

**SANTA CRUZ COUNTY**  
**JOINT INVESTIGATION PROTOCOL**

## Table of Contents

<b>POLICY STATEMENT.....</b>	<b>1</b>
<b>PROCESS FOR CONDUCTING JOINT INVESTIGATIONS AND DEFINITIONS.....</b>	<b>2</b>
<b>INVESTIGATION PROTOCOL</b>	
Child Protective Services (C.P.S.) .....	3
Investigation By Law Enforcement:	
Nogales Police Dept., Santa Cruz County Sheriff's Dept.....	8
<b>PROSECUTION PROTOCOL.....</b>	<b>24</b>
<b>JOINT INVESTIGATION.....</b>	<b>26</b>
Special Investigative Considerations.....	26
Medical Investigations.....	26
Sexual Abuse Examinations.....	26
Examination Within 72 Hours of Incident.....	27
Examination After Time Has Elapsed Since Incident.....	27
Payment for Evidence Collection/Medical Examination.....	27
Physical Abuse Examination.....	28
Sexual and Physical Abuse.....	28
<b>TRAINING OF THE PROTOCOL.....</b>	<b>29</b>
<b>DATA REPORTING.....</b>	<b>29</b>
<b>CONCLUSION.....</b>	<b>29</b>

## **Policy Statement**

The purpose of this protocol is to assist professionals and community partners in Santa Cruz County in investigation of reports of child abuse and neglect that involve serious conduct allegations. The Protocol is the result of a collaborative effort of those in law enforcement, child protection, and legal advocacy. The intent of this group was to develop a document that would not only provide guidance to professionals who address issues of child abuse in Santa Cruz County, but also one that would be adaptable to the advances in legal and professional areas.

The goal of the Protocol is to make provision for all children and families involved in trauma to be treated with both dignity and respect through a unified systemic approach that not only recognizes the knowledge, standards and contribution of each discipline, but places paramount importance on the well being of the child victim. The purpose of this Protocol is to provide guidelines for those who investigate and work with the victims of child abuse. It is expected that improved response, investigation, and prosecution of abuse will assist victims, witnesses and legal agencies in reducing trauma to children and increasing successful prosecution and convictions.

# PROCESS FOR CONDUCTING JOINT INVESTIGATIONS ON EXTREMELY SERIOUS CONDUCT ALLEGATIONS (ESCA)

## A. Definitions

**Extremely Serious Conduct** is defined as:

**ARS 13-3623:** Child Abuse

**13-3601:** felony – Domestic Violence

**13-1404:** Sexual Abuse (involving a minor)

**13-1405:** Sexual Conduct with a Minor

**13-1406:** Sexual Assault (involving a minor)

**13-1410:** Molestation of a Child

**13-1417:** Continuous Sexual Abuse of a Child

And, any other act of abuse classified as a felony:

**13-1402:** Indecent Exposure to a person under the age of 15

**13-1403:** Public Sexual Indecency to Minor

**13-3019:** Surreptitious photographing, videotaping, filming, or digitally recording

**13-3212:** Child Prostitution

**13-3506:** Furnishing harmful items to minors

**13-3552:** Commercial Sexual Exploitation of a Minor

**13-3553:** Sexual Exploitation of a minor

**13-3556:** Admitting Minor to Public displays of Sexual Conduct

**13-3620:** Duty to Report Abuse

**CPS Role** – Assure the safety of the Child

**Law Enforcement Role-** Investigation of criminal allegations

## B. Guidelines for what constitutes a “Joint Investigation”:

CPS shall coordinate and agree upon their response and investigation, assisting each agency to know:

- who will respond;
- when they will respond;
- where they will respond, and
- What information each agency has on the persons involved in the reported incident.

Each agency shall respect the mandated response times of the other agencies. Each agency shall respond in a manner that preserves evidence, protects the victim and the non-offending family and/or witnesses, and enhances the professional role of each agency.

# INVESTIGATION PROTOCOL

## I. CHILD PROTECTIVE SERVICES (CPS) PROTOCOL

Child Protective Services (CPS) is based in philosophy and law on the premise that child have a right to grow up in an environment free from maltreatment. CPS is responsible for investigating allegations when a person under the age of 18 is the subject of physical, sexual, or emotional abuse, neglect, abandonment or exploitation; in which a parent, guardian or custodian has inflicted, may inflict, permitted another person to inflict, or had reason to know another person may inflict harm to children.

CPS believes that children should be maintained in their own homes, if at all possible. The Adoptions and Safe Families Act of 1997 (P.L. 105-89) requires the child's health and safety be the paramount concern when assessing risk of harm and making placement and permanency planning decisions and in providing services to families.

The Arizona Department of Economic Security (ADES) is required, by law, to receive reports of child neglect and/or abuse twenty-four (24) hours a day, seven (7) days a week and to initiate prompt investigation. CPS Specialists, working at the CPS Hotline, receive telephone calls at 1-888-767-2445 or TDD 1- 800-530-1831 and written reports at: P.O. Box 44240, Phoenix, AZ. 85064-4240. These specialists screen incoming communications by using "cue questions"; reporting sources do not need to have answers to all cue questions. If the incoming communication meets the definition of a report, then the report is given a priority. The field Supervisor then assigns the report to a CPS Specialist to complete the investigation.

CPS actions do not always result in removal of children from the home of the parents. More often, CPS workers offer an array of supportive services found in the community, and information on particular programs to strengthen the family unit. When there are concerns about a child's safety in their home, CPS attempts to engage the child's family to the greatest extent possible in planning for voluntary interventions that minimize intrusion to the family, while ensuring the safety of the child. These alternatives include: providing additional resources or safeguards to the family so a child can remain in the home, assisting the parent, guardian or custodian in identifying a relative or friend who can care for the child temporarily, or entering into a Voluntary Foster Care Agreement with the parent/guardian.

When children are found to be in imminent harm, or there is no parent/guardian able or willing to provide care for the child, CPS and law enforcement have the authority to remove them from their home for up to seventy two (72) hours excluding weekends or holidays. (CPS may also remove a child for up to twelve hours to obtain a medical/psychological evaluation in order to make a determination if maltreatment has occurred).

If ADES cannot ensure the safety of the child(ren) in the home within that seventy-two (72) hours (not counting holidays or weekends), then the dependency petition is filed with the Santa Cruz County Superior Court. The presiding judge has the final decision on making the child(ren) wards of the Court through this process. Once the petition is filed, then a case plan is developed with the participants to rectify why the child(ren) came into protective custody. The parents and children are referred to Appropriate services through SEABHS, community providers, and/or CPS to meet their identified needs.

CPS Specialists are assigned by their Unit Supervisor to investigate reports of child maltreatment. CPS Specialists adhere to the following procedures:

### **Pre-interview Protocol**

A. The CPS Specialist shall coordinate the investigations with law enforcement: During the investigation, CPS and law enforcement investigators, as soon as practicable, will share relevant information, maintain on-going contact and monitor and/or participate in forensic interviews conducted by their counterparts. Coordination will be stressed when the report alleges or the investigation indicates the child is a victim of sexual abuse and/or a criminal investigation of the alleged child maltreatment is in progress or anticipated. High Priority or High Risk reports shall be handled with joint Law Enforcement/CPS investigations where the safety of the child has not been ensured. Other CPS reports may be handled with joint Law Enforcement/CPS Investigations requested by either agency.

B. Coordination is mandated by law in cases involving allegations of extremely serious conduct.

1. When CPS receives information regarding an in-progress extremely serious conduct allegation that indicates a child is in danger, they shall notify the appropriate law enforcement agency using 9-1-1.

2. When the information received by CPS indicates the child is not in immediate danger but further investigation is warranted, CPS shall contact the appropriate law enforcement agency dispatch/communications center and request notification be made to the on-duty supervisor or appropriate agency section where contact will be made.

3. Upon receiving this information, the responsible law enforcement supervisor will contact the CPS worker as soon as possible and they will coordinate an appropriate response based on: the circumstances of the call; individual agency guidelines; availability of resources; and, the need for a coordinated multi-agency on-scene response. The law enforcement supervisor is responsible for determining whether or not a criminal investigative response will be initiated.

C. All other CPS reports will be reported to law enforcement by telephone contact or by forwarding the police version of the CPS Report Summary.

D. The CPS Specialist will gather information from law enforcement reports, sources of the current report, prior CPS records and others as availability and time allow.

### **CPS Interview Protocol**

A. The following is the sequence for interviewing:

1. Alleged victim if the child's age and intellectual/emotional functioning permit;
2. Siblings/other children in the home;
3. School/day care provider;
4. Non-abusing spouse/caretaker;
5. Alleged abusive caretaker; and

6. Neighbors, relatives, and others with knowledge of the abuse, including reporting party, if known.

#### B. Child Interviews

1. The CPS Specialist shall coordinate with Law Enforcement whenever applicable.
2. The alleged abusive parent, guardian or custodian shall not be present during the investigative interviews with alleged child victims.
3. Initial interviews are generally unannounced to maximize the gathering of relevant facts.
4. To eliminate the need for multiple interviews of the child victim, the CPS Specialist will coordinate for:
  - a. a joint interview of the child victim coordinated between CPS and law enforcement; or
  - b. a joint interview of the child victim by a qualified professional coordinated with law enforcement; or
  - c. if a joint interview is not feasible, information from the victim interview should be shared with law enforcement.
5. Interviews of alleged child sexual abuse victims will be videotaped and audio-taped.
6. Interviews of alleged child physical abuse victims may be audio-taped.
7. Interviews of alleged extremely serious conduct victims shall be conducted by a forensic trained interviewer.
8. The CPS Specialist shall:
  - a. Introduce and identify him/herself as a CPS Specialist, while affecting an interview in a private, safe and neutral location.
  - b. Develop and maintain rapport and a helping relationship with the child by demonstrating respect for the language, dialect, communication style, and culture of the child. Language skilled staff or interpreters will be assigned as needed.
  - c. Inform the child of the agency's mandate to investigate, the agency's goal to provide needed services, and answer any of the child's questions.
  - d. Allow and encourage the child to express emotional reactions to the investigation and help resolve his/her feelings.
  - e. Inform the child that CPS has the responsibility to complete the investigation, including interviewing other members of his/her family.
  - f. Assess the need for immediate medical examination or treatment and arrange for this, seeking caretaker cooperation as appropriate.
  - g. Assess the need for immediate shelter/foster care of the child. The CPS Specialist will consult with his/her supervisor prior to taking the child into protective custody.

#### C. Parent/Caretaker Interviews

1. The CPS Specialist will work in conjunction with Law Enforcement whenever applicable.
2. Initial interviews are generally unannounced to maximize the gathering of relevant facts. Arrangements should be made so that the interview is conducted privately.

3. Provide parents/caretakers the same information and afford the same considerations as listed in the children's interviews protocol.
4. Initiate contact the same day with the parent/caretaker in situations when a child has already been interviewed. If parental contact cannot be made the same day, the reasons for lack of contact must be documented.
5. Initiate immediate contact with the parent/caretaker in all situations when the child is taken into temporary protective custody. This includes advisement of legal rights in writing, the agency's authority to take such action necessary to protect the child, and the parent's right to recommend a relative to temporarily care for the child(ren).
6. Offer services and information on resources to family members, whether children are removed from the home or not when the family could benefit from these services.

### **Case Management Protocol**

The CPS Specialist will:

- A. Obtain a medical examination of the child victim following guidelines of the medical evaluation protocol.
- B. Gather and record information from the CPS Specialist's own observations and through interaction with collateral sources and professionals involved with the investigations.
- C. Consult with the CPS Unit Supervisor and/or other agency personnel to determine the need to remove the child from the family based upon the information gathered and the risk of harm to the child. In an emergency, the CPS Specialist will consult with a supervisor immediately after taking temporary custody of the child, and obtain supervisory approval.
- D. The CPS Specialist will make a determination as to the findings. If the report of abuse/neglect/dependency is proposed to be substantiated or unsubstantiated by CPS standards, CPS will notify the parent/caretaker in writing. All proposed substantiated findings will be sent to the Protective Services Review Team, who will notify the alleged perpetrator of their rights.
- E. The case file should include a copy of all non-privileged information from the CPS investigation, including the CPS case file, and any relevant, non-privileged, non-duplicative information concerning the victim or witnesses from the Attorney General Office's file pertaining to the dependency, severance or related investigation or action. The CPS worker is responsible for facilitating the delivery of the information to the law enforcement investigator in a timely manner. The appropriate law enforcement investigator should notify the CPS worker assigned to the case prior to submittal for prosecution to ensure the information above has been provided to law enforcement. The CPS worker should confirm whether or not the attorney general's office has items such as dependency hearing transcripts or depositions. Any questions as to what documents should be included should be resolved by mutual agreement by the Attorney General's Office and the Santa Cruz County Attorney's Office.

## **Training**

A. In addition to any other training mandated by the agency, CPS personnel who in the course of their current duties are required to be a first responder to a reported incident of child abuse/neglect, should participate in 48 hours of forensic interviewing training and joint training with law enforcement whenever available.

B. CPS personnel responsible for continuing an investigation, above or beyond first responders, for a reported incident of child abuse/neglect, should receive the following training or its equivalent

1. Child physical abuse investigations and medical aspects
2. The investigation of sexual crimes against children
3. Forensic interviewing - basic 8 hour course

C. Any individual tasked with conducting an interview of a child for the purpose of obtaining evidence/statements for use in preliminary protective hearings or criminal proceedings, shall have received a 40-hour training in advanced forensic interviewing.

D. The drafters of this Protocol recognize that CPS often sends out initial responders to calls who then are also responsible for the complete investigation of a case. Therefore, in situations where this is the case the agency shall ensure that these initial responders also receive the complete investigative training necessary to perform their duties.

## **Dispute resolution**

Pursuant to House Bill 2024, Child Abuse Protocols shall contain procedures for dispute resolution among law enforcement, Child Protective Services and the County Attorney's Office. All disputes encountered by CPS staff will be reported to the CPS Unit Supervisor, as soon as the dispute occurs, but no later than 24 hours later. Within 48 hours of receiving notice of the dispute, the CPS Unit Supervisor will contact the supervisor of the agency, or other designated personnel, with which there is a dispute. If no resolution is determined between the CPS Unit Supervisor and the supervisor of the agency with which there is a dispute, the dispute will be raised to the next level of management of CPS and the other agency within 48 hours; all efforts will be made at every level to reach a resolution of the dispute.

## **II. INVESTIGATION BY LAW ENFORCEMENT**

Initial law enforcement contacts with the victims of child abuse are usually made by uniformed patrol officers. The three forms of child abuse are: physical abuse, sexual abuse, and neglect. Physical abuse ranges from minor injury to near death and is a felony by statute, although minor cases can be treated as misdemeanors by the county attorney's office. Sexual abuse of a minor is a felony in the State of Arizona. There are three forms of neglect which are most often treated as misdemeanors: lack of supervision, dirty house, and medical neglect.

Arizona has mandated reporting requirements for suspected child abuse cases in A.R.S. 13-3620 of Arizona Revised Statutes. The Department Policies and Procedures of the various agencies dictate how different types of investigations are conducted. The Protocol requires that the investigatory task be handled by the appropriate officers as dictated by their departmental policies. If the law enforcement agency has received the report of child abuse from C.P.S. then the officer does not need to report the incident to them.

The contact between law enforcement and the victim may take place in the victim's home, school or day care center, a hospital, park, or many other possible sites. The investigation will include social, cultural and physical factors on the child victim. Interviews with victims, siblings, parents/caretakers, witnesses, and others with relevant information will be the focal point of the investigation. All of the necessary facts for a criminal investigation must be collected; however, limiting the times a child is questioned is important to avoid traumatizing the victim. In addition, the investigating officer must decide if the child/victim needs medical care or if a danger persists which requires protective custody for the child.

Any evidence that may exist of the incident must be collected. In physical abuse or neglect cases, immediate documentation of visible injuries or conditions is necessary. If any instruments were used in the abuse, they should be collected as evidence. In sexual abuse cases, the evidence of molestation may be discernable through a detailed medical examination or through the victim's actions and statements. Physical evidence from the victim should only be collected by qualified medical personnel. Evidence collection and the chain of custody are extremely important and can be used to confirm the victim and/or witness's statement.

### **NOGALES POLICE DEPARTMENT PROTOCOL**

The Nogales Police Department, in response to incidents of physical and sexual abuse involving children, is to determine if a crime has been committed and to bring to light those facts and circumstances necessary to bring the perpetrator(s) into the Criminal Justice system. While pursuing the criminal investigation, the Nogales Police Department is concerned with more than just statutory requirements and case law. The Nogales Police Department is committed in their efforts to recognize the needs of the victim, as well as the responsibilities of other organizations involved in the treatment, support, and recovery of the victim. The Nogales Police Department will continue to coordinate their efforts with those of Child Protective Services and the prosecuting agency for the special investigation of all reported physical and sexual abuse of children within the community.

The effective investigation of either physical and or sexual abuse of a child is bestowed upon the Nogales Police Department's Criminal Investigations Division. This specialized unit should:

- 1) Receive intensive training in the investigation of the neglect, physical, and sexual abuse of children;
- 2) Establish and maintain a close working relationship with Child Protective Services and the Santa Cruz County Attorney's Office.

If the need arises, the Nogales Police Department will utilize the Southern Arizona Child Advocacy Center, 2530 East Broadway in Tucson, AZ. or any other suitable facility. The benefit in utilizing this facility, for both the investigators and victims is that it is a one-stop location for the investigative process and for crisis intervention. Detectives qualified to conduct these kinds of interviews may use the child-friendly rooms for videotaping victim interviews, or they may request that an Advocacy Center interviewer conduct the victim interview. Another benefit of utilizing the Center's services is that forensic medical exams are offered on site. Doctors specializing in the examination and treatment of child abuse conduct these examinations. Also, victims may be less traumatized by the amiable location, which also provides crisis intervention and referral services to both the victims and their families.

### **Child Sexual Abuse**

#### I. Initial Report

A. Patrol Officers may establish the elements of the crime and the jurisdiction.

1. Patrol Officers may interview the reporting source, away from the victim, witnesses, or other reporting sources in order to:
  - a. obtain the facts of the reported crime;
  - 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 action and coordinate with the appropriate jurisdiction.
2. Detectives qualified to interview, CPS Specialists, or the Advocacy Center interviewer should conduct interviews of the victim, utilizing the interview protocol.
3. Patrol Officers should only interview the suspect if the suspect is present and aware of the investigation. If the suspect is not aware of the investigation, the suspect should not be contacted without prior consultation of the Detective.

4. Detectives will interview witnesses and obtain dates of birth, social security numbers, and other biographical information (including where child witnesses attend school witnesses attend school) will be obtained.
- 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, promptly contact a Detective. **Note: in cases of sexual abuse in which the incident occurred within the past 72 hours, it is imperative that a Detective be contacted promptly. The victim should receive a forensic medical exam.**
  2. Assess the need for a search warrant. If a search warrant is needed, immediately contact a Detective. Detectives should contact the County Attorney's Office in regards to sealing the affidavit of the search warrant.
  3. Assess the need for immediate arrest if the suspect is present. The Patrol Officer or Detective should determine:
    - a. The suspect's risk of flight to avoid prosecution, and
    - b. The suspect's danger to the community.Patrol Officers may consult with Patrol Supervisors, Detectives the County Attorney or a Deputy County Attorney, if necessary.
  4. Assess the need for scene preservation and/or photographs.
  5. Assess the need for a Detective to respond to the crime scene, hospital, school, or other location.
  6. Notify CPS by telephone at the CPS hotline. The victim's need for shelter should also be assessed and recommendations made to CPS.

## II. Investigation

- A. A Detective should conduct the investigation. The Detective's responsibilities include:
1. Interviewing the reporting source to determine the circumstances of disclosure.
  2. Interviewing the victim:
    - a. Arrange an interview of the victim. The child's interview should be conducted per the Interview Protocol for Children.

- b. Coordinate the interview with CPS if they are involved in the case. If a joint interview with CPS is not feasible and the circumstances dictate CPS involvement, the victim's interview should be shared with CPS in order to ensure that there is only one victim interview conducted. This will eliminate unnecessary or multiple interviews of the child victim (s).
    - c. Arrange for a medical examination at an Advocacy Center or, if medically necessary, an approved hospital.
  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. Obtain a copy of the medical examination report and interview medical personnel. Send a copy of the medical examination report to CPS.
  6. Conduct investigative research on:
    - a. Prior convictions of the suspect;
    - b. Prior police records involving the suspect, victim(s) or witness(es);
    - c. Prior unreported allegations involving the suspect, victim(s) or witness(es), and,
    - d. Current and prior CPS reports.
  7. Interviewing the suspect:
    - a. The suspect should be interviewed with only law enforcement personnel present, and
    - b. CPS should be aware of the content of the suspect interview, and
    - c. The interview should be videotaped or, if this is not possible, audio taped.
  8. Determine the need to arrest the suspect based on:
    - a. The risk of flight to avoid prosecution, and
    - b. The danger to the community.
  9. Conduct any other necessary investigations.

### III. Case Presentation

- A. Submit the complete case package consisting of a complete copy of the police report, a copy of the audio tapes, video tapes, tapes of the 911 call for service (if any), any photographs, all medical records of the child, CPS files on the child and family, prior police reports involving violence, and any other information obtained during the investigation.
- B. If the case is referred back to law enforcement for further investigation by the Santa Cruz County Attorney's Office:
  1. Requests for further investigation should be answered within thirty days, if possible, and
  2. The Santa Cruz County Attorney's Office must be advised if the investigation agency decides to close the case.

### **Child Physical Abuse**

#### I. Initial Report

- 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, witnesses, or other reporting sources, in order to:
    - a. Obtain the facts of the reported crime;
    - 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 Deputies will document their actions and coordinate with the appropriate jurisdiction.
  2. Patrol Officers may interview the child victim, only if the child is verbal and has not spontaneously provided the following information about the abuse. Only these specific questions should be asked:
    - e. What happened?
    - f. Who did this?
    - g. Where were you when this happened?
    - h. When did this happen?
    - i. Where do you go to school?

Patrol Officers should document the child's demeanor and any spontaneous statements.
  3. Patrol Officers may interview witnesses and obtain dates of birth, social security numbers, and other biographical information,

including where child witnesses attend school. It is recommended that qualified Detectives, CPS Specialists, or Advocacy Center Interviewers interview child witnesses and any siblings or other children in the home.

4. 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 Detective 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 a hospital, a decision should be made as to whether or not the Patrol Officer may interview the suspect and or caretaker in consultation with the investigations. The Patrol Officer should not disclose any medical information to the caretaker(s) regarding the condition of the child or possible mechanisms of the injury. The Patrol Officer should also encourage the medical personnel not to disclose this information until they consult with Detectives.

C. Once it is determined that a crime has been committed, Patrol Officers then continue the initial case preparation by:

1. Assess the need for medical intervention and ensure that the child is taken to a hospital if necessary. If the child is admitted to a hospital and in any case requiring medical attention, the Nogales Police Department's Criminal Investigations Division, should be notified immediately. Depending on the severity of the injury, it is recommended that Patrol Officers consult with Detectives on all child abuse cases to assess the need for a forensic medical exam.
2. Assess the need for scene preservation and/or evidence collection. 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.
3. Document any physical injury to the child with digital or 35 mm photographs. Photographs should depict the child's entire body and face, not just the external manifestations of abuse. Photographs should include ruler and color scale when possible. In cases of severe physical abuse and/or severe neglect, a consent form or search warrant should be used to obtain photographs or video of the entire household.

4. Contact Child Protective Services to file a report, even if the suspect is booked into the County Jail. This shall be documented in the police report. If the status of the child is unresolved at the time the report is written, this should also be noted in the report. The Patrol Officer or Detective shall assess the need to shelter the child and shall make recommendations to Child Protective Services and determination will be made as to where to place the child.
5. Even when no crime has been determined to be committed, a referral to CPS should be made.

## II. Investigation

### A. Non-Hospitalized Children

**(Note: This list is not in priority order)**

1. A Detective 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 child victim is interviewed, it should be conducted per the Inter-Protocol for Children.
2. If not already done, and if appropriate, 35 mm or digital photographs are taken to document the abuse. A Detective should ensure that additional follow-up photographs are taken as needed.
3. CPS should be contacted to obtain prior reports and to determine what action CPS will take on the referral. If CPS is involved, the Nogales Police Department may 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 Nogales Police Department's Criminal Investigations Division will obtain relevant medical records on the child and interview appropriate medical personnel.
6. A Detective should interview the suspect if not already interviewed. If the suspect has not invoked his/her Constitutional Rights, per Miranda, re-interview to complete his/her account of the events. If the suspect has not already been booked into the county jail, the Detective shall assess the risk of flight to avoid prosecution and determine if the suspect should be arrested in light of all the information obtained.
7. The need for a medical exam shall be assessed.

## B. Hospitalized Children

**Note: This list is not in any priority order.**

1. The Deputy County Attorney on all call for all physical abuse cases shall be notified as soon as possible on all cases where a child is admitted to a hospital or dies as a result of suspected child abuse.
2. The Nogales Police Department's Criminal Investigations Division shall assume responsibility for the investigations of all hospitalized child abuse cases as soon as the Patrol Division notifies them.
3. The Criminal Investigation Division will ensure that the scene(s) is identified and secured pending issuance of a search warrant or signed consent.
4. A Detective shall obtain an initial statement from the most qualified physician (not the intern or resident on duty) as to time frames, mechanisms of injury, and symptoms the child will 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, 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. Investigators should contact the Santa Cruz County Attorney's Office regarding sealing the affidavit of search warrant.

## III. Case Presentation

- A. The case file should include a complete copy of the police report, a copy of the audio-tapes, video-tapes, photographs, copies of the tapes of the 0911 call for service (if any), all medical records of the child, Child Protective Services files on the child and family, prior police reports involving violence (if any), and any other information obtained during the investigation.
- B. If the case is filed, and the case goes to Preliminary Hearing, the Detective or Investigating Officer may be subpoenaed.

- C. If the case is turned down, notification of the refusal to prosecute shall be the responsibility of the Santa Cruz County Attorney's Office. The victim's representatives as well as CPS should be notified of the decline.
- D. If a post-filing further 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 the Preliminary Hearing.
- E. If the Deputy County Attorney refers the case back to the Nogales Police Department for further investigation:
  - 1. The case should be returned to the original case agent, if possible, and
  - 2. The requested information should be obtained within 30 days. If this is not possible, the Deputy County Attorney should be notified as to the reasons for the delay.

### **SANTA CRUZ COUNTY SHERIFF'S OFFICE PROTOCOL**

The Santa Cruz County Sheriff's Office, in response to incidents of physical and sexual abuse involving children is to determine if a crime has been committed and to bring to light those facts and circumstances necessary to bring the perpetrators into the Criminal Justice system. While pursuing the criminal investigation, the Sheriff's Office is concerned with more than just statutory requirements and case law. The Santa Cruz County Sheriff's Office is committed in their efforts to recognize the needs of the victim, as well as the responsibilities of other organizations involved in the treatment, support, and recovery of the victim. The Sheriff's Office will continue to coordinate their efforts with those of Child Protective Services and the prosecuting agency for the special investigation of all reported physical and sexual abuse of children within the community.

The effective investigation of either physical and/or sexual abuse of a child is bestowed upon the Santa Cruz County Sheriff's Office Criminal Investigations Division. This specialized unit should:

- 1) Receive intensive training in the investigation of the neglect, physical, and sexual abuse of children;
- 2) Establish and maintain a close working relationship with Child Protective Services and the Santa Cruz County Attorney's Office.

If the need arises, the Santa Cruz county Sheriff's Office will utilize the Southern Arizona Child Advocacy Center, 2530 East Broadway in Tucson, AZ. The benefit utilizing this facility, for both the investigators and victims is that it is a one-stop location for the investigative process and for crisis intervention. Sheriff's Detectives qualified to conduct these kinds of interviews may use the child-friendly rooms for video-taping victim interviews, or they may request that an Advocacy Center interviewer conduct the victim interview. Another benefit of utilizing the Center's services is that forensic

medical exams are offered on site. Doctors specializing in the examination and treatment of child abuse conduct these examinations. Also, victims may be less traumatized by the amiable location, which also provides crisis intervention and referral services to both the victims and their families.

### **Child Sexual Abuse**

#### 2. Initial Report

2) Patrol Deputies may establish the elements of the crime and the jurisdiction.

i. Patrol Deputies may interview the reporting source, away from the victim, witnesses, or other reporting sources in order to:

1. obtain the facts of the reported crime;
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 Deputies will document their action and coordinate with the appropriate jurisdiction.

ii. Detectives qualified to interview, CPS Specialists, or the Advocacy Center interviewer should conduct interviews of the victim, utilizing the interview protocol.

iii. Patrol Deputies should only interview the suspect if the suspect is present and aware of the investigation. If the suspect is not aware of the investigation, the suspect should not be contacted with prior consultation with Detectives.

iv. Patrol Detectives may interview witnesses. Dates of birth, social security numbers, and other biographical information (including where child witnesses attend school witnesses attend school) will be obtained.

3) Once it is determined that a crime has been committed, Patrol Deputies may then continue the initial case preparation.

i. Assess the need for immediate medical evaluation. If a medical evaluation is needed, promptly contact a Detective.

**Note: in cases of sexual abuse in which the incident occurred within the past 72 hours, it is imperative that a Detective be contacted promptly. The victim should receive a forensic medical exam.**

- ii.** Assess the need for a search warrant. If a search warrant is needed, immediately contact a Detective.
- iii.** Investigators should contact the County Attorney's Office in regards to sealing the affidavit of the search warrant.
- iv.** Assess the need for immediate arrest if the suspect is present. The Deputy should determine:
  - 1. the suspect's risk of flight to avoid prosecution, and
  - 2. the suspect's danger to the community.

Patrol Deputies may consult with Detectives or the Deputy County Attorney, if necessary.

- v.** Assess the need for scene preservation and/or photographs.
- vi.** Assess the need for a Detective to respond to the crime scene, hospital, school, or other location.
- vii.** Notify CPS by telephone at the CPS hotline. The victim's need for shelter should also be assessed and recommendations made to CPS.

### 3. Investigation

- 2) The investigation should be conducted by a Detective. The Detective's responsibilities include:
  - i.** Interviewing the reporting source to determine the circumstances of disclosure.
  - ii.** Interviewing the victim:
    - 1. Arrange an interview of the victim. The child's interview should be conducted per the Interview Protocol for Children.
    - 2. Coordinate the interview with CPS if they are involved in the case. If a joint interview with CPS is not feasible and the circumstances dictate CPS involvement, the victim interview should be shared with CPS in order to ensure that there is only one victim interview conducted. This will eliminate unnecessary or multiple interviews of the child victim.
    - 3. Arrange for a medical examination at an Advocacy Center or, if medically necessary, an approved hospital.
  - iii.** Conducting crime scene(s) investigation and evidence processing.

- iv.** Interviewing the family and other witnesses. Obtain dates of birth, social security numbers, and other biographical information, including where child witnesses attend school.
- v.** Obtain a copy of the medical examination report and interview medical personnel. Send a copy of the medical examination report to CPS.
- vi.** Conduct investigative research on:
  - 1. prior convictions of the suspect;
  - 2. prior police records involving the suspect, victim(s) or witness(es);
  - 3. prior unreported allegations involving the suspect, victim(s) or witness(es), and,
  - 4. current and prior CPS reports.
- vii.** Interviewing the suspect:
  - 1. The suspect should be interviewed with only law enforcement personnel present, and
  - 2. CPS should be aware of the content of the suspect interview, and
  - 3. The interview should be video-taped or, if this is not possible, audio-taped.
- viii.** Determine the need to arrest the suspect based on:
  - 1. the risk of flight to avoid prosecution, and
  - 2. the danger to the community.
- ix.** Conduct any other necessary investigations.

#### 4. Case Presentation

- 2) Submit the complete case package consisting of a complete copy of the police report, a copy of the audio tapes, video tapes, tapes of the 911 call for service (if any), any photographs, all medical records of the child, CPS files on the child and family, prior police reports involving violence, and any other information obtained during the investigation.
- 3) If the case is referred back to law enforcement for further investigation by the Santa Cruz County Attorney's office:
  - i.** Requests for further investigation should be answered within thirty days, if possible, and
  - ii.** The Santa Cruz County Attorney's Office must be advised if the investigation agency decides to close the case.

## Child Physical Abuse

### IV. Initial Report

- A. Patrol Deputies may establish the elements of the crime of physical abuse or neglect, and jurisdiction.
5. Patrol Deputies may interview the reporting source, away from the victim, witnesses, or other reporting sources, in order to:
    1. obtain the facts of the reported crime;
    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 Deputies will document their actions and coordinate with the appropriate jurisdiction.

2. Patrol Deputies may interview the child victim, only if the child is verbal and has not spontaneously provided the following information about the abuse. Only these specific questions should be asked:

5. What happened?
6. Who did this?
7. Where were you when this happened?
8. When did this happen?
9. Where do you go to school?

Patrol Deputies should document the child's demeanor and any spontaneous statements.

**ii.** Patrol Deputies may interview witnesses. Dates of birth, social security numbers, and other biographical information, including where child witnesses attend school, will be obtained. It is recommended that child witnesses and any siblings or other children in the home be interviewed by qualified Detectives, CPS Specialists, or Advocacy Center Interviewers.

**iii.** If the suspect is at the scene and:

1. if the child is not taken to the hospital in serious condition, the Patrol Deputy may conduct an initial interview of the suspect or ensure that a Detective 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).

2. if the child is admitted to a hospital, a decision should be made as to whether or not the Patrol Deputy may interview the suspect and/or caretaker in consultation with Investigations. The Patrol Deputy should not disclose any medical information to the caretaker(s) regarding the condition of the child or possible mechanisms of the injury. The Patrol Deputy should also encourage the medical personnel not to disclose this information until they consult with Detectives.
- 3) Once it is determined that a crime has been committed, Patrol Deputies then continue the initial case preparation by:
- i. Assess the need for medical intervention and ensure that the child is taken to a hospital if necessary. If the child is admitted to a hospital and in any case requiring medical attention, the Santa Cruz County Sheriff's Office, Criminal Investigations Division, should be notified immediately. Depending on the severity of the injury, it is recommended that Patrol Deputies consult with Detectives on all child abuse cases to assess the need for a forensic medical exam.
  - ii. Assess the need for scene preservation and/or evidence collection. 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.
  - iii. Document any physical injury to the child with digital or 35 mm photographs. Photographs should depict the child's entire body and face, not just the external manifestations of abuse. Photographs should include ruler and color bar where possible. In cases of severe physical abuse and/or severe neglect, a consent form or search warrant should be used to obtain photographs or video of the entire household.
  - iv. Contact Child Protective Services to file a report, even if the suspect is booked into the County Jail. This shall be documented in the police report. If the status of the child is unresolved at the time the report is written, this should also be noted in the report. The Deputy shall assess the need to shelter the child and shall make recommendations to Child Protective Services and determination will be made as to where to place the child.
  - v. Even when no crime has been determined to have been committed, a referral to CPS should be made.

## V. Investigation

### A. Non-Hospitalized Children

**(Note: This list is not in priority order)**

1. A Detective 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 child victim is interviewed, it should be conducted per the Inter-Protocol for Children.
2. If not already done, and if appropriate, 35 mm or digital photographs are taken to document the abuse. A Detective should ensure that additional follow-up photographs are taken as needed.
3. CPS should be contacted to obtain prior reports and to determine what action CPS will take on the referral. If CPS is involved, the Sheriff's Office may 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 Santa Cruz County Sheriff's Office, Criminal Investigations Division, will obtain relevant medical records on the child and interview appropriate medical personnel.
6. A Detective should interview the suspect if not already interviewed. If the suspect has not invoked his/her Constitutional Rights, per Miranda, re-interview to complete his/her account of the events. If the suspect has not already been booked into the county jail, the Detective shall assess the risk of flight to avoid prosecution and determine if the suspect should be arrested in light of all the information obtained.
7. The need for a medical exam shall be assessed.

### B. Hospitalized Children

**Note: This list is not in any priority order.**

1. The Deputy County Attorney on all call for all physical abuse cases shall be notified as soon as possible on all cases where a child is admitted to a hospital or dies as a result of suspected child abuse.
2. The Santa Cruz County Sheriff's Office, Criminal Investigations Division, shall assume responsibility for the investigations of all hospitalized child abuse cases as soon as they are notified by the Patrol Division.
3. The Criminal Investigation Division will ensure that the scene(s) is identified and secured pending issuance of a search warrant or signed consent.
4. A Detective shall obtain an initial statement from the most qualified physician (not the intern or resident on duty) as to time frames, mechanisms of injury, and symptoms the child will 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, 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. Investigators should contact the County Attorney's Office regarding sealing the affidavit of search warrant.

VI. Case Presentation

- A. The case file should include a complete copy of the police report, a copy of the audio-tapes, video-tapes, photographs, copies of the tapes of the 0911 call for service (if any), all medical records of the child, Child Protective Services files on the child and family, prior police reports involving violence (if any), and any other information obtained during the investigation.
- B. If the case is filed, and the case goes to Preliminary Hearing, the Detective or Investigating Officer may be subpoenaed.
- C. If the case is turned down, notification of the refusal to prosecute shall be the responsibility of the County Attorney's Office. The victim's representatives as well as CPS should be notified of the decline.
- D. If a post-filing further 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 the Preliminary Hearing.
- E. If the Deputy County Attorney refers the case back to the Santa Cruz county Sheriff's Office for further investigation:
  1. The case should be returned to the original case agent, if possible, and
  2. The requested information should be obtained within 30 days. If this is not possible, the Deputy County Attorney should be notified as to the reasons for the delay.

## **PROSECUTION PROTOCOL**

### **Responsibilities**

The Santa Cruz County Attorney's Office is responsible for the prosecution of all felonies committed in Santa Cruz County and those misdemeanors not committed within a municipal jurisdiction. The office is also responsible for the prosecution of all Juvenile cases that arise in the county. The case begins when a police report is submitted to the Santa Cruz County Attorney's office. The case is entered into the computer, made into a physical file, and turned over to an attorney for review and possible charging. The case is evaluated by the County Attorney or a Deputy County Attorney. If the case is charged, it is assigned to a Deputy County Attorney. The case may not be charged if there is a lack of evidence. The case may be held pending further investigation.

The Criminal Division, responsible for prosecuting crimes against children, consists of six attorneys and five legal secretaries and one legal assistant. They are located in the Santa Cruz County Complex. If the crime occurs during non-working hours, any attorney may be contacted through the dispatchers at the Santa Cruz County Sheriff's Department or the Nogales Police Department. The attorney may visit the scene, assist in the preparation of a search warrant, answer legal inquiries and attend an autopsy.

In cases where a suspect has been booked into jail, charges, via a complaint, must be filed with 48 hours of an Initial Appearance (an Initial Appearance occurs within 24 hours of being booked into jail) in order to maintain the bond or release conditions which were set at the Initial Appearance. The 48 hours does not include weekends or holidays. If charges are not filed within the time frame, the suspect will be released.

The County Attorney's Office utilizes vertical prosecution which means the same attorney who reviewed the case for charging will handle the case throughout the criminal justice process. If a case involves Child Protective Service Intervention, the Deputy County Attorney will work with the assigned caseworker. This will include notifying the caseworker of each event and discussing any plea offers or any other resolutions of the case.

### **Victim Notification**

Within seven days after a felony case or misdemeanor involving physical injury, the threat of physical injury or a sexual offense has been charged, the victim shall be mailed a victim rights packet. This packet consists of a copy of the victim rights, notice of the charges against the defendant, the procedures to follow if the victim wishes to confer with the prosecutor and the person within the office to contact for more information. If the victim is a child, the parents or legal guardian shall be contacted. If the defendant(s) are the parents or legal guardians, and the victim is in the custody of CPS, the prosecutor shall file a motion within the court for the appointment of a guardian ad litem to protect the interests of the victim. If the victim is in the custody of CPS, the county Attorney's Office shall notify CPS just as it would notify a parent or guardian. CPS shall provide a point of contact. The parents or guardian shall be notified of every court event. This will be by letter, unless there is insufficient time, in which case the notification shall be by telephone. The parents or guardian will also be notified when a case is declined, and told of the reason for the declination.

## **Treatment of Victim**

The prosecutor shall contact the victim through his/her parents, guardians, or if in the custody of CPS, through a CPS worker designated by CPS. The victim of child physical or sexual abuse shall be interviewed by a trained forensic interviewer and examined by a trained forensic medical professional. Prior to any contact of the victim by the prosecutor, the case will be reviewed for charging. This includes reviewing all video-taped interviews and all medical reports as well as all law enforcement reports and CPS reports. In some cases it may be necessary for the prosecutor to interview the victim prior to charging the case. Costs associated with evidence collection shall be paid by the Office of the County Attorney.

All plea offers shall be discussed with the victim and/or the victim's parents or guardian. If a case goes to trial, the prosecutor shall, prior to trial, take the victim into the courtroom and explain the process from beginning to end. A Victim Services employee shall accompany the victim and parents or guardian throughout the trial if requested by the victim, parents, or guardian.

Victim Services will assist with finding any and all appropriate services, to include, but not limited to, mental health and physical health treatment.

## **Reporting**

Reports shall count number of cases that constitute extremely serious conduct allegations pursuant to A.R.S. 8-801(2). The report shall contain the number of cases filed and their outcome.

## **Dispute Resolution**

All disputes encountered by Deputy County Attorneys shall be reported to the County Attorney. The County Attorney will contact the local head of the Agency with which there is a dispute within 48 hours of learning of a dispute. Disputes not resolved at the level of the local head of each Agency will be raised to those agencies respective upper management within 48 hours. Every effort shall be made to resolve the dispute in a fair and equitable way, keeping in mind the needs of the victim.

## **JOINT INVESTIGATION**

Whenever possible, law enforcement and C.P.S. should work together to investigate child abuse reports. During joint investigations, the initial interviews with the child, family, witnesses and other parties may be conducted together. Initial interviews may be short and cursory, with a more detailed interview later with a trained interviewer. Follow-up interviewing may be done by either or both agencies; however, it should be coordinated and all testimony and evidence shared. This level of coordination helps to not only reduce the trauma of those involved, but also reduces the chance that conflicting statements will be made to investigators.

The lack of communication between agencies working the same case may leave investigators with a one dimensional view of the case. For that reason, information that is necessary for the successful investigation, intervention, and prosecution of any case needs to be shared. State law allows for information sharing between agencies in child abuse cases under A.R.S.13-3620. Law enforcement and C.P.S are both concerned primarily with the protection of the child/victim; however, each agency has its own set of time constraints and legal response and reporting requirements. Procedural conflicts may result which can impact not only the investigation, but also the emotional well-being of the child. This makes joint training of the involved personnel imperative, and the agencies are reminded to include colleagues from other agencies in the development of and attendance at training sessions. This Protocol recognizes that there will be circumstances where it will not be possible for a joint investigation to occur.

### **Special Investigative Considerations**

Services will be provided to victims of child abuse regardless of citizenship status. Perpetrators and victims who remove themselves from this jurisdiction will be pursued to the extent of the law, regardless of the jurisdiction removed to (e.g., crossing state or national boundaries).

Whenever necessary, efforts will be made to communicate with people in their native language. In addition, investigations will be conducted regardless of the social status of the victim or alleged perpetrator and what their financial resources may be.

### **Medical Investigations**

Medical investigations are done for the dual purpose of assessing injuries to the victims and to acquire physical evidence, should the case move to prosecution. Examinations are to be conducted by qualified medical personnel, and should occur when sexual or physical abuse is alleged. An interview with the victim is usually conducted to determine the necessity of a physical examination. Details from the interview may provide guidance to the medical examiner, or assist in making the decision to proceed with a medical evaluation, should the need for an exam be in question.

### **Sexual Abuse Examinations**

An examination for sexual abuse debris is required when such abuse has been alleged with children, when there is suspicion of penetration or fresh genital injury, or, when the possibility of the existence of recoverable evidence is suspected, regardless of whether the perpetrator is an adult or a juvenile.

### **Examination Within 72 Hours of Incident:**

The victim should be advised not to bathe, change clothing, wash, wipe, or remove any evidence prior to the exam. When a medical examination is conducted within 72 hours of the incident, the examination consists of:

- A. Collection and proper storage of the victim's clothing.
- B. Collection of other physical debris/material present.
- C. Collection of specimens to detect body fluids of perpetrator (saliva, semen, blood,).
- D. Collection of sample specimens from the victim (hair, saliva, blood).
- E. Proper air drying and handling of specimens to prevent deterioration.
- F. Examination of the genital and anal areas to detect any evidence of injury.
- G. Examination of the entire body to detect any other sign of abuse, neglect, or abnormal medical condition (e.g. unexplained fractures).
- H. Testing for sexually transmitted diseases as necessary.
- I. Testing for pregnancy and offering post coital contraceptive medication (if needed).
- J. Such other tests or procedures as the examiner deems appropriate.

Instruction for the collection of this evidence and materials to assist with it is found in the Department of Public Safety sex crime evidence kit distributed to local hospital emergency rooms by law enforcement. Care has been taken with the development of the procedures for these sexual assault kits to ensure that evidence is properly collected and preserved and that victims are not traumatized unduly.

### **Examination After Time Has Elapsed Since Incident:**

When a circumstance occurs where an examination of a victim is required some time after the incident has passed, possibly days, weeks, or even years later, the examination consists of:

- A. Examination of the genital and anal areas to detect any evidence of injury.
- B. Examination of the entire body to detect any other sign of abuse, neglect or abnormal medical (e.g., unexplained fractures).
- C. Testing for pregnancy and sexually transmitted diseases as indicated.
- D. Such other procedure as the examiner deems appropriate.

### **Payment For Evidence Collection/Medical Examination**

By statute, the County Attorney's Office pays for the collection of evidence of a dangerous crime against a child or a sexual assault. Cost for the collection of evidence, in most cases the medical examination, is paid by the county in which the crime occurred. Other possible costs include the cost of evidence collection, the cost of pregnancy test and medication for the victim/patient. These may be paid by Victim Compensation or even the victim.

## **Physical Abuse Examination**

Physical abuse ranges from minor injury to near death and includes malnutrition. Physical abuse is considered a felony by Arizona's Statute, but minor cases can be waived to a misdemeanor (called a felony waiver). If waived to a misdemeanor, these cases are then handled in municipal or justice courts.

A medical examination may be required when:

- 1) physical abuse is alleged and there is little or no history available, as with infant;
- 2) the injury is inconsistent with the history given;
- 3) an injury is traumatic enough to require medical care;
- 4) a medical examination is necessary to identify and/or confirm long-term abuse.

Medical examinations are needed in almost all physical abuse incidents where legal proceedings are anticipated. The examination must be performed by a physician familiar with the medical conditions caused by physical abuse and who is willing to provide a statement for evidence and, if necessary, go to court as a witness. The examination for physical abuse often requires the use of x-ray and laboratory tests depending on the location and nature of the injuries in question.

Injuries sustained by children may be either accidental or non-accidental in origin. Multiple injuries may be due to accidents in play or sports; however, in such cases, there is usually a witness present to provide information consistent with the physical evidence. When there are suspicious injuries for which there are no witnesses available, it may be necessary to collect evidence related to the child's condition or injuries for further investigation. Photographs, if properly identified and, especially if they include reference standards (measuring rule or tape, color spectrum, etc.) can supplement written descriptions and sketches of the child's injuries or condition. Photographing of bruises and injuries is provided for in A.R.S. 13-3620 and 8-546.

## **Sexual And Physical Abuse**

Many young children with clear signs of physical abuse or neglect may also have been abused sexually, although, perhaps at different times. A child with an indicator for one form of abuse or neglect, often with psychological trauma, should have an assessment for other forms of abuse. It is especially important to use this form to document sexual abuse examinations in those cases where it is no longer appropriate to use the law enforcement sexual assault kits

## TRAINING OF THE PROTOCOL

An initial training shall be offered and provided to all agencies concerned no later than October 1, 2004. Thereafter, training will be provided to new staff of those agencies on a quarterly basis.

## DATA REPORTING

**Child Protective Services:** The CPS Unit Supervisor will report data gathered from all serious conduct reports to the District Program Manager on a monthly basis, by the 5<sup>th</sup> working day of each month. The District Program Manager will send this report to the County Attorney.

**Law Enforcement:** Law enforcement entities will be responsible for reporting data gathered from all serious conduct reports to the Santa Cruz County Attorney on a quarterly basis.

**Santa Cruz County Attorney:** An annual report will be submitted from the County Attorney, the Speaker of the House of Representatives, and the President of the Senate within 45 days after the end of the (State) fiscal year. The first report is due on or before August 14, 2004.

## Conclusion

The policies and procedures outlined in this Protocol are intended to facilitate the joint investigation of child abuse in Santa Cruz County. In order to do so, this must be a flexible, living document, one that provides for change in the involved agencies and professional fields. With that in mind, the Protocol offers guidance for reporting and investigating child abuse, but is not overly prescriptive to each area as to how each agency shall conduct its business. This flexible format is provided with the intent of facilitating the interagency investigation of child abuse with the result of reducing trauma to child victims and increasing successful prosecution of perpetrators.