



POLICY & PROCEDURE

HOLMEN POLICE DEPARTMENT

SUBJECT:	REPORTING OF CHILD ABUSE SENSITIVE CRIME INVESTIGATION	NUMBER:	2.2
		ISSUED:	10/30/2016
SCOPE:	All Department Personnel	REVIEWED:	01/29/2017
DISTRIBUTION:	Policy & Procedure Manual		
REFERENCE:	WI §48.02(1)(b) to (f), §48.981(2), §48.981(3)(a)(2), §48.981(3)(b)(3)	WILEAG 4 TH EDITION STANDARDS:	6.6.7

INDEX AS: Child Abuse/Neglect

PURPOSE: The purpose of this Policy & Procedure is to provide officers with guidelines for recognizing instances and accepting reports of child abuse and neglect and coordinating the investigation of such cases with the appropriate County Child Protective Services agency and District Attorneys' offices.

This Policy & Procedure consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. COUNTY HUMAN SERVICES DEPARTMENTS
- IV. PROCEDURES

I. POLICY

Child abuse and neglect has been traditionally regarded as the principal responsibility of child protective services and social welfare agencies. However, research has demonstrated that a large percentage of repeat offenses, many of which involve serious injury or death, involve known offenders. It is the position and policy of the Holmen Police Department that effective response to child maltreatment requires cooperative and coordinated efforts between social welfare and law enforcement agencies, and, further, that under certain circumstances, arrest and criminal prosecution are appropriate and the preferred approach to the problem from a preventive standpoint. Once the child's safety has been ensured, the primary responsibility of this agency is to determine whether a crime has been committed and then to identify the responsible party. All reports of child abuse and neglect shall be thoroughly investigated in accordance with this policy and appropriate measures taken consistent with state law that will best protect the interests of the child.

II. DEFINITIONS

ABUSE: Has the meaning specified in WI §48.02(1)

CHILD: Has the meaning specified in WI §48.02(2)

CAREGIVER: Has the meaning specified in WI §48.981(1)(am)

NEGLECT: Has the meaning specified in WI §48.02(12g)

III. COUNTY HUMAN SERVICES DEPARTMENTS

A. Pursuant to interagency agreements, the La Crosse County Department of Human Services, Child Protection Services (CPS) will work cooperatively with Holmen Police Department (HPD) where the nature of abuse or neglect reported indicate that criminal charges may be considered:

B. The County Departments of Human Services may request the assistance of the HPD 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 normal hours.
- c. There is reason to believe there is violence in progress.
- d. 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

4. 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.

IV. PROCEDURES

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, clergy, nurses, physicians, teachers, school employees, neighbors, the child involved, or they could be initiated by the police officers themselves.
1. Officers shall respond to and record all reports of child abuse, neglect, and abandonment irrespective of the source or method of reporting and obtain the following information, if not already collected by the dispatcher, when reasonably possible:
 - a. Child's name, age, and address
 - b. Present location of child
 - c. Parent's/guardians' names and addresses
 - d. The school the child attends, if applicable
 - e. Complainant's name, address, and relationship to child, however they may remain anonymous)
 2. A preliminary interview will be conducted with the reporting individual, when known, to determine the basis for the report, to include determination of such factors as
 - a. The physical condition of the child;
 - b. A description of any abusive or neglectful behavior;
 - c. Evidence of parental disabilities such as alcoholism, drug abuse, mental illness, or other factors that demonstrate or suggest parental inability to care for the child;
 - d. Description of suspicious injuries or conditions;
 - e. The nature of any statements made by the child concerning parental maltreatment; and
 - f. Any evidence of parental indifference or inattention to the child's physical or emotional needs.
 3. 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 La Crosse County CPS Unit 24 hours a day, including weekends and holidays by contacting the on-call CPS worker.
 - a. If abuse is apparent, the investigating officer will contact the appropriate County on-call worker. The Officer shall check the physical condition of the child to determine if medical treatment is needed.
 - b. If neglect is apparent, the investigating officer will contact the appropriate County on-call worker. The Officer shall check the physical condition of the child to determine if medical treatment is needed.
 - c. If a child requires emergency medical treatment an ambulance will be dispatched and the child will be transported to a hospital. The appropriate on-call County CPS worker should be contacted and asked to meet with the officer at the hospital.

- d. The investigating officer will document and photograph all apparent injuries of the child and the condition of the surroundings where the child was located and process the evidence as required in Department policy 5.1, Collection and Preservation of Evidence.

C. Investigation of Child Abuse Referrals.

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 La Crosse County CPS, this includes incidents involving non-caregivers.
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. In all cases referred by the County CPS Unit to the HPD, alleged perpetrators will be interviewed, at a minimum, by a HPD officer. This interview should occur within three (3) days where possible.
 - a. When possible, all interviews will be conducted by a County CPS Unit worker and a HPD 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.
 - b. Other family members and collateral contacts will be interviewed by the CPS Unit, the HPD, or both, as determined through consultation with each other.
4. The same procedure should be used in taking statements from witnesses, suspects, and victims as in any criminal investigation.

D. 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. Stepping Stones – La Crosse County
 - b. HPD soft interview room

E. 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 or 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.
 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 worker and a HPD 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 within 96 hours of the reported sexual assault).
 - 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.
5. 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 HPD and the County CPS Unit will exchange any information contained within their case records.
- J. Referral to the District Attorney's Office.
1. All cases of suspected or threatened child abuse/neglect shall be referred to the La Crosse 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)

Shane Collins
Police Chief

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

Initial 10/30/2016

Appendix A

Injuries Indicative of Abuse

1. “Pattern” injuries that may be linked to specific objects used in an attack such as hot irons; coat hangers; fingertip marks caused by tight gripping; straight, curved, or curvilinear or jagged lesions indicating whipping; bite marks; and scald or peculiar burn marks.
2. Injuries to specific body parts such as the genitals, buttocks, or rectum as well as trauma to the torso, upper arms, and thighs in the absence of other injuries commonly suffered by children in play accidents such as skinned knees, elbows, and forehead.
3. Injuries on two or more planes of the body, for example, on the buttocks (rear plane) and stomach (front plane).
4. Injuries in various stages of healing.
5. Bone fractures of small children and related injuries that are inconsistent with the child’s level of maturity and risk of injury, including
 - a. spiral fractures (suggesting vigorous twisting);
 - b. fractures to the rear and upper skull (suggesting blows to the head);
 - c. subdural hematomas without scalp contusions (suggesting violent shaking with resultant head whiplash); and
 - d. fractures of long bones and joints that are suggestive of violent pulling, twisting, or jerking of the extremities.
6. Burns with symmetrical, well-defined edges and a uniform degree of severity, which often indicate immersion.
7. A history, pattern, or extent of injury that does not correlate with the alleged cause or means of injury;
8. Inordinate delay in seeking medical attention, evidence of administration of home remedies for relatively serious injuries, history of prior visits to different emergency rooms, frequent changes of physicians, and prior diagnosis of “failure to thrive”.
9. At autopsy, the presence of old injuries or other internal injuries that were not detectable through external examination.

Shane Collins
Police Chief