

	<b>Marquette University Police Department</b>	
	<b>Policy and Procedure Manual</b> Child Abuse Investigations	
<b>Policy: 5.4</b>	<b>Issued: May 1, 2015</b>	<b>Date Revised: N/A</b>
<b>WILEAG Standards: 6.6.7</b>		<b>IACLEA Standards: N/A</b>

**5.4.00**      **Purpose**

The purpose of this Policy is to provide Marquette University Police Department (MUPD) officers with guidelines for recognizing instances and accepting reports of child abuse and neglect and coordinating the investigation of such cases with the Bureau of Child Welfare, the Milwaukee Police Department Sensitive Crimes Division, and the District Attorney's office.

**5.4.10**      **Policy**

It is the policy of the Marquette University 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.

**5.4.15**      **Scope**

This policy applies to all agency employees.

**5.4.20**      **Definitions**

A. CHILD

A person who is less than 18 years of age, except that for purposes of investigating or prosecuting a person who is alleged to have violated a state or federal criminal law or any civil law or municipal ordinance, "child" does not include a person who has attained 17 years of age.

## B. CHILD ABUSE

"Abuse", other than when used in referring to abuse of alcohol beverages or other drugs, means any of the following:

1. Physical injury inflicted on a child by other than accidental means. (When used in referring to an unborn child, serious physical harm inflicted on the unborn child, and the risk of serious physical harm to the child when born, caused by the habitual lack of self-control of the expectant mother of the unborn child in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree.)
2. Emotional damage for which the child's parent, guardian or legal custodian has neglected, refused or been unable for reasons other than poverty to obtain the necessary treatment or to take steps to ameliorate the symptoms.
3. Manufacturing methamphetamine in violation of s. 961.41 (1) (e) under any of the following circumstances:
  - a. With a child physically present during the manufacture.
  - b. In a child's home, on the premises of a child's home, or in a motor vehicle located on the premises of a child's home.
  - c. Under any other circumstances in which a reasonable person should have known that the manufacture would be seen, smelled, or heard by a child.

## C. CHILD NEGELCT

Failure, refusal or inability on the part of a caregiver, for reasons other than poverty, to provide necessary care, food, clothing, medical or

dental care or shelter so as to seriously endanger the physical health of the child.

#### D. CHILD SEXUAL ABUSE

1. Having sexual contact or sexual intercourse with the child.
2. Causing the child to engage in prostitution.
3. Exposing genitals, pubic area, or intimate parts to the child or causing the child to expose genitals, pubic area, or intimate parts.
4. Recording the child engaging in sexually explicit conduct.

#### E. ABANDONMENT

Whoever, with intent to abandon the child, leaves any child in a place where the child may suffer because of neglect.

### **5.4.25**

#### **Procedure**

##### A. Initial Response

State law requires that instances and suspected instances of child abuse or neglect be reported by public and private officials such as physicians, dentists, school employees, clergymen, and others. Officers shall respond to and record all reports of child abuse, neglect, and abandonment irrespective of the source or method of reporting.

1. Communications personnel shall obtain the following information when reasonably possible:
  - a. Child's name, age, and address.
  - b. Present location of child.
  - c. Parent/Guardian names and addresses.
  - d. Complainant's name, address, and relationship to child.

2. Responding officers shall conduct a preliminary interview 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. Document descriptions of suspicious injuries or conditions.
  - e. Document any statements made by the child concerning parental maltreatment.
  - f. Any evidence of parental indifference or inattention to the child's physical or emotional needs.
3. Immediate action shall be taken by officers when:
  - a. The complaint warrants arrest or criminal prosecution;
  - b. Bureau of Child Welfare personnel are not available and time is of the essence.
  - c. The child is in danger and Bureau of Child Welfare personnel cannot enter the home;
  - d. The suspect or alleged offender may flee.
  - e. Police presence is required to maintain order or to protect the safety of child protection officers; or
  - f. The child must be taken into protective custody against parental wishes.
4. 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. The assistance of the Bureau of Child Welfare should be sought if available in a timely manner. Parental permission should also be sought but is not required in order to remove the child under emergency circumstances.

5. In cases where protective custody is warranted and time permits, the Bureau of Child Welfare shall be notified and a court order for protective custody shall be sought prior to the child's removal.

## B. Interviewing Children

1. Whenever possible, interviews of children should be conducted by certified forensic child interviewers from the Milwaukee Police Department Sensitive Crimes Division and the interviews should be videotaped and preserved as evidence. When a certified forensic child interviewer is not available, officers conducting interviews with children in suspected child abuse cases must be familiar with and follow this agency's policy on interviewing children. In addition, they should be familiar with the following special issues that arise when conducting these interviews in cases of suspected child abuse.
  - a. Children should be interviewed separately from their parents.
  - b. Repeated interviews with the child should be avoided whenever possible. Joint interviews with the child protective worker or prosecutor, for example, may help minimize the trauma of these sessions.
  - c. Avoid questions that can be answered with a "yes" or "no" response. Use open-ended questions whenever possible.
  - d. Anatomically correct and race appropriate dolls should be used whenever available to trained investigators.

- e. Sit with the child rather than across a table. Conduct the interview in a casual and nonthreatening manner.
- f. Do not lead the child or suggest answers; do not probe or pressure the child for answers; and do not express concern, shock, or disbelief in response to the child's answers.
- g. Reassure the child that he or she is not to blame and is not in trouble for what happened or for being asked questions.

### C. 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 and forwarded to the appropriate investigators within the Milwaukee Police Department.

1. Background 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. A list of these injuries is included in Appendix A.

D. Family Interview if required, will be conducted by the Milwaukee Police Department.

E. Physical Evidence

Collecting physical evidence 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.
2. Photographs of victim injuries should be taken and preserved for evidentiary purposes. All injuries should be described in writing and diagrammed.
3. If appropriate, x-rays should be taken, collected, and preserved.
4. Photographs of home conditions bearing on the child's maltreatment should be taken.
5. Whenever possible, investigators should complete a videotaped walk-through of the scene.
6. 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.
7. 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.

F. Training

The Training Coordinator shall ensure that officers and investigators receive necessary training to effectively implement this policy.