

CHILD ABUSE INVESTIGATIVE PROTOCOL (PROTOCOL) FOR YUMA COUNTY MULTIDISCIPLINARY TEAM

WHEREAS: More than twelve out of every 1,000 children are abused and neglected each year in the United States¹; and

WHEREAS: It is estimated that a child is abused or neglected in the State of Arizona every two (2) hours²; and

WHEREAS: Yuma County is not exempt from matters involving child abuse or neglect; and

WHEREAS: It is understood and therefore recognized that while the various agencies and jurisdiction may have separate mandates to fulfill in the handling and investigating of child abuse or neglect cases, no one single agency or jurisdiction can address the problem of child abuse in Yuma County alone; and

WHEREAS: That in meeting and without jeopardizing any mandate that may be unique to an agency or jurisdiction in Yuma County, one overriding objective shared among the same: to treat children with dignity and respect and to minimize the secondary trauma so often associated with such investigations;

NOW THEREFORE, the parties represented by the undersigned, and hereinafter referred to as the Multidisciplinary Team, agree as follows:

I. STATEMENT OF PURPOSE:

It is the purpose and intent of this agreement to provide all personnel with a common and universal procedure (Protocol) for handling and investigating all child abuse and neglect cases³, as defined by Arizona statute, and as occurring in whole, or part, in the County of Yuma, Arizona while being mindful of the needs of all victims as well as that of all other professionals involved. This Agreement and the Protocols set forth herein are created to assist all personnel in this regard with the understanding that while it may specify best practices, each case must be approached on an individual level, thereby recognizing the unique factors associated with that case and the various resources available to each member of the Multidisciplinary Team.

¹ Child Maltreatment, 2005, U.S. Department of Health and Human Services, Admin. For Children and Families

² See, Children's Defense Fund, Statistics for Arizona

³ For purposes of clarification, the undersign recognized that the Department of Economic Security, Division of Children, Youth and Families (DCYF), also referred to at times herein as Children Protective Services (CPS) operates as such that for purposes of this Protocol as it relates to DCYF's function therefore is specifically limited to child abuse and neglect cases involving "criminal conduct allegations", as defined in A.R.S. § 8-801(2). See also, Section II,E,2 below,

A. As such, the Members of the Multidisciplinary Team agree to:

1. To investigate all reported cases of child physical/sexual abuse in the County of Yuma;
2. To resolve all cases in a manner that promotes the safety and protection of the child and the best interest of the families and community; and
3. To hold the offender legally accountable in the criminal justice system.

B. Team Composition:

- Amberly's Place, Inc.;
- Department of Economic Services, Division of Children, Youth and Families (DCYF), also referred to, interchangeably, as Child Protective Services (CPS);
- Yuma County Sheriff's Office;
- Yuma County Attorney's Office;
- Yuma Police Department;
- San Luis Police Department;
- Somerton Police Department;
- Wellton Town Police Department;
- Arizona Department of Public Safety;
- Arizona Western College Campus Police;
- Federal Bureau of Investigation (FBI);
- United States Marshals; and
- Other victim advocates and peripheral members in the community that will participate as necessary to augment the team's mission on a case-by-case basis.

II. REPORTS:

- A. In keeping with the Protocol, reports of Child Abuse or Neglect will be received by local law enforcement agencies and CPS.
- B. If law enforcement responds and determines the matter is an In-Home case, law enforcement shall cause CPS to be notified through the CPS Hotline.

NOTE: In-Home case means a case involving child abuse or neglect where the perpetrator is the parent, guardian, or custodian.

- C. If the CPS Hotline receives the report of criminal activity that does not meet the definition of a Criminal Conduct Allegation, CPS will notify local law enforcement immediately of the allegations. This notification will be done in an effort to protect the child.
- D. If the CPS Hotline receives the initial report, they shall contact the local office and inform them of the child abuse allegations that are being reported in their district. ***Any report involving a Criminal Conduct Allegation constitutes a joint investigation between CPS and law enforcement.***
- E. A Criminal Conduct Allegation shall be investigated by CPS pursuant to A.R.S. § 8-817 with the appropriate municipal or county law enforcement agency as provided in A.R.S. § 8-817⁴ and in such case, a joint investigation shall take place.
 - 1. The role of CPS is to assure the safety of the child. The role of law enforcement is to investigate a criminal allegation. The role of Amberly's Place is to gather data which may assist investigators and to provide children with a neutral, child-friendly environment in which to tell their experiences, be examined, and receive information about services which might be helpful to them and their families.
 - 2. Criminal Conduct Allegation (CCA) means⁵ "an allegation of conduct by a parent, guardian or custodian of a child that, if true, would constitute any of the following:
 - a. A.R.S. §13-3623 Child Abuse;
 - b. A.R.S. § 13-3601 Felony Domestic Violence;
 - c. A.R.S. § 13-3601 Felony Domestic Violence that involves a minor who is a victim of or was in imminent danger during the domestic violence.

NOTE: When a peace officer responds to a call alleging that domestic violence has been or may be committed, the officer must determine if a minor is present. If a minor is present, the peace officer must conduct a child welfare check to determine if the child is safe and if the child might be a victim of domestic violence or child abuse.⁶

⁴ A.R.S. § 8-802(C)(5)(b)

⁵ A.R.S. § 801(2) defining "Criminal conduct allegation."

⁶ A.R.S. § 13-3601(N)(mandating the child welfare check)

- d. A.R.S. §13-1404 Sexual Abuse (involving a minor);
 - e. A.R.S. §13-1405 Sexual Conduct (with a minor);
 - f. A.R.S. §13-1406 Sexual Assault (involving a minor);
 - g. A.R.S. §13-1410 Molestation of a Child;
 - h. A.R.S. §13-1417 Continuous Sexual Abuse of a Child;
 - i. A.R.S. §13-3019 Surreptitious photographing, videotaping, filming or digitally recording;
 - j. Any other act of abuse that is classified as a felony, including, but not limited to:
 - A.R.S. §13-1102 to 1105 Negligent Homicide, Manslaughter, Murder (of a minor);
 - A.R.S. §13-1303 Unlawful Imprisonment (of a minor);
 - A.R.S. §13-1304 Kidnapping (a minor);
 - A.R.S. §13-3212 Child Prostitution;
 - A.R.S. §13-3552 Commercial sexual exploitation of a minor;
 - A.R.S. §13-3553 Sexual exploitation of a minor;
 - A.R.S. §13-3554 Luring a minor for sexual exploitation;
 - A.R.S. §13-3556 Admitting minor to public displays of sexual conduct; or
 - A.R.S. §13-3620 Duty to report abuse.
3. Response Time for Criminal Conduct Allegations: CPS will respond to Criminal Conduct Allegations outlined in its priority response system;
4. Law enforcement will respond *immediately* to alleged crimes against children and in cases of Criminal Conduct Allegations,(In-Home child abuse), the law enforcement officers will also contact CPS Hotline.

III. JOINT INVESTIGATIONS:

A. Guidelines for what constitutes a “joint investigation.”

1. CPS and law enforcement investigators promptly share relevant information during the course of the investigation and as allowed by law.
2. Upon receipt of an Criminal Conduct Allegation (See, Sections II.E.2 above and III.5 below), the official of the appropriate agency (CPS or law enforcement) who is assigned or receives the report will promptly notify an appropriate official of the other agency, via both fax or electronic mail or telephone. This would include reports classified initially as lesser or lower priority-type cases by CPS or law enforcement, but then turn out to involve Criminal Conduct Allegations. As promptly as possible, both officials will confirm the next steps to be taken to begin coordination of the investigation.
3. CPS and law enforcement investigators monitor and/or participate in forensic interviews conducted by their counterparts.
4. CPS and law enforcement investigators maintain ongoing contact during the course of the investigation to discuss its status and any steps needed to further the fact-finding efforts and to ensure the safety of the child(ren).
5. In reports of Criminal Conduct Allegations, an Amberly’s Place crisis response advocate will be notified to ensure that Amberly’s Place will be made available.
 - a. If it is determined that a forensic medical exam is required, then the Amberly’s Place crisis response advocate shall be responsible for contacting the forensic medical examiner and scheduling a forensic medical exam.

B. A joint investigation might not be possible due to the unavailability of staff (*See also, VIII(B)(1)(c) below*).

C. Interagency notification:

1. If CPS receives a report of Criminal Conduct Allegation, CPS will contact dispatch.
2. CPS will also fax notification or provide a telephone call as back up confirmation to the respective law enforcement agency.
3. If law enforcement receives a report of Criminal Conduct Allegation and determines that it is an in-home case, they will contact the CPS hotline.

D. Sharing of information: the CPS Hotline report and any identifying information will be shared with law enforcement, as allowed by law.

E. Ongoing notification of case status among the county attorney, law enforcement, and CPS, including the disposition of cases submitted for prosecution will be sent by fax or communicated by telephone, as allowed by law.

F. Amberly's Place provides offices for co-location of CPS and law enforcement.

IV. GUIDELINES FOR FIRST RESPONDERS:

A. Definition: "First Responders" refers to those individuals, usually patrol officers, CPS Specialist and Amberly's Place crisis response advocates, who are the first to arrive at the scene where maltreatment has occurred made.

B. Notwithstanding the necessity to gather information to determine a child's safety as mandated by law or by their respective guidelines and regulations, first responders should limit their questioning of children who allege abuse and/or neglect to the following four (4) questions:

- a. *What happened?*
- b. *When did it happen?*
- c. *Where did it happen?*
- d. *Who did this?*

NOTE: Again, subject to any mandates described above, the **first responders should not ask any more questions of the children beyond these four questions** and should promptly contact the appropriate detective or supervisor to ensure that a trained forensic interviewer will conduct a forensic interview of the children.

V. FORENSIC INTERVIEW\MEDICAL EXAMINATION:

NOTE: This part of the Protocol is applicable to all investigations regardless of whether the same are joint or otherwise.

A. The Forensic Pre-Medical Exam Interview (interview): It is recommended that children be interviewed at Amberly's Place whenever possible.

NOTE: The child victim is often the principal source of information about allegations of child abuse. These guidelines are intended as a framework for professionals who are interviewing and are not an all-inclusive guide.

1. When at all possible, it is strongly recommended that an interview be conducted prior to, as part of, and to be incorporated with the medical exam as noted in Section V.B.2(b), below. *The reason is to assist the medical examiner in determining the extensiveness of a medical exam, if any.*

2. Purpose of the Interview: To gather evidence by eliciting as complete and accurate report from the child or adolescent victim as possible, in order to determine whether the child or adolescent victim has been abused, to what extent and by whom.
3. The Interviewer: It is preferred that the interviewers receive extensive forensic training and demonstrate an ability to perform fact-based interviews. Extensive training should include completion of at least 40 hours of a nationally recognized advanced training curriculum.
 - a. All children (17 years of age and under) shall be interviewed by a trained Forensic Interviewer as defined in Section V.A.3 and Section VI.C herein.
 - b. If the agency Forensic Interviewer is unavailable, upon request from law enforcement the independent Forensic Interviewer from Amberly's Place or an Forensic Interviewer from another agency may be utilized. If an Forensic Interviewer from any source is not available, an officer and/or a CPS Specialist who has completed the Basic Forensic Interview Training (see, Section VI.B below) may then conduct the interview.
4. The Interview Process:
 - a. The interview process is based on a semi-structured cognitive interview:
 - i. Rapport building discussion of neutral topics to briefly ascertain the child's developmental and language level;
 - ii. Free narrative/recall – allowance of spontaneous disclosures;
 - iii. Open-ended questioning – Questions that allow a broad range of responses (e.g. "What did he do when you told him 'no'", "Where was your mom when this happened?"). CPS will also use these questions to assess child safety and risk
 - iv. Focus questions – specific questions elicit additional details from the child. (e.g. "Was he in the house, or in the yard?");
 - v. Neutral closing – End on a neutral topic.
 - b. **Where:** It is recommended that the interview be conducted in a neutral victim-friendly environment such as Amberly's Place. The interview shall be recorded, preferably video *and* audio recorded.
 - c. **When:** The initial child interview should occur as close in time to the event in question as feasible. Whenever possible, the child interview should also be timed to maximize the child's capacity to provide accurate and complete information. This often involves consideration of the child's physical and mental state (e.g. alert, rested, and fed), immediate safety concerns, and the possible impact of delays on the child's ability to recall and report an experience.

d. **Length of interview:**

- i. School-aged children: The interviewer should be cautious of not interviewing a school-aged child for more than 50 minutes without a break in the task. The interviewer should always be sensitive to the needs of the child during the interview.
- ii. Pre-school children: The interviewer should not interview a pre-school child for more than 30 minutes without a break in the task. The interviewer should always be sensitive to the needs of the child during the interview.

e. **Persons Present or Observing the interview:**

- i. Interviews may be observed by third persons (law enforcement personnel, CPS Specialists, and other allied professionals involved in the investigation process);

NOTE: It is recommended that third persons not be present in the interview, however, in limited circumstances, a third person may be present (interviewer's discretion is advised);

- ii. Family members and other potential lay witnesses *shall not* be allowed to observe the interview in any manner.

B. **Forensic Medical Examinations:** It is recommended that all forensic medical exams be conducted at Amberly's Place, unless there is additional trauma to the victim.

1. **Purpose:** The purpose of forensic medical exams is to gather evidence, physical or otherwise, in conjunction with the forensic pre-medical exam interview (Forensic Interview) and any other information gathered that may be useful to the Forensic Medical Examiner in performing this task.
2. **Authorization:** Only *law enforcement personnel and/or the assigned CPS Specialist* who are involved in the investigation of the crime can authorize a forensic medical exam.
3. **Before the exam:**
 - a. Victim is to have *no food or drinks before the exam*;
 - b. When the victim is to use the restroom, please ask them not to wipe;
 - c. The ages of the victims need to be known before the medical staff is called out;

- d. Before the medical exam is conducted law enforcement needs to consult with the Forensic Medical Examiner on the facts of the assault or abuse.

4. **The Forensic Medical Examiner:**

- a. Forensic Medical Examiner **means** a medical provider with specialized education and experience in the evaluation and treatment of child/adult sexual abuse and sexual assault.
- b. The role of the Forensic Medical Examiner is to conduct quality forensic medical exams and to provide exam findings to law enforcement as well as medical treatment to the victim.

5. Expense/Cost of Medical Examination: Pursuant to A.R.S. § 13-1414, any medical expenses arising out of the need to secure evidence that a person has been the victim of a dangerous crime against children as defined by A.R.S. § 13-705 or a sexual assault shall be paid by the county in which the offence occurred.

- a. In those cases where the offense occurred in Yuma County, a bill for the expense associated with such an examination will be submitted to Yuma County by way of the Yuma County Attorney's Office.

6. **The Examination:** Procedure for Forensic Medical Examination, refer to Quick Reference: Sexual Assault edited by G.W. Medical Publishing Inc.

- a. A complete medical history (including immunization) should be obtained from the victim. If a victim is a child, medical history should be obtained from the caretaker. If the caretaker is not present, then an effort to contact them by phone should be made **only** with **law enforcement and/or CPS approval**. This is to ensure that the investigation is not compromised. Medical personnel should, however, convey to law enforcement/CPS any urgent need for the medical history.
- b. After the regular physical examination, the Forensic Medical Examiner will carefully examine the genital and anal areas to detect any injury. This must be done with good illumination, and can involve the use of magnification. The colposcope can provide both illumination and magnification in addition to photographic capability. Photographic and/or video documentation per the colposcope of the genital/anal areas is recommended. The Forensic Medical Examiner's primary obligation (keeping in mind the best interest of the child) is to do a thorough and accurate exam of the genital/anal areas; photographs are secondary consideration.

- c. Carefully examine the entire body to detect any signs and trauma, neglect, or abnormal medical conditions. Photographic and/or video documentation of any positive findings is recommended. If the law enforcement photographer is not available to do this, then a medical unit should have an appropriate camera.
- d. Consider testing for pregnancy and sexually (and non-sexually) transmitted diseases, such as gonorrhea, syphilis, chlamydia, herpes, trichomonas, staph, strep, candida and HIV. These lab tests should be available on site.
- e. Prepare a Forensic Medical Report. DCYF may provide a suggested form of report. This report should be completed in a timely manner, a written report must be completed within 48 hours of exam unless a particular lab test result or treatment result (e.g., the opening of a labial adhesion) must first be available, if lab results are collected a report must be completed within one week of that collection.
- f. When the medical exam is done within 120 hours of the alleged sexual abuse, in addition to the above medical exam procedure, consideration must be given to whether or not a rape kit needs to be utilized. The rape kit procedure includes (but is not limited to):
 - i. Collection and packaging each item of the victim's clothing in separate paper bags (never plastic);
 - ii. Scanning the body with ultraviolet light looking for semen;
 - iii. Collecting specimens by means of swabs to detect perpetrator body fluids (saliva, semen etc);
 - iv. Collecting other trace evidence which may be present;
 - v. Collecting reference specimens from the victim (saliva, blood, etc.);
 - vi. Proper air drying (at room air temperature) and handling of specimens to prevent deterioration; and
 - vii. Maintaining the chain of custody. It is very *important* to follow the directions provided in the sexual assault evidence collection kit and to *maintain the chain of custody of all evidence*.

- C. **Amberly's Place Protocols, Generally:** It is agreed and understood that certain protocols have been established concerning the use, maintenance and operation of Amberly's Place by Team Members, and as such, said protocols are recognized and agreed to and therefore incorporated herein as *Attachment 1, Amberly's Place Protocols for Use, Maintenance and Operation (APPUMO)*.

In the case of a conflict between the Protocol and those of APPUMO as it relates to an investigation, these Protocols shall control.

VI. TRAINING:

- A. **CHILDREN'S JUSTICE PROJECT (CJB) and MANDATED REPORTING:** It is crucial that anyone who has the responsibility for the care or treatment of children is informed of the reporting procedures of child abuse, as mandated by A.R.S. § 13-3620.

1. CJP multidisciplinary team will conduct trainings on mandated reporting involving the following team members:
 - a. CPS Specialist;
 - b. Detectives from all agencies that investigate child crimes are encouraged to participate;
 - c. The Children's Justice Project Coordinator; and
 - d. The Yuma County Attorney or a representative from the Yuma County Attorney's Office.
2. The CJP Coordinator is responsible for coordinating presentations and informing the multidisciplinary team of the trainings scheduled.

- B. **FORENSIC INTERVIEWERS:** Anyone who is responsible for conducting an forensic interview of a child for the purpose of obtaining evidence for use in preliminary protective hearings, shall have received:

1. The eight hour Basic Forensic Interview training; **and**
2. The 40 hour advanced forensic interview (Extensive) training.

C. **AGENCY CROSS-TRAINING:**

1. Agencies shall share trainings whenever possible/needed.
2. "Ride-alongs" that allows professionals from one agency to accompany and observe their counterparts perform their respective jobs, are encouraged.
3. The Children's Justice Project Coordinator will record hours spent cross training in a log. It is recommended that at a minimum, eight (8) hours per year be used for cross training between agencies.

VII. PROTOCOL COMPLIANCE:

- A. To ensure protocol compliance, case reviews will be conducted monthly.
1. At a minimum, case review meetings will have at least one (1) representative from each of the following disciplines: law enforcement, prosecution, child protective services, and child advocacy center (other allied professionals that were involved in the case can also participate).
 2. The CJP Coordinator will be responsible for scheduling the time and date of the case review and shall notify all participating agencies of the scheduled case review in advanced.
 3. The CJP coordinator will facilitate the case review.
 4. Case review meetings will be utilized as an opportunity for team members to increase their understanding of the complexity of child abuse/neglect cases. *The case review will be constructive and non-accusatory.*

B. Peer Reviews:

1. To ensure that Forensic Interviewers from all member agencies are receiving positive feedback so that they can improve their interviewing skills, peer review meetings will be conducted twice a year, or as requested. *The peer review will be constructive, non-accusatory, and to the extent possible outline factors that made successful prosecutions and investigations.*
2. The CJP Coordinator will be responsible for scheduling the meetings and notifying all participating forensic interviewers of the meeting.

VIII. ANNUAL REPORT CONTENTS: It is the responsibility of the County Attorney and CPS to transmit and annual report (Report). Within forty five days following the end of the fiscal year, the County Attorney will compile the information and will submit the report to the governor, the Speaker of the House of Representatives and the President of the Senate.

- A. To comply with A.R.S. § 8-817(B)(8), the County Attorney and CPS must submit a separate Report and such Report must be independently prepared and submitted without any input from or communication with the other reporting entity.
- B. Data to be tracked for the county's annual report:
1. **Law Enforcement⁷ Data:** It is each Law Enforcement's responsibility to gather the information needed for the annual report and forward it to the County Attorney upon request. Such information shall include the following:

⁷ For purposes of this Report, Law Enforcement only includes the County Sheriff's Office and the law enforcement agencies of each municipality located in the County. (See, A.R.S. § 8-817(B))

- a. Number of cases involving Criminal Conduct allegations that were investigated and how many of those investigations were conducted jointly pursuant to the Protocol; and
- b. Number of cases involving Criminal Conduct allegations that were not forwarded by law enforcement to CPS for a joint investigation; and
- c. The reasons why a joint investigation did not take place, which may include any one or more of the following:
 - **Child Not Available:** At the time of the initial contact by CPS or law enforcement, the alleged child victim is not available to be interviewed. This occasionally happens, for example, if a report is received and the alleged child victim is located in another state at the time of the investigation; or
 - **CPS Not Available:** At the time of the initial contact by law enforcement, or during subsequent interviews with the alleged victim or perpetrators, the CPS case manager is unable to be present to participate in the investigation. An example is when a report is called in by a Victims Witness Advocate Office to report abuse or neglect of a child, where the police interviews and investigation have already occurred before CPS was notified; or
 - **Law Enforcement Disagree:** When the CPS case manager receives a report requiring joint investigation, contact is made with the appropriate law enforcement agency to make a police report and request the joint investigation. Law enforcement officials sometimes decline to accept the information as meeting “criminal conduct allegation” standard and, consequently, inform the CPS case manager to conduct the initial contact without law enforcement present. In these situations, CPS follows up with an additional report to law enforcement if the initial contact further indicates criminal activity; or
 - **Law Enforcement Unavailable:** When the CPS case manager contacts law enforcement prior to the initial contact, there are times that due to other incidents, law enforcement are unable to provide an officer or detective for the initial response. In these situations, CPS follows up with an additional report to law enforcement if the initial contact further indicates criminal activity; or
 - **No Jurisdiction:** If the alleged victim or perpetrator lives on either a federal military installation or Native American reservation, CPS does not have jurisdiction and the case is transferred to the appropriate agency. In addition, if it is determined that the alleged incident occurred on one of the above listed locations, CPS does not have jurisdiction and the case is transferred to the appropriate agency.

2. Prosecution Data :

- a. Number of cases involving Criminal Conduct allegation that were submitted by law enforcement for review by the County Attorney; and

- b. Number of persons charged in those cases submitted for review that involved Criminal Conduct allegations; and
- c. If charges were not pursued, the reasons why; and
- d. If charges were pursued, the disposition of those cases at the time the report is made.

C. Data to be tracked for the CPS annual Report:

1. CPS data elements:

- a. The number of reports received by risk level and county;
- b. The number of reports received by type of maltreatment and county;
- c. The number of reports assigned for investigation by risk level and county;
- d. The number of reports assigned for investigation by type of maltreatment and county;
- e. The number of reports not responded to by risk level and county;
- f. The number of reports assigned for investigation by county where a removal occurred;
- g. The number of reports assigned for investigation by risk level and county that resulted in proposed substantiation;
- h. The number of reports assigned for investigation by type of maltreatment by county that resulted in proposed substantiation;
- i. The number of reports assigned for investigation by risk level and county that resulted in unsubstantiation;
- j. The number of reports assigned for investigation by type of maltreatment by county that resulted in unsubstantiation;
- k. The number of reports by county identified as criminal conduct;
- l. The number of reports by county identified as criminal conduct where a joint investigation occurred;
- m. Reasons by county explaining why the joint investigation did not occur; and
- n. The number of reports by county that were not initially identified as a criminal conduct but where a joint investigation was later conducted.

IX. PROCEDURES FOR DISPUTE RESOLUTION:

- A. The concerned agency is advised to contact the immediate supervisor responsible for the agency with which the concern is based on.
- B. If the immediate supervisor cannot provide a satisfactory solution to the problem, the concerned agency may then utilize the “chain of command” (be prepared to identify issues and cite relevant statutory or policy conflicts).

X. STANDARDS FOR INTERDISCIPLINARY INVESTIGATIONS INVOLVING NATIVE AMERICAN CHILDREN. The Multidisciplinary team will comply with the Indian Child Welfare Act (ICWA) when assisting in a case that involves Native American Children. A copy of the ICWA is incorporated hereto as *Attachment 2, the Indian Child Welfare Act*.

