



WEST VANCOUVER POLICE DEPARTMENT

Operational Policy

OG2850: Child Abuse Investigation - Protocol

1.0 PURPOSE

- 1.1 The purpose of this policy is to provide guidelines for Members involved in Child Abuse investigations and ensure Members fulfill the police responsibilities as outlined by the Ministry for Child and Family Development in the BC Handbook for Action on Child Abuse and Neglect.

2.0 DEFINITIONS

- 2.1 For the purposes of this policy the following definitions will apply:

"CFCSA" means the Child, Family and Community Service Act, [RSBC 1996], Chapter 46, as amended from time to time.

"Child" means a person who is under 19 years of age and includes a youth.

"Child Abuse" means any Physical or Emotional Abuse, and any Sexual Abuse or sexual exploitation.

"CIS" means the Criminal Investigation Section of the Department.

"Department" means the West Vancouver Police Department.

"Director" means the Director of Child Protection, Ministry for Child and Family Development, and his/her delegates providing Child protection services in BC.

"FOIPPA" means the Freedom of Information and Protection of Privacy Act, [RSBC 1996], Chapter 165, as amended from time to time.

"Member" means a sworn peace officer employed at the Department.

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“Neglect” means the failure on the part of those responsible for the care of the Child to provide for the physical, emotional or medical needs of a Child to an extent that the Child's health, development or safety is endangered.

“Physical Abuse” means any physical force or action which results in, or may potentially result in a non-accidental injury to a Child and which exceeds that which could be considered reasonable discipline.

“PRIME GO” means a General Occurrence Report completed in the PRIME records management system.

“Sexual Abuse” means any sexual touching, sexual intercourse or exploitation of a Child and may include any sexual behaviour directed toward the Child.

“YCJA” means the Youth Criminal Justice Act, [S.C. 2002, c. 1], as amended from time to time.

"Youth" means a person who is 16 years of age or over but is under 19 years of age.

3.0 POLICY

- 3.1 The Department supports and endorses a collaborative approach to Child Abuse prevention and investigation in conjunction with the Ministry for Child and Family Development, Crown Counsel, and Vancouver Coastal Health.
- 3.2 The Department will receive and investigate all reports received of Child Abuse. Members encountering evidence of Child Abuse, or investigating reports of alleged Child Abuse, will act in accordance with the police responsibilities outlined in the [BC Handbook for Action on Child Abuse and Neglect](#).
- 3.3 The following procedures have been agreed upon by the Ministry for Child and Family Development, Vancouver Coastal Health, Crown Counsel and the Department with respect to each agency's responsibility to investigate reports of Child Abuse, and align with the procedures as set out in the BC Handbook for Action on Child Abuse and Neglect. Circumstances may dictate deviations from this protocol; the nature and extent of these deviations will be decided in consultation with the agencies involved.

4.0 PROCEDURES

Reporting

- 4.1 The Inter-Ministry Handbook requires all complaints of Child Physical and Sexual Abuse to be reported to the police and the Ministry for Child and Family

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Development. When a complaint of Child Abuse is reported to either agency, that agency will report to the other in order to set up a co-ordinated response prior to intervention.

- 4.2 In addition, Members should be cognisant of the requirement under Section 15(2) of the CFCSA to report the circumstances of a Child committing a violent act against another person, and Section 27(3) which requires the reporting of the apprehension of a Child.
- 4.3 The North & West Vancouver offices for the Ministry for Child and Family Development, Child Protection – Investigations has an intake director available from 8:30 a.m. to 4:30 p.m. to receive and investigate reports involving a Child residing on the North Shore. From 4:30 p.m. to 8:30 a.m., reports will be received and investigated by Emergency Services.
- 4.4 Directors reporting Child Abuse to the Department are to obtain a PRIME GO number and request that the complaint be sent to CIS as soon as possible. This process does not preclude calling the Members assigned to child assault cases for consultation.
- 4.5 School personnel and Vancouver Coastal Health are required to report all cases of Child Abuse to the Ministry for Child and Family Development, and to the police. It has been agreed that a report to the Ministry will be the equivalent of a report to the police, and meets that obligation.
- 4.6 Vancouver Coastal Health, on behalf of the Community Care Licensing Branch, is responsible for licensing of child care facilities (day cares, pre- schools, and group homes, etc.). If Child Abuse occurs in a licensed facility, Vancouver Coastal Health, in consultation with the Provincial Child Care Licensing Board, must decide if the license is to be withdrawn or suspended.

Responsibility for Investigation

- 4.7 Sexual/Physical Abuse complaints require two types of investigation:
 - a) the Ministry for Child and Family Development is responsible for the Child protection investigation and protecting the Child; and
 - b) the police are responsible for the criminal investigation. In many cases there will not be grounds to pursue a complete police investigation. This in no way limits the Child welfare investigation.
- 4.8 A mutually agreed upon decision will be made on an individual case basis as to which complaints require police investigation. Every effort will be made to accompany Ministry for Child and Family Development staff where a potentially

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dangerous situation occurs. Whenever possible, the same Director or Member should conduct the initial investigation and remain with the case for its duration.

- 4.9 At the conclusion of the investigation, the investigating agencies may, when appropriate, meet for a debriefing session which may include recommendations to other agencies involved in the case.

Interviewing the Child

- 4.10 An interview with the Child should take place at the earliest possible time following disclosure, and the number and duration of interviews conducted with a Child should be kept to a minimum to:

- a) reduce trauma to the Child;
- b) minimize repetition;
- c) facilitate information sharing between the Ministry and the police, and
- d) minimize the opportunity to taint the Child's evidence.

To this end, interviews should be conducted, wherever practicable, jointly with the Ministry for Child and Family Development and the police.

- 4.11 Wherever possible, interviews with children should be videotaped or tape recorded, and should be conducted in some place likely to be considered by the Child as safe and non-threatening. If interviews are to be conducted at the Department, the interviewing room should be as comfortable and non-threatening as possible.
- 4.12 In instances where the disclosure by a Child of abuse or sexual assault is an issue, Members are to elicit the assistance of Vision Quest Counselling and Consulting to interview the Child. Approval to utilize this service is to be obtained from the Sgt i/c CIS.

Agency Liaison

- 4.13 The interviewing of an alleged offender will be conducted by the police investigator; the inclusion of a child protection social worker in this interview is at the discretion of the investigator, but generally is discouraged.
- 4.14 There will be mutual sharing and updating of information/action during the course of both the Ministry for Child and Family Development and police investigations. Where Vancouver Coastal Health is involved, information will also be shared with that agency subject to the provisions of FOIPPA, the CFSCA, and where applicable, the YCJA.

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- 4.15 The sharing of some information may be restricted by legislation, and in those instances, Members should seek the release of this information through judicial authorization, i.e. search warrant or subpoena. Generally, personal information about an individual may be shared with their consent; however consent must be obtained in accordance with the applicable legislation.
- 4.16 The police will notify and consult with the Crown Counsel early on in their investigation when investigating more serious cases.
- 4.17 Where appropriate, the Director may attend discussions between the police and Crown Counsel regarding the laying of charges, bail recommendation, etc., with the understanding that the final decision rests with the responsible agency.

Role of Crown Counsel

- 4.18 Crown Counsel should:
- a) make every attempt to move cases quickly through the court system;
 - b) prepare the Child and non-offending parent for court procedures; and
 - c) keep other agencies advised of progress and changes in the status of the offender, with the assistance of the police.

Media Liaison

- 4.19 The Department will not will initiate a press release on a Child Abuse investigation, without first consulting with all other agencies involved.

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