



MILWAUKEE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

113 – CRIMES AGAINST CHILDREN

GENERAL ORDER: 2021-XX
ISSUED: June 9, 2021

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REVIEWED/APPROVED BY:
Inspector Paul Formolo
DATE: April 28, 2021

ACTION: Amends General Order 2017-55 (October 17, 2017)

WILEAG STANDARD(S): 6.6.6, 6.6.7

113.00 PURPOSE

The purpose of this standard operating procedure is to establish the department's policy, procedures, and responsibilities when investigating crimes against children as described within [Wis. Stat. § 948](#).

113.05 POLICY

It is the policy of the Milwaukee Police Department to investigate reports of child abuse or neglect in compliance with [Wis. Stat. § 48.981\(2\)](#) and [48.981\(3\)\(b\)\(3\)](#). Suspected incidents of child abuse/neglect shall be reported to the Division of Milwaukee Child Protective Services in accordance with [Wis. Stat. § 48.981\(2\)](#).

113.10 DEFINITIONS

A. CHILD / JUVENILE

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 [[Wis. Stat. § 48.02\(2\)](#)], [[Wis. Stat. § 938.02\(10m\)](#)].

B. UNBORN CHILD

A human being from the time of fertilization to the time of birth [[Wis. Stat. § 48.02\(19\)](#)].

C. ADULT

A person who is 18 years of age or older, except that for purposes of investigating or prosecuting a person who is alleged to have violated any state or federal criminal law or any civil law or municipal ordinance, "adult" means a person who has attained 17 years of age [[Wis. Stat. § 48.02\(1d\)](#)].

D. PARENT

A biological parent, a husband who has consented to the artificial insemination of his wife under [Wis. Stat. § 891.40](#), or a parent by adoption. If the child is a non-marital child who is not adopted or whose parents do not subsequently inter-marry under [Wis.](#)

[Stat. § 767.803](#), "parent" includes a person acknowledged under [Wis. Stat. § 767.805\(1\)](#) or a substantially similar law of another state or adjudicated to be the biological father. Parent does not include any person whose parental rights have been terminated. [[Wis. Stat. § 48.02\(13\)](#)]

E. ABUSE

Means any of the following:

1. Physical injury inflicted on a child by other than accidental means.
2. 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.
3. Sexual intercourse or sexual assault contact under [Wis. Stat. § 940.225](#) (Sexual Assault), [948.02](#) (Sexual Assault of Child), [948.025](#) (Engaging in Repeated Acts of Sexual Assault of the Same Child), or [948.085](#) (Sexual Assault of a Child Placed in Substitute Care).
4. Violation of [Wis. Stat. § 948.05](#) (Sexual Exploitation)
5. A violation of [Wis. Stat. § 948.051](#) (Trafficking of a Child).
6. Permitting, allowing, or encouraging a child to violate [Wis. Stat. § 944.30](#) (Prostitution).
7. A violation of [Wis. Stat. § 948.055](#) (Causing a Child to View or Listen to Sexual Activity).
8. A violation of [Wis. Stat. § 948.10](#) (Exposing Genitals or Pubic Area).
9. Manufacturing methamphetamine in violation of [Wis. Stat. § 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.
10. 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.

F. NEGLECT

1. The 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 [[Wis. Stat. § 48.02 \(12g\)](#)].
2. Caregiver means, with respect to a child who is the victim or alleged victim of abuse or neglect or who is threatened with abuse or neglect, any of the following persons:
 - a. The child's parent, grandparent, great-grandparent, stepparent, brother, sister, stepbrother, stepsister, half-brother, or half-sister.
 - b. The child's guardian.
 - c. The child's legal custodian.
 - d. A person who resides or has resided regularly or intermittently in the same dwelling as the child.
 - e. An employee of a residential facility or residential care center for children and youth in which the child was or is placed.
 - f. A person who provides or has provided care for the child in or outside of the child's home.
 - g. Any other person who exercises or has exercised temporary or permanent control over the child or who temporarily or permanently supervises or has supervised the child.
 - h. Any relative of the child other than a relative specified in (1).
[\[Wis. Stat. § 48.981\(1\)\(am\)\]](#)

G. PHYSICAL INJURY

Includes but is not limited to lacerations, fractured bones, burns, internal injuries, severe or frequent bruising or great bodily harm, as defined in [Wis. Stat. § 939.22\(14\)](#) [[Wis. Stat. § 48.02\(14g\)](#)].

H. MILWAUKEE COUNTY JOINT PROTOCOL

An interagency agreement or memorandum of understanding on a collaborative response to child maltreatment created by the Child Abuse Review Team (CART) in an effort to minimize trauma to the child while maximizing child safety and evidence gathering efforts.

I. CHILD ABUSE REVIEW TEAM (CART)

Trained professionals from the child welfare related disciplines to include law enforcement, child protective services, the medical and legal community, victim advocates and the school system that supports and encourages good practices in response to child maltreatment.

113.15 RESPONSIBILITIES OF THE INVESTIGATING MEMBER

A. Department members responding to child physical abuse, sexual abuse or neglect calls for service shall adhere to the following procedures:

1. Assess the victim's medical condition and if needed render first aid or summon emergency medical attention.
2. Protect the crime scene.
3. Interview the reporting person as well as any other witnesses and evaluate information to determine if a child abuse/neglect has occurred.

Note: All interviews should be conducted outside the presence of the child/victim to avoid contamination of the child statement.

4. Conduct a minimal fact interview of the victim to determine whether a crime has occurred.
 - a. Children should be interviewed alone in a space with minimal interruptions.
 - b. Parents/caregivers shall not be present so that children are not influenced in any way.
 - c. Members will have probable cause if the child disclosed a crime occurred to a mandated reporter, which includes physicians, nurses, school counselor / social worker / school administrator, or first responder.
 - d. If the child does not engage with the interviewer or make a disclosure, the member shall still conduct a complete investigation and notify a supervisor who will contact the SCD for direction.
5. Notify the shift commander who shall notify the Sensitive Crimes Division (SCD).
 - a. Canvas of the area, if applicable.
 - b. Ensure that all evidence is photographed, collected and properly placed on inventory.
6. Notify the Division of Milwaukee Child Protective Services at 414-220-SAFE of the reported incident.

7. The investigating member shall complete the original offense and supplemental reports as well as all other required documents and prepare the case for review at the district attorney's office unless instructed otherwise by a supervisor or members of the SCD.
8. The investigating member shall be responsible for any follow-up investigation including but not limited to, facilitating a forensic interview of the victim or other children and locating and arresting the suspect. Upon arrest, the member shall notify the SCD for a determination if a member of the SCD will conduct the interrogation.

113.20 FORENSIC INTERVIEWS

- A. Forensic interview (FI) is a video recorded interview of a child that is non-leading and defensible in court. These interviews are conducted by specially trained forensic interviewers in a child friendly environment, which illicit free narrative from the child. The SCD has several trained forensic interviewers on staff, as well as the Children Advocacy Center of Children's Hospital of Wisconsin.
 1. A forensic interview shall be arranged by the SCD, or the investigating member if the incident will not be investigated by the SCD, for child victims of abuse/neglect or witness to a crime under the following circumstances:
 - a. The child is ages 3-12 (younger children can be considered based on their verbal skills).
 - b. Cases involving serious injury.
 - c. Exposure to the alleged offender.
 - d. Intra-family abuse.
 - e. Multi-offender / multi-victim cases.
 - f. Cases such as homicide, abduction, serious domestic violence.
 - g. Children under 18 that have cognitive delays or that are experiencing trauma making it difficult for them to disclose.
 - h. When instructed to do so by a supervisor.
 2. Members shall arrange a forensic interview by calling the Child Advocacy Center, which is located at 619 West Walnut Street, at 414-277-8980. If the member is calling to arrange the interview when the Child Advocacy Center is closed, he/she shall leave a detailed message which shall include:
 - a. Name of the child.
 - b. The allegations of the incident (e.g., sexual assault, abuse).

- c. Parent or guardian contact information.
 - d. The investigating member's name and contact information (including member's email address and work location phone number).
 - e. Members may also complete and fax the *Milwaukee Child Advocacy Center Appointment Request / Referral Form* (located in the N:/drive Forms folder) in lieu of calling CAC.
- B. When a forensic interview of a child is needed, the shift commander shall call SCD and SCD will determine if an interviewer is available or if an interview can be scheduled for a later time.

Note: Persons under age 18 suspected of committing a crime do not undergo a forensic interview as forensic interviews are only for victims and not suspects.

C. FORENSIC INTERVIEW REPORT

1. The Sensitive Crimes Division shall forward the disc containing the forensic interview from the Child Advocacy Center to the investigating member.
2. The investigating member shall complete a supplemental report in the Record Management System documenting the results of the forensic interview.
3. The investigating member shall make at least two (2) copies of the disc for the Milwaukee County District Attorney's Office and place the original on department inventory in accordance with SOP 560 Property.

113.25 MANDATORY CHILD ABUSE/ NEGLECT REPORTING LAW (WILEAG 6.6.7)

A. STATUTORY REQUIREMENTS

[Wis. Stat. § 48.981](#) requires police officers to report known or suspected incidents of child abuse or neglect. This also applies to any law enforcement officer having reason to suspect that an unborn child has been abused or is at substantial risk of abuse.

Note: Notifications should be made by calling the Division of Milwaukee Child Protective Services at 414-220-SAFE (7233) or by faxing a DMCPN Notification (form PH-9E).

B. REPORTS/INVESTIGATION

The police department shall, within 12 hours, exclusive of Saturdays, Sundays, or legal holidays, refer to the Division of Milwaukee Child Protective Services all cases reported to it. The Division of Milwaukee Child Protective Services may require that a subsequent report be made in writing [[Wis. Stat. § 48.981\(3\)](#)].

C. DUTIES OF LOCAL LAW ENFORCEMENT AGENCIES

Any person reporting under this section may request an immediate investigation by the police department if the person has reason to suspect that the health or safety of a child or of an unborn child is in immediate danger. Upon receiving such a request, the police department shall immediately investigate to determine if there is reason to believe that the health or safety of a child or unborn child is in immediate danger and take any necessary action to protect the child or unborn child [[Wis. Stat. § 48.981\(3\)\(b\)](#)].

113.30 PROSECUTION (WILEAG 6.6.7)

All cases of reported abuse as defined in [Wis. Stat. § 48.02\(1\)\(a-gm\)](#) that rise to the level of a criminal offense shall be referred to the office of the district attorney (DA) for review for criminal prosecution.

1. The investigating member shall present the case for review at the DA's office.
2. The results of the charging conference shall be documented in a supplemental report.
3. The investigating member shall be responsible for completing any follow up requested by the reviewing assistant district attorney.

113.35 REPORTS REQUIRED

A. The investigating member shall complete the following reports:

1. Initial report in the RMS.
2. Supplemental reports detailing all aspects of the investigation.
3. Arrest Report (form PA-45) when applicable.
4. Probable Cause Statement (form CR-215) when applicable.
5. DA sheets when applicable.

B. The required reports shall include the following:


1. Describe how the police got involved in the investigation.
2. Describe the incident and the scene.
3. Document victim and witness statements.
4. Indicate whether scene was processed or photos were taken. If so, by whom and how many?
5. Indicate medical attention received and diagnosis if available.

6. Was a supervisor notification made? If so, whom?
7. Was the Division of Milwaukee Child Protective Services notification made? If so, who notified, who is assigned, and did they respond?
8. Indicate the result of the police investigation.

113.40 TAKING A NEWBORN CHILD INTO CUSTODY (WILEAG 6.6.6)

- A. If a parent or person assisting the parent wishes to relinquish custody of a newborn child 72-hours old or younger and does not express an intent to return for the child, officers shall, if they reasonably believe the child to be 72-hours old or younger, immediately take the child into custody according to [Wis. Stat. § 48.195](#).
- B. The officer shall make available to the parent or person who relinquishes custody of the child, the Maternal and Child Health toll-free telephone number 800-722-2295. Officers may not induce or coerce any parent into accepting that information.
- C. Officers shall immediately summon an ambulance to transport the newborn child to a hospital.
- D. Officers shall notify the Division of Milwaukee Child Protective Services.
- E. Officers shall not attempt to locate, detain, or ascertain the identity of a parent who relinquishes custody of the child or the location or identity of the person who assists the parent in that relinquishment except under the following circumstances:
 1. Officers have reasonable cause to suspect that the child has been the victim of abuse or neglect as defined in [Wis. Stat. § 48.02\(1\)](#) or [48.02\(12g\)](#).
 2. The person assisting the parent has coerced the parent into relinquishing custody of the child.

Note: If the officers have any questions about the implementation of the above procedure, members shall contact their shift commander.



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ACTING CHIEF OF POLICE