



SUBJECT

Special Victims Unit (SVU)

AMENDS

REFERENCE

Procedural Instruction Arrest Guidelines

www.moga.mo.gov/statutes/statutes.htm

Intranet/Juvenile webpage

Pocket Reference Guide, Form 321 P.D.

RESCINDS

Procedural Instruction: 95-8; 02-1; 03-8

Department Memorandum: 99-2; 05-20; 05-26; 08-2

I. INTRODUCTION

Special Victims Unit is comprised of three sections, the Domestic Violence Section, the Crimes Against Children Section, and the Sex Crimes Section (which includes the Sex Crimes Cold Case Squad). For further information refer to the Violent Crimes Division Duty Manual.

II. ANNEXES

This directive is arranged in annexes for easy reference.

Annex A - Domestic Violence Section

Annex B - Sex Crimes Section

Annex C - Crimes Against Children Section

Annex D - Reference Table for SVU Investigations

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Chief of Police

Adopted by the Board of Police Commissioners this _____ day of _____ 2008.

Terry J. Brady
President

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Post on all bulletin boards for two weeks
Public View Master Index – Internet
Department Master Index – Intranet

DOMESTIC VIOLENCE SECTION

A. Domestic Violence

1. General Information

- a. When probable cause exists, an arrest will be made and the Domestic Violence Section will be notified from the scene. When the Domestic Violence Section is not available, another section within the Special Victims Unit will be contacted.
- b. All cases of domestic violence incidences will be reported.
- c. All General Ordinance Summons (GOS) will be set for the next available court date at 0900 hours in Court Room E. (Based on 0000 hours being the beginning of a new date.)
- d. Members will inform the victim that there are assistance services available from both public and private agencies. Members will provide or arrange transportation to an abuse shelter for those victims fearful for their safety or to a police facility where victims may arrange for their own transportation to other locations, i.e. relatives, friends.
- e. Members will ensure that the victim receives a copy of the Adult Abuse Information, Form 157 En P.D./157 SPAN P.D.

2. Probable Cause/Keeping the Peace

- a. The probable cause standard, as it relates to domestic violence, is no different from probable cause for any other arrest situation. If probable cause can be established and a primary aggressor is determined charges will be sought.
- b. When called to preserve the peace during a domestic dispute involving persons living in the same residence, who are attempting to determine the right of custody of certain property e.g., clothing, appliances, the officer will make no determination of who will take custody of the property or assist in any property removal, but will simply keep the peace. The officer may advise the parties to contact legal counsel to determine the method of resolving property disputes.

3. Release of Prisoner

When the arrestee is able to post bond prior to 0500 hours a copy of the report, the original (top) copy of the GOS along with the pink and buff copies of the subpoena will be transferred to the Domestic Violence Section prior to 0600 hours. If the Domestic Violence Section personnel are not available, the information will be left in the mailbox outside the Domestic Violence Section. The arrest will be advised to appear in Municipal Court as indicated on the GOS, at 0900 hours in Court Room E.

B. Orders of Protection (Ex-Parte/Full Orders of Protection)

1. General Information

- a. Copies of the Order of Protection are furnished to the appropriate county law enforcement agency and petitioner by the issuing court. The Order of Protection will include renewal and expiration dates.
- b. When an officer determines there is probable cause to believe that an Order of Protection has been violated, the officer will effect an arrest.
- c. **The Domestic Violence Section will be notified, from the scene, on any incident involving an Order of Protection.**

2. Service of an Order of Protection

- a. When an officer determines that an Order of Protection has not been served to a respondent the officer will verify existence of the order by contacting the county law enforcement agency where the petitioner resided at the time of issuance. If the Order of Protection was obtained from:
 - (1) The Circuit Court of Jackson County, Missouri at Kansas City, the officer will contact the Warrant Desk of the Kansas City, Missouri Police Department, to verify existence.
 - (2) The Circuit Court of Jackson County, Missouri at Independence, the officer will contact the Independence, Missouri Police Department to verify the existence of the order.
 - (3) Any other court, the officer will contact the issuing county law enforcement agency to verify existence.
- b. The officer will endorse the reverse side of all copies with his/her signature, serial number, date, and time notice was given. The officer will retain the blue "Return for Service" copy on all Orders of Protection that are issued by the Circuit Court of Jackson County, Missouri at Kansas City. When an Order of Protection is obtained from any other court, the petitioner will be responsible for returning the "Return for Service" copy. The officer will advise the petitioner to contact the issuing agency and notify them of the existence of service.
- c. Complete the appropriate report. The officer will include the issuing court's name and court order number in the narrative of his/her report. If any offense has occurred the officer will complete a report and include the service of the Order of Protection in the narrative.
- d. When no other offense has occurred and the officer is unable to verify that an order exists, but the victim claims an order has been obtained, a report will be completed and routed to the Domestic Violence Section for further investigation.

3. Order of Protection Violations
 - a. Contact the county law enforcement agency where the petitioner resided at the time of issuance and verify the existence and service of the Order of Protection.
 - b. If probable cause exists to believe that a violation of an Order of Protection has occurred, arrest the respondent, if applicable.
 - c. If service has been rendered, completed a report. The agency contacted and the person verifying the order should be included in the narrative of the report.
4. Child Custody Provision Within Orders of Protection
 - a. When service has been rendered, the officer will adhere to the orders set forth by the judge, within the Order of Protection.
 - b. If the existence of an Order of Protection or child custody provision cannot be verified, the officer will complete a report and forward a copy to the Domestic Violence Section.
 - c. If verified and probable cause exists to believe that a violation of an Order of Protection has occurred, the officer will arrest the respondent, if present.
5. Ex Parte Orders Obtained After Regular Court Hours

When officers come in contact with a victim that is in need of an Ex Parte Order after regular court hours, or on the weekend, the officer will contact the Domestic Violence Section. The Domestic Violence Section will refer the officer to the proper location for the victim to obtain the Ex Parte Order. If the victim wishes to seek shelter and space is available, the officer will transport the victim to the shelter. If the victim does not wish to go to a shelter but does want to obtain an Ex Parte Order, the officer should transport the victim to and from the proper locations to complete the necessary paperwork. If it appears the completion of the paperwork will take an excessive amount of time, the officer will advise the victim to contact the desk sergeant when they are completed. The desk sergeant will then contact the dispatcher to have an officer respond to provide transportation for the victim.

C. Harassment/Intimidation

1. General Information
 - a. Refer to Annex D of this directive to determine the appropriate investigative element.
 - b. When a probable cause arrest of the suspect is made contact the appropriate investigative element, from the scene, to determine if charges will be filed at that time.

2. Harassment Guidelines

- a. When an officer is notified of telephone harassment, the officer will advise the victim to contact their service provider to initiate a phone trace.

NOTE: The location of occurrence will be wherever the phone calls were received.

- b. Harassment regarding a previously reported crime – If the phone calls or letters are received by a victim/witness in regard to a previously reported crime an officer will be dispatched to the scene and will:

- (1) Determine the nature of the previously reported crime and if the case is still pending a court disposition.

- (2) Notify the appropriate investigative element that handled the original offense.

- (3) Complete a report, supplemental to the original complaint number and forward to the appropriate investigative element.

- c. Harassment NOT related to a previously reported crime – The call-taker receiving the information will determine if an officer is dispatched or if alternative procedures are appropriate e.g., walk-in, phone-in reports.

- d. Recover any evidence pertinent to the offense.

SEX CRIMES SECTION

- A. Sexual Assault Treatment Centers
1. Emergency medical services will make the determination of the appropriate hospital when dealing with a rape victim who has serious physical injury.
 2. To properly investigate some sex offenses, the victim must be examined by a Sexual Assault Nurse Examiner (S.A.N.E.) as soon as the offense is reported. A S.A.N.E nurse is specially trained in the recognition and collection of evidence. They deal with sexual assault victims and are preferred by those involved in the investigation and prosecution of the offense. Call the appropriate investigation section for the current hospitals participating in the S.A.N.E. program.
 3. Adult victims (17 years of age and older) should be advised of the hospitals participating in the S.A.N.E. program. The victim should be afforded the opportunity to pick from these hospitals, or transport the victim to a hospital of their choosing.
 4. If the victim is given the information on the S.A.N.E. hospitals and is unable to decide, they will be transported to the S.A.N.E. hospital that is geographically closest.
 5. Child victims (under the age of 17) will be treated at Children's Mercy Hospital. Officers will advise follow-up interviews are required.
 6. Law enforcement personnel will not be required to stand-by with the victim until the sexual assault kit is completed, unless there is reason to fear for the victim's safety or specifically requested by the investigative personnel. The Crime Scene Investigations Section will collect the sexual assault kit from the hospital.
- B. If there are any questions, the officer should contact the Sex Crimes Section or the Crimes Against Children Section for assistance.

CRIMES AGAINST CHILDREN SECTION

A. Child Custody Violations

1. The welfare of a child is of primary importance in incidents of child custody violations.
2. This section addresses alleged child custody violations, **excluding** those involving Orders of Protection (see Annex A of this directive if an Order of Protection exists.)
3. **Contact the Crimes Against Children Section on all alleged child custody violations for specific instructions.**
4. Probable cause arrests will not be made for Child Custody Violations unless a Crimes Against Children Section detective determines exigent circumstances exist that do not allow adequate time to obtain a warrant.
5. The report will be completed if the child was taken from a location within the city limits of Kansas City, Missouri.
6. If an officer determines that a valid court order exists and the parent has violated that court order, the officer will complete a report. Copies of any court order/documents should be scanned and indexed into the imaging system under the original case report number.

B. Child Abuse, Endangerment, and Abandonment

1. General Information

- a. Officers responding to the initial call for service are required by law to report actual or suspected cases of physical abuse, sexual abuse, endangerment, or abandonment to the Child Abuse Hotline as soon as possible. Officers should include in the report the name of the person contacted at the Child Abuse Hotline and the operator's number.
- b. Alleged suspects, 17 years of age or older, in child abuse, endangerment, or abandonment cases will be processed in accordance with the current written directive entitled, "Arrest Guidelines." Persons 16 years of age and under will be processed in accordance with procedures outlined in Section C of this Annex.
- c. **Officers must contact the Crimes Against Children Section prior to taking a child into temporary protective custody.** Child abuse laws in Missouri give officers the authority to take a child into temporary protective custody when reasonable suspicion exists to believe the child is in imminent danger. Consent by the child's parents/guardians or those legally responsible for the care of the child is not required.

2. Child Abuse, Endangerment, Abandonment, or Sexual Abuse

Officers encountering a situation in which they have reasonable suspicion to believe child abuse, endangerment, abandonment, or sexual abuse has occurred will contact the Crimes Against Children Section for specific instructions.

3. Protective Custody

Officers may be dispatched to meet Children's Division (CD) caseworkers and may be requested to take abused or endangered children into protective custody. Upon authorization from the Family Court, CD caseworkers can take children into protective custody.

4. Emergency Protective Custody

a. An officer that has cause to take a child into emergency protective custody will contact the Crimes Against Children Section and provide the circumstances.

b. If Crimes Against Children Section personnel indicate that emergency protective custody is justified, the officer will immediately contact the Child Abuse Hotline. The officer will inform the operator that he/she have an "Emergency Protective Custody Situation" and he/she needs an "Immediate Response."

c. Upon the CD caseworkers' arrival at the scene, the officer will fill out the State of Missouri CS-33 Form provided by the worker. This form authorizes the worker to take the child from the officer and place the child in a safe house.

d. Upon clearing the scene, the officer will immediately hand carry the green copy of the CS-33 to the Crimes Against Children Section. The officer will then ensure the applicable offense report or miscellaneous juvenile report is completed prior to leaving the Crimes Against Children Section. The report will detail the circumstances behind the emergency protective custody.

5. "Safe Place for Newborns Act of 2002"

a. The purpose of this act is to "protect newborn children from injury and death caused by abandonment" and exempts the relinquishing parent from prosecution. The statute allows a parent to safely relinquish their newborn child that is no less than five days old but no more than one year old.

b. Officers will notify the Crimes Against Children Section for specific instructions when:

(1) An officer encounters a situation where an individual claims to be the parent of a child, who wants to relinquish custody of a child that the officer reasonably believes to be no more than one year old.

- (2) The officer is dispatched to meet fire department personnel regarding an abandoned newborn.
- (3) The officer is dispatched to a hospital where a newborn child has been left in the care of hospital staff.

C. Apprehension/Questioning of Juveniles

1. Probable cause must exist before juvenile suspects are apprehended. The apprehending officer will:
 - a. Notify the Crimes Against Children Section, by phone, of the reason for the apprehension and to receive specific instructions.
 - b. Not interrogate the juvenile. Volunteered utterances or admissions, given by a juvenile following apprehension are admissible providing they are **unsolicited**.
 - c. **Notify the parent/guardian of the apprehension** as soon as possible. The date and time of notification, or attempted notification, will be recorded in the report(s).
2. If the juvenile lives in an area other than where he/she was apprehended and his/her residence has no phone, the apprehending officer will make arrangements for a patrol officer to make the notification either at the residence or place of employment of the parent/guardian. Notification results will be documented in the report. The Crimes Against Children Section will continue notification efforts if notification by the apprehending officer is not successful.
3. Juvenile victims/witnesses of crimes **may be questioned in connection with offenses for which they are not a suspect**. Information concerning the questioning will be included in the report.

D. Certified Juvenile

1. Once certified, the juvenile will be handled and incarcerated as an adult for any future felony or misdemeanor arrests.
2. When an officer initiates a computer check, the dispatcher will notify the officer if the juvenile is a "**CERTIFIED JUVENILE.**"

E. Transporting a Juvenile

1. Children less than four years of age, regardless of weight, will be secured in a child passenger restraint system appropriate for that child.
2. Children weighing less than forty pounds, regardless of age, will be secured in a child passenger restraint system appropriate for that child.
3. Children at least four years of age but less than eight years of age, who also weigh at least forty pounds but less than eighty pounds, and who are also less than four feet nine inches in height, will be secured in a child passenger restraint system or booster seat appropriate for that child.

4. Children at least eighty pounds or children more than four feet, nine inches in height will be secured by a vehicle safety belt or booster seat appropriate for that child.

F. Release of Juvenile Records

1. General Information

- a. Records involving a juvenile suspect or victim, for an offense occurring in Jackson County, may be obtained from any patrol division station or the Records Unit. This information may be provided to:
 - (1) Any person involved in an incident for the purpose of an investigation of any civil claim or defense.
 - (2) Any attorney for a person involved in an incident for purposes of investigation of any civil claim or defense.
 - (3) Any insurer of a person involved in any incident for purposes of investigation of any civil claim or defense.
- b. Except as outlined above, law enforcement records of juveniles will not be open to the general public for inspection, nor will the contents of the records be disclosed. This includes all reports taken in Clay, Cass, or Platte Counties.
- c. Records of abused/neglected juvenile victims will be kept confidential and will not be released except by order of the court.

2. Information Released to School Districts

The department may provide police reports to school districts concerning criminal or delinquent acts alleged to have been committed by a juvenile on the property of the school district or upon a bus being operated for the purpose of transporting students to or from the school.

G. Truancy

Juveniles between the ages of seven years old and fifteen years old must regularly attend a day school not less than the entire term of the school. Officers are authorized to apprehend a juvenile who is found to be truant from school. However, officers should first return the subject to school since that is the intent and purpose of the law. The following procedures will be followed when taking a juvenile into custody for truancy:

1. No school will deny admittance to a student who meets age and residency requirements for admittance to school unless appropriate procedures for suspension or expulsion have been complied with and determination of guilt is made.
2. The officer will verify the student is, in fact, truant and not suspended or absent from school with parental consent. Students who have a legitimate reason for being absent from school will be released.

3. For evidentiary purposes, verification of truancy will include how truancy status was determined, who was contacted at the student's school, the number of days truant and, if possible, a reproduction of the student's absentee record. The principal, vice principal, or designee will be the complainant in these cases.
4. When the student is accepted by the appropriate school authorities or by their parent/guardian, the officer will complete the appropriate report.
5. When the appropriate school authorities refuse to accept the student back in school, the officer will contact the Crimes Against Children Section for further instructions.

H. Status Offenders

1. Status Offender is defined as "those juveniles whose conduct would not be a crime if committed by an adult" e.g., curfew violation, runaway, beyond parental control. **Status Offenders will not be transported to the Crimes Against Children Section or any detention facility.**
2. When an officer comes into contact with a reported status offender, the officer will determine if the juvenile's present behavior is injurious to the juvenile or others. If the officer determines that injurious behavior is being displayed, officers will transport the juvenile to the appropriate facility. The parent/guardian must respond to the facility to sign them in.
3. In the absence of any **documented offense** or **injurious behavior** being displayed by the juvenile, officers will not transport the juvenile. Officers will inform parents/guardians of their responsibility to seek assistance from the family/juvenile court. Contact can be made with the Crimes Against Children Section to discuss the particular problem for referral information.

I. Traffic Violators

1. Juveniles Age Fifteen and One-Half Years or Older

When a juvenile who is at least 15 ½ years old is alleged to have violated a municipal traffic ordinance or a non-felony state traffic regulation will be treated in court as an adult traffic violator. (See written directives entitled "Arrest Guidelines" and "Intoxicated Driving Arrests.")

- a. Traffic tickets issued to juveniles will be set on the officer's regular court date.
- b. Juveniles will be released on a signature bond.
 - (1) Juveniles are not to be detained in a jail or other adult detention facility, where they will have any contact with adult prisoners. This provision includes total "sight and sound" separation.
 - (2) At no time will the juvenile traffic violator be held in excess of six hours.

2. Juveniles Under Age Fifteen and One-Half Years Old
 - a. Each Uniform Traffic Ticket (UTT) issued to a juvenile will have the word "JUVENILE" printed in large block letters across the lower left quadrant of the ticket. The officer will print the county, in which the UTT was issued, next to the word "JUVENILE". Do not place the juvenile's fingerprint on the back of the police record copy (buff) of the UTT. **Do not** enter a court date on the UTT.
 - b. Any vehicle operated by a juvenile who is charged with a traffic violation will be towed unless the vehicle can be released to its legal owner.

NOTE: Alternatives to towing a vehicle, as stated in the current written directive entitled, "Towing and Protective Custody of Towed and Abandoned Vehicles," are not applicable.
 - c. When apprehended, juveniles may be released at the scene to a parent/guardian.
3. Juveniles with outstanding traffic warrants, which require the posting of bond, will not be transported to any juvenile detention center. Contact the Crimes Against Children Section for proper handling.
4. For procedures regarding juveniles driving under the influence, see the current written directive entitled, "Intoxicated Driving Arrests."

J. Capias Warrants

1. Legal limitations and restrictions on apprehensions of juvenile capias warrant subjects are comparable to adult arrest warrants. Refer to the written directive entitled, "Detaining and Questioning Persons; Arrest; Search and Seizure."
2. The apprehending officer will document the apprehension on the Daily Activity Report.
3. Juveniles apprehended on the authority of a capias warrant will be transported as follows:
 - a. Jackson County - Jackson County Family Court (JJC). Notify JJC before transporting.
 - b. Clay and Platte County - Contact Crimes Against Children Section prior to transporting.
 - c. Cass County - South Patrol Division. The apprehending officer will immediately contact the Cass County Juvenile Justice Center to determine the location of the original capias warrant and obtain instructions for the completion of the return portion of the warrant. The apprehending officer will also be advised of the appropriate detention facility where the juvenile will be taken.

K. Missouri Division of Youth Services

1. When an officer receives a request from the Missouri Division of Youth Services for the apprehension of a juvenile, the officer has the authority and responsibility to take the juvenile into custody.
 - a. Juveniles detained in Jackson County for the Division of Youth Services will be administratively processed through the Crimes Against Children Section.
 - b. Juveniles detained in Clay and Platte Counties will be transported to North Patrol Division or Shoal Creek Patrol Division, where the Crimes Against Children Section will be contacted by phone.
 - c. Juveniles detained in Cass County will be transported to South Patrol Division where the Crimes Against Children Section will be contacted by phone.
2. All members will cooperate with Missouri Division of Youth Services personnel in apprehending and detaining juveniles under their care and guidance. Information concerning detainment of a juvenile for the Division of Youth Services will be included in the report.

NOTE: Missouri Division of Youth Services is synonymous with the Missouri Department of Correction on the adult side.

L. Missing/Runaway Juveniles

1. Missing/Runaway juvenile record keeping is performed by the Crimes Against Children Section. A missing/runaway juvenile is a status offense, not a criminal offense. Citizens will be advised that missing/runaway juveniles located by law enforcement **will not** be transported to a juvenile detention facility, instead, will be returned to the parent/guardian's custody. The Crimes Against Children Section does not investigate missing/runaway juveniles unless exigent circumstances exist that support an abduction or kidnapping or the child may be in danger of serious physical harm or death.
2. All calls from parents/guardians who advise their child is missing or has run away will be transferred to the Crimes Against Children Section. Missing/Runaway Juvenile reports will only be taken by Crimes Against Children personnel. (Missing/runaway reports will not be taken if the parent/guardian knows the location of their child.)
3. Upon notification of the missing/runaway report, Data Entry personnel will immediately enter the missing/runaway pick-up in the A.L.E.R.T. system based on the information in the report.

4. When officers come in contact with a missing/runaway juvenile they will contact the Crimes Against Children Section immediately and document the information on their Daily Activity Log. Crimes Against Children Section personnel will complete the Recovered Missing/Runaway Juvenile Report. A missing/runaway juvenile **will not** be transported to the Crimes Against Children Section or any county's juvenile detention facility. Transportation to a juvenile detention facility will only be made if felony criminal charges exist against the missing/runaway juvenile or if directed by Crimes Against Children personnel.
5. If a parent/guardian or responsible adult cannot be located, officers will contact the Crimes Against Children Section from the scene.
6. All calls from parents/guardians who advise their child has returned home will be transferred to the Crimes Against Children Section for disposition.

REFERENCE TABLE FOR SVU INVESTIGATIONS

	Victim is 17 yoa or over	Victim is under 17 yoa
Rape	Sex Crimes Section	Crimes Against Children Section
Sodomy	Sex Crimes Section	Crimes Against Children Section
Sexual Misconduct	Sex Crimes Section	Crimes Against Children Section
Sexual Abuse	Sex Crimes Section	Crimes Against Children Section
Sexual Assault	Sex Crimes Section	Crimes Against Children Section
Felonious Restraint	Sex Crimes Section Unless DV related	Crimes Against Children Section
False Imprisonment	Sex Crimes Section	Crimes Against Children Section
Kidnapping	Sex Crimes Section Unless DV related	Crimes Against Children Section
Abduction	Sex Crimes Section unless DV related	Crimes Against Children Section
Stalking	Sex Crimes Section unless DV related	Crimes Against Children Section
Miscellaneous Investigation involving a possible sex offense	Sex Crimes Section	Crimes Against Children Section
Child Molestation	Not Applicable	Crimes Against Children Section
Child Abuse	Not Applicable	Crimes Against Children Section
Endangering the Welfare	Not Applicable	Crimes Against Children Section
Parental Kidnapping	Not Applicable	Crimes Against Children Section
Child Custody Violations	Crimes Against Children Section	Crimes Against Children Section
Assault	Assault Squad unless DV related	Assault Squad
Violations of Ex Parte Orders and Full Orders Of Protection	Domestic Violence Section	Not Applicable
All DV related crimes except for sex offenses, and Property Crimes	Domestic Violence Section	Crimes Against Children Section or appropriate Investigative Element
Harassment/Intimidation	Domestic Violence Section unless sexual in nature, then handled by Sex Crimes Section	Domestic Violence Section unless sexual in nature, then handled by Sex Crimes Section
Aggravated Assault	Assault Squad unless DV related	Assault Squad
Elder Abuse	Domestic Violence Section	Not Applicable