

Child Abuse

315.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Grafton Police Department members are required to notify the appropriate county department or licensed child welfare agency of suspected child abuse.

315.1.1 DEFINITIONS

Definitions related to this policy include:

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18 years.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (Wis. Stat. § 48.981).

315.2 POLICY

The Grafton Police Department will investigate all reported incidents of alleged criminal child abuse and ensure the appropriate county department or licensed child welfare agency is notified as required by law.

315.3 MANDATORY NOTIFICATION

Members of the Grafton Police Department shall notify the appropriate county department or licensed child welfare agency when, during the course of their duties, they have reasonable cause to suspect that a child has been abused or neglected; when they have reason to believe that a child has been threatened with abuse or neglect that will occur; or when they receive a report of such abuse or neglect. This applies in circumstances that include (Wis. Stat. § 48.02; Wis. Stat. § 48.981):

- (a) Cases in which a caregiver is suspected of abuse or neglect or of threatened abuse or neglect of a child.
- (b) Cases in which a caregiver is suspected of facilitating or failing to take action to prevent the suspected or threatened abuse or neglect of a child.
- (c) Cases in which it cannot be determined who abused or neglected or threatened to abuse or neglect a child.
- (d) Cases in which there is reason to suspect that an unborn child has been abused or there is reason to believe that an unborn child is at substantial risk of abuse.
- (e) Cases where the child has been involved in sex trafficking or prostitution.

For purposes of notification, abuse includes, but is not limited to, non-accidental physical injuries, sexual offenses, emotional damage, sex trafficking, exposure to a meth lab, or any other act as described in Wis. Stat. § 48.02(1). Neglect includes, but is not limited to, failure to provide

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necessary care, food and clothing so as to seriously endanger the physical health of the child, and any other act as described in Wis. Stat. § 48.02(12g).

315.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Wis. Stat. § 48.981):

- (a) The handling officer should immediately make the notification to the appropriate county department or licensed child welfare agency by telephone or in person but in all cases before completing his/her shift and no later than 12 hours, exclusive of Saturdays, Sundays or legal holidays.
- (b) Notification, when possible, shall contain at a minimum:
 - 1. The name, address, age, sex and race of the child.
 - 2. The nature and extent of the child's injuries, including any evidence of previous cases of known or suspected abuse or neglect of the child or the child's siblings.
 - 3. The names and addresses of the persons responsible for the suspected abuse or neglect, if known.
 - 4. The family composition.
 - 5. The source of the report and the name, address and occupation of the person making the report.
 - 6. Any action taken by the reporting source.
 - 7. Any other information that the person making the report believes may be helpful in establishing the cause of the child abuse, physical injury or neglect.
- (c) If there is reasonable cause to suspect that a child died as a result of abuse or neglect, the appropriate Coroner shall also be notified (Wis. Stat. § 48.981(5)).

315.4 QUALIFIED INVESTIGATORS

Child Protective Services should be contacted for child abuse investigations. investigators should:

- (a) Conduct interviews in child appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to child abuse investigations.
- (c) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.
- (d) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.
- (e) Participate in or coordinate with multidisciplinary investigative teams as applicable.

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315.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
- (b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
- (c) Any relevant statements the child may have made and to whom he/she made the statements.
- (d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
- (f) Whether the child victim was transported for medical treatment or a medical examination.
- (g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
- (h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
- (i) Previous addresses of the victim and suspect.
- (j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.
- (k) Where a child or unborn child is believed or reported to be in immediate danger, the assigned officer shall begin the investigation immediately and take any necessary action to protect the child or unborn child (Wis. Stat. § 48.981(3)).
- (l) Medical records of the victim as necessary (Wis. Stat. § 146.82(2)(a)11).

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

315.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact the appropriate county department or licensed child welfare agency. Generally, removal of a child from his/her family, guardian, or other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

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Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to the appropriate county department or licensed child welfare agency intake worker (Wis. Stat. § 48.981).

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking a child into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking a child into protective custody.

Children may only be removed from a parent or guardian in the following situations (Wis. Stat. § 48.19):

- (a) A court has ordered the removal of the child.
- (b) An officer believes on reasonable grounds that any of the following conditions exist:
 - 1. A court has ordered the removal of the child.
 - 2. The child is suffering from illness or injury or is in immediate danger from his/her surroundings and removal from those surroundings is necessary.

Officers are required to take children into custody in the circumstances described above (Wis. Stat. § 48.981(3)).

315.6.1 FOLLOW-UP NOTIFICATIONS AND PLACEMENT

An officer who has taken a child into protective custody shall attempt to deliver the child to an intake worker and immediately notify the parent, guardian, legal custodian and Indian custodian of the child by the most practical means. The officer shall continue such attempts until the parent, guardian, legal custodian and Indian custodian of the child is notified or the child is delivered to an intake worker, whichever occurs first (Wis. Stat. § 48.19; Wis. Stat. § 48.20; Wis. Stat. § 48.981).

315.6.2 SAFE HAVEN LAW

A parent may relinquish a newborn infant less than 72 hours old to an officer when the parent does not express an intent to return for the child. The officer shall take any action necessary to protect the health and safety of the child and attempt to deliver the child to the custody of an intake worker under the provisions of Wis. Stat. § 48.20 (Wis. Stat. § 48.195(1)).

A parent who relinquishes custody of a child under these circumstances and any person who assists the parent in that relinquishment have the right to remain anonymous. Department members shall not induce or coerce or attempt to induce or coerce a parent or person assisting a parent who wishes to remain anonymous into revealing his or her identity, unless there is reasonable cause to suspect that the child has been the victim of abuse or neglect or that the person assisting the parent is coercing the parent into relinquishing custody of the child (Wis. Stat. § 48.195).

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The officer shall provide the parent with the toll free number to the Department of Children and Families, (877-440-2229) or the appropriate social services brochure with this phone number and other relevant information (Wis. Stat. § 48.195; Wis. Admin. Code § DCF 39.09).

315.7 INTERVIEWS

315.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

315.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 1. A reasonable belief that medical issues of the child need to be addressed immediately.
 2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
 3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.
- (b) A court order or warrant has been issued.

315.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

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315.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

315.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Bureau supervisor should:

- (a) Work with professionals from the appropriate agencies, including the Wisconsin Alliance for Drug Endangered Children, appropriate county welfare agency, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when an officer notifies the Detective Bureau supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The checklist will help officers document the environmental, medical, social and other conditions that may affect the child. [See attachment: DEC CHECK LIST FINAL.pdf](#)

315.9.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

- (a) Document the environmental, medical, social and other conditions of the child using photography as appropriate.
- (b) Notify the Detective Bureau supervisor so an interagency response can begin.

315.10 STATE MANDATES AND OTHER RELEVANT LAWS

Wisconsin requires or permits the following:

315.10.1 CRIMINAL PROSECUTION

All cases in which there is a reasonable suspicion that an identified suspect committed an act of child abuse should be forwarded to the district attorney. All reports that contain an allegation that a child was a victim of a sex-related offense or threatened with such an offense by an identified person shall be forwarded to the district attorney (Wis. Stat. § 48.981(3)).

315.10.2 RELEASE OF REPORTS

Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (Wis. Stat. § 48.981(7)).

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315.10.3 CHILD DEATH REVIEW TEAM

This department will cooperate with a local child death review team as applicable.

315.10.4 COURT ORDERS

Employees may assist or provide information to the child abuse victim's parent, guardian or custodian on how to obtain a restraining order or injunction issued by the court for the protection of the victim. Officers shall arrest for violations of child abuse restraining orders as mandated by Wis. Stat. § 813.122(10)).

315.10.5 MANDATORY COORDINATION

An officer investigating a report of child abuse or threatened child abuse should coordinate the planning and execution of the investigation with the appropriate county department or licensed child welfare agency. This coordination is mandatory when the abuse or threatened abuse involves an allegation of a sex-related offense (Wis. Stat. § 48.981(3)).

315.10.6 ADULT EXPECTANT MOTHERS OF AN AT-RISK UNBORN CHILD

An adult expectant mother of an unborn child may be taken into temporary custody as authorized in Wis. Stat. § 48.193 and delivered to an intake worker, but only with a court order. The release of the expectant mother shall comply with the procedures of Wis. Stat. § 48.203 and specific terms of the court order.

315.11 TRAINING

The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting forensic interviews.
- (c) Availability of therapy services for children and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to child abuse investigations.
- (f) Availability of victim advocate or guardian ad litem support.

Attachments

DEC CHECK LIST FINAL.pdf



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Drug Endangered Children (DEC) Checklist for

Child Protective/Child Welfare Services

The purpose of this checklist is to offer a guide to ensure collaboration for a coordinated response to a child victim identified in a drug related environment and is intended to reduce the trauma to children as much as possible. This checklist is intended to specify information that needs to be shared between law enforcement and CPS in those situations where a child is found in a drug-using environment or parental/caretaker substance abuse is present, and law enforcement decides to make a referral to CPS.

Date: _____

Law Enforcement Agency Making Referral: _____

Officer Making Referral and Contact Information: _____

Child Protection/Investigative Worker: _____

Name(s) of child(ren) and date(s) of birth:

Name of Parent(s) Caregiver(s) alleged to place child(ren) at risk due to a drug/alcohol related environment: (e.g., driving under the influence, drugs on property where child located)

Name: _____ Relationship to child: _____

Name: _____ Relationship to child: _____

General:

- Identify circumstances leading to referral and document in reports Parent/Caregiver is alleged to be substance abuser or dependent and child is neglected and/or in hazardous situation
- Parent/Caregiver is alleged to have placed child at risk of harm Parent/Caregiver is alleged to have engaged in
 - drug sales
 - manufacturing (e.g., clandestine drug lab)
 - cultivation
 - other drug-related environment Mother is alleged to have used substances during pregnancy

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- Note signs of neglect including availability of clean air, clean food, and clean water in the home

Determine if allegations should be filed for a particular form of child maltreatment that is determined by investigation to be substantiated or indicated under State law such as physical abuse, neglect or deprivation of necessities, sexual abuse, psychological or emotional maltreatment, and other forms included in State law.

- Physical abuse
- Neglect or deprivation of necessities Medical neglect Sexual abuse
- Psychosocial or emotional maltreatment No alleged maltreatment
- Other
- Unknown

Ascertain the child's need for medical assessment and treatment:

- Determine if medical care and assessment is needed and coordinate care
- Ensure the child's first urine sample is collected for drug testing (diapers may need to be saved)
- Obtain consent for medical evaluation and testing from parents and/or guardians of child victim
- Obtain a releases of information
- Provide transportation to medical facility

Coordinate with Law Enforcement for child's immediate placement:

- Coordinate placement of children both on and offsite (e.g., child in school and must be removed) and facilitate transportation of child to emergency shelter or placement in an approach that reduces trauma to child.
- Determine safe placement for the child that will prevent further blaming or intimidation of a child victim.
- As age appropriate, tell child where parent and child are going and who will be taking care of child in the short term and any attempts to notify their close relatives about where they are going to be.

Coordinate with law enforcement and medical personnel on the documentation of evidence for each child victim to reduce the number of interviews and gathering of evidence (including photograph of child, documentation of physical state of child, living conditions).

- Document height of child and height of any potential hazards including, but not limited to, controlled substances, needles, chemicals, firearms, weapons, pornography.
- Do not allow unsupervised time for suspects with children to prevent contamination of the forensic interview and intimidation of a child witness.
- Authorize medical intervention for the child in accordance with local jurisdiction policy.
- Clandestine lab cases: Provide children with clean change of clothing, ensure no clothes or toys are removed from the home and no one returns to the home to remove contaminated items. These are not safe for children. If not a lab case, ensure child is allowed to take toy or personal belonging with them.
- Complete report and share with law enforcement, medical staff and other needed service providers.