the CPS investigation is to assess, in a timely fashion, whether the allegation is “unfounded” or “indicated.” When a report is “unfounded,” it means that the investigator did not find credible evidence that a child was abused or neglected. When a report is “indicated,” it means that the investigator found credible evidence that a child was abused or neglected. In “indicated” cases, the investigator will provide social worker services and take whatever action is needed, if any, to protect the child or children from further harm while ensuring their well-being. CPS investigators are not law enforcement officers and have no arrest powers.

In some situations, CPS and law enforcement will conduct joint child abuse investigations. Some studies have confirmed that law enforcement investigators and CPS investigators each possess unique skills that complement one another when the two disciplines coordinate their investigations. Unfortunately, joint investigations do not always occur.

Typically, law enforcement only becomes involved in the initial investigation of child abuse allegations when a crime has been committed. Not every allegation of child abuse warrants a criminal investigation, such as certain types of child neglect involving a lack of parenting skills. Criminal acts of child abuse include:

- [Serious physical](#) child abuse^{1, 2}
- Child abuse homicide
- Child sexual abuse
- Child sexual exploitation
- Technology facilitated child sexual exploitation
- Child sex trafficking of minors

The role of law enforcement in child abuse cases begins with the initial call, continues through the investigation and culminates with the court proceedings. Law enforcement officers initially investigate and if/when it has been established that a crime has been committed, they will also:

- Protect the victim and facilitate a child-friendly [forensic interview](#)³
- Identify a crime scene
- Locate evidence
- Identify, arrest and interrogate the offender
- File the appropriate criminal charges
- Testify in court, or in some cases multiple courts

¹ <https://www.nctsn.org/what-is-child-trauma/trauma-types/physical-abuse>

² <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/243908.pdf>

³ <https://www.nationalcac.org/forensic-interview-services/>

- Provide support and guidance to the child and family

Issues

Law enforcement is essential for the protection of children and young people. One significant difference between CPS and law enforcement is that CPS typically has 24 hours to respond to an allegation of child abuse, while law enforcement will respond immediately to the allegation with a uniformed officer. Also, CPS has 30 days to complete an investigation, while law enforcement investigations are completed significantly faster. Oftentimes, a law enforcement officer's shift may not end until the investigation is completed. Additionally, in many states, a law enforcement officer can take "protective custody" of a child if abuse is suspected to protect a child from having to return home and be re-abused by the offender.

Some of the municipalities calling for the defunding of the police are discussing the concept of utilizing a social worker or safety officer to deal with crime. This is not a new idea. For years, many law enforcement agencies, across the United States, have actually hired and deployed social workers and/or mental health professionals. But, when social workers and/or mental health professionals are deployed, they are currently accompanied by a law enforcement officer. They cannot replace law enforcement, due to the potential volatile nature of many of the calls and the respective danger for everyone involved.

Reallocating or redirecting funding away from the police department to other government agencies that are funded by a local municipality would do a grave disservice to the welfare of children. With less funding, all of the specialized units within a police department, including child protection or special victim units (SVU), would cease to exist or be reduced dramatically, such as the Cook County Sheriff's Police, Child Exploitation Unit that I supervised for six years in Chicago.

As a law enforcement child abuse detective, budget cuts, fewer resources for the victims of child abuse and less ability to provide meaningful child abuse investigation training opportunities for officers due to the lack of accessible funds is horrifying. There would be dire consequences to the welfare of children without the 24/7 law enforcement capability to physically and quickly respond to child abuse allegations in an immediate fashion.

Recall that child abuse Multi-Disciplinary Teams are already in place in most jurisdictions. It is important to support and improve each discipline within the team, without removing a critical investigation team member. In fact, in my experience, more funding for the child abuse Multi-Disciplinary Teams are needed to better serve minors, not less funding. The defunding and reallocation of resources away from law enforcement will only further reduce the ability of law enforcement administrators to implement the positive changes that are desperately needed and are being addressed

now. Reforming law enforcement with accountability requirements would be a much better solution regarding the protection of children.

Law enforcement has always been involved in the historical struggle between upholding the law and breaking it. There are law enforcement officials who have not upheld their duty to protect and serve, and they must be held accountable. And, there are also law enforcement officials who have honored their commitment to serving the community and have helped the lives of countless children.

Even today, police officers still hold a special place of honor in young minds. Children enjoy pretending to be police officers and firefighters when they play. Other critical programs for children rely on funding, such as school resource officers, police athletic leagues or other community liaison programs that serve to introduce children to law enforcement and also serve to keep lines of communication open—so that children know they have a safe haven and can talk about what is happening when their homes or environments are anything but safe.

Having investigated crimes against children for twenty-eight years on the police department, I believe that a segment of society who will be overjoyed with abolishing the police are the child molesters, online predators and those who delight in seriously hurting or killing children or young people.

Let us take this time to reaffirm our commitment to doing the right thing for every child, regardless of any circumstance—we must keep them safe, and you are a critical part of that effort:

- To report suspected online sexual exploitation, contact the National Center for Missing & Exploited Children (NCMEC) at 1-800-843-5678 or report online at www.cybertipline.org.
- To report suspected child abuse or neglect, contact your local law enforcement or child protective services (CPS) in your state or county. You can find this number by performing a quick google search.
- When concerned about the immediate welfare of a child, or in cases of an emergency, call 911 right away.