

EV08 - Family Violence  
 Session 03 - Child Harm and Endangerment  
 LD09 - Crimes Against Children

**Date Revised:** 10/15/2019

**Course Goal:** To teach recruit officers crimes committed against children.

**Learning Objective:**

- Recognize the crime elements required to arrest for: [\[9.1.A\]](#)
  - Child harm, injury, or endangerment [\[9.1.A.1\]](#)
  - Physical abuse of child [\[9.1.A.2\]](#)
  - Lewd or lascivious acts with a child [\[9.1.A.3\]](#)
  - Annoying or molesting children [\[9.1.A.4\]](#)
  - Possession of child pornography [\[9.1.A.5\]](#)
  - Unlawful sexual intercourse [\[9.1.A.6\]](#)
- Recognize the crime classification as a misdemeanor or felony [\[9.1.B\]](#)
- Recall the statutory definition of child abuse [\[9.IV.A\]](#)
- Discuss physical and behavioral indicators of: [\[9.4.B\]](#)
  - Physical child abuse [\[9.IV.B.1\]](#)
  - Physical neglect of a child [\[9.IV.B.2\]](#)
  - Mental Suffering [\[9.IV.B.3\]](#)
  - Sexual child abuse [\[9.IV.B.4\]](#)
- Demonstrate effective officer actions for conducting an interview with a child victim of abuse [\[9.IV.C\]](#)

**Session Time: 2 Hours**

<b>Resources:</b>	
<ul style="list-style-type: none"> <li>• Classroom with tables</li> <li>• Overhead projector</li> <li>• Computer with multimedia software and Microsoft PowerPoint</li> </ul>	
<b>Session Summary:</b> The instructor will lead a facilitated discussion accompanied with learning activities with the whole class.	
Outline	Instructor's Notes
I. Identifying and Classifying Crimes Against Children A. Child harm, injury, or endangerment <a href="#">[9.1.A.1]</a> <ol style="list-style-type: none"> <li>1. any person</li> <li>2. willfully causing or permitting any child to suffer, or</li> <li>3. inflicting unjustifiable physical pain or mental suffering, or</li> <li>4. having the care or custody of any child, and</li> </ol>	<u>TTS 9.1.A - 9.1.B, 9.4.A - 9.4.C (2 hours)</u>  <b>PowerPoint Slides # 1 - 35</b>

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<p>5. willfully causing or permitting that child to be placed in such a situation that his or her person or health is endangered.</p> <p>B. Corporal Punishment or Injury of Child <a href="#">[9.I.A.2]</a></p> <ol style="list-style-type: none"><li>1. any person who,</li><li>2. willfully inflicts upon any child,</li><li>3. any cruel or inhuman, corporal punishment or an injury,</li><li>4. resulting in a traumatic condition.<ol style="list-style-type: none"><li>a. A <b>traumatic condition</b> is defined in <i>Penal Code Section 273.5</i> to be a condition of the body, such as a wound or external or internal injury, whether of a minor or a serious nature, caused by physical force. Several court cases have upheld that this definition does apply to crimes committed under <i>Penal Code Section 273d(a)</i>.</li></ol></li></ol> <p>C. Lewd or Lascivious Acts with a Child <a href="#">[9.I.A.3]</a></p> <ol style="list-style-type: none"><li>1. any person</li><li>2. willfully committing any lewd or lascivious act</li><li>3. upon or with the body of a child, with</li><li>4. the intent of arousing, appealing to, or gratifying one’s sexual desires or those of the child, when the child is under 14 (<i>Penal Code Section 288(a)</i>)</li><li>5. <b>or</b> the child is 14 or 15 and the suspect is 10 or more years older than the victim. (<i>Penal Code Section 288(c)(1)</i>)</li></ol> <p>D. Annoying or Molesting Children <a href="#">[9.I.A.4]</a></p> <ol style="list-style-type: none"><li>1. any person</li><li>2. annoying or molesting</li><li>3. any child under the age of 18</li><li>4. Annoy means to harass, disturb, or irritate, especially by repeated acts</li><li>5. Molest means to make annoying sexual advances</li></ol> <p>E. Possession of Child Pornography <a href="#">[9.I.A.5]</a></p> <ol style="list-style-type: none"><li>1. knowingly possesses, or</li></ol>	
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<ul style="list-style-type: none"><li>2. controls any matter,</li><li>3. showing a child under the age of 18 years,</li><li>4. engaging in or simulating sexual conduct<ul style="list-style-type: none"><li>a. Developed or undeveloped film</li><li>b. Negatives</li><li>c. Photocopies</li><li>d. Filmstrips</li><li>e. Slides</li><li>f. Videotapes or laser discs</li><li>g. Books, magazines, newspapers, or written material photographic in nature</li><li>h. Computer hardware or software including<ul style="list-style-type: none"><li>1) floppy discs,</li><li>2) data storage media,</li><li>3) CD-ROM players,</li><li>4) computer generated images, or</li><li>5) computer imaging equipment</li></ul></li></ul></li></ul> <p>F. Unlawful Sexual Intercourse <a href="#">[9.I.A.6]</a></p> <ul style="list-style-type: none"><li>1. sexual intercourse,</li><li>2. with a minor under the age of 18,</li><li>3. who is not the spouse of the perpetrator</li><li>4. Sexual intercourse is any penile-vaginal penetration, however slight</li><li>5. <b>Spouse</b> is a person's legal husband or wife</li></ul> <p>G. Commercial Sexual Exploitation of Children</p> <ul style="list-style-type: none"><li>1. Any person who causes, induces, or persuades a person who is a minor at the</li><li>2. time of commission of the offense to engage in a commercial sex act, with the</li><li>3. intent to effect or maintain a violation of Penal Code Section 266, 266i, 266j,</li><li>4. 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, or 518</li></ul> <p>II. Child Abuse Investigations</p> <p>A. Statutory Definition of Child Abuse, PC 11165.6</p> <ul style="list-style-type: none"><li>1. Definition <a href="#">[9.IV.A]</a><ul style="list-style-type: none"><li>a. PC 11165.6, a physical injury,</li><li>b. Which is inflicted by other than</li></ul></li></ul>	
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- accidental means,
- c. On a child,
- d. By another person
- 2. Other definitions include
  - a. Sexual abuse of a child,
  - b. Neglect,
  - c. Willful cruelty or unjustifiable punishment of a child,
  - d. Unlawful corporal punishment or injury, or
  - e. Neglect or abuse in out-of-home care
- B. Physical and Behavioral Indicators
  - 1. Categories of Child Abuse
    - a. Physical [\[9.IV.B.1\]](#)
      - 1) Any action which results in a nonaccidental physical injury
      - 2) Intentional, deliberate assaults such as, but not limited to:
        - a) Excessive spanking
        - b) Punching, slapping, or kicking
        - c) Twisting limbs
        - d) Burning
        - e) Biting
        - f) Cutting
        - g) Poking
    - b. Physical neglect [\[9.IV.B.2\]](#)
      - 1) Felony Neglect (PC 273a(a))
        - a) Any person whom, under circumstances or conditions likely to produce great bodily harm or death,
        - b) Willfully causes or permits any child to suffer, or
        - c) Inflicts thereon unjustifiable physical pain or mental suffering, or
        - d) Having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or

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| <ul style="list-style-type: none"><li>e) Willfully causes or permits that child to be placed in a situation where his or her person or health is endangered.</li><li>2) Misdemeanor Neglect (PC 273a(b))<ul style="list-style-type: none"><li>a) Any person who, under circumstances or conditions other than those likely to produce great bodily harm or death,</li><li>b) Willfully causes or permits any child to suffer, or</li><li>c) Inflicts thereon unjustifiable physical pain or mental suffering, or</li><li>d) Having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or</li><li>e) Willfully causes or permits that child to be placed in a situation where his or her person or health may be endangered</li></ul></li><li>c. Mental suffering <a href="#">[9.IV.B.3]</a><ul style="list-style-type: none"><li>1) Deprivation suffered when parent or person legally responsible does not provide emotional experiences necessary for the child to feel loved, wanted, secure, and worthy.</li><li>2) Willfully cause or permit unjustifiable mental suffering</li><li>3) Mental suffering can be based on the responsible adult(s)'s<ul style="list-style-type: none"><li>a) Verbal assaults (e.g., belittling, screaming, threats, blaming, sarcasm)</li><li>b) Unpredictable or inconsistent responses or double messages</li><li>c) Continual negative attitudes</li><li>d) Constant family discord</li></ul></li></ul></li></ul> |  |
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| <ul style="list-style-type: none"><li>e) Domestic violence/domestic dispute situations</li><li>4) Ignore a child's emotional needs because of drug or alcohol use, psychiatric disturbances, personal problems, outside activities, or other preoccupying situations</li><li>d. Sexual child abuse <a href="#">[9.IV.B.4]</a><ul style="list-style-type: none"><li>1) Sexual assault<ul style="list-style-type: none"><li>a) Sexual assault or sexual exploitation of a minor</li><li>b) Covers a broad spectrum of behavior such as:<ul style="list-style-type: none"><li>(1) Rape,</li><li>(2) Rape in concert,</li><li>(3) Incest,</li><li>(4) Sodomy,</li><li>(5) Oral copulation,</li><li>(6) Penetration with a foreign object,</li><li>(7) Child molestation</li></ul></li><li>c) May consist of one incident or many acts over a prolonged period of time</li></ul></li><li>2) Incestuous: Sexual activity between an adult and a minor who are blood-related (incestuous sexual abuse) (e.g., parent, sibling, grandparent, etc.)</li><li>3) Intrafamilial sexual abuse: Sexual activity between an adult and a minor who are not blood-related (intrafamilial sexual abuse) (e.g., uncle by marriage, step-parent, step-sibling, etc.)</li><li>4) Extrafamilial sexual abuse<ul style="list-style-type: none"><li>a) Sexual abuse by someone outside the family</li><li>b) Individual is likely to be known to the child (although abuser</li></ul></li></ul></li></ul> |  |
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<p>may be a stranger in some cases)</p> <p>5) Exploitation / child pornography: Involvement of minors in the production of pornographic material or prostitution</p> <p>2. Indicators of Sexual Abuse</p> <p>a. Behavioral Indicators</p> <p>1) Age-inappropriate understanding of sexual behavior</p> <p>2) Inappropriate, unusual, or aggressive sexual behavior</p> <p>3) Compulsive indiscreet masturbation</p> <p>4) Excessive curiosity about sexual matters or genitalia</p> <p>5) Unusually seductive with classmates, teachers, or other adults</p> <p>6) Frightened of parents, care giver, or of going home</p> <p>7) Younger Children</p> <p>a) Bed wetting, fecal soiling</p> <p>b) Unusual fears or phobias</p> <p>c) Overly compulsive behavior</p> <p>d) Overrating/underrating</p> <p>e) Significant change in academic performance</p> <p>f) Drastic behavior changes in and out of parent's/care giver's presence</p> <p>g) Sleep or speech disorders</p> <p>8) Older children and adolescents</p> <p>a) Withdrawal, clinical depression, apathy</p> <p>b) Chronic fatigue</p> <p>c) Overly compliant behavior</p> <p>d) Poor hygiene or excessive cleanliness</p> <p>e) Poor peer relations and social</p>	
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<ul style="list-style-type: none"><li>skills</li><li>f) Aggressive, antisocial, or delinquent behavior</li><li>g) Frequent absences or dropping out of school</li><li>h) Self-consciousness about one's body</li><li>b. Physical Indicators<ul style="list-style-type: none"><li>1) Torn, stained, bloody underclothing</li><li>2) Scars, injuries, or irritations in vaginal, anal, or external genitalia areas (i.e., pain, itching, swelling, bruising, bleeding, lacerations, etc.)</li><li>3) Pain upon urination or defecation</li><li>4) Difficulty in walking or standing due to genital or anal pain</li><li>5) General discharge or infection</li><li>6) Bite marks on genitalia</li><li>7) Pregnancy</li><li>8) Sexually transmitted diseases</li></ul></li><li>C. Conducting Interview w/ Child Victim<ul style="list-style-type: none"><li>1. Temporary Protective Custody: WIC 305, Officers can take children into protective custody if<ul style="list-style-type: none"><li>a. 300(a) WIC<ul style="list-style-type: none"><li>1) The minor has suffered or</li><li>2) Is at a substantial risk of suffering,</li><li>3) Nonaccidental serious physical harm,</li><li>4) By the minor's parent or guardian</li></ul></li><li>b. 300(b) WIC<ul style="list-style-type: none"><li>1) The minor has suffered or</li><li>2) Is at a substantial risk of suffering,</li><li>3) Serious physical harm or illness,</li><li>4) Due to a parent or guardian's inability to provide appropriate:<ul style="list-style-type: none"><li>a) Supervision,</li><li>b) Protection</li><li>c) Food, clothing, shelter,</li><li>d) Medical treatment, or</li></ul></li></ul></li></ul></li></ul></li></ul>	
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<ul style="list-style-type: none"><li>e) To protect the minor from the conduct of another person.</li><li>c. 300(c) WIC<ul style="list-style-type: none"><li>1) The minor has suffered, or</li><li>2) Is at a substantial risk of suffering,</li><li>3) Serious emotional damage,</li><li>4) Due to the conduct of the parent or guardian, or</li><li>5) Due to the parent or guardian's inability to provide adequate care</li></ul></li><li>d. 300(d) WIC<ul style="list-style-type: none"><li>1) The minor has been sexually abused, or</li><li>2) Is at a substantial risk of being sexually abused,</li><li>3) By a parent, guardian, or other member of the household, or</li><li>4) If the parent or guardian knew or reasonably should have known,</li><li>5) The minor was being sexually abused or at risk of sexual abuse.</li></ul></li><li>e. 300(e) WIC<ul style="list-style-type: none"><li>1) The minor is under the age of five years, and</li><li>2) Has suffered severe physical abuse,</li><li>3) By a parent, or</li><li>4) Person known to the parent, or</li><li>5) The parent reasonably should have known that the child was being physically abused</li></ul></li></ul> <p>2. Victim Interviews <a href="#">[9.IV.C]</a></p> <ul style="list-style-type: none"><li>a. Control the interview conditions/ environment<ul style="list-style-type: none"><li>1) Determine who will conduct the interview.</li><li>2) Plan and prepare the interview carefully.</li><li>3) Be aware of the child's relationship with the suspect.</li><li>4) Interview each victim separately.</li></ul></li></ul>	
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| <ul style="list-style-type: none"><li>5) Select a quiet, comfortable, private setting away from distractions.</li><li>6) Have support persons available, if needed.</li><li>7) Consider use of audio or video recordings</li><li>b. Build rapport<ul style="list-style-type: none"><li>1) Take time to gain child's confidence.</li><li>2) Provide emotional support and comfort.</li><li>3) Establish child's developmental level and capabilities to be interviewed by considering the:<ul style="list-style-type: none"><li>a) Child's age,</li><li>b) Child's ability to evaluate and articulate,</li><li>c) Child's ability to differentiate between the truth and a lie, and right from wrong, and</li><li>d) Impact the interview may have on the child</li></ul></li><li>4) Use appropriate communication techniques<ul style="list-style-type: none"><li>a) Use simple terminology.</li><li>b) Avoid legal jargon.</li><li>c) Use a calm understanding tone of voice.</li><li>d) Sit at eye-level with the child.</li><li>e) Make eye contact, but do not stare at the child.</li><li>f) Avoid wearing sunglasses.</li><li>g) Avoid over reactions or negative reactions to any of the child's statements.</li><li>h) Use the same terms the child uses when referring to genitalia or parts of the body.</li><li>i) Listen patiently and do not rush the child.</li></ul></li></ul></li></ul> |  |
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| <ul style="list-style-type: none"><li>j) Remain neutral; show empathy and concern, but do not take sides.</li><li>k) Be sensitive that the child's attention span is dependent on the child's age and maturity</li><li>5) Gather information<ul style="list-style-type: none"><li>a) Explain why there's an interview and why the questions are being asked.</li><li>b) Explain that the child is not responsible or at fault</li><li>c) Avoid leading questions that may plant ideas in the child's mind.</li><li>d) Limit questions to "who," "what," "where," and "how many."</li><li>e) Avoid asking "why" questions that may imply that the child is at fault</li><li>f) If the child pauses for an extended period of time, encourage the child to continue (e.g., "And then what happened?").</li><li>g) Encourage use of dolls, drawings, and/or other visual props to communicate experiences</li></ul></li><li>6) Conclude the interview<ul style="list-style-type: none"><li>a) Tell the child what will happen next (e.g., forensic medical exam).</li><li>b) Do not make false promises or create unrealistic expectations as to:<ul style="list-style-type: none"><li>(1) Apprehension of the suspect or</li><li>(2) When the officer will get</li></ul></li></ul></li></ul> |  |
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<p style="text-align: center;">back to the victim or victim's parents/care giver</p> <p>7) Although children want the abuse to end, they may not be seeking to have an abuser punished</p> <p>c. Evidence</p> <p>1) Statements from victims, witnesses, reporting party, and/or suspect</p> <p>2) Injuries</p> <p>a) Photographs of injuries</p> <p>b) Past medical records indicating previous abuse</p> <p>c) Biological evidence (e.g., blood, semen, etc.)</p> <p>3) Instruments of the crime</p> <p>a) Instruments used to cause injuries (e.g., belts, panels, etc.)</p> <p>b) Harmless items that may inflict serious wounds (e.g., shoes, twisted towels, kitchen utensils, electrical cords, etc.)</p> <p>4) Documents/ photographs</p> <p>a) Crime scene photographs, videos, sketches, and diagrams</p> <p>b) Documents (e.g., diaries, letters, etc.)</p> <p>c) Pornographic material (print/video)</p> <p>d) Erotica or sexual aids</p> <p>5) Other</p> <p>a) Clothing, bedding, towels, etc., belonging to the victim and suspect</p> <p>b) Living conditions</p> <p>c) Fingerprints</p> <p>d) DNA</p> <p>d. Forensic Medical Exam</p> <p>1) 324.5 WIC allows peace officers to authorize exam against</p>	
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<p>parent/guardian wishes if child is in protective custody related to sexual abuse</p> <ol style="list-style-type: none"><li>2) If it is known or suspected that penetration or an exchange of biological fluids occurred, officers should immediately arrange to have the child transported to a designated medical facility for a forensic medical examination</li></ol> <p>e. Officers must determine if suspect should be arrested at time of preliminary investigation based on</p> <ol style="list-style-type: none"><li>1) Probable cause,</li><li>2) The nature of the offense (e.g., felony, misdemeanor), <a href="#">[9.I.B]</a></li><li>3) Safety of the victim or witnesses,</li><li>4) Potential ramifications of the arrest,</li><li>5) Imminent danger to the community,</li><li>6) Likelihood the suspect will attempt to flee,</li><li>7) The possible destruction of evidence (on the suspect or the suspect's belongings), and/or</li><li>8) Prior instances of abuse</li><li>9) Even after arrest, officers should consider protective custody of victim and siblings in case suspect bails</li></ol>	
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