



*Division of Child Safety and Family Services*

**Janice K. Brewer**  
Governor

**Charles Flanagan**  
Director

April 14, 2014

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 the course of producing information related to the SFY2013 Joint Investigation report, it was discovered that an error had gone unnoticed in the original report. This error resulted in the number of Criminal Conduct reports being overstated by 486 reports. The report has been corrected and steps have been taken to prevent this from happening again.

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,

  
Charles Flanagan  
Director

Enclosure

cc: The Honorable Andy Biggs, President, Arizona State Senate  
The Honorable Andy Tobin, Speaker, Arizona State House of Representatives  
Maricopa County Attorney Bill Montgomery, Maricopa County Attorney's Office  
Joan Clark, Director, Arizona State Library, Archives and Public Records



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DEPARTMENT OF ECONOMIC SECURITY

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## **DIVISION OF CHILDREN, YOUTH AND FAMILIES (DCYF) 2013 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 2013.

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. The initial tracking characteristic is assigned by the Hotline based on the information provided by the caller. If after the investigation, another tracking characteristic applies, then the field unit can add it to the case. 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).<sup>1</sup>

The Office of Child Welfare Investigations (OCWI) was legislated into existence pursuant to House Bill 2721 and receives its statutory authority within A.R.S. § 41-1969.01. The OCWI is the latest augmentation to Arizona's Child Welfare System and was born out of Governor Janice K. Brewer's Child Safety Task Force. The primary goal of the OCWI is to protect children by investigating criminal conduct allegations of child abuse within the State of Arizona.

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<sup>1</sup> "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.
- (f) An offense that constitutes domestic violence as defined in section 13-3601 and that involves a minor who is a victim of or was in imminent danger during the domestic violence.

On May 1, 2013, the OCWI formally began accepting reports of criminal conduct child abuse for the DES. Currently, the OCWI will only respond to child fatalities and allegations involving criminal conduct of children age birth through five years of age (or under six years of age).

The first data element in the table that follows is the number of reports generated for field investigation that contained a 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.

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

| <b>County</b> | <b>Number of Reports</b> |
|---------------|--------------------------|
| APACHE        | 39                       |
| COCHISE       | 225                      |
| COCONINO      | 186                      |
| GILA          | 88                       |
| GRAHAM        | 79                       |
| GREENLEE      | 18                       |
| LA PAZ        | 19                       |
| MARICOPA      | 6,026                    |
| MOHAVE        | 355                      |
| NAVAJO        | 146                      |
| PIMA          | 1,995                    |
| PINAL         | 640                      |
| SANTA CRUZ    | 55                       |
| YAVAPAI       | 314                      |
| YUMA          | 223                      |
| <b>Total</b>  | <b>10,408</b>            |

In fiscal year 2012, statewide there were 5,483 reports that contained a CC characteristic. In fiscal year 2013, there were 10,408 reports with a CC characteristic which is an 89.8 percent increase. 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.

During fiscal year 2013, the DCYF Child Abuse Hotline received approximately 44,100 reports, a nine percent increase over fiscal year 2012. The Hotline implemented several process improvements to improve the efficiency and customer service of the Hotline operations. These enhancements have had an impact on the total number of reports being assigned to the CPS field, including the number of reports coded as criminal conduct. Those improvements include a reduced call abandonment rate; differential interview questions to be targeted to three types of callers – law enforcement, mandated reports, and non-mandated reports; criminal conduct coding

training enhancements for Hotline Specialists; enhanced mandatory reporter outreach and education; and a new call queue for mandatory reporters.

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 CPS 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       | 20                |
| COCHISE      | 139               |
| COCONINO     | 85                |
| GILA         | 53                |
| GRAHAM       | 42                |
| GREENLEE     | 13                |
| LA PAZ       | 14                |
| MARICOPA     | 2,980             |
| MOHAVE       | 206               |
| NAVAJO       | 80                |
| PIMA         | 743               |
| PINAL        | 268               |
| SANTA CRUZ   | 51                |
| YAVAPAI      | 196               |
| YUMA         | 182               |
| <b>Total</b> | <b>5,072</b>      |

For a variety of reasons detailed below, some reports classified as CC are not actually jointly investigated. The statewide percentage of reports that were jointly investigated for fiscal year 2012 was 58 percent; this year the statewide percentage decreased to 48.7 percent. The Division and OCWI continue 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 CPS 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 police interviews and the investigation have already occurred before CPS was notified.

- **Law Enforcement Disagrees:** 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 standards 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 is 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  | 0                   | 3                 | 7                         | 9                           | 0               | 19           |
| COCHISE   | 3                   | 4                 | 46                        | 18                          | 0               | 71           |
| COCONINO  | 7                   | 6                 | 64                        | 21                          | 2               | 100          |
| GILA  | 0                   | 1                 | 10                        | 5                           | 0               | 16           |
| GRAHAM  | 0                   | 1                 | 18                        | 7                           | 0               | 26           |
| GREENLEE  | 0                   | 0                 | 3                         | 2                           | 0               | 5            |
| LA PAZ  | 0                   | 0                 | 1                         | 3                           | 0               | 4            |
| MARICOPA  | 90                  | 83                | 1,193                     | 284                         | 7               | 1,657        |
| MOHAVE  | 9                   | 2                 | 70                        | 36                          | 1               | 118          |
| NAVAJO  | 2                   | 1                 | 35                        | 7                           | 0               | 45           |
| PIMA  | 40                  | 65                | 314                       | 159                         | 3               | 581          |
| PINAL   | 0                   | 6                 | 150                       | 42                          | 1               | 199          |
| SANTA CRUZ  | 0                   | 1                 | 1                         | 0                           | 0               | 2            |
| YAVAPAI   | 3                   | 2                 | 71                        | 20                          | 0               | 96           |
| YUMA  | 4                   | 1                 | 23                        | 10                          | 0               | 38           |
| <b>Total</b>  | <b>158</b>          | <b>176</b>        | <b>2,006</b>              | <b>623</b>                  | <b>14</b>       | <b>2,977</b> |

The number of joint investigation reports identified where a joint investigation did not occur significantly increased to 2,977 in fiscal year 2013 compared to 1,420 in fiscal year 2012. Continued partnerships between law enforcement CPS and OCWI provide opportunities for identifying and addressing systemic issues between the two agencies.

There continues to be regular collaboration and communication with the agencies involved in the investigation of criminal conduct including CPS, OCWI, law enforcement, prosecution, medical, victim advocates and Advocacy Centers to strengthen the successful outcome of the investigation and provide comprehensive services. This is accomplished through regular Multidisciplinary team meetings and case reviews. Additionally partnerships are being established in counties that do not have regular Multidisciplinary team meetings or case reviews. Currently, there are four counties in which this needs to occur, with Santa Cruz County recently establishing a Multidisciplinary team.