



# POLICY & PROCEDURE

## ELKHART LAKE POLICE DEPARTMENT

SUBJECT: **REPORTING OF CHILD ABUSE**

SCOPE: All Department Personnel  
DISTRIBUTION: Policy & Procedure Manual

REFERENCE: WI State Statutes: 48.02(1) (b) to (f),  
48.981

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INDEX AS: Child Abuse/Neglect

**PURPOSE:** The purpose of this Policy & Procedure is to provide procedures for Elkhart Lake Police Department personnel who encounter suspected cases of child abuse and/or neglect. The young of our society are its future and as they may be defenseless in the face of danger, members of the Department shall follow the policy and procedures established below when dealing with child abuse and/or neglect.

This Policy & Procedure consists of the following numbered sections:

- I. POLICY
- II. PROCEDURE

### I. POLICY

- A. The Village of Elkhart Lake Police Department, along with the Sheboygan County Human Services, has shared responsibility in the investigation of abuse and neglect, and because all abuse and neglect investigations are reported to Human Services, every attempt to coordinate the investigations will be made. Mandatory arrest procedures are utilized when required by the facts of the situation.
- B. The Sheboygan County Department of Human Services is expected to refer cases under the following circumstances to the Department where the nature of abuse or neglect reported indicate that criminal charges may be considered:
  1. All sexual abuse cases (including sexual contact, exploitation and prostitution).

2. All cases with evidence of severe physical abuse (broken bones, burns, internal injuries, severe bruising, etc.)
  3. Neglect cases in which allegations are serious enough to warrant consideration of emergency custody.
- C. The Sheboygan County Department of Human Services may request the assistance of the Department in cases where there is:
1. A safety concern because:
    - a) Knowledge of the family indicates an investigating worker may be at risk (the family is unpredictable or has threatened violence).
    - b) The investigation will be conducted after 9:00 p.m.
    - c) The interview will take place in a high crime area.
    - d) There is reason to believe there is violence in progress.
    - e) There is reason to believe there may be retaliation against the child after the interview.
  2. Difficulty in gaining access to family members because:
    - a) The worker has been denied access to the child or entry to the home.
    - b) There is reason to believe the caretaker or perpetrator may flee.
    - c) The family's lack of cooperation has made it impossible to conduct a meaningful investigation.
  3. A need to utilize the skills and/or authority of law enforcement because:
    - a) Protective custody of a child may be necessary.
    - b) There is a need to enforce a court order.
    - c) Assistance in gathering or preserving evidence is needed

## II. PROCEDURE (WILEAG CORE 25-6.6.7.1)

- A. Officers are deemed a mandatory reporter of actual or suspected child abuse or neglect, as required by WI §48.981(2)(a)29.
- B. Complaints may be received from numerous sources, including relatives, nurses, physicians, teachers, neighbors, the child involved, or they could be initiated by the police officers themselves. Complaints should be recorded with all information available from the complainant.
- C. Validation of Complaints

1. Complaints of child abuse are investigated as soon as possible, not only to protect the child, but for the purpose of obtaining evidence. All cases may be referred to the Sheboygan County Department of Human Services 24 hours a day, including weekends and holidays by contacting Sheboygan County Dispatch. The dispatcher can then reach the on-call worker by. Reports received after 5:00 p.m. which require an immediate response will be assigned to an officer on duty.
2. If physical abuse is apparent, the investigating officer will request the assistance of a Human Services worker and a photographer in order to procure pictures or video of the child's injuries. The Officer shall determine if medical treatment is needed.
3. If neglect is apparent, the investigating officer will request assistance, if needed, of a Human Services worker or a photographer to take photographs or video of the living conditions.
4. In all joint investigations, the Department will be responsible for photographing or videotaping.
5. Photographs/video will be retained in the Department's records for submission to the District Attorney's Office for possible charging and prosecution.
6. The Sheboygan County Department of Human Services will have access to the photographs/video, upon request.
7. The same procedure should be used in taking statements from witnesses, suspects, and victims as in any criminal investigation.

#### D. Investigation of Child Abuse Complaints.

1. Within 12 hours of receiving a report and/or referral specified under WI §48.981(3)(a)2. a.-d. and the investigation was initiated without the assistance of a County CPS Unit, the incident will be referred to the appropriate County CPS Unit, excluding weekends and legal holidays. This includes incidents involving non-caregivers. (WILEAG CORE 25-6.6.7.1)
2. If a referral is received or if an investigation is being made from a previous non-emergency referral, during the regular working hours of Human Services, a Protective Service Intake worker will be called to assist in the investigation.
3. Child victims in all cases will be interviewed jointly by the Department of Human Services and the Department.
4. In all cases referred by the County to the Department, perpetrators will be interviewed, at a minimum, by an officer. This interview should occur within three (3) days where possible. When possible, perpetrators will be interviewed by both the Department of Human Services and the Department.
5. Other family members and collateral contacts will be interviewed by the

Department of Human Services, the Department, or both, as determined through consultation with each other.

6. Scheduling of interviews will be determined by mutual agreement of Sheboygan County Department of Human Services and Department-assigned workers to achieve coordinated, timely interviews of all children, perpetrators and caretakers.
7. All interviews will be conducted by a County Human Services Department Child Protective Service Unit worker and a Department Officer who will jointly determine the time and place of the interview. The investigating worker and officer will decide on the role of each official and whether the interviews will be recorded.
8. An investigation conducted without assistance of Human Services will be forwarded to Human Services within twenty-four (24) hours, excluding weekends and legal holidays.
9. If during the course of investigation, it is determined that the child must be removed, a Human Services worker should be contacted as soon as possible.
10. If a child requires emergency medical treatment during Social Service's working hours, he/she should be transported to a hospital or physician's office, and the Protective Service worker contacted and asked to meet with the officer at the hospital or clinic.
11. Any person reporting suspected abuse or neglect of a child may request an immediate investigation by the Department if the person has reason to believe that the child's health or safety is in immediate danger.
  - a) Upon receiving such a request the Police Department may investigate to determine if there is reason to believe that the child's health or safety is in immediate danger and take any necessary action to protect the child.
  - b) If the investigating officer has reason under Sec. 48.19 (1) (c) or (cm) or (d) 5 or 8, Wis. Stats., to take a child into custody, the investigating officer may place the child in protective custody and deliver the child to Human Services worker under Sec. 48.20, Wis. Stats.
12. When an alleged perpetrator is released outright or on bail or the Police Department is notified of parole, the Department should notify the Department of Human Services by phone.

#### E. Interviewing Child Victims and or Witnesses

1. Forensic interviews are a critical part of the investigative process.
2. Whenever possible, forensic interviews of child victims and/or witnesses should be conducted by personnel properly trained to elicit accurate information from a child while minimizing additional trauma to the child.

3. Child victims and/or witnesses will be interviewed by the Child Advocacy Center (CAC) whenever possible; to reduce the overall number of times a child is interviewed.
    - a. Willow Tree Cornerstone Advocacy Center – Brown County
    - b. Fox Valley Child Advocacy Center – Outagamie County
- F. Background Investigation - Investigating complaints of child abuse generally requires contact with several sources of information depending upon the nature of the complaint and the scope of the abuse. Whenever possible, the following information should be collected as soon as reasonably possible.
1. Information and statements from anyone who was in contact with the child in the past 72 hours.
  2. Court protective orders with regard to the child of other members of the family, including those from other states where the child may have lived.
  3. Reports from any previous law enforcement contacts, including from other jurisdictions where the child may have lived, attended school, and so forth.
  4. Suspect's criminal record.
  5. Documentation (including x-rays and laboratory results) from medical personnel, including family practitioners, emergency room staff, and medical examiners spanning the child's entire life. Investigators should be aware that certain types of injuries are characteristic of physical abuse, particularly when they do not correlate with parental explanations of how they occurred. A list of these injuries is included in Appendix A.
  6. Reports from social welfare officers who have come into contact with the child or his or her family members. These agencies may provide information on family background, employment economic and domestic stability, and previous contacts with child protective services agencies.
  7. Records of the child's attendance, grades, demeanor, socialization, motivation, and perceived emotional stability from his or her schoolteachers. Several behavioral indicators are suggestive of child abuse, including -
    - a. recurrent injuries or complaints of parental physical mistreatment;
    - b. marked changes in the child's behavior or level of achievement;
    - c. strong antagonism toward authority;
    - d. exaggerated reactions to being touched;
    - e. withdrawal from peers or assaultive or confrontational behavior;
    - f. delinquent acts, running away from home, or truancy; and
    - g. refusal to dress for physical education or dressing inappropriately.
  8. Information from neighbors or any other individuals who may have personal knowledge of the family situation.
- F. Family Interview - Based on information generated in the background investigation, reasonable suspicion may exist to conduct an interview with the family.
1. All interviews should be conducted in conjunction with a County CPS Unit worker and a Elkhart Lake PD officer. This is especially important if there is reason to believe that charges may be filed against the parents or others.
  2. The interview should be conducted in a non-accusatory, informal, fact-finding

manner, and questions should be presented in an open-ended format to allow complete latitude in the response.

3. In determining whether to accept a parent or caretaker's explanation, officers should consider the following questions. Findings consistent with those in parentheses may indicate a greater likelihood of abuse.
  - a. Is it reasonable to believe that the child's injuries were self-inflicted or accidental given the child's maturity, manual dexterity, and ability to walk or stand? (No)
  - b. Was the parent's story consistent with other evidence? (No)
  - c. Do parents claim ignorance of critical details of the incident? (Yes)
  - d. Does the home appear to be clean and well maintained? (No)
  - e. Does the family live in a socially isolated environment without the support of neighbors, friends, or family? (Yes)
  - f. Do the parents appear to support one another in a positive home environment? (No)
  - g. Does there appear to be frequent or ongoing crises in the family? (Yes)
  - h. Does the child in question appear to be regarded by the parent(s) in a negative light? (Yes)
4. Some parents may explain or excuse the incident as a legitimate attempt to discipline the child. However, in order to be reasonable and acceptable, the discipline should -
  - a. be appropriate to the misbehavior involved but never involve serious bodily injury;
  - b. be consistent with the child's ability to understand its relevance to acts in question; and
  - c. be administered with prudence and caution rather than recklessly, brutally, or without sufficient regard for the child's power of endurance.

G. Physical Evidence - Collecting physical evidence, in addition to photographs and/or videos to document abuse is very important for prosecuting these cases. In this regard, officers should be aware of the following:

1. A physical examination of the victim relative to the nature of the abuse should be completed by a medical professional (e.g. a SANE nurse for suspected sexual assaults).
  - a. If appropriate, x-rays should be taken, collected, and preserved.
2. Whenever possible, investigators should complete a videotaped walk-through of the scene. Photographs of the victim injuries that had been taken and preserved for evidentiary purposes, should be described in writing and diagrammed.
3. Any instruments that were used in the physical attack should be identified and preserved, as well as any clothing that bears evidence such as blood or semen stains.
4. Any other items that have bearing on the abuse or neglect, such as guns, knives, belts, drugs, poisons, or related items in possession of the suspected perpetrator, should be identified and collected.
4. In sexual abuse cases, investigators should consider obtaining a court order for nude photographs of the suspect, as well as pubic hair samples, and

DNA swabs of the suspect's mouth and genitals. This type of evidence can be crucial in a case where the suspect denies any sexual contact with the victim. The photographs may disclose abnormalities, birthmarks, or tattoos that could corroborate a victim's account or exonerate a suspect. The pubic hair and DNA samples could likewise corroborate a victim's account or exonerate a suspect.

#### H. Removal of the child

1. If during the course of investigation, it is determined that the child must be removed for reasons specified under WI §48.19(1)(c), or (cm) or (d) 5 or 8, the appropriate County CPS on-call worker should be contacted as soon as possible.
2. The preferred means of removing a child from the home is by court order. However, in cases of abandonment, severe abuse, or neglect where the child is in imminent danger of death or serious bodily harm and time is of the essence, an officer shall, in compliance with state law, remove the child from the home for purposes of protective custody.

#### I. Incident Reporting

1. It is important that as much evidence as possible is acquired, including verbal statements, as children may change their stories later after they become aware of what can possibly happen to the family as the result of the investigation. The following information should be specifically noted in the report:
  - a. The Victim
    - 1) Bruises, welts, burns, fractures, and suspected malnutrition, or any condition seriously endangering the child's physical wellbeing.
    - 2) General appearance of clothing and body.
  - b. Living Environment Conditions.
    - 1) Be specific as to cleanliness, disarray, with temperature extremes, amount or lack of food, etc.
    - 2) Conditions of rooms, beds, floors, refrigerator, cupboards, and closets;
2. Photographs of the child's injuries and living conditions of the home are a permanent record and may be critical for later court action.
3. The County Department of Human Services will have access to the officer's reports and photographs/video, upon request.
4. The Elkhart Lake Police Department and County CPS Unit will exchange any information contained within their case records.

#### G. Referral to the District Attorney's Office. (WILEAG CORE 25-6.6.7.1)

1. All cases of suspected or threatened child abuse/neglect shall be referred to the Sheboygan County District Attorney's Office for criminal prosecution.

2. The following types of reports of suspected or threatened abuse will routinely be referred to the district attorney for criminal prosecution (as specified in WI §48.02(1)(b) to (f)).
  - a. Sexual intercourse or sexual contact under s. 940.225, 948.02, 948.025, or 948.085
  - b. A violation of s. 948.05 (Sexual exploitation of a child)
  - c. Permitting, allowing or encouraging a child to violate s.944.30 (Prostitution)
  - d. A violation of s. 948.055 (Causing a child to view or listen to sexual activity)
  - e. A violation of s. 948.10 (Exposing genitals or pubic area)

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Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

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