



DEPARTMENT OF ECONOMIC SECURITY

Your Partner For A Stronger Arizona

Janice K. Brewer
Governor

Neal Young
Director

AUG 16 2010

The Honorable Janice K. Brewer
Governor of Arizona
1700 West Washington
Phoenix, Arizona 85007

Dear Governor Brewer:

Arizona Revised Statute § 8-817 requires the Department of Economic Security (DES) to prepare a report by August 15 of each year that contains the following information for joint investigations by Child Protective Services, local law enforcement and county attorneys, of allegations of abuse or neglect that contain criminal conduct allegations:

- The number of criminal conduct allegations investigated.
- The number of reports that were jointly investigated pursuant to the established protocols.
- The reasons why a joint investigation did not occur.

In accordance with this requirement, DES is pleased to submit the enclosed report. If you have any questions, please contact me at (602) 542-5757.

Sincerely,

Neal Young
Director

Enclosure

cc: President Robert L. Burns, Arizona State Senate
Speaker Kirk D. Adams, Arizona State House of Representatives
County Attorney Rick Romley, Maricopa County Attorney's Office
GladysAnn Wells, Director, Arizona State Library, Archives and Public Records

DIVISION OF CHILDREN, YOUTH AND FAMILIES (DCYF) 2010 JOINT INVESTIGATION REPORTING REQUIREMENTS

Arizona Revised Statute § 8-817 mandates that the Department of Economic Security (DES) develop, establish, and implement initial screening and safety assessment protocols in consultation with the Attorney General and statewide with county attorneys, chiefs of police, sheriffs, medical experts, victims' rights advocates, domestic violence victim advocates, and mandatory reporters. These inter-agency protocols are to guide the conduct of investigations of allegations involving criminal conduct. The Division of Children, Youth and Families (DCYF), which oversees Child Protective Services (CPS), has worked with the above mentioned agencies to comply with the requirements set forth in this statute.

This information fulfills DES' and the Division's responsibility for the reporting requirement under A.R.S. § 8-817 for state fiscal year 2010.

When a citizen calls the Child Abuse Hotline with a concern about suspected abuse or neglect, the staff will listen to the concern and if it meets pre-established criteria they will generate a report for investigation and assign it to a field unit. When the report is sent to the field, the staff will assign certain tracking characteristics to the report. A tracking characteristic is a circumstance that occurs in a report. It may occur independently of child abuse allegations or may carry a general description of a condition that exists in the family. Reports requiring a joint investigation with law enforcement have a tracking characteristic of Criminal Conduct (CC).¹

The first data element in the tables that follow is the number of reports generated for field investigation that contained a Criminal Conduct (CC) allegation (Table 1). According to the protocols agreed to by all required parties under A.R.S § 8-817, any report that contains a "CC" characteristic must be reported to the appropriate law enforcement agency and a joint investigation must occur.

¹ "Criminal conduct allegation" means an allegation of conduct by a parent, guardian, or custodian of a child that, if true, would constitute any of the following:

- (a) A violation of section 13-3623 involving child abuse.
- (b) A felony offense that constitutes domestic violence as defined in section 13-3601.
- (c) A violation of section 13-1404 or 13-1406 involving a minor.
- (d) A violation of section 13-1405, 13-1410 or 13-1417.
- (e) Any other act of abuse that is classified as a felony.

**TABLE 1: NUMBER OF REPORTS CODED AS CRIMINAL CONDUCT (CC) ALLEGATIONS
RECEIVED BY THE DIVISION**

| County | Number of Reports |
|---------------|--------------------------|
| APACHE | 6 |
| COCHISE | 60 |
| COCONINO | 57 |
| GILA | 11 |
| GRAHAM | 15 |
| GREENLEE | 1 |
| LA PAZ | 10 |
| MARICOPA | 1,700 |
| MOHAVE | 91 |
| NAVAJO | 46 |
| PIMA | 489 |
| PINAL | 203 |
| SANTA CRUZ | 11 |
| YAVAPAI | 105 |
| YUMA | 72 |
| Total | 2,877 |

As in previous reporting years, the majority of reports that contain the “CC” characteristic occur in Maricopa County. The next highest number of reports containing these characteristics occurs in Pima County.

The second data element reported is the number of cases that are jointly investigated according to the protocols (Table 2). As stated above, all reports that contain the “CC” allegation are intended to be jointly investigated by Child Protective Services and the appropriate law enforcement agency.

TABLE 2: NUMBER OF CHILD PROTECTIVE SERVICES REPORTS CATEGORIZED AS CC JOINTLY INVESTIGATED ACCORDING TO THE PROTOCOLS

| County | Number of Reports |
|--------------|-------------------|
| APACHE | 3 |
| COCHISE | 41 |
| COCONINO | 35 |
| GILA | 10 |
| GRAHAM | 6 |
| LA PAZ | 8 |
| MARICOPA | 1,246 |
| MOHAVE | 68 |
| NAVAJO | 33 |
| PIMA | 252 |
| PINAL | 130 |
| SANTA CRUZ | 9 |
| YAVAPAI | 73 |
| YUMA | 57 |
| Total | 1,971 |

For a variety of reasons detailed below, some reports classified as CC are not actually jointly investigated. In the FY 2009 report, the percentage of reports that required and actually received a joint investigation in Maricopa County was 71.8 percent. For FY 2010 that percentage has risen to 73.3 percent. The statewide percentage of reports that were jointly investigated for FY 2009 was 68.4 percent; this year the statewide percentage rose slightly to 68.5 percent. The Division continues to work with law enforcement to identify barriers and strengthen relationships to improve on the number of reports requiring a joint investigation that are jointly investigated.

There are several reasons why a joint investigation between Child Protective Services and law enforcement may not occur (Table 3). The main reasons are:

- **Child Not Available:** At the time of the initial contact by CPS or law enforcement, the alleged child victim is not available to be interviewed. This occasionally happens, for example, if a report is received and the alleged child victim is located in another state at the time of the investigation.
- **CPS Not Available:** At the time of the initial contact by law enforcement, or during subsequent interviews with the alleged victim or perpetrators, the CPS case manager is unable to be present to participate in the investigation. An example is when a report is called in by the Victims Witness Advocate Office to report abuse or neglect of a child, where the police interviews and investigation have already occurred before CPS was notified.

- **Law Enforcement Disagree:** When the CPS case manager receives a report requiring joint investigation, contact is made with the appropriate law enforcement agency to make a police report and request the joint investigation. Law enforcement officials sometimes decline to accept the information as meeting criminal conduct standard and inform the CPS case manager to conduct the initial contact without law enforcement present. In these situations, CPS follows up with an additional report to law enforcement if the initial contact further indicates criminal activity.
- **Law Enforcement Unavailable:** When the CPS case manager contacts law enforcement prior to the initial contact, there are times that due to other incidents, law enforcement are unable to provide an officer or detective for the initial response. In these situations, CPS follows up with an additional report to law enforcement if the initial contact further indicates criminal activity.
- **No Jurisdiction:** If the alleged victim or perpetrator lives on either a federal military installation or Native American reservation, CPS does not have jurisdiction and the case is transferred to the appropriate agency. In addition, if it is determined that the alleged incident occurred on one of the above listed locations, CPS does not have jurisdiction and the case is transferred to the appropriate agency.

TABLE 3: REASONS WHY A JOINT INVESTIGATION DID NOT OCCUR

| REASON THAT THE JOINT INVESTIGATION WAS NOT CONDUCTED | | | | | | |
|-------------------------------------------------------|---------------------|-------------------|---------------------------|-----------------------------|-----------------|------------|
| County | Child Not Available | CPS Not Available | Law Enforcement Disagrees | Law Enforcement Unavailable | No Jurisdiction | Total |
| APACHE | 1 | 0 | 2 | 0 | 0 | 3 |
| COCHISE | 1 | 1 | 7 | 5 | 0 | 14 |
| COCONINO | 0 | 2 | 6 | 7 | 0 | 15 |
| GILA | 0 | 0 | 0 | 1 | 0 | 1 |
| GRAHAM | 5 | 0 | 2 | 2 | 0 | 9 |
| GREENLEE | 1 | 0 | 0 | 0 | 0 | 1 |
| LA PAZ | 0 | 0 | 0 | 2 | 0 | 2 |
| MARICOPA | 34 | 41 | 283 | 92 | 3 | 453 |
| MOHAVE | 1 | 0 | 13 | 9 | 0 | 23 |
| NAVAJO | 0 | 1 | 7 | 5 | 0 | 13 |
| PIMA | 6 | 6 | 167 | 32 | 3 | 214 |
| PINAL | 0 | 5 | 47 | 12 | 0 | 64 |
| YAVAPAI | 1 | 1 | 21 | 9 | 0 | 32 |
| YUMA | 0 | 0 | 13 | 2 | 0 | 15 |
| Total | 50 | 57 | 568 | 178 | 6 | 859 |

In addition to the 1,971 reports that were jointly investigated and the 859 reports that were not jointly investigated, there are an additional 47 “CC” reports that were received prior to June 30, 2009. These “CC” reports are likely still being investigated at the time of publication of this report.

In addition to the circumstances requiring a joint investigation based upon the report to the Child Abuse Hotline meeting the criteria for the “CC” code, Child Protective Services often initiates and conducts a joint investigation with law enforcement in other situations. This occurs when the case manager encounters a situation where the initial report does not contain a “CC” code but when the investigation is started, information is discovered that leads CPS to initiate and conduct a joint investigation with law enforcement. Seventy-four of these types of joint investigations were conducted in FY 2010, as indicated in the following table.

TABLE 4: REPORTS THAT WERE NOT INITIALLY CODED “CC” BUT WHERE A JOINT INVESTIGATION WAS LATER CONDUCTED

| County | Number of Reports |
|---------------|--------------------------|
| COCHISE | 3 |
| COCONINO | 2 |
| GILA | 2 |
| LA PAZ | 1 |
| MARICOPA | 38 |
| MOHAVE | 2 |
| NAVAJO | 1 |
| PIMA | 13 |
| PINAL | 9 |
| YAVAPAI | 2 |
| YUMA | 1 |
| Total | 74 |