

Crimes Against Children

Facilitator Guide

Session Overview

Introduction and Learning Objectives	05m
Problem Statement – Child Home Alone (part I)	15m
GROUP EXERCISE – Child Abuse Crimes	30m
Break (before starting presentations)	10m
GROUP EXERCISE – Child Abuse Crimes (cont.)	50m
Discussion – Sex Crime Age Matrix	10m
Break	10m
Problem Statement – Child Home Alone (part II)	10m
Discussion – Trust Your Gut / Protective Custody	15m
Discussion – Resources & Study Materials	10m
Conclusion	05m
Break / End of Session	10m

Total Session Time: 3 hours

Main Topics of Session:

- *Child Abuse & Neglect Crimes*
- *Child Sex Crime Age Matrix*
- *Contacting and Utilizing CPS*
- *Protective Custody of Juveniles*
- *Mandatory Reporters*

Facilitators Needed: 1 (CL)

Location: Classroom

Materials Needed:

- *PowerPoint - Classifying Crimes Against Children*
- *ASSIGNMENT - Child Abuse Questionnaire*

Students Should Already Have:

[THUMB DRIVE]

- *Criminal Law Student Resource Guide*
- *Book (41 pages) – WA Child Interview Guide*
- *HANDOUT – Child Abuse Safety Questions*
- *HANDOUT – King Co Child Death Scene Checklist*
- *C-POD Pocket Guide*



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#1



SAY TO CLASS

This session will provide instruction on the aspects of identifying and classifying crimes against children. You will apply what you learn to various scenarios involving crimes against children.

- Intro

#2

Learning Objectives

- Recognize & apply the age matrix for determining child sex crime offenses
- Recognize signs of abuse and/or neglect
- List who qualifies as a Mandatory Reporter
- Articulate the circumstances under which LE can remove a child from the home

#3

Problem Statement (Part I)

At approximately 2200 hours, two officers are assigned to investigate a report of a possible disturbance at an apartment. Upon arrival, the officers are told by the apartment manager they have heard noises and possible screaming or yelling from one apartment. The officers knock on the door and a youth who appears to be about 9 years old answers. He is disheveled, appears to be afraid, and has a scrape on his face – but says everything is okay. He denies there have been any noises coming from his residence. He says he is home alone, but you think you hear movement inside a rear room.



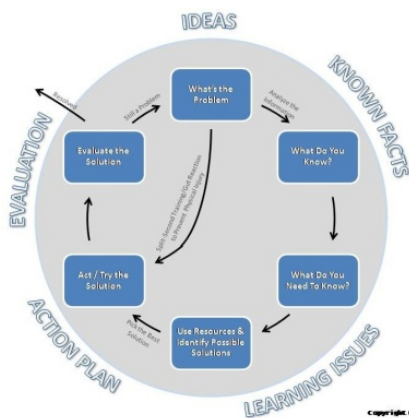
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Problem Statement - Child Home Alone (PART I)

At approximately 2200 hours, you and another officer are assigned to investigate a report of a possible disturbance at an apartment. Upon arrival, you are told by the apartment manager that they have heard noises and possible screaming or yelling from one apartment. You knock on the door of the apartment in question, and a youth who appears to be about nine years old answers. He is disheveled, appears to be afraid, and has a scrape on his face, but says everything is okay. He denies that there have been any noises coming from his residence. He says he is home alone, but you think you hear movement inside a rear room.



QTC: #1 - What's the Problem?

QTC: #2 - What do you Know?
(Who are clients & indirect clients?)

QTC: #3 - What do you need to Know?

QTC: #4 - What are your resources? Possible solutions?

QTC: #5 - What's your plan of action?

QTC: #6 - How will you evaluate your results?



DISCUSSION

QTC: Is there anything in the scenario which suggests that a crime has occurred, or is about to occur?

AR: Reports of noises, screaming and yelling, disheveled, frightened boy with a scrape on his face.

QTC: What crime elements are present in this situation? Are they sufficient to make an arrest?

AR: Too early to say which crime(s) may be happening.

QTC: What criminal offense may have been committed?

AR: Assault, Assault of a Child, Criminal Mistreatment, Abandonment, Interfering with Reporting of DV, or others.



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#4

Presentation Exercise

- In your assigned team, research and prepare a presentation for the class on your assigned topics.
- Create two realistic scenarios for each topic assigned to your group.
 - 30 minutes research/prep
 - 5 minutes to present

#5

Presentation Topics

- Team #1: Physical Abuse**
(Assault of a Child, Reckless Endangerment, Homicide by Abuse)
- Team #2: Sexual Abuse** (Rape of a Child and Child Molestation)
- Team #3: Sexual Abuse** (Sexual Misconduct and Incest)
- Team #4: Sexual Abuse** (Sexual Exploitation of Children)
- Team #5: Neglect**
(Criminal Mistreatment, Endangerment with Controlled Substance, Abandonment)



GROUP EXERCISE - Child Abuse Crimes

Time: 80 min (30 prep (BREAK) / 25 presentation / 25 class discussion)

- Materials:
- RCW Books (*already have*)
 - Criminal Law Student Resource Guide (*already have*)

Instructions: Each team will be assigned particular crime(s) to research and prepare a 5-minute presentation for the rest of the class. You also need to create two realistic scenarios for each topic you are assigned. Your presentation should address:

1. The section that defines the offense
2. The elements of the offense
3. Definitions of the key words of the offense
4. The parties to the offense
5. Type of offense (Felony vs. Misdemeanor)
6. Punishment



BREAK BEFORE STARTING PRESENTATIONS



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#6

Rape of a Child/Child Molestation Age Matrix

Degree	Victim Age	Suspect Age - Rape	Suspect Age - Molestation
1 st	<12	24+months older	36+ months older
2 nd	12 to <14	36+ months older	36+ months older
3 rd	14 to <16	48+ months older	48+ months older

**SAY TO CLASS**

This matrix is a quick way to memorize the ages specified in the 3 Rape of a Child degrees, and the 3 Child Molestation degrees. This matrix is also printed in your Criminal Law Student Resource Guide. Memorize it.

- Age Matrix

**BREAK**

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#7

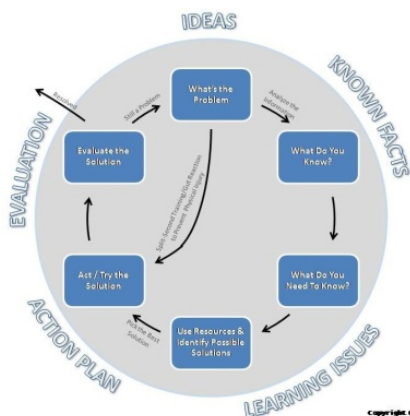
Problem Statement (Part II)

Once the officers force entry into the apartment, they discover that the noises they heard were coming from a 13-month old baby crawling around on the kitchen floor. After preliminary questioning of the young boy, the officers find out that the boy's mother had asked her boyfriend to watch the children for the day while she was at work. The little boy reports that the boyfriend had left abruptly after receiving a visit from one of his buddies at approximately 1100 hours that morning. You also find out that the boyfriend was acting funny and smelled like he had been drinking beer. It was at that time that the little boy told the boyfriend that he was hungry and his stomach was hurting. The boyfriend became angry, started yelling and screaming at the boy, and then pushed him down on the couch. The boyfriend supposedly picked up several of his mother's trinkets on the bookcase and threw them against the wall.



Problem Statement - Child Home Alone (PART II)

Once you force entry into the apartment, you discover that the noises they had heard were coming from a 13-month old baby crawling around on the kitchen floor. After preliminary questioning of the young boy, you find out that the boy's mother had asked her boyfriend to watch the children for the day while she was at work. The little boy reports that the boyfriend had left abruptly after receiving a visit from one of his buddies at approximately 1100 hours that morning. You also find out that the boyfriend had returned at approximately 2000 hours. The little boy said that the boyfriend was acting funny and smelled like he had been drinking beer. It was at that time that the little boy told the boyfriend that he was hungry and his stomach was hurting. The boyfriend became angry, started yelling and screaming at the boy, and then pushed him down on the couch. The boyfriend supposedly picked up several of his mother's trinkets on the bookcase and threw them against the wall.



QTC: #1 - What's the Problem?

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DISCUSSION

QTC: Based on what you learned from the student presentations, which offense(s) do you think would apply to this scenario?

AR: **Abandonment of a Dependant Person 3rd Degree – RCW 9A.42.080** – 2 counts (one for each child)

- Recklessly abandons/leaves a child or dependent person and risks Substantial Bodily Harm or actually causes Bodily Harm – in this case the hunger pains could be considered to be Bodily Harm and that satisfies the elements of the crime. With a bit more investigation we can probably determine that the baby also went without food for the same amount of time, which would cause discomfort and pain.

Assault 4th Degree – RCW 9A.36.041

- The pushing of the 9-year-old child does not fall within the guidelines of lawful use of force on children. RCW 9A.16.100 Use of Force on Children states that use of force on children must follow three rules: 1) Must be reasonable and moderate; AND 2) Must be used by a parent, Teacher, or Guardian; AND 3) Must be for purposes of restraining or correcting the child. The boyfriend's push was not reasonable, and it was not for restraining or correcting the child. So if it was not a lawful use of parental discipline, then it must have been Assault.
- It is not the crime of Assault of Child, because the Assault of Child statutes usually require the element of a pattern of abuse or more severe injuries.

If he broke anything when he threw the trinkets...**Malicious Mischief 3rd Degree – RCW 9A.48.090**

- Knowingly and maliciously causing damage to the property of another, value less than \$250.

QTC: What is your plan of action in this situation?

AR: The boyfriend could be arrested for the crimes listed above.

- But in this situation, another option is to write a case and submit it to the prosecutor “via investigation.” Then the prosecutor can file charges against the boyfriend if the prosecutor agrees with your findings. Because these are not “real strong” violations of Assault and Abandonment, the prosecutor may want you to do some more follow-up investigation, or the prosecutor may feel the case is not strong enough and decide to not file charges at all.
- CPS should also be notified and provided a copy of the case report, no matter whether charges are filed or not.
- In addition, now that you're there, you have just become responsible for the two children's safety. You may end up taking protective custody of them if Mom cannot be reached.



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#8

Trust Your Gut

- What kinds of situations or injuries would make you pause and investigate further?
- When can we / should we call CPS?



DISCUSSION - Trust Your Gut

QTC: What kinds of situations or injuries would make you pause and investigate further?

AR: Babies with Bruises (kids that don't 'cruise' don't bruise)
Kids not talking about how they got injured.

QTC: When can we / should we call CPS?

AR: When in doubt, call CPS. It can't hurt. They have 24-hour hotlines specifically for screening cases. They will take the call and assign a risk level. You can't know if there have been other calls about this child.

Detailed coordination with CPS is essential!

#9

Protective Custody

- Special power to protect children
- Incident report – completed before end of shift!
 - Treat the case like you would an "in-custody" case.



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DISCUSSION - Protective Custody

QTC: Are there any other officials that can remove a child from a home or guardian without a court order?

AR: No - Just law enforcement officers. This is why police are often called to assist a Social Worker from CPS. They are alerting us to a situation where we can use this *special power* to get the child immediately to safety.

QTC: Where do officers get this authority?

AR: *(make them look it up in the RCW / Crim Law Student Resource Guide)*
RCW 13.32A.050

QTC: When we take a child into custody, what are we supposed to do with them?

AR: *(make them look it up in the RCW / Crim Law Student Resource Guide)*
RCW 13.32A.060

QTC: Should we / can we rely on the CPS Social Worker's information or recommendation when we are making our decision to take emergency protective custody of a child?

AR: Absolutely yes! The Social Workers are credible experts in child safety. Their information and experience can help to strengthen your reasoning for why you decided to take the child. In the end, the choice lies solely with the police officer - but use your resources and document what the Social Worker told you that helped you make your decision.

QTC: How many of you know that your department has a policy about in-custody cases and completing the police report before the end of your shift?

AR: Most departments do.

QTC: Why is that policy in place?

AR: Because the judge will review the incident report in the morning and make a decision about the case. If our paper is not turned-in on time, the suspect may be let go.



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RESOURCE MATERIAL -

Instructions: The following valuable resources are available online and/or on the student thumb drive. Encourage the students to utilize them along with the C-POD manuals they were given on Day 1.

- DSHS - MANDATORY REPORTERS -
<http://www.dshs.wa.gov/ca/safety/abuseReq.asp?2>
- HANDOUT - King Co Child Death Scene Checklist [THUMB DRIVE]
- HANDOUT - Child Abuse Safety Questions [THUMB DRIVE]

Also available for reference in the student library: the book "Washington State Child Interview Guide"

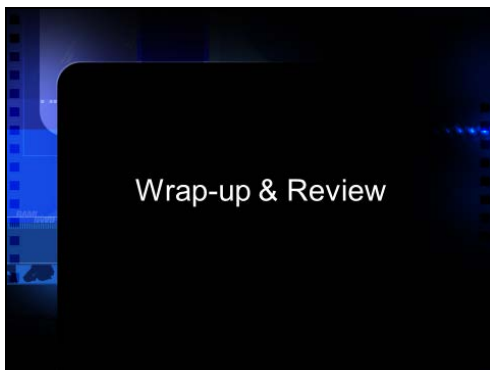


IMPORTANT POINT

Just like in-custody cases, when we take protective custody of a child, other agencies spring into action the next day. Our initial incident report must be completed and submitted before the end of the shift so these other agencies can handle the case properly on their end.

- Treat like an in-custody case

#10



BREAK /END OF SESSION

