



Multidisciplinary Protocol for the Joint Investigation of Child Abuse

Developed by the

Gila County Multidisciplinary Team

*Originally adopted 1995
Revised 2009, 2012, 2015, 2019, 2024*



Bradley D. Beauchamp

THE CHILDREN'S JUSTICE PROJECT

The Children's Justice Project is a federally funded, multi-agency effort intended to improve the handling of crimes against children. The three primary goals of the project are:

- 1) To improve interagency communication and cooperation
- 2) To raise the skill level of all professionals involved in child abuse cases, and
- 3) To reduce trauma to the child by coordinating victim services and conducting joint, videotaped interviews.

The Multidisciplinary Team (MDT) is comprised of professionals representing all disciplines associated with child abuse cases and was crafted to achieve these goals.

Gila County Multidisciplinary Team Mission Statement:

The Gila County MDT strives to increase interagency communication and collaboration to effectively investigate, prosecute, and provide services coordination for child victims of crime.

The *Multidisciplinary Protocol for Investigations of Child Abuse* (Protocol) is developed to serve as the model for how child abuse cases should be handled by each discipline. This Protocol is based on the goals of The Children's Justice Project. The Protocol is intended to establish the course of action and reference sources for interagency cooperation in the investigation, prosecution, and management of child neglect and physical and sexual abuse cases. To ensure accuracy regarding changes in law, technology, and community need, the Protocol is revised on an ongoing basis. Free trainings on the Protocol have been and will continue to be provided to all disciplines involved. Research has shown that when multidisciplinary protocols are followed, arrest and prosecution rates increase and trauma to the child decreases.

The Protocol strongly supports and encourages the use of child abuse assessment/child and family advocacy centers. These specially designed centers help reduce the trauma to the child victim and his/her family by offering investigative and victim service needs at one child-friendly location. These services typically include, but are not limited to, law enforcement and the Department of Child Safety (DCS) investigations, forensic interviews, medical exams, county attorney consultation, victim advocacy, crisis counseling and referrals.

STATEMENT OF PURPOSE

These protocols are offered to assist all children, both victims and witnesses and serve as a model for handling child abuse cases within Gila County. The goal is to treat each child with dignity, fairness and respect and to minimize secondary trauma often associated with child abuse investigations.

Protocols initially developed in 1995 were revised in 2009, 2012, 2015, 2019 and 2024 to further specify practices being followed after receiving reports alleging crimes against children. This Protocol is intended as a guideline and a reference source for interagency cooperation in the investigation, prosecution and management of child neglect, physical and/or sexual abuse cases. Any variance from the Protocol must be documented for reporting purposes pursuant to A.R.S. §8-817.

While it is recognized that each agency has its own mandate to fulfill, the multidisciplinary team [MDT] recognizes no one single agency or discipline can fully address the problem of child abuse. Therefore, each agency must be both cognizant of the needs and rights of the victim under Arizona law, as well as sensitive to the needs of other professionals involved. We have chosen to make the best interest and safety of children our overriding concern where any interagency conflict may exist.

Joined in the effort to mobilize our different strengths, we have endeavored to: 1) clarify each agency's duties and responsibilities, 2) limit the number of interviews of the child victim, and 3) provide a consistent and efficient approach to the investigation, prosecution and management of cases involving children.

As County Attorney, I wish to thank the member agencies and commend them for their commitment and dedication to working cooperatively in the handling of cases involving abused children. Every child deserves to be treated with dignity, compassion and respect. This Protocol provides a model for treatment consistent with these principles.

Bradley D. Beauchamp
Gila County Attorney



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AGENCY AGREEMENT

The following Gila County agencies agree:

- To actively participate in the implementation of this multidisciplinary approach to joint investigation of criminal conduct child abuse allegations, including sharing relevant information.
- To join ongoing, cooperative efforts to improve both this Protocol and its practices in Gila County.
- To make every effort to incorporate these guidelines into their internal policies and practices.
- To participate in collaborative activities to improve joint investigations including multidisciplinary case reviews, training, dispute resolution processes and case tracking per A.R.S. Sec. 8-817. (see Appendix)


County Attorney Bradley D. Beauchamp

9-13-2024
Gila County Attorney's Office/Date


Sheriff Adam Shepherd

07/22/2024
Gila County Sheriff's Office/Date


Chief Dale Walters

8/9/2024
Globe Police Department/Date


Chief Jay Hirokawa

07/17/2024
Payson Police Department/Date


Interim Chief Shawn Manos

miami
Miami Police Department/Date


Chief Brian Marquez

07/24/2024
Hayden Police Department/Date

David Lujan

Executive Deputy Director/Cabinet Executive
Officer David Lujan

8/2/2024

Department of Child Safety/Date

Edwin Wangler

Chief Edwin Wangler

07/18/2024

Office of Child Welfare/Date

SV

Director Shelley Soroka-Spence

8/8/2024

Copper Hills Family Advocacy
Center/Date

Hallie Reichert

Hallie Reichert

7/18/2024

Community Bridges /Date

Definitions Pertaining to Crimes Against Children

This material is intended to provide guidelines and is not to be considered legal advice. Emphasis has been added in some sections.

For purposes of coordinated (joint) investigation pursuant to statutory mandates a “criminal conduct allegation” pursuant to A.R.S. §8-801 (2) means an allegation of conduct by a parent, guardian, custodian or adult member of the victim’s household of a child that, if true, would constitute any of the following:

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

ABUSE

“Abuse” per A.R.S. §8-201 means the infliction or allowing of physical injury, impairment of bodily function or disfigurement or the infliction of or allowing another person to cause serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist and is caused by the acts or omissions of an individual who has the care, custody and control of a child. Abuse includes:

- (a) Inflicting or allowing sexual abuse pursuant to section 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual assault pursuant to section 13-1406, molestation of a child pursuant to section 13-1410, commercial sexual exploitation of a minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to section 13-3553, incest pursuant to section 13-3608 or child sex trafficking pursuant to section 13-3212.
- (b) Physical injury that results from permitting a child to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found, or equipment is possessed by any person for the purpose of manufacturing a dangerous drug as defined in section 13-3401.
- (c) Unreasonable confinement of a child.

“Drug Endangered Children” per A.R.S. §13-3623

The terms “endangered” and “abuse” include, but are not limited to circumstances in which a child or vulnerable adult is permitted to enter or remain in a structure or vehicle in which volatile, toxic, or flammable chemicals are found or equipment is possessed by any person to the purpose of manufacturing a dangerous drug in violation of A.R.S. §13-3407, subsection A, paragraph 3 or 4.

“Physical Injury” per A.R.S. §13-3623 means the impairment of physical condition and includes any skin bruising, pressure sores, bleeding, failure to thrive, malnutrition, dehydration, burns, fracture of any bone, subdural hematoma, soft tissue swelling, injury to any internal organ or any physical condition that imperils health or welfare.

"Serious physical injury" means physical injury that creates a reasonable risk of death or that causes serious or permanent disfigurement, serious impairment of health or loss or protracted impairment of the function of any bodily organ or limb.

EMOTIONAL ABUSE

A.R.S. §13-3623 "Emotional abuse" means a pattern of ridiculing or demeaning a vulnerable adult, making derogatory remarks to a vulnerable adult, verbally harassing a vulnerable adult or threatening to inflict physical or emotional harm on a vulnerable adult.

“Serious emotional injury” means an injury that is diagnosed by a medical doctor or a psychologist and that does any one or a combination of the following:

- (a) Seriously impairs mental faculties.
- (b) Causes serious anxiety, depression, withdrawal, or social dysfunction behavior to the extent that the child suffers dysfunction that requires treatment.
- (c) Is the result of sexual abuse pursuant to section 13-1404, sexual conduct with a minor pursuant to section 13-1405, sexual assault pursuant to section 13-1406, molestation of a child pursuant to section 13-1410, child sex trafficking pursuant to section 13-3212, commercial sexual exploitation of a minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to section 13-3553 or incest pursuant to section 13-3608.

NEGLECT

“Neglect or Neglected” per A.R.S. §8-201 means:

- (a) The inability or unwillingness of a parent, guardian or custodian of a child to provide that child with supervision, food, clothing, shelter or medical care if that inability or unwillingness causes substantial risk of harm to the child's health or welfare, except if the inability of a parent, guardian or custodian to

provide services to meet the needs of a child with a disability or chronic illness is solely the result of the unavailability of reasonable services.

- (b) Allowing a child to enter or remain in any structure or vehicle in which volatile, toxic or flammable chemicals are found, or equipment is possessed by any person with the intent and for the purpose of manufacturing a dangerous drug as defined in section 13-3401.
- (c) A determination by a health professional that a newborn infant was exposed prenatally to a drug or substance listed in section 13-3401 and that this exposure was not the result of a medical treatment administered to the mother or the newborn infant by a health professional. This subdivision does not expand a health professional's duty to report neglect based on prenatal exposure to a drug or substance listed in section 13-3401 beyond the requirements prescribed pursuant to section 13-3620, subsection E. The determination by the health professional shall be based on one or more of the following:
 - (i) Clinical indicators in the prenatal period including maternal and newborn presentation.
 - (ii) History of substance use or abuse.
 - (iii) Medical history.
 - (iv) Results of a toxicology or other laboratory test on the mother or the newborn infant.
- (d) Diagnosis by a health professional of an infant under one year of age with clinical findings consistent with fetal alcohol syndrome or fetal alcohol effects.
- (e) Deliberate exposure of a child by a parent, guardian or custodian to sexual conduct as defined in section 13-3551 or to sexual contact, oral sexual contact or sexual intercourse as defined in section 13-1401; bestiality as prescribed in section 13-1411, or explicit sexual materials as defined in section 13-3507.
- (f) Any of the following acts committed by the child's parent, guardian or custodian with reckless disregard as to whether the child is physically present:
 - (i) Sexual contact as defined in section 13-1401.
 - (ii) Oral sexual contact as defined in section 13-1401.

(iii) Sexual intercourse as defined in section 13-1401.

(iv) Bestiality as prescribed in section 13-1411.

Determination of Neglect

In determining if a child is neglected, consideration shall be given to:

- The drug or alcohol abuse of the child's parent, guardian or custodian.
- The use by the mother of a dangerous drug, a narcotic drug or alcohol during pregnancy if the child, at birth or within a year after birth, is demonstrably adversely affected by this use.

“Substantial Risk of Harm” means actual, tangible and measurable harm or risk of harm to the child which may include physical, emotional, medical, sexual or other types of harm to the child.

SEXUAL CRIMES

CHILD SEX TRAFFICKING (A.R.S. §13-3212)

A. A person commits child sex trafficking by knowingly:

1. Causing any minor to engage in prostitution;
2. Using any minor for purposes of prostitution;
3. Permitting a minor under such person's custody or control to engage in prostitution;
4. Receiving any benefit for or on account of procuring or placing a minor in any place or in the charge or custody of any person for the purpose of prostitution;
5. Receiving any benefit pursuant to an agreement to participate in the proceeds of prostitution of a minor;
6. Financing, managing, supervising, controlling or owning, either alone or in association with others, prostitution activity involving a minor;
7. Transporting or financing the transportation of any minor with the intent that the minor engage in prostitution.
8. Providing a means by which a minor engages in prostitution.
9. Enticing, recruiting, harboring, providing, transporting, making available to another or otherwise obtaining a minor with the intent to cause the minor to engage in prostitution or any sexually explicit performance.
10. Enticing, recruiting, harboring, providing, transporting, making available to another or otherwise obtaining a minor with the knowledge that the minor will engage in prostitution or any sexually explicit performance.

B. A person who is at least eighteen years of age commits child sex trafficking by knowingly:

1. Engaging in prostitution with a minor who is under fifteen years of age.
2. Engaging in prostitution with a minor who the person knows or should have known is fifteen, sixteen or seventeen years of age.

3. Engaging in prostitution with a minor who is fifteen, sixteen or seventeen years of age.

COMMERCIAL SEXUAL EXPLOITATION OF A MINOR (A.R.S. §13-3552)

A person commits commercial sexual exploitation of a minor by knowingly:

1. Using, employing, persuading, enticing, inducing, or coercing a minor to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual depiction or live act depicting such conduct;
2. Using, employing, persuading, enticing, inducing or coercing a minor to expose the genitals or anus or areola or nipple of the female breast for financial or commercial gain;
3. Permitting a minor under the person's custody or control to engage in or assist others to engage in exploitive exhibition or other sexual conduct for the purpose of producing any visual depiction or live act depicting such conduct;
4. Transporting or financing the transportation of any minor through or across this state with the intent that the minor engage in prostitution, exploitive exhibition or other sexual conduct for the purpose of producing a visual depiction or live act depicting such conduct.
5. Using an advertisement for prostitution as defined in section 13-3211 that contains a visual depiction of the minor

INCEST (A.R.S. §13-3608)

Persons who are eighteen or more years of age and are within the degree of consanguinity within which marriages are declared by law to be incestuous and void, who knowingly intermarry with each other, or who knowingly commit fornication or adultery with each other are guilty of a class 4 felony.

MOLESTATION OF A CHILD (A.R.S. §13-1410)

- A. A person commits molestation of a child by intentionally or knowingly engaging in or causing a person to engage in sexual contact, except sexual contact with the female breast, with a child under fifteen years of age.
- B. Molestation of a child is a class 2 felony that is punishable pursuant to section 13-705.

SEXUAL ABUSE (A.R.S. §13-1404)

- A. A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person fifteen or more years of age without the consent of that person, or with any person who is under fifteen years of age if the sexual contact involves only the female breast.
- B. It is not a defense to a prosecution for a violation of this section that the other person consented if the other person was fifteen, sixteen or seventeen years of age and the defendant was in a position of trust.
- C. Sexual abuse is a class 5 felony unless the victim is under fifteen years of age in which case sexual abuse is a class 3 felony punishable pursuant to section 13-705.

SEXUAL ASSAULT (A.R.S. §13-1405)

A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.

SEXUAL CONDUCT WITH A MINOR (A.R.S. §13-1405)

- A. A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age.
- B. Sexual conduct with a minor who is under fifteen years of age is a class 2 felony and is punishable pursuant to section 13-705. Sexual conduct with a minor who is at least fifteen years of age is a class 6 felony. Sexual conduct with a minor who is at least fifteen years of age is a class 2 felony if the person is or was in a position of trust and the convicted person is not eligible for suspension of sentence, probation, pardon or release from confinement on any basis except as specifically authorized by section 31-233, subsection A or B until the sentence imposed has been served or commuted.

(This statute has been interpreted by the courts to include attempts to engage in this behavior, even if the attempt is only verbal.)

SEXUAL EXPLOITATION OF A MINOR (A.R.S. §13-3553)

- A. A person commits sexual exploitation of a minor by knowingly:
 - 1. Recording, filming, photographing, developing or duplicating any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct;
 - 2. Distributing, transporting, exhibiting, receiving, selling, purchasing, electronically transmitting, possessing or exchanging any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct.
 - 3. Possessing, manufacturing, distributing, advertising, ordering, offering to sell, selling or purchasing a child sex doll that uses the face, image or likeness of a real infant or minor who is under twelve years of age with the intent to replicate the physical features of the real infant or minor who is under twelve years of age.
- B. If any visual depiction of sexual exploitation of a minor is admitted into evidence, the court shall seal that evidence at the conclusion of any grand jury proceeding, hearing or trial.
- C. Sexual exploitation of a minor is a class 2 felony and if the minor is under fifteen years of age it is punishable pursuant to section 13-705.
- D. For the purposes of this section, "child sex doll" has the same meaning prescribed in section 13-1429.

ADDITIONAL DEFINITIONS

“Oral sexual contact” means oral contact with the penis, vulva or anus.

“Exploitive exhibition” means the actual or simulated exhibition of the genitals or pubic or rectal areas of any person for the purpose of sexual stimulation of the viewer.

“Producing” means financing, directing, manufacturing, issuing, publishing or advertising for pecuniary gain.

“Prostitution” means engaging in or agreeing or offering to engage in sexual conduct with any person under a fee arrangement with that person or any other person.

“Sexual contact” means any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such conduct.

“Sexual conduct” means sexual intercourse or oral sexual contact.

“Sexual intercourse” means penetration into the penis, vulva or anus by any part of the body or by any object or masturbatory contact with the penis or vulva.

“Simulated” means any depicting of the genitals or rectal areas that give the appearance of sexual contact or incipient sexual conduct.

“Spouse” means any person who is legally married and cohabitating.

“Sadomasochistic abuse” means flagellation or torture by or upon a person who is nude or clad in undergarments on in revealing or bizarre costume or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

“Visual depiction” includes each visual image that is contained in an undeveloped film, videotape or photograph or data stored in any form and that is capable of conversion into a visual image.

“Without consent” includes any of the following:

- The victim is coerced by the immediate use or threatened use of force against a person or property;
- The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep, or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant;
- The victim is intentionally deceived as to the nature of the act;
- The victim is intentionally deceived to erroneously believe that the person is the victim’s spouse.

Duty to Report Suspected Abuse

§ 13-3620. Duty to report abuse, physical injury, neglect and denial or deprivation of medical or surgical care or nourishment of minors; medical records; exception; violation; classification; definitions

A. Any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature or who reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant who is protected under section 36-2281 shall immediately report or cause reports to be made of this information to a peace officer, to the department of child safety or to a tribal law enforcement or social services agency for any Indian minor who resides on an Indian reservation, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only. A member of the clergy, a Christian Science practitioner or a priest who has received a confidential communication or a confession in that person's role as a member of the clergy, as a Christian Science practitioner or as a priest in the course of the discipline enjoined by the church to which the member of the clergy, the Christian Science practitioner or the priest belongs may withhold reporting of the communication or confession if the member of the clergy, the Christian Science practitioner or the priest determines that it is reasonable and necessary within the concepts of the religion. This exemption applies only to the communication or confession and not to personal observations the member of the clergy, the Christian Science practitioner or the priest may otherwise make of the minor. For the purposes of this subsection, "person" means:

1. Any physician, physician's assistant, optometrist, dentist, osteopathic physician, chiropractor, podiatrist, behavioral health professional, nurse, psychologist, counselor or social worker who develops the reasonable belief in the course of treating a patient.
2. Any peace officer, child welfare investigator, child safety worker, member of the clergy, priest or Christian Science practitioner.
3. The parent, stepparent or guardian of the minor.
4. School personnel, domestic violence victim advocates or sexual assault victim advocates who develop the reasonable belief in the course of their employment.
5. Any other person who has responsibility for the care or treatment of the minor.
6. Any person who is employed as the immediate or next higher level supervisor to or administrator of a person who is listed in paragraph 1, 2, 4 or 5 of this subsection and who develops the reasonable belief in the course of the supervisor's or administrator's employment, except that if the supervisor or administrator reasonably believes that the report has been made by a person who is required to report pursuant to paragraph 1, 2, 4 or 5 of this subsection, the supervisor or administrator is not required to report pursuant to this paragraph.

B. A report is not required under this section either:

1. For conduct prescribed by sections 13-1404 and 13-1405 if the conduct involves only minors who are fourteen, fifteen, sixteen or seventeen years of age and there is nothing to indicate that the conduct is other than consensual.
2. If a minor is of elementary school age, the physical injury occurs accidentally in the course of typical playground activity during a school day, occurs on the premises of the school that the minor attends and is reported to the legal parent or guardian of the minor and the school maintains a written record of the incident.

C. If a physician, psychologist or behavioral health professional receives a statement from a person other than a parent, stepparent, guardian or custodian of the minor during the course of providing sex offender treatment that is not court ordered or that does not occur while the offender is incarcerated in the state department of corrections or the department of juvenile corrections, the physician, psychologist or behavioral health professional may withhold the reporting of that statement if the physician, psychologist or behavioral health professional determines it is reasonable and necessary to accomplish the purposes of the treatment.

D. Reports shall be made immediately either electronically or by telephone. The reports shall contain the following information, if known:

1. The names and addresses of the minor and the minor's parents or the person or persons having custody of the minor.
2. The minor's age and the nature and extent of the minor's abuse, child abuse, physical injury or neglect, including any evidence of previous abuse, child abuse, physical injury or neglect.
3. Any other information that the person believes might be helpful in establishing the cause of the abuse, child abuse, physical injury or neglect.

E. A health care professional who is regulated pursuant to title 32 and who, after a routine newborn physical assessment of a newborn infant's health status or following notification of positive toxicology screens of a newborn infant, reasonably believes that the newborn infant may be affected by the presence of alcohol or a drug listed in section 13-3401 shall immediately report this information, or cause a report to be made, to the department of child safety. For the purposes of this subsection, "newborn infant" means a newborn infant who is under thirty days of age.

F. Any person other than one required to report or cause reports to be made under subsection A of this section who reasonably believes that a minor is or has been a victim of abuse, child abuse, physical injury, a reportable offense or neglect may report the information to a peace officer or to the department of child safety, except if the report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only.

G. A person who has custody or control of medical records of a minor for whom a report is required or authorized under this section shall make the records, or a copy of the records, available to a peace officer, child welfare investigator or child safety worker investigating the minor's neglect, child abuse, physical injury or abuse on written request for the records signed by the peace officer, child welfare investigator or child safety worker. Records disclosed pursuant to this subsection are confidential and may be used only in a judicial or administrative proceeding or investigation resulting from a report required or authorized under this section.

H. When reports are received by a peace officer, the officer shall immediately notify the department of child safety. Notwithstanding any other statute, when the department receives these reports, it shall immediately notify a peace officer in the appropriate jurisdiction.

I. Any person who is required to receive reports pursuant to subsection A of this section may take or cause to be taken photographs of the minor and the vicinity involved. Forensic interviews or medical examinations, or both, of the involved minor may be performed.

J. A person who furnishes a report, information or records required or authorized under this section, or a person who participates in a judicial or administrative proceeding or investigation resulting from a report, information or records required or authorized under this section, is immune from any civil or criminal liability by reason of that action unless the person acted with malice or unless the person has been charged with or is suspected of abusing or neglecting the child or children in question.

K. Except for the attorney client privilege or the privilege under subsection L of this section, no privilege applies to any:

1. Civil or criminal litigation or administrative proceeding in which a minor's neglect, dependency, abuse, child abuse, physical injury or abandonment is an issue.
2. Judicial or administrative proceeding resulting from a report, information or records submitted pursuant to this section.
3. Investigation of a minor's child abuse, physical injury, neglect or abuse conducted by a peace officer or the department of child safety.

L. In any civil or criminal litigation in which a child's neglect, dependency, physical injury, abuse, child abuse or abandonment is an issue, a member of the clergy, a Christian Science practitioner or a priest shall not, without his consent, be examined as a witness concerning any confession made to him in his role as a member of the clergy, a Christian Science practitioner or a priest in the course of the discipline enjoined by the church to which he belongs. This subsection does not discharge a member of the clergy, a Christian Science practitioner or a priest from the duty to report pursuant to subsection A of this section.

M. If psychiatric records are requested pursuant to subsection G of this section, the custodian of the records shall notify the attending psychiatrist, who may excise from the records, before they are made available:

1. Personal information about individuals other than the patient.
2. Information regarding specific diagnosis or treatment of a psychiatric condition, if the attending psychiatrist certifies in writing that release of the information would be detrimental to the patient's health or treatment.

N. If any portion of a psychiatric record is excised pursuant to subsection M of this section, a court, on application of a peace officer, child welfare investigator or child safety worker, may order that the entire record or any portion of the record that contains information relevant to the reported abuse, child abuse, physical injury or neglect be made available to the peace officer, child welfare investigator or child safety worker investigating the abuse, child abuse, physical injury or neglect.

O. A person who violates this section is guilty of a class 1 misdemeanor, except if the failure to report involves a reportable offense, the person is guilty of a class 6 felony.

P. For the purposes of this section:

1. "Abuse" has the same meaning prescribed in section 8-201.
2. "Child abuse" means child abuse pursuant to section 13-3623.
3. "Neglect" has the same meaning prescribed in section 8-201.
4. "Reportable offense" means any of the following:
 - (a) Any offense listed in chapters 14 and 35.1 of this title or section 13-3506.
 - (b) Surreptitious photographing, videotaping, filming or digitally recording or viewing a minor pursuant to section 13-3019.
 - (c) Child sex trafficking pursuant to section 13-3212.
 - (d) Incest pursuant to section 13-3608.
 - (e) Unlawful mutilation pursuant to section 13-1214.

Law Enforcement Protocol

The purpose of law enforcement's response to incidents of criminal acts involving children is to determine if a crime has been committed, and if so, to discover the facts and evidence necessary to bring the individual(s) responsible into the Criminal Justice System. While pursuing the criminal investigation, law enforcement must be concerned with more than just statutory requirements and case law. Law enforcement personnel must be cognizant of the needs and rights of the victim as well as the responsibilities of other organizations involved in the investigation, treatment, and recovery of the victim.

Coordination is mandated by law in cases of allegations involving criminal conduct. To this end, law enforcement personnel are required to coordinate their efforts with those of the Department of Child Safety [DCS] as well as the prosecuting attorney. During such investigations, law enforcement, DCS and advocacy center staff will, as soon as immediately practicable, share relevant information (i.e. police reports), maintain on-going contact, and monitor and/or participate in forensic interviews conducted by their counterparts. These efforts will clearly be documented in reports prepared by each agency. Any variance from the Protocol must be documented for reporting purposes pursuant to A.R.S. §8-817.

When law enforcement responds to a call involving any offense of physical or sexual abuse or neglect, including children exposed to dangerous or narcotic drugs being used, grown, manufactured, or sold by a person responsible for the child's care or a call involving a child who is otherwise determined to be in danger in their home environment, the responding officer shall **immediately** notify the:

Arizona Child Abuse Hotline

1-877 238-4501

For any reported felony accusations, the Arizona Child Abuse Hotline will make all mandatory notifications to the Office of Child Welfare Investigations (OCWI) and when necessary, notify any investigative units within the appropriate Department of Child Safety field office.

The law enforcement investigator or supervisor is responsible for determining whether a criminal investigative response will be initiated.

It is the position of the Gila County Attorney's Office that all minor victims and/or witnesses seven (7) years of age or under (see below for additional criteria) will be interviewed by a dedicated forensic interviewer through Copper Hills Family Advocacy Center (CHFAC) or another Child Advocacy Center (CAC)/Family Advocacy Center (FAC). A dedicated forensic interviewer should also conduct the interviews when:

- 1) The child has a developmental disability (i.e. Cognitive, communication, etc.) or there are concerns regarding their mental health.

- 2) The case involves chronic or severe abuse.
- 3) The victim/non-offending parent/caregiver is requesting that the interview be conducted by someone other than law enforcement.
- 4) The child has recanted their disclosure of abuse.
- 5) Or any other situation where law enforcement or DCS personnel deem it necessary to utilize the designated forensic interviewer.

In any instance where a dedicated forensic interviewer is not available, an interviewer approved by the Family Advocacy Center will be utilized.

The decision on who will conduct the interview is made by the law enforcement agency with jurisdiction in the matter. (See Appendix for Guidelines for Forensic Interviews)

The Gila County Law Enforcement Interviewing Team may conduct a forensic interview with children 8 years of age or older when:

- 1) The child does not experience a developmental disability and/or there are no concerns regarding their mental health.
- 2) The case does not involve chronic or severe abuse.
- 3) The team member feels comfortable in conducting the interview
- 4) The victim/non-offending parent/caregiver is not requesting the interview be conducted by someone other than law enforcement personnel
- 5) The child has not recanted their disclosure of abuse.

Victim interviews should be conducted using a facility equipped with video/recording equipment to document the interview. [A soft room, CHFAC, or another facility outside Gila County may be used as appropriate.]

The Gila County Attorney's Office strongly recommends ALL law enforcement personnel or DCS specialists successfully complete the following core training requirements prior to conducting interviews with child victims or witnesses who are under the age of 12.

Core training includes:

- An approved Advanced Forensic Interview Training [AFIT]
- Preferred that interviewers have completed the additional core trainings of:
 - 8-hour Basic Investigations of Child Physical Abuse Crimes & Child Homicide
 - 8-hour Basic Investigations of Child Sexual Abuse Crimes
 - 4-hour One Party Consent Calls

Personnel who have not completed core training may interview victims 13 years of age or older.

Requests for equivalent training waivers must be approved by the GCAO.

The Gila County Attorney's Office will be notified if the child is 8 years old or older and could be interviewed by a member of the Gila County Law Enforcement Interviewing Team, if the investigator is requesting the interview be conducted by CHFAC or, another Family Advocacy Center (FAC). This may include, but is not limited to: 1) cases where the victim/family is requesting the interview be conducted by someone other than law enforcement, 2) cases where law enforcement personnel or the department of child safety feel it is in the best interest of the child to have the interview conducted by a dedicated/designated forensic interviewer, 3) Cases where the investigator believes it would be in the best interest of the investigation for another individual to conduct the interview, or 4) In any instance where a dedicated forensic interviewer is not available, an interviewer approved by the FAC will be utilized.

Fully trained members on the Gila County Law Enforcement Interviewing Team may be asked to assist with interviews by the investigator assigned to the case, CHFAC, or the Gila County Attorney's Office in cases involving several victims/witnesses or when the investigator believes it would be in the best interest of the investigation.

If a forensic medical exam is needed, the investigator is responsible for scheduling the exam with CHFAC or another qualified medical facility. In cases where both a forensic medical exam and interview are needed the investigator may:

- 1) Schedule both (the forensic medical exam and the forensic interview) with CHFAC or at another full-service CAC/FAC to reduce travel time and minimize impact on the victim and family.
- 2) Schedule the forensic medical exam at a qualified medical facility. Request the designated forensic interviewer from Gila County travel to conduct the interview outside the county and maintain continuity of services for children in Gila County. If the Gila County designated forensic interviewer is not available, schedule the forensic interview at another CAC/FAC.
- 3) Schedule the forensic medical exam at a qualified medical facility. Recommend the forensic interview be scheduled in Gila County on a separate day. In making this decision, the investigator should take into consideration the time of the forensic medical exam, age of the child, and preference of the victim and family.

Child Sexual Abuse

I. Initial Response

A. Initial responders or patrol officers may establish jurisdiction and the elements of the crime. (Use of the term patrol officer in this Protocol does not override departmental policies that require specified acts or decisions to be made by a supervisor or investigator).

Patrol officers may interview the reporting source, away from the victim, witnesses, or other reporting sources, to:

1. Obtain the facts of the reported crime (per Department Policy).
2. Determine if the child is in imminent danger.
3. Determine if the victim may require medical attention; and
4. Determine jurisdiction
 - (a) If within departmental jurisdiction, continue per this Protocol.
 - (b) If not within departmental jurisdiction, patrol officers will coordinate with the appropriate jurisdiction and document actions as necessary.

Patrol officers should interview the suspect only if the suspect is present and aware of the investigation. If a suspect is not aware of the investigation, the suspect should not be contacted without prior consultation with the investigator.

Patrol officers may interview witnesses. Dates of birth, social security numbers and other biographical information will be obtained.

Child witnesses and any siblings or children within the home will be interviewed only after consultation with the investigator.

- B. Once it is determined that a crime has been committed, patrol officers may then continue the initial case preparation:
 1. Assess the need for immediate medical evaluation. If a medical evaluation is needed, contact an investigator. Note in cases of sexual abuse in which the incident reportedly occurred within the past **120** hours, it is imperative to contact an investigator promptly for the victim to receive a forensic medical exam.
 2. Assess the need for scene preservation and/or photographs.
 3. Assess the need for a search warrant. If a search warrant is needed, immediately contact an investigator.
 4. Assess the need for immediate arrest if the suspect is present. The officer should consider:
 - a. The suspect's risk of flight to avoid prosecution.
 - b. The suspect's danger to self and/or the community.
- C. Patrol officers should consult with an investigator or a Deputy County Attorney, if necessary to:
 1. Assess the need for a detective to respond to the crime scene, hospital, school, or other location.
 2. As soon as law enforcement determines DCS may have jurisdiction on the matter under investigation, law enforcement will notify the Arizona Child Abuse Hotline at 1-877-238-4501 and provide sufficient information for DCS to coordinate their response with law enforcement.

II. Investigation

- A. The investigation should be conducted by an investigator. The investigator's responsibilities include:
1. Interviewing the reporting source to determine the circumstances of disclosure.
 2. Interviewing the victim:
 - a. Schedule an interview for the victim to be conducted by the CHFAC or another CAC/FAC (See above for criteria). If the victim is eight (8) years of age or older, determine whether they can be interviewed by a member of the Gila County Law Enforcement Interviewing Team (See above for criteria).
 - b. Coordinate the interview with the DCS investigator assigned to the case. If DCS is unable to attend the interview, provide them with an opportunity to view the recorded interview.
 - c. Schedule a forensic medical exam at CHFAC, another full-service CAC/FAC, or a qualified medical facility.
 - d. If a parent or guardian interferes with an interview of the child victim or for other appropriate reasons; the officer/investigator may contact the Gila County Attorney's Office (GCAO) and may have the authority to interview the children using the temporary custody notice (TCN) under ARS § 8-821. LE may exercise reasonable force under the guidelines of case law to enter any building in which the person named in the removal authorization is or is reasonably believed to be.
 3. Conducting crime scene(s) investigation and evidence processing.
 4. Interviewing the family and other witnesses. Obtain dates of birth, social security numbers, and other biographical information including where child witnesses attend school.
 5. Obtaining a copy of the medical examination report and interviewing medical personnel. Sending a copy of the medical report to DCS.
 6. Conducting investigative research on:
 - a. Prior convictions of the suspect;
 - b. Prior police reports involving the suspect, victim(s) or witness(es);
 - c. Prior unreported allegations involving the suspect(s), victim(s) or witness(es);
 - d. Current and prior DCS reports.
 7. Interviewing the suspect:
 - a. The suspect should be interviewed **only** with law enforcement present;
 - b. DCS shall, when possible, be notified of the suspect interview; should be aware of the content of the suspect interview; and
 - c. The interview should be audio taped or, if possible, videotaped.
 8. Determining the need to arrest the suspect based on:
 - a. The risk of flight to avoid prosecution.
 - b. The danger to self and/or the community; and
 - c. Conducting any other necessary investigations.

III. Case Presentation

- A. The case file should include a complete copy of the police report and a copy of any digital records (For example surveillance footage, photographs, body cam footage, 911 calls, etc.).
 - 1. All medical records of the child, all reports received from the Department of Child Safety on the child and/or family, prior relevant police reports, and any other information obtained during the investigation shall be submitted in a timely manner.
 - 2. Attorney General Office documents should be included, specifically dependency hearing transcripts, depositions, information from other cases etc., within 10 days following the hearing.
- B. **If the case is filed** and the case goes to the Grand Jury or a Preliminary Hearing, the assigned investigator should present the case. If he/she does not feel comfortable presenting the medical evidence, he/she shall notify the Deputy County Attorney, who can subpoena a forensic nurse/physician to the Grand Jury or Preliminary Hearing for testimony regarding medical findings.
- C. **If the case is not filed**, notification of the decision not to file shall be the responsibility of the County Attorney's Office. The victim's representatives as well as DCS should be notified of the decision.
- D. **If after filing, further investigation** is requested and the suspect is in custody, a investigator shall be assigned. All requested information should be presented to the Deputy County Attorney 24 hours prior to the Grand Jury or Preliminary Hearing.
- E. If the Deputy County Attorney refers the case back to the law enforcement for further investigation:
 - 1. The case should be returned to the original case investigator, if possible.
 - 2. The requested information should be obtained as soon as possible.
 - 3. The GCAO must be advised if the investigating agency decides to inactivate or close the case.

Child Physical Abuse/Neglect

I. Initial Response

- A. Patrol officers may establish the elements of the crime of physical abuse or neglect, and jurisdiction.
 - 1. Patrol officers may interview the reporting source, away from the victim,

- witness(es) or other reporting sources to:
- a. Obtain the facts of the reported crime (per Department policy);
 - b. Determine if the child is in imminent danger;
 - c. Determine if the victim may require medical attention; and
 - d. Determine jurisdiction
 - (1) If within departmental jurisdiction, continue per this Protocol.
 - (2) If not within departmental jurisdiction, patrol officers will document their actions and coordinate with the appropriate jurisdiction.
2. Patrol officers may interview witness(es). Date of birth, social security numbers, and other biographical information including where child witness(es) attend school will be obtained. It is recommended that child witness(es) and any siblings or children within the home be interviewed after consultation with an investigator.
 3. If the suspect is at the scene and:
 - a. If the child is not taken to the hospital in serious condition, the patrol officer may conduct an initial interview of the suspect or ensure that a investigator does so immediately. Obtain the suspect's version of what happened (e.g., determining if it was a discipline measure; if a weapon or instrument was used; or if it was an alleged accident);
 - b. If the child is admitted to the hospital, a decision as to whether the patrol officer may interview the suspect and/or caretaker should be made in consultation with an investigator. The patrol officer should not disclose any medical information to the caretaker(s) regarding the condition of the child or possible mechanisms of injury. The patrol officer should also request the medical personnel to not disclose this information until they consult with investigators.
 4. Document and preserve the scene through photographs if possible.
- B. Once it is determined that a crime has been committed, Patrol Officers may then continue the initial case preparation:
1. Assess the need for medical intervention and ensure the child is taken to a hospital if necessary.
 2. If the child is admitted to a hospital, and in any case requiring medical attention, the Investigations Unit should be notified immediately.
 3. Depending on the severity of the injury, the unit could be Homicide or the detail handling physical abuse cases in the agency. It is recommended that Patrol Officers consult with an investigator on all child abuse cases to assess the need for a forensic medical exam.
 4. Assess the need for scene preservation and/or evidence collection. Scenes involving death shall immediately be secured. Consult with Investigations regarding search warrants and/or consent searches. If the child or suspect gives information regarding a weapon, instrument, or mechanism of the injury, a search warrant or consent form should be obtained.

5. Document any physical injury to the child with digital or high-quality photographs. Photographs should depict the child's entire body and face, and not just the external manifestations of abuse, while preserving the privacy and dignity of the child. Photographs should include the child's face, a ruler, and color bar where possible. In cases of serious physical abuse and/or serious neglect, if warranted, a consent form or search warrant should be used to obtain photographs or video of the entire dwelling, as well as other evidence that could be used to substantiate any future charging. It is recommended that individuals who take photographs of the victim should go through appropriate training regarding forensic photography in evidence collection.
6. As soon as law enforcement determines that the matter is under investigation, law enforcement shall notify the Arizona Child Abuse Hotline at 1-877-238-4501 and provide sufficient information for DCS to coordinate their response with law enforcement.

II. Investigation

A. Non-hospitalized Children

1. An investigator reviews the initial report and continues the investigation by interviewing the family, siblings, other witnesses, etc. as dictated by the facts of the case. If the minor is under eight (8) years of age, the CHFAC is contacted to conduct a forensic interview. If the minor is eight (8) years of age or older but meets the criteria to be interviewed by a designated forensic interviewer (see above for criteria). Notification will be provided to The County Attorney's Office.
2. If not already done, and if appropriate, digital or high-quality photographs are taken to document the abuse. The investigator should ensure additional follow-up photographs are taken as needed.
3. DCS shall be contacted to obtain prior reports and to determine what action is being taken on the referral. If DCS is involved, law enforcement shall share information with them.
4. The suspect's prior police history should be determined, paying particular attention to assault and domestic violence contacts.
5. The Investigations Unit should obtain relevant medical records on the child and interview appropriate medical personnel.
6. An investigator should interview the suspect if not already interviewed. If the suspect has not invoked his/her rights, re-interview to complete his/her account of the events. If the suspect has not already been booked, the investigator shall assess the risk of flight to avoid prosecution and determine if the suspect should be arrested considering all the information obtained.
7. The need for a forensic medical exam should be assessed.

B. Hospitalized Children

1. The Deputy County Attorney on call for physical abuse cases shall be notified

as soon as possible of all cases where a child is admitted to a hospital or dies from suspected child abuse.

2. The Investigations Unit shall assume responsibility for the investigation of all hospitalized child abuse cases as soon as they are notified by the patrol officer.
3. The Investigations Unit should ensure that the scene(s) is (are) identified and secured pending issuance of a search warrant.
4. An investigator shall obtain an initial statement from the most qualified physician And/or medical professional as to time frames, mechanisms of injury, and symptoms the child would be expected to show, given the injury sustained.
5. Interviews should be conducted with all caretakers, suspects and witnesses, including specialized physicians (e.g. neurosurgeons, pediatric radiologists, etc.). Interviews of the caretakers shall focus not only on the current injury, but also on a thorough background of the child's health and upbringing.
6. All medical records including recent and previous hospitalizations and doctor or Emergency Room visits by the child should be requested for the investigation.
7. Search warrants are to be utilized, where appropriate, to ensure a thorough scene investigation. If a search warrant is needed, immediately contact an investigator.
8. DCS shall be contacted to obtain prior reports and to determine what action is being taken on the report. If DCS is involved, law enforcement shall share information with them.

III. Case Presentation

- A. The case file should include a complete copy of the police report, a copy of audiotapes; videotapes; photographs; and tapes of 911 calls.
 1. All medical records of the child; records on the child and family obtained from DCS; prior relevant police reports and any other information obtained during the investigation shall be submitted in a timely manner.
 2. Attorney General Office documents should be included, specifically; dependency hearing transcripts, or depositions, information from other cases etc. within 10 days following the hearing.
- B. **If the case is filed**, the case goes to the Grand Jury or Preliminary Hearing. The assigned investigator should present the case. If he or she does not feel comfortable with presenting the medical evidence, he/she shall notify the Deputy County Attorney, who can subpoena a physician or Forensic Nurse Examiner to the Grand Jury or Preliminary Hearing for testimony regarding medical findings.
- C. **If the case is not filed**, notification of the decision not to file shall be the responsibility of the County Attorney's Office. The victim's representatives as well as DCS should be notified of the decision.

- D. **If a post-filing follow-up** is requested and the suspect is in custody, a detective shall be assigned. All requested information should be presented to the Deputy County Attorney 24 hours prior to Grand Jury or Preliminary Hearing.
 - E. If the Deputy County Attorney refers the case back to the law enforcement agency for further investigation:
 - 1. The case should be returned to the original case investigator if possible.
 - 2. The requested information should be obtained as soon as possible.
 - 3. The GCAO can be advised if the investigating agency decides to inactivate/close the case at the discretion of the investigator.
- IV. Dispute Resolution** (See appendix).

Department of Child Safety Protocol

The primary role of the Department of Child Safety [DCS] is to protect children by investigating allegations of abuse and neglect, promoting the wellbeing of the child in a permanent home, coordinating services to strengthen the family and prevent, intervene, and treat abuse and neglect [ARS § 8-451]. DCS is responsible for investigating and assessing child safety pertaining to allegations of any act, failure to act or a pattern of behavior on the part of a parent, guardian, custodian, or adult member of the victim's household that may result in compromising the safety and wellbeing of the child; considered to be any person under the age of 18. Ultimately our job is to protect the child by engaging the family so that, if possible, the child can remain in the home, and if that is not possible and the child has to be removed, the family will make the required behavioral changes so that the child can return home rapidly.

Initial Contact and Conducting Interviews

The Department shall conduct investigations by interviewing and personally observing the alleged child victim, interviewing other children and individuals, reviewing documents, and using other accepted investigative techniques, as necessary to gather sufficient information to determine:

- whether the alleged child victim is currently safe or unsafe
- the nature, extent, and cause of any condition created by the parents, guardians, custodians, or adult member of the household that would support or refute the allegation that the child is a victim of abuse or neglect.
- the name, age, and condition of other children in the home; and
- whether any child is in need of safety actions or services.

The Department shall:

- contact the reporting source.
- interview the alleged child victim, or personally observe the alleged child victim if the child cannot be interviewed due to age or inability to communicate.
- interview other children living in the home of the alleged abuse or neglect.
- interview the alleged perpetrator(s).
- interview parent(s), guardian(s), and/or custodian(s) of the alleged child victim(s) living in the home of the alleged abuse or neglect.
- interview all other adults living in the home of the alleged abuse or neglect (including the spouse, boyfriend, girlfriend, significant other, roommates, etc.); and
- interview parent(s), guardian(s), and/or custodian(s) of the alleged child victim(s) living in a different household, if the whereabouts can be reasonably determined.

The interviews listed above shall be conducted in-person, except for the following:

- the reporting source may be interviewed by telephone; and
- a parent(s), guardian(s), and/or custodian(s) living in a different household from the home of the alleged abuse or neglect, who is not an alleged perpetrator and is not being considered for placement, may be interviewed by telephone.

Interview other children, adults, and collateral sources of information who may have witnessed or been told about the alleged abuse or neglect and/or safety threats or may be able to fill a gap or resolve a discrepancy in the information needed to assess family functioning and child safety. For example, these individuals may include:

- siblings and half-siblings of the child victim who live in a separate household who the primary caretaker does not have custodial access to.
- other children who frequent the home where the abuse or neglect occurred (a parent must provide written consent to interview the child unless the child initiates contact or is a sibling to an alleged victim).
- other adults who frequent the home or have contact with the child (such as a parent's spouse, boyfriend, girlfriend, significant other, roommate).
- school personnel.
- medical providers.
- childcare providers.
- relatives; and
- neighbors.

Prior to interviewing a child, the Department shall obtain written consent from the parent, guardian, or custodian, except when the child being interviewed is:

- the subject of an investigation.
- a sibling of the subject of an investigation.
- a child who lives with the subject of an investigation.
- a child who initiates contact with the Department; or
- a child identified in a report alleging a criminal conduct allegation.

The Department may exclude a parent, guardian, custodian, household member, or any other individual from being present during the interview with the alleged victim, the alleged victim's siblings, or other children residing in the alleged victim's household.

DCS Personnel shall present a DCS Identification card to everyone interviewed.

Before interviewing a parent, guardian, and/or custodian who is under investigation, the Department shall:

- verbally inform the parent, guardian, and/or custodian of their rights and duties.
- provide the parent, guardian, and/or custodian with the Notice of Duty to Inform; and
- ask the parent, guardian, and/or custodian to sign a written acknowledgment of receipt of the information.

The Department shall collect information about the parent's and child's race and ethnicity as outlined on the Notice of Duty to Inform.

The Department shall use inclusive language when speaking with all youth and families.

The Department shall coordinate investigations with law enforcement according to protocols established with the appropriate municipal or county law enforcement agency when one or more of the following circumstances exist:

- The Report alleges or the investigation indicates that the child is or may be the victim of criminal conduct.
- The Report alleges or the investigation indicates that the child is a victim of sexual abuse.
- The Report alleges or the investigation indicates that the child is a victim of commercial sexual exploitation or sex trafficking.
- Law enforcement is conducting a criminal investigation of the alleged child abuse and neglect, or an investigation is anticipated.

If during an investigation, the Department determines that a criminal offense may have been committed or a new allegation of abuse or neglect not previously reported is present, the Department shall immediately provide information to the appropriate law enforcement agency and the Child Abuse Hotline (Hotline).

As soon as possible but in no more than 24 hours, any child who is identified as a sex trafficking victim shall be reported to law enforcement for entry into the National Crime Information Center (NCIC) database.

In instances of criminal conduct against a child, the Department shall protect the victim's rights of the child.

If any person involved with an assessment or case notifies the Department of enrollment in the Address Confidentiality Program, the Department shall follow the procedures in Administrative Policy DCS 07-12 Address Confidentiality Program, including:

- confirm enrollment; and
- once verified shall maintain the person's home address as confidential; and keep it separate from the record (paper and electronic).

Procedures:

Joint Investigation with Law Enforcement

Criminal conduct allegations require a joint investigation with the law enforcement entity of the jurisdiction where the allegations reportedly occurred. Prior to conducting interviews with the family, consult local law enforcement where the incident occurred and coordinate investigative efforts and interviews according to an appropriate interview sequence

designated by the assigned law enforcement agent. Each county has different protocols for Joint investigations, which may be accessed at the Joint Investigation Protocols page on the statewide DCS website.

Joint Investigations are a partnership with law enforcement requiring clear role delineation. The roles and responsibilities of law enforcement and DCS personnel are different.

Protocols for Joint Investigation:

Coordinate the investigation with the identified law enforcement agency. Coordination requires a shared, cooperative approach and ongoing consultation, collaboration, and communication. Joint investigations include:

- developing a plan to complete the investigation.
- responding with law enforcement.
- communicating openly and frequently to discuss the status of the assessment or case; and
- obtaining and sharing information in a timely manner, particularly at the following critical communication points:
 - completion of interviews.
 - filing of a dependency petition.
 - prior to the return of the child victim to the home at any time during the life of the assessment or case.
 - prior to the return of an alleged perpetrator to the home at any time during the life of the assessment or case.
 - re-assessment of safety to include a possible change in the safety plan or a change in placement; and
 - disclosure of information about the criminal conduct.

Initiate the investigation within the assigned Standard Response Time.

- Priority 1: 2 hours
- Priority 2: 48 hours
- Priority 3: 72 hours

If law enforcement is not able to respond jointly within the response time requirements established for the Department, explain to the law enforcement agency that the Department is proceeding with its investigation of child safety.

OCWI Joint Investigative Liaisons (JILs) shall be used as a resource for resolving investigative conflicts between DCS and law enforcement. JILs can be reached by calling the Hotline.

When a child is identified as a victim in a report alleging criminal conduct, protect the child victim against harassment, intimidation, and abuse. Do not allow the alleged abusive person or any other person to:

- threaten, coerce, or pressure the child victim; or

- be present during interviews, family meetings; or other Departmental actions with the child victim.

Prior to report closure, contact law enforcement to verify there are no additional steps needed by the Department and ask if law enforcement is pursuing prosecution.

Initial Contact – Interviewing and Observing Children

Interview a child who is the subject of investigation (identified as the child victim in the report) or another child who lives in the home prior to law enforcement involvement, when necessary, to determine child safety. Whenever possible, interview the child, siblings, and all other children living in the home in a safe and neutral location. Interview the child alone for all or part of the interview. Ask the parent who is not alleged to have abused or neglected the child to be present for the child interview if the child refuses or is reluctant to be interviewed without the parent being present.

The DCS Specialist should use sensitive and inclusive language and treat all children with dignity and respect.

If a child is non-verbal, substitute the interview with observation of the child including the ability of the child to participate in age and developmentally appropriate milestones.

The alleged perpetrator shall not be present during the interview of a child who is the subject of an investigation, the child's siblings, or any other child in the household.

Provide children with information about the investigation process, including the role of various individuals in the process, and explain that the Department is working to ensure their safety.

Inform a child who identifies as LGBTQIA+ that their sexual orientation or gender identity will not be disclosed to other individuals or agencies without the child's permission, unless the information is necessary to ensure the child's safety, or a judge orders the disclosure.

When a child is interviewed without consent of the parent, guardian, and/or custodian, initiate contact with the parent, guardian, and/or custodian the same day and inform of the child's interview. The DCS Specialist should make reasonable efforts to inform the parent, guardian and/or custodian about the interview before the child returns home from school, when applicable.

If efforts to contact the parent, guardian, or custodian are not successful, talk to the reporting source, as appropriate, to determine if there is a means to contact the parent, custodian, and/or guardian. If there is no way to contact the parent, guardian and/or custodian, leave a copy of A Guide to the Department of Child Safety at the home, along with your name, address, phone number, and a request to be contacted.

Interviewing a Child at School

If an interview of a child needs to be conducted at school:

- Be respectful to the school's rules, schedule, testing, and the child's educational needs.
- Coordinate with the school's administrative personnel.
- Provide DCS identification and a copy of the Request for Interview at School.
- Ask to interview the child privately. If the child requests that a teacher or other school staff member be present for the interview, explain the need to speak with the child privately.
- Limit the amount of time a child misses classroom instruction.
- Do not share any additional details of the investigation with school personnel unless needed to determine the child's safety.
- Collect additional information if needed by requesting school records and interviewing school personnel by using the Request of Release of Education Records (investigation only).

If interviewing the child at school and there is a joint investigation, criminal conduct allegation, or law enforcement involvement, the Department or law enforcement must have parental permission, a court order/warrant, or exigent circumstances to conduct a full interview at school. Exigent circumstances means a child has suffered or will imminently suffer abuse or neglect, and it is reasonable to conclude the child will be in danger if the child returns home.

Without authorization as noted above, the Department can briefly question a child who is the subject of a Hotline report to assess child safety. The Department should:

- limit the assessment to approximately 20 minutes or less.
- ask who, what, where, when questions to determine whether there is probably cause to believe that it is clearly necessary to take temporary custody to protect the child from suffering abuse or neglect, and it is contrary to the child's welfare to remain in their home.
- assess for child safety only; and
- do not conduct a full interview with the child.

If denied access to the child, notify the DCS Program Supervisor and contact the Attorney General's Office. If denied an investigations records request, email the DCS Office of General Counsel at litigation@azdcs.gov.

Photographing

If a child has visible injuries and/or visible indicators of neglect, arrange to have the child photographed, preferably by law enforcement, a Child Advocacy Center, or a medical professional; and at the same time as a medical evaluation to reduce the number of times the child is examined. If these personnel are not available, photograph the child by depicting the child's entire body and face, not just the external manifestation of abuse. The Department shall not take photographs of a child's genitals. Photographs should include

ruler and color bar where possible. Label each photograph with the child's name, date of photograph, date of birth, name of DCS Specialist, and name of the person taking the picture. Photographs of children can be taken without permission of the parent, guardian and/or custodian.

Preparing to Meet with Parents, Guardians, and/or Custodians

Review the Person Record for each person to determine whether English is the person's primary language spoken. If another language is the primary language, ask the person if they wish to communicate in their primary language. If the person wishes to communicate in their primary language, ensure interpretation and translation services are in place; see Limited English Proficiency for more information on obtaining language services.

Gather the following documents, and provide them to the parent, guardian, and/or custodian when appropriate and necessary, as defined below:

- A Guide to the Department of Child Safety, CSO-1010A.
- Notice of Duty to Inform, CSO-1005A.
- Safe Sleep for Your Baby (for families with a child under one year of age).
- Authorization to Disclose Health Information (to obtain a parent/guardian/custodian or adult's medical or behavioral health records).
- Present Danger Plan and Present Danger Plan Signature Page (if a child is found to be in present danger).
- Safety Plan and Safety Plan Signature Page (if there is an impending danger safety threat to a child).
- Voluntary Placement Agreement (when parent, custodian, or guardian agrees to a voluntary placement).
- Temporary Custody Notice (serve to a parent, guardian, and/or custodian when the Department has taken temporary custody of a child).
- Notice of Removal (serve to a school, childcare provide., or other location when the Department has taken temporary custody of a child or removed a court ward); and
- Kinship Placement Agreement and Notification of Resources (for all kinship placements).

Informing a Parent, Guardian and/or Custodian Under Investigation of Their Rights

Persons under investigation by the Department have specific rights in addition to any rights afforded in a law enforcement investigation or criminal proceeding. Inform all persons of their rights in a Department investigation, even when law enforcement has informed a parent, guardian, and/or custodian of their rights with regard to a criminal investigation. During a criminal conduct investigation, the Department is required to disclose the allegations, but statute allows the Department to withhold details that would compromise an ongoing investigation.

Upon initial contact (whether by telephone, in-person or other method), inform the parent, guardian, and/or custodian under investigation verbally and in writing of all of the following:

- The individual is under investigation by the Department and the specific complaint or allegation made against the person.
- The Department has no legal authority to compel cooperation with the investigation or to compel the parent, guardian, and/or custodian to receive services.
- The Department shall proceed with the investigation (by interviewing other people who have information about the alleged abuse or neglect and the safety of any child living in the home, etc.) whether agreed to or not.
- The Department has the authority to petition the Juvenile Court for a determination that the child is dependent.
- Refusal to cooperate with the investigation or participate in services offered does not in itself constitute grounds for temporary custody.
- The individual may deny the Department entry into the home unless the Department obtains a court order.
- The individual has a right to seek the advice of an attorney and to have an attorney present during their interviews.
- The right to provide written, telephonic, or other verbal responses to the allegation(s), including any documentation, and to have the information considered in determining whether the child is in need of Department intervention.
- The individual may refuse to sign a release of information, consent to drug or alcohol testing, or submit to a mental health evaluation.
- Any information provided in response to the allegation(s) will be considered during the investigation.
- Any verbal response will be included in the report of the investigation.
- Any written response, including any document, will be included in the Department's record.
- Anything the person says, or writes can be used in a court proceeding.
- The right to file a complaint with the Arizona Ombudsman-Citizens Aide Office, the DCS Ombudsman Office and to appeal determinations made by the Department.

Ensure the information contained in the Notice of Duty to Inform is explained to the parent, guardian, and/or custodian in a language and manner that the parent, guardian, or custodian understands. See Engaging Parents During the Investigation Process page on the statewide DCS website.

After informing the parent, guardian, and/or custodian of the above rights, have the parent, guardian, and/or custodian sign the Notice of Duty to Inform, acknowledging receipt of notification of these rights. Provide a copy to the parent, guardian, and/or custodian.

Each parent, guardian, and/or custodian under investigation must be provided a separate Notice of Duty to Inform.

Provide the parent, guardian and/or custodian with the telephone number and email address for the DCS Office of the Ombudsman (602-364-0777 or ombudsman@azdcs.gov).

Provide the parent, guardian and/or custodian with the telephone number and email address for the Arizona Ombudsman-Citizens' Aide (602-277-7292 or ombuds@azoca.gov).

Conducting Interviews of Parents, Guardians, and/ or Custodians Who Reside in the Household of the Alleged Abuse or Neglect

Prior to initiating contact with an adult who resides in the household of the alleged abuse or neglect, review the information available to effectively develop a strategy to engage the participant. Not every interview is the same and each person may require a different technique in order to effectively engage in the interview process. If needed, consult with other Department personnel to assist in this process.

Establish a working relationship with the family to facilitate information gathering. Spend sufficient time establishing and building rapport with the child's parents, guardians and/or custodians by:

- asking and using the name the parent, guardian or custodian would like to be called during the course of the interview.
- notifying parents, guardians and/or custodians of their rights relative to the investigative process at the very beginning of the investigation.
- explaining, as part of the introductory process, the role of the DCS Specialist, role of the Department and the essence of the report (without getting into the details of the maltreatment until the interview process has begun in full).
- addressing parental concerns, deflecting strong reactions, and demonstrating empathy in response to significant emotions resulting from the parent, guardian and/or custodian's response to being a subject of an investigation.
- using sensitive and inclusive language, and treating the parent, guardian and/or custodian with dignity and respect.
- empowering parents, guardians and/or custodians by asking for assistance in arranging for a private place to conduct interviews, scheduling follow-up interviews, and asking for additional contact information on family members, friends, and individuals in their support network who they want the investigator to speak with about their family's circumstances; and
- guiding the interview process by redirecting the conversation back to the collection of relevant information when parents, guardians and/or custodians repeatedly move off-topic, recognizing the difference between intentional avoidance or misdirection and the need for the Specialist to address a legitimate concern before refocusing the interview.

During the initial interview with parents, guardians and/or custodians who reside in the household of the alleged abuse or neglect, the DCS Specialist should ask questions to elicit information related to the following domains of family functioning:

- asking and using the name the parent, guardian or custodian would like to be called during the course of the interview.
- Extent of child maltreatment.
- Circumstances surrounding the maltreatment.
- Child functioning on a daily basis.
- Adult functioning on a daily basis.
- General parenting practices; and
- Discipline and behavior management.

For more information to assist in conducting interviews see Family Functioning Assessment- Investigation.

If unable to complete in-person interviews in the home, complete one visit to the home of the child victim to observe the physical condition of the home and the living environment, and to assess the safety of the children in the home. Document observations and take photographs if appropriate.

Ask the parent, guardian, and/or custodian if the child's parent is of American Indian heritage/ancestry. On the Notice of Duty to Inform, document the response, including the name of tribe of which the child is a member or is eligible for enrollment.

Ask the parent, guardian, and/or custodian to identify their child's ethnicity.

Conducting Interviews of Parents, Guardians, and/or Custodians Who Do Not Reside in the Household of the Alleged Abuse or Neglect

The DCS Specialist shall gather information about any parent, guardian, and/or custodian of an alleged child victim who does not reside in the home of the alleged abuse or neglect in order to determine:

- the person's name, address, and other contact information.
- whether paternity or other legal relationship has been established between the child and parent.
- whether there are any court orders related to custody, visitation, or contact with the parent, guardian and/or custodian; and
- the frequency, duration, and nature of contacts between the parent, guardian and/or custodian and child(ren).

The DCS Specialist shall interview all parent(s), guardian(s), and/or custodian(s) of the alleged child victim(s) who do not reside in the household of the alleged abuse or neglect, if the whereabouts can be reasonably determined. During the interview, the DCS Specialist will:

- asking and using the name the parent, guardian or custodian would like to be called during the course of the interview.
- confirm the relationship between the child and the other parent, guardian and/or custodian.

- inform the parent, guardian, and/or custodian of the allegation of abuse or neglect to the child.
- gather information from the parent, guardian, and/or custodian regarding the six domains of family functioning pertaining to the home of the alleged abuse or neglect; and
- gather information about the household of the parent, guardian, and/or custodian being interviewed as described in Family Functioning Assessment - Investigation.

For more information about conducting interviews see Family Functioning Assessment - Investigation.

Ask the parent, guardian, and/or custodian if either of the child's parents are of American Indian heritage/ancestry.

Ask the parent, guardian, or custodian to identify their child's ethnicity.

Interviewing Collateral Contacts

In most instances, the reporting source should be the first individual contacted, prior to commencing the investigation. Contact the reporting source to corroborate information obtained by the Hotline and obtain other information the reporter might have on the extent of the maltreatment, circumstances surrounding the maltreatment, child functioning, adult functioning, general parenting, and disciplinary and behavior management practices. Ask the reporting source for the names and contact information of other reliable collateral contacts who know the family.

Identify collateral contacts likely to have relevant and reliable information on the family. Protect the identity of the collateral contacts, to the extent possible, when discussing with the family information shared about the family.

In addition to individuals who have direct knowledge about circumstances surrounding the maltreatment, collateral contacts or sources may include:

- individuals who have regular contact with the child and are likely to be able to describe the child's day-to-day functioning.
- doctors or other professionals who have evaluated or maintain records on the child.
- individuals with established personal or professional relationships with the parent, guardian and/or custodian who can likely describe the parent, guardian and/or custodian's day-to-day functioning; and
- individuals likely to have witnessed the interactions between the child and parent, guardian and/or custodian, and/or who can describe general parenting and disciplinary and behavior management practices.

When interviewing relatives, neighbors, and others about the alleged abuse or neglect, share only the information that is necessary to secure additional information about the child and family.

Address Confidentiality Program

If a person notifies the Department of enrollment in the Address Confidentiality Program (ACP), the Department shall follow the procedures outlined in Administrative Policy DCS 07-12 Address Confidentiality Program.

Observing Family Interactions

If family members are seen together, observe family interactions and the family conditions to which the child(ren) are routinely exposed, protective capacities, style of communication, power and control dynamics, and parenting skills as applied compared to those described by parents, guardians and/or custodians.

Parent-Child Interactions

If a parent, guardian and/or custodian and child are seen together, observe attachment and interaction dynamics to assess child and adult functioning, general parenting, and parental disciplinary practices and behavior management. Observe whether any of the following are occurring in the parent-child interactions, to evaluate parental protective capacities:

- Child displays behaviors that seem to provoke strong reactions from the parent, guardian and/or custodian.
- Parent, guardian and/or custodian ignores inconsequential behavior or appropriately responds to child's "acting out."
- Child has difficulty verbalizing or communicating needs to parent, guardian and/or custodian.
- Parent, guardian and/or custodian easily recognizes child's needs and responds accordingly.
- Child demonstrates little self-control and repeatedly has to be re-directed by parent, guardian and/or custodian.
- Child plays independently or with siblings/friends age appropriately.
- Child responds much more favorably to one family member.
- Family members appropriately express affection for each other.
- Parent, guardian and/or custodian demonstrate good / poor communication or social skills.
- Parent, guardian and/or custodian is very attentive / ignores or is very inattentive to child's expressed or observable needs.
- Parent, guardian and/or custodian consistently / inconsistently applies discipline or guidance to the child.
- Parent, guardian and/or custodian reacts impulsively to situations or circumstances in the home.
- Parent, guardian and/or custodian demonstrates adequate coping skills in handling unexpected challenges.

Adult Interactions

If the parents, guardians and/or custodians are seen together, observe how the identified alleged perpetrator and non-offending parent, guardian and/or custodian (and other adult caregivers) relate to each other. Observe the following interpersonal and relationship

dynamics to assess parental protective capacity to manage out-of-control behaviors, actions, or conditions identified in the home:

- One individual appears much more dominant or controlling in the relationship (i.e., interrupts conversations, challenges partner's statements, exhibits dismissive non-verbal communication in response to other person's comments – rolling of eyes, smirks, etc.).
- The non-offending caregiver appears very self-confident and self-assured.
- The adult relationship appears volatile and “all consuming” leaving inadequate time or energy for non-offending parent to address child's needs.
- The non-offending caregiver attempts to demonstrate effective parenting efforts but is undermined by the alleged perpetrator.
- Only one individual appears to be effective in disciplining and managing child behavior.
- A co-dependent, high/low functioning dynamic appears to exist between the individuals with significant caregiver responsibility with the identified alleged perpetrator not being held accountable for inappropriate or irresponsible behavior(s) by the higher functioning, more capable adult.

Criminal Conduct or New Allegations Disclosed During the Investigation

If during the course of an investigation, evidence suggests an allegation might be criminal conduct, contact the Hotline via an Intake Supervisor to add the allegation to the current report.

If the Intake Supervisor believes that the allegation meets criminal conduct criteria (See Investigations Involving Allegations of Criminal Conduct), the Intake Supervisor adds a tracking characteristic of criminal conduct to the allegation and contacts OCWI. If determined that the allegation meets criminal conduct criteria, appropriate law enforcement agency will be contacted, and the information shared.

If during the course of the investigation, the information collected reveals new or previously unreported incidents of abuse or neglect, contact the Hotline to provide the new information.

If during the course of the investigation, evidence indicates that a felony criminal offense perpetrated by someone other than a parent, guardian, or custodian or other adult member of the child's home has been committed, contact the appropriate law enforcement agency.

The Office of Child Welfare Investigations Protocol

The Office of Child Welfare Investigations (OCWI) was legislated into existence pursuant to House Bill 2721 and receives its statutory authority within Arizona Revised Statute 8-471. The OCWI is the latest augmentation to Arizona's Child Welfare System and was born out of Governor Jan Brewer's Child Safety Task Force. The task force was chaired

by Maricopa County Attorney Bill Montgomery and co-chaired by Director Clarence Carter of Arizona's Department of Economic Security.

The statutory obligation of the Office of Child Welfare Investigations (OCWI) is to protect children by assessing, responding to, or investigating criminal conduct allegations of child abuse within the State of Arizona. These investigations are to be conducted with law enforcement to maximize the joint investigative process in coordination with multi-disciplinary team partners. The mission of the Office of Child Welfare Investigation is to provide thorough, uniform investigations of child abuse to better protect children and increase the likelihood of criminal prosecution of offenders.

OCWI Criteria

As of this Gila County Multi-Disciplinary Protocol Update, the following is the OCWI callout criteria:

If the DCS report contains a criminal conduct allegation, the Child Abuse Hotline will determine if the criminal conduct allegation meets the OCWI criteria for an investigation as outlined:

- Currently OCWI investigates criminal conduct allegations reported to the DCS Hotline in Maricopa, Pima, Pinal, and Mohave Counties, however, OCWI will continue to assist outside those counties at the request of DCS and/or law enforcement and through the OCWI Joint Investigation Liaisons (JILs).
- OCWI maintains an ORI for the purpose of employing criminal research analysts who assist in the investigations, particularly in locating missing families of endangered, abducted and/or vulnerable children.

DCS Initial Response:

- I. Upon assignment of a report, the DCS Specialist/OCWI Investigator will conduct an initial review of historical information.
 - a. The DCS Specialist/OCWI Investigator will conduct an initial DPS criminal history check on the alleged perpetrators and adults in the home. The criminal history information should be used in developing a strategy to initiate and assist in decision making concerning the safety of the children and DCS/OCWI staff.
 - b. The DCS Specialist/OCWI Investigator will review the DCS prior history on the family and alleged perpetrators identified in the report.
- II. If available, the DCS Specialist/OCWI Investigator will contact and interview the source of the report.
- III. The DCS Specialist/OCWI Investigator will contact law enforcement to develop an investigative plan pursuant to the joint investigative protocol.

- a. The investigative plan will be staffed with the DCS/OCWI Manager or designee.
 - b. The DCS Specialist/OCWI will still respond in the event of no response or inability/refusal by law enforcement.
- IV. The DCS Specialist/OCWI Investigator will participate in a briefing with Law Enforcement to coordinate investigative assignments. This should include the following:
 - a. Coordination regarding which entity will complete interviews of report participants and agreement as to the order of interviews.
 - b. Coordination and assignment of other investigative tasks.
- V. All reasonable support and assistance shall be provided to staff members who experience violence or the threat of violence while conducting criminal conduct investigations. If information indicates that a situation may be dangerous, the DCS Specialist/OCWI Investigator should request an escort from law enforcement. If involved in a dangerous situation while escorted by law enforcement, wait in a safe area and be available to engage in the criminal conduct investigation when the situation is secured by law enforcement. If unescorted and involved in a dangerous situation, leave immediately, call 9-1-1, and notify an DCS/OCWI Manager when safe.

Conducting Interviews:

- I. In consultation with DCS/OCWI and law enforcement, determine who will be interviewed and what location is most suitable.
 - a. In addition to the members of the household, identify other persons known to have information that will help determine whether the child is safe at the present time, whether abuse occurred, and to what extent there is risk of future harm. Individuals who know the family may be able to support the family during the process and if needed, assist the family in creating a safe environment for the child.
 - b. Consider the advantages and disadvantages of interviewing at school, at home, in the office or in another safe and neutral location.
 - c. When interviewing the child, consider how to conduct the interviews in a way that maximizes the ability to elicit spontaneous responses and to decrease the possibility of coached or rehearsed answers. Ask open ended questions. [All OCWI Investigators will be trained in basic and advanced interviewing techniques].
- II. Determine if interviews should be by appointment or unannounced.

- a. Given the particular allegations, how important is it to observe the home environment untouched?
 - b. Given the particular allegation, how important is it to interview or observe the child(ren) alone prior to the parent's knowledge?
 - c. From the information available, does it seem likely that the family will cooperate with or be resistant to the investigation?
 - d. Does the information indicate the family is relatively stable with strong ties to the community or are they likely to avoid investigation by leaving before you arrive?
- III. Determine if the interview should be conducted alone or in the company of another staff member, or in case of safety concerns, a law enforcement officer.
- a. From the information available, what is the likelihood of encountering violent behavior, illegal activities or weapons in the home or the community?
 - b. How isolated is the family's home?
 - c. How many people are likely to be present?
 - d. How many will need to be interviewed?
 - e. Is there any indication that an interpreter will be necessary?
 - f. Does the situation demand the specialized expertise of another staff member?

Specific Material Harm

The Department's case records are confidential and shall not be released, except as specified by law. Information received from the OCWI, including the OCWI documentation within the Guardian case record, is DCS information and subject to the same confidentiality protection afforded all DCS information. [Guardian refers to the data collection system used by DCS and the OCWI]

When a case involves a cooperative investigation with DCS and a records request is received or a dependency is initiated, the Child Safety Specialist will contact the assigned law enforcement agent prior to releasing any information.

In an open dependency case, the Child Safety Specialist has an ongoing duty to disclose information, including information that was received from law enforcement, to the other dependency parties, to include the parents, unless disclosure could:

- Endanger a person;
- Identify the reporting source of a DCS report;
- Cause specific, material harm to an investigation; or
- Violate a federal or state law

Within 24 hours prior to the preliminary protective hearing, the Child Safety Specialist must disclose all DCS information to the other parties in the dependency. The Child Safety Specialist must continue disclosing all DCS information to dependency parties throughout the life of the dependency within five days of creating or receiving the information. In addition, the department is required to promptly provide DCS information regarding a case of child abuse, abandonment or neglect that has resulted in a fatality or near fatality.

The department is not required to release information when such release would cause a specific, material harm to a Department of Child Safety or criminal investigation or when such release would likely endanger the life or safety of any person. If the department releases information, it must take reasonable precautions to protect the identity and safety of the reporting source.

If it is believed that the release of records may harm a criminal investigation, DCS will contact the Gila County Attorney's Office. If the County Attorney agrees that the disclosure of information would cause a specific, material harm to the criminal investigation, the County Attorney must provide DCS with written documentation supporting his/her assertion.

DISPUTE RESOLUTION (See Appendix)

Family Advocacy Center Protocol

Advocacy services are offered in Gila County through the Copper Hills Family Advocacy Center (CHFAC) in Globe. CHFAC also offers satellite advocacy services to victims of crime and their caregivers/support people in Payson utilizing a soft room. Advocacy services in Gila County also support individuals from neighboring communities who are referred for services by law enforcement from neighboring communities. CHFAC operates on an as needed basis and does not maintain specific hours of service. Law enforcement may request a forensic interview or other services by contacting the Director. The Director will notify appropriate professionals and investigative services will be scheduled.

I. Case Referral

- A. A case may be referred to CHFAC by law enforcement, the County Attorney's Office, or DCS.
- B. Referrals are documented on an intake form.

II. Forensic Interviews

A. Intake Form

An intake form is available to law enforcement officers and should be completed prior to the forensic interview and provided to advocacy center staff. If the information is not available before the scheduled interview, the investigator may bring a hard copy of the intake form to the interview, or the form may be completed by CHFAC staff at the time of the Forensic Interview. The investigator is asked to provide (at a minimum):

- 1. Victim's name and date of birth (DOB).
- 2. Non-offending guardian's information (including contact information).
- 3. Sibling information.
- 4. Law enforcement and DCS case numbers.
- 5. Suspect's name and DOB.

B. Interviews

Forensic interviews conducted by CHFAC will be video and audio recorded.

A DVD, and/or flash drive of the interview recording will be released to:

- Law enforcement
- County Attorney's Office having jurisdiction of the case.

Other requests for copies of interviews must go through the Gila County Attorney's Office.

C. ADA Needs

The CHFAC or a designated soft room may present physical barriers for a person with certain disabilities and as such may necessitate the use of an alternate interview site.

- D.** Law enforcement or DCS investigators may determine that in the best interest of the case, the interview should be conducted outside of Gila County. The CHFAC Designated Forensic Interviewer may be able to travel to another advocacy center to provide services. If CHFAC Designated Forensic Interviewer is not available, the victim will be interviewed by another Family Advocacy Center or Child Advocacy Center. Investigators will also make an effort to ensure the victim and non-offending family members have contact information and access to services offered by CHFAC.

III. Training for Forensic Interviewers

Any designated/dedicated forensic interviewer through the CHFAC conducting an interview on a child 7 years of age or under, or an individual who qualifies under the criteria listed in this protocol is required to have successfully completed the following:

- At least 32 hours of Basic and Advanced Forensic Interview Training [AFIT] offered through the State of Arizona
- Trainings on Interviewing Reluctant, Traumatized and Pre-School Children
- Trainings on Developmental and Linguistic Consideration for interviewing children with disabilities
- Participate in peer review and/or article review with other forensic interviewers.

Recommended continuing education trainings including:

- Sexual Abuse
- Homicide/Physical Abuse
- One Party Consent Calls

IV. Victim Advocacy

CHFAC provides individuals with advocacy services at the time of the forensic interview and as needed throughout the criminal justice process. CHFAC also collaborates with the Gila County Attorney's Office, Division of Victim Services, and provides clients with information and referrals for their services. CHFAC and the Gila County Attorney's Victim Advocate work together to ensure victim advocacy services are provided and continued throughout the prosecution phase of the case. These services may be continued

longer if needed or requested. Services provided by the CHFAC Victim Advocate may include:

- A. Victim and non-offending family member stabilization.
- B. Providing victims with information about the victim rights, crime victim compensation forms and referrals to mental health, legal and/or other services in the community.
- C. Psychoeducation on the impacts of abuse and /or violence and ways to help the recovery process.
- D. Educating clients and non-offending family members about partners in the system, and the roles they play.
- E. Follow-up services will include as needed contact throughout the criminal justice process, or when initiated by the client and non-offending family members.

V. Case Review

A. Purpose

The multidisciplinary team (MDT), including CHFAC, will conduct case reviews on a regular schedule to:

1. Discuss active and closed cases of special interest that will help to educate on the team process.
2. Ensure cases receive needed attention from all agencies.
3. To help coordinate active cases.
4. Create a joint plan of action.
5. Highlight successes

B. Logistics

1. Case reviews are held at monthly multidisciplinary team (MDT) meetings in Northern and Southern Gila County (time and location approved by MDT members);
2. The GCAO will be responsible for coordinating and participating in MDT processes and meetings.
3. The GCAO, or a partner agency that agrees to assist with coordination, will be responsible for notifying members of upcoming meetings and follow up after the meeting.
4. Each representative attending an MDT case review shall sign a confidentiality agreement and abide by it.

C. Agency Representation

Representatives from the following partner agencies shall attend MDT case review meetings at least 75% of the time

1. Gila County Attorney's Office
2. Law enforcement.
3. The Department of Child Safety (DCS) and Office of Child Welfare Investigations (OCWI)
4. Mental health providers.
5. Victim Services; and
6. Copper Hills Family Advocacy Center

D. Confidentiality Statement Purpose

CHFAC recognizes maintaining confidentiality of identifying data is crucial to the continued confidence, ethical health, and success of the program.

1. All records of a confidential nature, including those containing specific identifying information of any kind, shall be securely stored;
2. Data systems are maintained on a secured website, through CHFAC and backed up on a regular basis;
3. Client files are kept in a locked cabinet located at a secure facility.
4. Client information is highly confidential and cannot be shared with anyone outside of the direct investigation. Any breach of confidentiality will be referred to the appropriate agency for investigation and disciplinary action.

VII. Background Checks

It is the policy of the Copper Hills Family Advocacy Center that all staff and volunteers undergo a criminal background check through Arizona Department of Public Safety equal to that required for a mental health provider. Fingerprint cards will be a part of the employee's file.

VIII. Dispute Resolution (See Appendix)

County Attorney – Prosecution Protocol

The GCAO has long emphasized a sensitive and coordinated approach to the prosecution of child physical and sexual abuse cases through vertical prosecution and specialized training.

Special consideration is given to the selection of the attorneys who prosecute child involving child physical and/or sexual abuse cases.

1. All sex crimes attorneys are experienced prosecutors and trial advocates.
2. The attorneys are carefully chosen for their expertise, interest and sensitivity to the myriad of issues surrounding child victims/witnesses.
3. The attorneys are expected to remain current on case law and research on victim and offender related dynamics. They are also expected to be familiar with the medical issues and literature on child sexual/physical abuse.

Upon appointment to either child abuse or sex crimes an attorney must complete the following training:

1. 32-hour basic and advanced forensic interview training; (Because this course involves practicum for interviewing and testifying designed primarily for law enforcement, and child protective services workers, the attorney may audit the course);
2. 8-Hour basic training on child physical abuse.
3. The attorneys must complete two of the following within two years:
 - a. Investigation and prosecution of child abuse: Equal Justice for Children.
 - b. Investigation and prosecution of child fatalities and physical abuse.
 - c. Child Proof: Advance Trial Advocacy for Child Abuse Prosecutors.
4. Because training opportunities vary, the attorney may substitute another similar training for any of the above requirements with the approval of the County Attorney.

I. Duties of the Appointed Deputy Attorney

A. On-Call

1. On-call attorneys assist law enforcement agencies in child abuse investigations.
2. The on-call attorney may:
 - a. Visit the scene.
 - b. Assist in the preparation of a search warrant.
 - c. Answer legal inquiries.
 - d. Attend the initial appearance.
 - e. Attend the autopsy.

B. Charging Review

The on-call attorney will review all investigations submitted by law enforcement agencies involving sexual assaults, child sexual abuse, child exploitation, indecent exposure, child abuse, child homicide, custodial interference or kidnapping for the possible filing of criminal charges.

1. After the investigation is completed by law enforcement, the police agency submits a departmental report to the attorney for review.
2. Submittals are designated either as Out-of-Custody or In Custody.
 - a. Out-of-Custody Submittals:
 - (1) Aside from the statute of limitations, there is no legal time limit imposed for filing charges.
 - (2) Submittals should have a reviewing decision made within 90 days from the date the submittal was received by the Gila County Attorney's Office.
 - b. In-Custody Submittals:
 - (1) Charges via a complaint must be filed within 48 hours of an initial appearance (an "Initial Appearance" occurs within 24 hours of being booked into jail) to maintain the bond or release conditions, which were set at the initial appearance. The 48 hours does not include weekends and holidays.
 - (2) If charges are not filed within the 48-hour time frame, the defendant will be released from custody. Any bond or other release conditions that have been imposed at the initial appearance will be exonerated or otherwise lifted.
 - (3) If, at the initial appearance, the defendant was released on his own recognizance, on bond, or to pre-trial services, and charges were not filed, all release conditions will no longer apply and any bond posted will be exonerated.
 - (4) For a complaint to be filed in a timely fashion, the agency must email a copy of the report to the Gila County Attorney's Office as soon as practical to allow the County Attorney's office time to review the case prior to the expiration of the 48-hour deadline.
 - c. As a practical matter, not all defendants who are arrested will have charges filed.
 - (1) There will be instances where further investigation will be necessary before the case is ready to be filed.
 - (2) The case may not meet the County Attorney's Office charging standards and may be declined.

C. Attend Multidisciplinary Team Meetings and participate in case reviews.

II. Processing Submittals

A. Once the investigation has been submitted, a reviewing attorney reads the

report(s) and decides if the submittal is to be furthered for additional investigation, declined for prosecution or filed.

1. Submittals furthered for additional investigation:
 - a. The reviewing attorney will list with specificity the information necessary for prosecution.
 - b. The submittal is then returned to the investigating agency to complete the investigation.
 - c. At this juncture, the law enforcement agency has two options:
 - (1) To complete the investigation; or
 - (2) To inactivate/close the investigation.
If the decision is to inactivate/close the investigation, then a letter to the County Attorney shall be sent stating the basis for the decision.
 - d. When the requested further investigation is complete, the law enforcement agency will submit the report for the County Attorney's review.
 - e. If the requested follow-up information is not provided in 45 days, then the case will be declined.
2. Submittals declined for prosecution:
 - a. The primary reason submittals are declined for prosecution is a failure to meet the office-charging standard, i.e. the submittal, when reviewed as a trial case, has no reasonable likelihood of conviction.
 - b. The County Attorney's Office will not reject a case solely on the basis that the victim or victim's family refuses to cooperate with prosecution.
 - c. When the reviewing attorney determines a decline is appropriate, the County Attorney may review the submittal at the specific request of the victim, DCS or law enforcement.
 - d. A letter indicating the decline decision will be mailed to the victim and/or the victim's lawful representative (i.e. parent or guardian) by the County Attorney's Office.
 - e. The submittal is then returned to law enforcement indicating the decision not to file and a copy sent to DCS.
 - f. The victim or the victim's lawful representative has the right to confer with the initial reviewing prosecutor regarding the decision not to prosecute.
 - g. All cases that are NOT FILED may be re-evaluated if new evidence is presented.
 - h. Except for homicide and, as of 2001, any Class 2 Sex Crimes (Chapter 14 or 35.1) case which has no statute of limitations, the statute of limitations for any felony allows for a prosecution up to seven (7) years from disclosure of the crime. (See Appendix ARS 13-107)
3. If a submittal is appropriate for prosecution:
 - a. The Deputy County Attorney shall issue appropriate charges.
 - b. A probable cause determination must be made through either a Preliminary Hearing or a Grand Jury.

- c. Grand Jury proceedings are not open to the public and do not subject the victim to the stress of testifying.
- d. If the case proceeds to trial, the Victim is generally necessary to testify at the trial.

III. Vertical Prosecution – A Team Approach

- A. The County Attorney’s Office utilizes vertical prosecution with a team approach in child sexual abuse, child physical abuse and homicide cases.

Vertical prosecution means the same County Attorney who reviewed the submittal and filed the charges will prosecute the case.

- B. The County Attorney’s policy is to use a team approach in prosecution. The team consists of the Deputy County Attorney, County Attorney Detectives, Victim Advocate, Legal Assistants and outside agencies, such as the Department of Child Safety.
 - 1. County Attorney Detectives may be utilized to assist the prosecutor once a case is filed.
 - 2. Victim Advocates act as a liaison between the Deputy County Attorney and the victim’s representative. The Deputy County Attorney, in conjunction with the victim advocate work with the victim, parent, guardian *ad litem* or the victim’s attorney on the case.
 - a. Additional duty of the GCAO Victim advocates is to assist in filling out crime victim and other forms as needed.
 - 3. Legal Assistants help in the research and preparation of motions regarding special issues surrounding child sexual and physical abuse prosecutions.
 - 4. The Department of Child Safety is an independent State agency that deals with civil issues involving the child victim. If a case involves DCS intervention, the Deputy County Attorney will attempt to work with the designated caseworker, recognizing the goals for case resolution will not necessarily be the same for each agency.
 - 5. Prosecution is a team effort among the investigative agency, the prosecutor, the Victim Advocate, the victim and the witnesses. All members of the team are under a continuing obligation to exchange information about the case. The assigned Detective is encouraged to assist prosecution during the trial.
- C. A representative from the County Attorney’s office will regularly participate the multidisciplinary team process, including monthly meetings and case reviews.

IV. Case Dispositions – Change of Plea or Trial

- A. Once the case is assigned to a Deputy County Attorney, the attorney and/or the Victim Advocate will contact the victim as soon as practicable to discuss the

process and obtain input as to a possible disposition.

1. Sex crimes and serious physical abuse cases are staffed for disposition by the Deputy County Attorney and Chief Deputy County Attorney.
 2. Plea guidelines as well as prior case dispositions will be used in making plea offers to provide consistency of dispositions among similar cases.
 3. Serious physical injury cases utilize office plea guidelines, with the child abuse prosecutor managing the case disposition based on the specifics of the case.
 4. In all child abuse cases that involve more than one count, it is anticipated that any plea offer will include lifetime probation. Lifetime probation may be imposed even in cases that include a term of imprisonment.
 5. Plea offers typically are extended within 30 days of arraignment, following office policy and should be entered within 90 days after the arraignment date. Extensions of the plea offer may be granted but only with the approval from the Chief Deputy County Attorney.
 6. The offer is communicated to the victim via the Victim Advocate or the attorney. It is the duty of the County Attorney's Office to see that justice is served in the handling of criminal cases. In that endeavor, it is recognized that the victim's opinion of what is just in their case may differ from the views of this office.
 - a. If the victim's view of the disposition diverges from the staffing offer, he or she shall be given the opportunity to discuss their disagreement with the Deputy County Attorney and, if necessary, with the Chief Deputy County Attorney.
 - b. If the difference of the opinion is still not resolved, the victim has the right and opportunity to notify the pre-sentence probation officer and the court of their opinion.
 - c. Final disposition of a disputed negotiated plea rests with the discretion of the court to either accept or reject the plea offer.
- B If a case cannot be resolved by a Change of Plea, the case is set for trial. The GCAO recognizes that many victims and/or their lawful representatives are apprehensive about testifying.
- Trial apprehension may be caused by:
1. Unfamiliarity with the trial process.
 2. Uncertainty regarding whether or not the case is proceeding to trial.
 3. Unnecessary delays;
 - a. The Deputy County Attorney will not create any unnecessary delays.
 - b. The Deputy County Attorney will oppose any unnecessary delays.
 4. Fear of testifying.

V. Trial Disposition – Trial and Victim Preparation

- A. Trial preparation is the responsibility of the Deputy County Attorney.

1. The Deputy County Attorney should meet with the victim to acquaint the victim with the trial process.
 - a. The Deputy County Attorney should strive to develop rapport with the victim.
- B. Victim preparation is the responsibility of the Deputy County Attorney with the assistance of the Victim Advocate.
 1. In all but very rare cases, the victims are required to testify in court.
 2. At least three days before the trial, the victim will be taken into a courtroom and the Deputy County Attorney will explain courtroom protocol and procedures to the victim.
 3. The Deputy County Attorney is aware that the courtroom may be intimidating to the child/victim.
 - a. In appropriate cases, the Deputy County Attorney may request adaptation of the courtroom to fit the victim's needs.
 - b. When handled properly, trial testimony can be a powerful aid to the victim recovery process.
 - c. The Deputy County Attorney takes an active role in the victim's recovery process by the way he/she handles a case destined for trial.
 - (1) If requested to do so, the Deputy County Attorney will assist the victim in selecting a support person to be present during the victim's testimony, in addition to the Victim Advocate.
 - (2) The support person cannot otherwise be a witness in the case, unless that individual is the victim representative.
 - (3) The Deputy County Attorney will seek appointment of an interpreter or guardian *ad litem* for a victim in appropriate cases.
 4. Prior to trial, the Deputy County Attorney and the Victim Advocate will discuss the possible outcomes of the trial with the victim and the victim's representative.
 5. At the option of the victim, he or she may submit to an interview by the defense attorney.
 - a. The Deputy County Attorney will be present at the victim's request and will actively participate in the interview.
 - b. The Deputy County Attorney will make necessary arrangements for any reasonable conditions requested by the victim, including;
 - (1) The presence of the Victim Advocate who acts as a support person for the victim, or
 - (2) The presence of another support person.
 - c. The Deputy County Attorney or his/her representative will arrange defense interviews of witnesses at the defense's request.
 - (1) The Deputy County Attorney or his/her representative will be present and will tape record the interview.
 - (2) The Victim Advocate will arrange interviews with the victims, their family members, and any special needs witnesses.

- C. The County Attorney's Office recognizes that child sexual and physical abuse cases often require retention of expert witnesses.
 - 1. In those cases, the County Attorney's Office will pay reasonable fees for that expertise.
 - 2. Professionals who are required to testify because they are material witnesses (i.e. they have seen and evaluated the child or are involved in the case within their professional capacity) are not entitled to receive expert witness compensation.
 - 3. Expert and professional witnesses often have scheduling difficulties. The Deputy County Attorney shall strive to give adequate notice of a pending trial date to these witnesses.
 - 4. Special considerations will be given to the experts and professional witnesses to accommodate their schedules in coordinating a time for their testimony. Obvious constraints are imposed on the prosecutor, but efforts will be made to minimize the inconvenience to the expert or professional witness.

VI. Jury Verdicts

- A. Once the case has been presented and the jury returns with a verdict, the Deputy County Attorney and/or the Victim Advocate will inform the interested parties and team members of the case outcome.
 - 1. A jury has three (3) options in reaching a verdict on any of the charges:
 - a. Not guilty, in which case the defendant is acquitted, charges are dismissed and the defendant is free from future prosecution on that matter;
 - b. Guilty, in which case the defendant is bound over for sentencing;
 - c. "Hung Jury", in which case the jury was unable to reach a unanimous verdict as to the defendant's guilt or innocence.
 - (1) Officially, this results in a mistrial and the case is reset for trial. The case may be re-tried, resolved by plea, or dismissed.
 - (2) It is the Deputy County Attorney's responsibility to consult with and keep the victim informed of the decision regarding the final disposition of the case.

VII. Sentencing

- A. If the defendant pleads guilty or no contest, or if the jury finds the defendant guilty, the Deputy County Attorney and/or the Victim Advocate will inform the victim of the sentencing procedure.
- B. The sentencing date is 30 to 90 days after conviction.
- C. The duties of the Deputy County Attorney include:

1. Submitting an Adult Probation packet to the Adult Probation Officer.
This packet includes:
 - a. Departmental reports.
 - b. The indictment, information or complaint.
 - c. A copy of the plea agreement (when applicable);
 - d. Victim's biological information.
 - e. Other relevant information
 - f. The Deputy County Attorney's sentencing recommendation.

- D. Upon request of the victim, the Deputy County Attorney:
 1. Will inform the victim of his/her rights to restitution.
 2. Will inform the victim of sentencing procedure options, such as:
 - a. The defendant may seek a continuance of the original sentencing date to present mitigating evidence.
 - b. The State may seek a continuance of the original sentencing date in order to present mitigating and/or aggravating evidence.
 - c. Either side may request a mental examination under Rule 26.5, Arizona Rules of Criminal Procedure.
 3. Will inform the victim of his/her sentencing options at the sentencing proceedings:
 - a. The victim or the victim's lawful representative has the right to be present at the sentencing.
 - b. The victim or the victim's lawful representative has the right to address the court.
 4. Will assist the victim in addressing the court.
 - a. The Deputy County Attorney may request of the court that the matter proceed in chambers.
 - b. The Deputy County Attorney may assist the victim in preparing a written impact statement to present to the court.

VIII. Post Conviction Relief and Appeals

- A. The Deputy County Attorney and/or the Victim Advocate will explain to the victim and his/her representative the possibility of a review via petition for Post-Conviction Relief (PCR) or an Appeal.
 1. PCR is a legal review of the changes of plea proceeding. PCRs are handled by the Deputy County Attorney.
 2. An appeal is legal review of the trial proceedings. Appeals are handled by the Attorney General's Office.

IX. Dispute Resolution (See Appendix)

Mental Health Providers Protocol

I. Mental Health

- A. Agencies in Gila County who provide mental health services will be an active partner in cases alleging child abuse. Mental Health agencies will make every effort to provide children/families with services or referrals to accommodate client needs. Copper Hills Family Advocacy Center (CHFAC) will make every effort to refer to culturally appropriate mental health services that may be offered in the community.
- B. Mental health providers, in their role as a core component of the CHFAC, will be an active part of the case review process (see case review section).
- C. Mental health providers will also be a member in the process of continual Protocol updates through the CHFAC and the Gila County Attorney's Office (GCAO).
- D. CHFAC will distribute applicable referral and resource lists to all agencies on an annual basis which contain current service information.

II. Crisis Intervention

Mental health providers will provide referrals for clients and non-offending family members to crisis intervention services as needed.

The crisis response team will provide crisis intervention and a licensed clinician will complete an assessment to determine appropriate level of care and assist with any recommendation for additional, immediate, or future mental health services and will coordinate with local mental health providers to assess immediate or future safety concerns. In instances where the client may need hospitalization appropriate referrals and/or linkages will be provided by the mental health provider or crisis team.

Crisis lines:
Gila County- 1-800-631-1314
AZ- 1-877-756-4090

III. Dispute Resolution (See Appendix)

Medical Forensic Protocol

The Copper Hills Family Advocacy Center (CHFAC) provides sexual assault exams and strangulation exams for all ages. If a forensic medical exam is needed, The CHFAC or Family Advocacy Centers in surrounding counties will be contacted by the detective to schedule the exam. A physician and/or a Forensic Nurse Examiner specializing in the examination of child abuse victims are available at these sites to conduct these exams. It is our belief that victims are less traumatized by the amiable environment, which provides crisis intervention and referral services to both the non-offending caregiver and the victim.

In cases where a forensic interview and medical exam are needed we recommended consideration be given to the following elements:

- **Time of day**
- **Age of the victim**
- **Potential impact to victim and family**
- **Potential benefit or detriment to scheduling the forensic interview in Gila County on a separate day.**
- **Time frame consideration- exam must be conducted within 5 days or 120 hours of the assault.**
- **Victim care prior to the examination: best practice for victim to remain unbathed and clothing to remain unwashed.**

A medical forensic examination is available to all victims of sexual assault regardless of age, gender, sexual orientation, or race. A medical forensic examination can expand the probability that evidence collected will support in a criminal case investigation, following in perpetrators being held responsible, with the potential of stopping further sexual violence.

- In Gila County, the Copper Hills Family Advocacy Center will provide a medical forensic examination immediately following the assault, or within 5 days or 120 hours after the assault.
- When to call an FNE: If a sexual assault has occurred. If there is a suspected occurrence of sexual assault. Sexual abuse. Attempted sexual assault. IPV/DV strangulation. Exams can be performed for non IPV strangulation by a FNE with jurisdiction approval. Suspect examinations. Any time there is a question always call an FNE for guidance.
- It is recommended that the examination be conducted at the advocacy center to provide the patient with comfort, privacy, and safety. If that cannot occur, an exam can be performed at hospitals or jails permitting.

Informed Consent will be obtained prior to the medical forensic examination. The informed consent will be presented to the patient in a language in which they understand and will be explained in a way the patient understands they may accept or decline any or all part of the medical examination.

- The purpose of obtaining the informed consent from the patient is to obtain a medical history, a history of the assault, perform a head-to-toe examination, taking photographs, documenting injuries, and collecting samples for DNA and evidence purposes.
- Persons aged 12 and older can consent to their own examinations without a parent/guardian providing consent. Persons 12 and older can decline any or all parts of examination regardless of how parents/guardian or law enforcement feels or desires.

Definitions:

- Health care providers who have been trained to perform the examination can provide a comprehensive medical examination.
- A forensic Examiner is a registered nurse, nurse practitioner, or physician with specialized education and clinical preparation in the medical care and treatment of sexual assault and domestic violence.
- Sexual assault is any nonconsensual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent. It is any type of sexual activity or contact that you do not consent to.
- VAWA Examination is the Violence Against Women Act (VAWA) that ensures victims access to a forensic exam, regardless of their decision to engage with law enforcement. This examination will need to be completed within the 5 days or 120 hours of the assault.
- Domestic violence/Intimate Partner Violence is a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner. Abuse is physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person.
- Suspect examination focuses on evidence collection, not medical purposes. The goal is to collect and document biological and trace evidence. A suspect examination requires law enforcement to obtain a search warrant and/or consent from the suspect.

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Multi-Agency Dispute Resolution

Pursuant to A.R.S. Section § 8-818 (B) (9) the Protocols for Joint Investigation shall include a procedure for dispute resolution between agencies. It is essential that law enforcement, the Department of Child Safety and the Gila County Attorney's Office communicate effectively. It is understood that conflicts may arise during a joint investigation and after.

Law enforcement and DCS are encouraged to actively participate in regularly scheduled multi-agency team meetings for the purpose of addressing and resolving misunderstandings, improving communication and cooperation or other issues affecting the joint investigation of child abuse. Each agency is committed to working as a team to ensure best practice models are followed in all investigations.

To ensure there is an effective line of communication the following procedures may be used.

- Disputes between DCS and law enforcement agencies should be resolved at the lowest level possible and in as informal a method as possible.
- If disputes cannot be resolved at the DCS Specialist/law enforcement officer level, the concerned agency should contact the immediate supervisor responsible for the agency with whom the concern is based.

If it is an urgent situation and no immediate supervisor available, the agency seeking resolution shall:

- Contact the appropriate DCS Assistant Program Manager or law enforcement supervisor responsible for the investigation of crimes against children or officer in question.
- If it is not an urgent situation or if the supervisors cannot provide a satisfactory resolution to the problem the agency filing the complaint may utilize the "chain of command" for the other agency.
- In the event the issue cannot be resolved between respective chains of command an upper management level meeting may be necessary. This conferring may be completed over the phone as necessary to accommodate a timely response and resolution.

If a potential conflict of interest is present, the following guidelines should be utilized by Law Enforcement Department Heads, Supervisors, Detectives, and Officers. This

guideline is designed to provide direction when responding to reported cases involving child abuse or child neglect investigations.

1. Conflict of Interest defined for purposes of this guideline are the following:
 - A. Officers/Agencies investigating fellow officers and employees of the same agency.
 - B. Officers investigating family members, close relatives, and friends.
 - C. Officers/Agencies investigating political or administrative personal from the same governmental entity.

2. When presented with potential conflict of interest situations during the investigation:
 - A. Officers: notify their supervisor immediately of the potential conflict to determine direction of the investigation
 - B. Supervisors: should contact department administrators for direction on handling the investigation
 - C. Departments: should take into consideration conflicting out the investigation to other agencies

3. These Guidelines are to be used as a **guide only** for officer/agencies when confronted with potential conflicts of interest in these types of investigations. These guidelines are not intended to override any agencies' policies and or procedures.

EXPENSES OF INVESTIGATION; WEBSITE NOTICE

(A.R.S. §13-1414)

A. Any medical or forensic interview or examination expenses arising out of the need to secure evidence that a person has been the victim of a dangerous crime against children as defined in section 13-705 or a sexual offense pursuant to section 13-1404, 13-1405, 13-1406 or 13-3212 shall be paid by the county in which the offense occurred with any of the following:

1. Federal monies.
2. State monies that are appropriated by the legislature for these investigation expenses.
3. Any applicable combination of monies described in paragraph 1 or 2 of this section.

B. Each county shall publish on the county's website the name of the county official who is responsible for paying the expenses included in subsection A of this section.

Arizona Revised Statute § 8-817

Initial screening and safety assessment and investigation protocols; investigations

- A. The department shall 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. Any initial screening and safety assessment model shall be based on an evidence-informed safety assessment model prescribed in section 8-456 and shall ensure valid and reliable responses. The department shall establish written policies and procedures to implement the use of the initial screening and safety assessment protocols.

- B. To ensure thorough investigations of those accused of crimes against children, in each county, the county attorney, in cooperation with the sheriff, the chief law enforcement officer for each municipality in the county and the department shall develop, adopt and implement protocols to guide the conduct of investigations of allegations involving criminal conduct. The protocols shall include:
 - 1. The process for notification of receipt of criminal conduct allegations.
 - 2. The standards for interdisciplinary investigations of specific types of abuse and neglect, including timely forensic medical evaluations.
 - 3. The standards for interdisciplinary investigations involving Native American children in compliance with the Indian child welfare act.
 - 4. Procedures for sharing information and standards for the timely disclosure of information.
 - 5. Procedures for coordination of screening, response and investigation with other involved professional disciplines and notification of case status and standards for the timely disclosure of related information.
 - 6. The training required for the involved child safety workers, law enforcement officers and prosecutors to execute the investigation protocols, including forensic interviewing skills.
 - 7. The process to ensure review of and compliance with the investigation protocols and the reporting of activity under the protocols.
 - 8. Procedures for annual reports to be transmitted within forty-five days after the end of each fiscal year independently from each county attorney to the governor, the speaker of the house of representatives and the president of the senate and a copy of these reports to be provided to the secretary of state. Each report made pursuant to this paragraph must be independently prepared and submitted without any input from or communication with the other reporting entities. Each report is a public document and shall include:

(a) The number of criminal conduct allegations investigated and how many of these investigations were conducted jointly pursuant to the investigation protocols established in this subsection.

(b) Information from each county attorney regarding the number of cases presented for review, the number of persons charged in those cases, the reasons why charges were not pursued and the disposition of these cases.

(c) The reasons why a joint investigation did not take place.

9. Procedures for dispute resolution.

C. The department shall cooperate with the county attorney and the appropriate law enforcement agency pursuant to the investigation protocols adopted in this section. In instances of criminal conduct against a child, the department shall protect the victim's rights of the children in its custody against harassment, intimidation and abuse, as applicable, pursuant to article II, section 2.1, Constitution of Arizona.

D. The county attorney and the law enforcement agency shall cooperate with the department pursuant to the investigation protocols adopted in this section.

Arizona Revised Statute § 13-107

§13-107. Time limitations

- A. A prosecution for any homicide, any conspiracy to commit homicide that results in the death of a person, any offense that is listed in chapter 14 or 35.1 of this title and that is a class 2 felony, any violent sexual assault pursuant to Section §13-1423, any violation of Section §13-2308.01 or 13- 2308.03, any misuse of public monies or a felony involving falsification of public records or any attempt to commit an offense listed in this subsection may be commenced at any time.
- B. Except as otherwise provided in this section and section 28-672, prosecutions for other offenses must be commenced within the following periods after actual discovery by the state or the political subdivision having jurisdiction of the offense or discovery by the state or the political subdivision that should have occurred with the exercise of reasonable diligence, whichever first occurs:
1. For a class 2 through a class 6 felony, seven years.
 2. For a misdemeanor, one year.
 3. For a petty offense, six months.
- C. For the purposes of subsection B of this section, a prosecution is commenced when an indictment, information or complaint is filed.
- D. The period of limitation does not run during any time when the accused is absent from the state or has no reasonably ascertainable place of abode within the state.
- E. The period of limitation does not run for a serious offense as defined in section 13-706 during any time when the identity of the person who commits the offense or offenses is unknown.
- F. The time limitation within which a prosecution of a class 6 felony shall commence shall be determined pursuant to subsection B, paragraph 1 of this section, irrespective of whether a court enters a judgment of conviction for or a prosecuting attorney designates the offense as a misdemeanor.
- G. If a complaint, indictment or information filed before the period of limitation has expired is dismissed for any reason, a new prosecution may be commenced within six months after the dismissal becomes final even if the period of limitation has expired at the time of the dismissal or will expire within six months of the dismissal.

DCS RESPONSE SYSTEM & MITIGATING FACTORS

Policy

When an allegation of abuse or neglect results in a Report for investigation, the Department shall determine the appropriate priority, and whether an allegation of criminal conduct exists.

The Department shall assign one of the following priority levels and response times to each Report:

- Priority 1 (2 hours)
- Priority 2 (48 hours)
- Priority 3 (72 hours)
- Priority 4 (7 days)

The Department shall assign tracking characteristics to a Report allegation when a family condition or special circumstance is reported at the point of Intake or discovered during the investigation.

For intakes that require an immediate response, Intake shall promptly notify the assigned DCS unit, or after-hours designee of the intake.

All Reports shall be properly transmitted to the assigned unit for disposition.

Response to DCS Reports

The Report response time frame begins when a local DCS office receives the DCS Report from the Hotline either by telephone notification or when the Report is assigned (dispositioned) to the local office (appearing on the Supervisor's Dashboard), whichever occurs first.

The DCS Specialist or OCWI Investigator must initiate the response to a DCS Report within the assigned response time frame by having in-person contact with an alleged child victim identified in the Report or attempting to have in-person contact with an alleged child victim at the child's known or probable location.

The following examples do not constitute an initial response:

- calling the reporting source for additional information;
- requesting law enforcement to complete a welfare check; or
- having a telephone call with a school nurse, school social worker, relative, neighbor, non-abusing parent, etc., who claims to ensure the safety of the child.

The DCS Specialist or OCWI Investigator must make reasonable efforts to have in-person contact with each alleged victim within the assigned response time frame. When there are multiple children in the Report or a child's location is not confirmed, initiate the response early enough to allow reasonable efforts to have in-person contact with all of the children within the Report response time frame. Reasonable efforts include actions to identify and respond to the probable location(s) of the child victims (such as the child's home, non-

custodial parent's home, school or child care setting, and/or other probable locations identified in the Report or through other means). Prompt follow-up must occur until all alleged child victims and other children in the home have been seen in-person and the safety of each child has been assessed and managed, or reasonable efforts to locate each child have been made.

Mitigating a Response Timeframe

The DCS Program Supervisor or OCWI Manager may mitigate the Report response time frame when law enforcement, other emergency personnel, or a professional mandated reporting source made in-person contact with the alleged child victim(s) and provides information to the assigned local DCS or OCWI office to confirm:

- each alleged child victim's current whereabouts;
- each alleged child victim is not currently in present danger;
- there is no indication that any other child in the home is in present danger; and
- one or more of the following mitigating factors is present for each of the alleged child victims:
 - the child is hospitalized and will remain hospitalized during the mitigated response time frame,
 - the child is under continuous supervision of a responsible adult and will remain there during the mitigated response time, or
 - the Report is of a child's death and it is confirmed that there is no other child in the home or the alleged perpetrator has no access to another child.

The response time frame may be mitigated while the mitigating factor is present, and for no more than 24 consecutive hours. A response time frame of seven days (Priority and Response Time 4) may not be mitigated. The Department must make reasonable efforts to have in-person contact with each alleged child victim while the mitigating factor is present and within the mitigated response time frame.

Contact law enforcement to request a welfare check in the following circumstances:

- An alleged child victim is currently outside of Arizona (may also contact the appropriate jurisdiction for response).
- A two hour response time frame is assigned, but a child victim is two or more hours away from the assigned local office, so that DCS is not able to make in-person contact with the child within the response time frame.

- There is concern for the safety of the DCS Specialist based on information in the Report or the criminal background of an adult in the home.
- The DCS Program Manager has approved the welfare check to be requested for another reason related to the safety of a child or DCS staff.

Reprioritizing to Expedite Response Time

If a new Report contains allegations that require a more immediate response time than has been prioritized and assigned by the Hotline, the DCS Program Supervisor or OCWI Chief should reprioritize the response time.

Reports that require a higher priority level and response time include but are not limited to:

- in-home sexual abuse allegations where the alleged perpetrator has access to the victim(s);
- the presence of bruises and/or injuries; and
- potential need for urgent or immediate medical attention.

Documentation of a Mitigated Response Timeframe

Document information obtained from law enforcement, other emergency personnel, or a professional mandated reporting source who made in-person contact with the alleged child victim(s) and confirmed the Report met the criteria for a mitigated response time frame. Documentation shall include:

- the name and profession of the person providing the information;
- the date and time when the information was provided directly to the assigned local DCS office;
- the date, time, and location of contact with each child victim;
- information that indicates each alleged child victim is not currently in present danger;
- information that indicates no other child in the home is in present danger;
- information that indicates a mitigating factor is present for each child victim.

Document the name of the DCS Specialist or OCWI Investigator who made the initial Department response. Document the date and time the DCS Specialist or OCWI Investigator had in-person contact with an alleged child victim or attempted to have in-person contact with an alleged child victim at the child's known or probable location.

Guidelines for Forensic Interviews

A. General Principles

- 1. Investigative forensic interviews are a fact-finding process for the purpose of collecting information after an allegation of abuse or after a serious crime has been witnessed**
- 2. The Interviewer should maintain neutrality and a supportive presence**
- 3. The well-being and best interest of the child should be of primary concern.**
- 4. The interview should be conducted in a child-friendly, comfortable environment.**
- 5. The language and interviewing approach used by the interviewer should be developmentally appropriate.**
- 6. Interview procedures may be modified to accommodate very young children or children with special needs.**
- 7. Forensic interviews should be audio/video recorded.**

B. Qualifications of the Interviewer

- 1. Forensic Interviewers should have a knowledge base and continuing education in the following areas:**
 - a) Child development**
 - b) Sexual abuse and physical abuse dynamics**
 - c) Interviewing techniques**
 - d) Legal issues and child abuse laws**
- 2. It is recommended that forensic interviewers routinely participate in peer review or article review.**