

Appendix 3H

Training Memo—Response to Children in Domestic Violence–Related Calls

Children are often at the scene of calls involving domestic assault and related crimes. The law enforcement response has an impact on everyone present, including children. Safety for children and adult victims is paramount. To respond effectively and safely in ways that protect and reassure children, patrol officers and investigators should:

- Assess whether children have been physically harmed.
- Minimize the impact on children who are or were present at the scene.
- Recognize children’s physical and emotional dependence on their parents.
- Support the non-offending parent’s efforts to keep children safe.

Determining whether children are present

Officers should determine and document:

- Whether there are any children present or who were present during the incident
- Children’s names and ages
- Demeanor and spontaneous statements
- Relationship to the adult parties
- Whether the children have been physically harmed

To help determine the presence of children, officers should:

- Be alert for physical evidence that may indicate the presence of children (toys, clothing, etc.).
- Inquire of the parties at the scene about the whereabouts of children, whether they were present, and whether they were or intentionally or unintentionally injured.
- Decide whether to make visual contact with children at the scene who are not visible to officers, considering:
 - Whether there is reason to believe that children are injured or at risk of harm
 - Severity of the incident
 - Whether there are enough officers at the scene to make contact safely
- Decide whether it is appropriate to make visual contact, considering:
 - Whether to ask the victim/parent/guardian to accompany the officer
 - Whether there is a compelling reason to wake children who appear to be sleeping

Safety checks

- Determine whether the child is in need of medical treatment and arrange treatment if necessary, in partnership with the victim/parent/guardian.
- Follow mandated reporting protocols as appropriate.

- Convey to the non-offending parent information about the report and the typical process related to a child welfare/child protective services referral.
- If the children are in immediate danger, follow protocols for removal of children.

Interviewing children

Generally, an officer at the scene or an investigator should talk with each child outside the presence of the parent or guardian to minimize the influence over the child's statements. However, there may be occasions when the presence of the parent will minimize the impact on the child. Consider the child's age, developmental level and emotional state when making this determination.

- Document spontaneous statements made by children as quotes.
- Include the circumstances under which the statement was made and note the child's demeanor (e.g., excited, crying, visibly upset, shaking, withdrawn).
- Decide whether to interview each child in accordance with the protocol, considering:
 - Child's physical, emotional, or psychological ability to give a statement
 - Child's age and ability to understand questions and formulate responses
 - Non-offending parent/guardian's preferences as to whether and how to talk with the child

Tips for interviewing children

- Consider the child's age and developmental level.
- Select a location that is comfortable for the child.
- Sit at the child's level.
- Start by asking simple questions to make the child comfortable.
- Explain why you are there and what action you intend to take.
- Get the child's version of events.
- Avoid indicating the response you are looking for, or the child may simply give it to you.
- Be aware of any indication that the child is afraid of one or both parents or other adults at the scene.
- Be aware of a child's inclination to feel responsible or guilty about what has happened. Reassure the child that what happened is not his or her fault.
- Do not pry information from the child. Be aware that children who are also victims of abuse may have been warned not to talk to outsiders and to distrust all adults.

Subduing or arresting someone in the presence of children

Generally, the officer should avoid arresting or subduing an aggressive party in the presence of children. If this cannot be avoided, the officer should talk with the children about their actions and explain that the children are not responsible for what has happened, the officer is responsible for the decision, and the arrested person will be all right.

Recognizing children's need for continuity of care

In general, the best way of providing safety and security for a child is to assist the non-offending parent to make the child safe.

- Speak reassuringly and calmly to the parent.
- Talk with the parent about what she or he thinks is needed to keep them safe. Offer referrals to community resources.
- If the parent is too seriously injured or emotionally distraught to provide care for children, help the parent identify and find a relative or close friend whom the children know and trust.
- Prior to leaving the scene, explain the outcome of the call to children who are old enough to communicate verbally, using age-appropriate language. Ask the child if he or she has any questions about the incident or police response.