

LAW ENFORCEMENT
Reporting Procedures for Child Abuse Cases

1. GENERAL

1.1 Purpose. This section provides guidance, defines the roles and responsibilities of the Bureau of Indian Affairs (BIA) employees, and establishes procedures for reporting actual or suspected incidents of child abuse and neglect for protecting and assisting actual alleged victims of abuse, and for cooperating with the Child Protection Teams, BIA and other federal Law Enforcement agencies, the Department of Justice, and other governmental agencies in carrying out their child protection responsibilities. Additionally, this manual provides the procedures to be followed by program, line, and staff officials upon receipt of a report of child abuse and neglect.

1.2 Applicability and Scope.

- A. The provisions of this manual apply to all individuals employed by the BIA.
- B. Child protection encompasses the identification, reporting, treatment and prevention of child abuse (including neglect, physical injury, sexual maltreatment, emotional maltreatment or combination). Since the response to the problem of child abuse requires a multi-disciplinary approach, there is a need for response from many professionals at many levels. BIA employees can assist in the protection of children by immediately reporting suspected cases of child abuse to the appropriate Law Enforcement agency. Responses from line officials can assist in the child protection effort by cooperating with the appropriate Law Enforcement agency and by initiating appropriate disciplinary or administrative action where warranted.

1.3 Policy.

- A. BIA employees shall:
 - (1) Not abuse any child.
 - (2) Participate in the identification of child abuse and neglect, and in the protection of Indian children.
 - (3) Immediately report all known or suspected child abuse incidents to the appropriate Law Enforcement agency.
 - (4) Cooperate with the appropriate investigating agency.
 - (5) Work cooperatively with Child Protection Team personnel or Child Protection Services personnel to support the abused or neglected child and expedite services provided by Bureau of Indian Affairs/Indian Health Services (BIA/IHS).

- B. Failure to report cases of known or suspected child abuse incidents or failure of line officials to comply with these instructions could result in criminal liability, personal liability, and/or personnel actions including termination of employment.
- C. Statistical information collected on child abuse and neglect shall be used by program managers to:
 - 1. Analyze the scope of abuse, types of maltreatment, and information about victims and offenders.
 - 2. Provide replies to congressional and other governmental inquiries.
 - 3. Develop changes in policy concerning child abuse.
 - 4. Justify funding requests for child abuse prevention and child protection program.
 - 5. Analyze appropriate use of funding.

1.4 Responsibilities.

- A. The Deputy to the Assistant Secretary – Indian Affairs (Operations) shall:
 - (1) Provide leadership and encouragement to BIA employees at all levels regarding the child protection program.
 - (2) Review the information collected, analyzed, and reported by the BIA units on child abuse.
 - (3) Provide advice to the BIA officials and other officers-in-charge on the implementation of this section.
 - (4) Ensure that compliance with this section is timely and thorough.
- B. The Deputy to the Assistant Secretary – Indian Affairs (Trust & Economic Development), Deputy to the Assistant Secretary/Director – Indian Affairs (Indian Education Programs), Deputy to the Assistant Secretary – Indian Affairs (Tribal Services), and the Area Directors shall:
 - (1) Provide leadership and encouragement for a coordinated and comprehensive child protection program within their areas of responsibility.
 - (2) Ensure that Child Protection Teams are functional and that line officials establish liaison with the local Child Protection Teams.
 - (3) Designate a member of their staff to represent their office regarding child protection issues.
 - (4) Jointly coordinate the education and training provided to all employees concerning child

protection policy and effective measures to alleviate problems associated with child abuse.

- (5) Ensure that the reporting activities are conducted quickly and thoroughly.

1.5 Reporting Procedures for Known, Alleged, or Suspected Incidents.

A. Employees. A BIA employee who has reason to believe that a child is being abused or has been abused shall immediately report that information to the local Law Enforcement office. The obligation to make such reports is an official responsibility of each employee. The possible penalties for not following these instructions are enumerated in paragraph 1.3B above.

B. Specific Law Enforcement Procedures.

(1) Reporting

- a. Immediately after receipt of an allegation of child abuse or neglect incident, Law Enforcement officials must notify the local BIA Social Services Office.
- b. Within 24 hours of receipt of an alleged child abuse or neglect incident, the Law Enforcement Officials shall notify the following:
 - i. Local Child Protection Team
 - ii. Area Personnel Officer, if a BIA employee is involved. Area Personnel Officer shall immediately notify Chief, Division of Personnel Management, MS 320-SIB, 1951 Constitution Avenue, NW, Washington, DC 20245.
 - iii. Alleged perpetrator's supervisor. This applies only when the perpetrator's position has routing contact or control over children. (Unless the Law Enforcement Official reasonable cause to believe that notification to the supervisor shall cause destruction of evidence or otherwise impair the investigation, the Official shall notify the alleged perpetrator's supervisor of the reported incident. A supervisor advised of an alleged incident shall be instructed to keep all such reports strictly confidential and to release such information only after

consulting with the Area Personnel Officer). See 33 BIAM Supplement.

- c. Follow the procedures detailed in 68 BIAM Supplement 1, Section 4, Service to Juveniles and 68 BIAM Supplement 1, Section 11, Central Registry.

2. Investigating.

- (a) Preliminary investigations by Law Enforcement must be immediately initiated and completed within 72 hours. Preliminary investigations are intended to determine whether the victim is in a life threatening situation, whether action must be taken to safeguard evidence, whether child abuse or neglect victims must be removed from the environment, and what interim personnel actions should be initiated against the alleged perpetrator. The preliminary investigation is not intended to be a complete investigation. If there is a possibility of destruction of physical evidence, all necessary actions must be taken to safeguard that evidence. In cases of sexual or physical assault which has recently occurred, the child must receive an immediate medical examination. The Law Enforcement Officials shall ensure a medical examination is completed
- (b) The local Law Enforcement Office shall track all investigations to ensure cases are properly pursued.
- (c) Biweekly, the local Law Enforcement Office shall report to officials identified in section 1.5B(1)(b) on the progress of investigations until the case is closed.

3. Case Closure.

- (a) The local Law Enforcement Office shall transmit a detailed report on whether the allegations are satisfactorily resolved to the officials identified in Section 12.5B within 72 hours after a case is closed.

4. Reporting to Schools. The BIA operated local Law Enforcement Office shall routinely, at least once a month, notify the local school principal on all reports and incidents of child abuse and neglect affecting children in that local school.

C. Specific School Personnel Procedures.

- (1) School personnel shall support abused or neglected school children by initiating and monitoring protective services to reduce the risk of further abuse and trauma to the school children.
- (2) The school principal shall assure that protection of children is the school's top priority

through reporting suspected child abuse and neglect, and by networking with local service providers to assure appropriate victim's assistance.

- (3) Principals shall submit to the line officer a monthly status report of all know reported cases which shall include the victim's name, age, grade, school, type of abuse, name of alleged perpetrator, status of investigation and follow-up activities. All such information shall be appropriately safeguarded pursuant to the Privacy Act.
- (4) The line officer shall submit a monthly combined report to the Central Office of Indian Education Programs (OIEP), Child Protection Coordinator.
- (5) The OIEP Child Protection Coordinator shall cross reference the monthly reports with the Central Registry.

D. Child Protection Team.

- (1) Pursuant to 66 BIAM 10.25, the Child Protection Team (CPT), whether state, tribal, BIA or IHS, assumes responsibility for coordination of services for the child.
- (2) In cases where the Child Protection Team has declined such responsibility, Child Protection Services shall assume the responsibility for coordination of services.

E. Supervisors.

- (1) A supervisor who receives a report of known or suspected child abuse from any source on one of his/her subordinates shall obtain as much information as possible regarding the incident (e.g., name, age, sex of victim, alleged perpetrator's name, place of employment, supervisor's name, type of abuse, etc.). The supervisor shall advise the individual making the report to file a formal complaint with the local Law Enforcement Office immediately. Within 24 hours after receipt of such a report, the supervisor must contact the local Law Enforcement Officials and inquire whether the complainant has filed a report and also provide

the Law Enforcement Official the information he/she obtained from the complainant.

- (2) The supervisor shall fully cooperate with the Law Enforcement, Personnel, Child Protection Team, and other designated officials to ensure that the case is processed according to this section
- (3) Pursuant to 33 BIAM Supplement 4, the supervisor must take appropriate adverse action against the employee if he/she has documented evidence to support allegations against a federal employee regardless of whether criminal action is brought.
- (4) The supervisor shall treat all allegations with the utmost confidentiality, sharing information only with other authorized officials requiring such information, while protecting information under the Privacy Act.

- 1.6 Modifications to These Instructions. In areas where Law Enforcement and/or Child Protection Services functions are contracted by the tribe or are the responsibility of the state, the Area Director or Office-in-Charge shall make the necessary modifications to this reporting procedures by issuing an Area Addendum to the Manual. That modification shall be transmitted to the Deputy to the Assistant Secretary – Indian Affairs (Operations) for information.