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GREENLEE COUNTY LAW ENFORCEMENT PROTOCOL

The purpose of law enforcement's response to incidents of physical and sexual abuse involving children is to determine if a crime has been committed. If so then to bring the facts and circumstances necessary to bring the perpetrators to the Criminal Justice System for prosecution. As officers investigate the crimes we need to be in a state of consent awareness of the victims feeling as well as the statutory requirements for case preparation. Officers are to coordinate with agencies such as County Attorney's Office, CPS (Child Protection Services), Medical Facilities, and any other organizations that may be of help in the investigation and prosecution of these crimes.

The trained Investigators will be the principal unit to investigate these violent crimes. However initial reports can and will be taken by initial officers when needed, after which time the case will be sent to investigators for all interview and follow-up. Specialized training is encouraged to the designated officers and they should seek out this training and accept any and all offers. They will be required to maintain an above average relationship with all area law enforcement involved with the investigation and prosecution of these crimes.

During the course of joint investigations, assigned, trained investigators and CPS investigators, shall meet regularly either by telephone or in person to discuss the progress of ongoing joint investigations. This may include periodic visits to each other's work locations to coordinate investigative efforts.

INITIAL REPORTS:

1. Initial Reports of Child Sexual Abuse
 - A. Law Enforcement officers may establish the elements of the crime and jurisdiction.
 1. Officers shall interview the reporting source, witnesses, away from the victim in order to:
 - a. Determine if a crime has been committed.
 - b. Obtain the facts of the crime.
 - c. Determine if there is an imminent danger to the victim or others.
 - d. Determine if the victim may require medical attention.
 - e. If crime is found to have been committed in another jurisdiction, notify that jurisdiction after documenting the event, and coordinate with them for any help in the investigation they may require
 2. Officers will brief trained investigators and CPS Specialists for the interviews.

3. Officers should only interview the suspect (s) if the suspect (s) are present and aware of the investigation. If the suspect is not aware of the investigation, then consultation with the investigator will occur prior to any interview.
 4. Officers should interview witnesses for DOB, SSN, and other biographical information including where child witnesses attended school, phone numbers, and parent's names. It is recommended that any children that had been the in the home be interviewed by an investigator.
- B. Once it had been determined that a crime has been committed, interviews will be stopped and trained investigators will be contacted for instruction.
1. Assess the need for immediate medical evaluation. Note that in cases of sexual abuse/assault in which the incident occurred within the past 72 hours it is imperative that an investigator is notified at once. The victim should receive a forensic medical exam within this time frame unless circumstances dictate a longer amount of time.
 2. Assess the need for a search warrant, trained investigators should contact the county attorney in regards to the affidavit of the search warrant.
 3. Assess the need for an immediate arrest of the suspect. Consultation with the county attorney is strongly advised.
 4. Process the scene for preservation and/or photographs as needed.
 5. Notify CPS by phone to the Hotline. Also check the victim's needs and if the victim should be referred to CPS or a safe house.

INVESTIGATION:

- A. Trained Law Enforcement personnel should conduct the investigation. The trained investigator's duties are:
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, Appendix A.

- b. The Law Enforcement Agency will conduct or arrange for the interview to be conducted and coordinate the information with CPS. If CPS is involved with the case then joint interview should be held. Should CPS be involved with case, but unable to participate in the interview a copy of the report will be made available to them within 48 hours after completion. This will eliminate unnecessary or multiple interviews of the victim.
 - c. Within forty-eight hours all investigative reports and materials will be forwarded to CPS. All supplemental information will be forwarded within forty-eight hours of receipt or completion. Law Enforcement will notify CPS prior to sending report and will get confirmation upon the receipt of send information.
3. Conducting crime scene(s) investigation and evidence processing.
4. Interviewing the family and other witnesses. Obtain dates or birth, social security numbers, and other biographical information including where the children witnesses attends school.
5. Obtaining a copy of the medical examination report (note use ARS 13-3920D sparingly and only as a last resort) and interview medical personnel. Send a copy of the medical examination report to CPS, upon request.
6. Conducting investigative research on:
 - a. Prior convictions of the suspect.
 - b. Prior police reports involving the suspect, victim (s), or witnesses.
 - c. Prior unreported allegations involving the suspect, victim, and witnesses.
 - d. Contact CPS for current and prior reports.
7. Interviewing the suspect:
 - a. The suspect interview should be conducted by law enforcement.
 - b. CPS and County Attorney should be aware of the content of the suspect's interview.
 - c. The interview should be videotaped or audio taped.
8. Determining the need to arrest the suspect based on:
 - a. The immediate risk or danger to the victim, and/or community.
 - b. The risk of flight to avoid prosecution.
 - d. If a crime was committed.

9. Conduct any other necessary investigation.
10. On completion of investigation the report will be forwarded to the local CPS office

CASE PRESENTATION:

- A. Submit a preliminary report within 24 hours after an arrest to the County Attorney for a charging review. Submit the complete case package consisting of a copy of the police report, any video/audio tapes, photographs, medical records, CPS reports on the child and family, any prior police reports involving the suspect/victim, and any other information obtained during the investigation in final form within 72 hr.
- B. If the case is referred back to the case officer for further investigation by the County Attorney:
 1. All requests will be answered within thirty (30) days, if possible.
 2. The County Attorney will be consulted if the Law Enforcement Agency is unable to meet the request for further investigation.

INITIAL REPORTS

1. Initial Report Child Physical Abuse Jurisdiction
 1. Officers shall interview the reporting source, witness, or other reporting sources, away from the victim and suspect, in order to:
 - a. Determine if a crime has been committed.
 - b. Obtain the facts of the crime.
 - c. Determine if there is imminent danger to the victim or others.
 - d. Determine if the victim may require any medical attention.
 - e. If crime is found to have been committed in another jurisdiction, notify that jurisdiction after document the event, and coordinate with them any help in the investigation they may require.
 2. Officers may interview the 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
 - a. What happened?
 - b. Who did this?
 - c. Where were you when this happened?
 - d. When did this happen?
 - e. Where do you go to school?

Officers should keep in mind the welfare and concerns of the victim and place the child in a comfortable position. Officers should document the victim's demeanor and any spontaneous statements.

3. Officers should interview witnesses for DOB, SSN, and other biographical information including where child witnesses attended school, phone numbers, and parents names. It is recommended that a trained investigator interview any children that had been in the home.
 4. If the suspect is at the scene and:
 - a. The victim is not taken to the hospital, the officer may conduct an initial interview of the suspect or ensure that a trained investigator does so immediately. Obtain the suspect's version of what happened (e.g., determining if it was as discipline measure; if a weapon or instrument was used; or if it was an alleged accident).
 - b. The victim is admitted to the hospital, a decision as to whether or not the officer may interview the suspect and/or caretaker should be made in consultation with a trained investigator. The officer will not disclose any medical information to the suspects regarding the condition of the victim or possible injury. The officers should also encourage the medical staff not to disclose information until they have consulted with law enforcement.
- B. Once it has been determined that a crime has been committed, officers continue the initial case preparation by:
1. Assessing the need for medical intervention and ensuring that the victim is taken to a hospital if needed. If the child is admitted to a hospital, and in any case requiring medical attention, trained investigators should be notified immediately. Officers will consult with trained investigators on child abuse cases to assess the need for forensic medical exam.
 2. Assessing the need for scene preservation and/or evidence collection, consult with trained investigations regarding search warrants and/or consent searches. If the child or suspect gives information regarding a weapon, instrument, or mechanism of injury, a search warrant or consent form should be obtained.

3. Documenting any physical injury to the child with digital, 35 mm Photographs, or video camcorder. Photographs should depict the child's entire body and face, not just the external manifestation of abuse. Photos 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 obtained for photographs or video of the entire household.
4. Contacting Child Protective Services Hotline to file a report, even if the suspect is booked into the Jail. This shall be clearly documented in the first paragraph of the summary/synopsis. If the status of the child is unresolved at the time the report is written, this should be noted in the report. The officers shall assess the need to shelter the child and shall make recommendations to CPS, who will make the decision where to place the child. Should CPS fail to be reached, a call to the law enforcement supervisor shall be made.

INVESTIGATIONS:

A. Non-hospitalized children:

1. An investigator reviews the initial report and continues the investigation by the interviewing the family, siblings, other witnesses, etc., as dictated by the facts of the case. If the victim is interviewed, it should be conducted per the Interview Protocol for Children, Appendix A.
2. If not already done and appropriate, photographs will be taken to document the abuse. An investigator should ensure that additional follow-up photos are taken as needed.
3. CPS should be contacted to obtain past history and coordinate CPS and Law Enforcement efforts on the referral.
4. The suspect's criminal history should be determined, paying special attention to assault and domestic violence actions.
5. The trained investigator should obtain relevant medical records (use ARS 13-3620D only as last resort) on the child and interview appropriate medical personnel.
6. A trained investigator should interview the suspect if not already Interviewed. If the suspect has not invoked his/her rights, re-interview them to complete his/hers account of the events. If the suspect hasn't already been booked, the investigator shall assess

the risk of flight, risk to the victim, and determine if the suspect should be arrested in light of all the information obtained.

7. Assess the need for an immediate arrest of the suspect. Consultation with the county attorney is strongly advised.
8. The need for a medical exam should be assessed.

B. Hospitalized Children:

1. The County Attorney 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 investigator shall assume responsibility for any and all investigation of all hospitalized child abuse cases as soon as an officer notifies them.
3. The trained investigators should ensure that the scene(s) is (are) identified and secure pending issuance of a search warrant or signed consent.
4. The trained investigators shall obtain an initial statement from the physicians or SANE nurse as to time frames, mechanisms of injuries and symptoms the victims would be expected to show, given the injuries sustained.
5. The trained investigator will ensure that interviews are conducted with all caretakers, suspects, and witnesses, including specialized physicians (e.g., neurosurgeons, pediatric radiologist, etc.). Interview of the caretaker should focus not only on the current injuries, but also on a thorough background of the home environment and family history.
6. All medical records including recent and previous hospitalization, doctor or Emergency Room visits by the child should be requested for the investigation. (Note ARS 13-3620D for this)

CASE PRESENTATION:

- A. The case file should include a complete copy of the report; a copy of any audio/ video tapes, 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. It's in that hope that

the CA will have continuing involvement in the case prior to formal submittal.

- B. If the case is turned down, notification of this shall be responsibility of County Attorney's office. The victim's representatives as well as CPS should be notified of the dismissal.
- C. If a post-filing follow up investigation is requested and the suspect is in custody, an officer shall be assigned by the head of the investigating Law Enforcement agency. All requested information should be presented to the County Attorney as soon as possible.
- D. If the County Attorney refers the case back to Law Enforcement for further investigation:
 - 1. The head of the law enforcement agency should assign the original case officer if possible.
 - 2. All requested information should be obtained within 30 days. If it's not possible to do this, the officer or investigator assigned to the case shall notify the County Attorney as to the reasons for the delay.
- E. Law enforcement shall notify prosecutor of all new information received pertaining to the case.
- F. Each law enforcement agency will develop and utilize a tracking procedure that embodies this protocol.

Dispute Resolution:

- A. Problem resolution should first be attempted between those directly involved in the dispute. Such resolutions should focus on the needs of the various individuals and their responsibilities to assist the children. Only if the dispute can not be resolved among the parties involved should immediate supervisors become involved in the resolution process.
- B. In all instances, dispute resolution should focus on the needs of the particular case or children so as not to hinder prosecution or the well being of the children.
- C. If the dispute arises out of conflict of policies between agencies then the resolution of the dispute should be addressed by the policy makers in the organizations involved in the dispute.

Annual Report:

A representative from each law enforcement agency, CPS and the County Attorney's office shall meet annually in June to compile data necessary for the annual report. Law enforcement representatives will provide the following data:

1. Number of cases involving extremely serious conduct allegations that were jointly investigated by CPS and law enforcement.
2. Number of cases involving serious conduct allegations that were not forwarded to CPS by law enforcement for joint investigations.
3. A summary of barriers encountered that prevented joint investigation.
4. Number of cases involving extremely serious conduct allegations that were reported to law enforcement and referred/submitted for prosecution.
5. Number of cases involving extremely serious conduct allegations that were submitted by law enforcement and were charged by prosecutors after referral/submittal.
6. Number of cases involving extremely serious conduct allegations that were submitted by law enforcement, charged by prosecutors and resulted in convictions (plea or trials).
7. Numbers of cases placed in diversion programs.
8. Number of cases “carried forward” without dismissal or transfer.
9. Number of pleadings and trials
10. Number of convicted persons incarcerated.

II

CHILD PROTECTIVE SERVICES PROTOCOL

Child Protective Services (CPS) is based in philosophy and law on the premise that children have a right to be protected from physical abuse, sexual abuse, neglect, abandonment and exploitation. CPS is primarily responsible for investigating in-home abuse.

CPS staff believe 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 within assessing risk of harm and making placement and permanency planning decisions and in providing services. Parents or caretakers maybe found unwilling, unable, or so dysfunctional that they do not assume responsibility to protect children from harm or provide them with the necessities of life. The obligation then devolves to the state, and by laws in Arizona, to CPS within the Arizona Department of Economic Security.

CPS Specialists are required, by laws, 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. (See Appendix D, A.R.S. 8-802 and Appendix C, A.R.S. 13-3620.)

CPS Specialists, working with 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 workers screen incoming communications by using "cue questions" (See appendix E, CPS Hotline Cue Questions). Reporting sources do not need to have answers to all cue questions. Reports are written and the responses that are needed are prioritized (See appendix F, CPS Hotline Prioritization of Action Guidelines) before being promptly forwarded to CPS Field Units. The unit supervisor determines the assignment of CPS Specialists to investigate reports and serve clients. CPS Hotline and field staff coordinate closely, twenty-four (24) hours each day, particularly to assure prompt action with crisis or high priority reports.

CPS actions rarely result in removal of children from the home of the parents. Less than 10% of CPS investigations result in removal of the children from their homes. More often CPS workers offer resources and information to families when these could benefit the family and close the case. 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 insuring the safety of the child. These alternatives include: providing additional resources or safeguards to the family so a child can remain in the home; and 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 Placement Agreement while services are being arranged.

When children are suffering or will imminently suffer abuse, or have no parent/guardian willing or capable of providing safe care, CPS or law enforcement has the authority to remove them for up to seventy-two (72) hours excluding weekends or holidays. (They 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).

To obtain continuing legal authority to control the care of a child, beyond seventy-two hours, CPS must file a dependency petition with the Graham County Juvenile Court. A Superior Court Judge must sign this petition, declaring the child a temporary dependant ward of the court placed in the care of the Arizona Department of economic Security. The Attorney General's Office advises CPS as to the existence of a legal basis for instituting a dependency petition.

Whether the Court takes custody of the children, a Voluntary Foster Care Placement Agreement is signed, or other safety actions taken. CPS has the responsibility of providing counseling and supportive services to the family. The primary focus is, first, to ensure the safety of the child, and, second, to help the family provide improved safety for the children. (See Appendix D, ARS 8-802).

A Joint investigation of a case contains two or more of the following components:

- a. Upon receiving report alleging extremely serious conduct allegations, the appropriate official (CPS or law enforcement) who is assigned or receives the report promptly notifies an appropriate official at the other agency via telephone or in person. This would include reports classified initially as lesser or lower priority-type cases by CPS or law enforcement, but then turn out to involve extremely serious conduct allegations. As promptly as possible, both officials confirm the next steps to be taken to begin coordination of the investigation.
- b. CPS and law enforcement investigators promptly share relevant information during the course of the investigation.
- c. CPS and Law enforcement investigators maintain ongoing contact during the course of the investigation to discuss its status and any steps needed to further fact finding efforts and insure the safety of children.
- d. CPS and law enforcement investigators monitor and/or participate in forensic interviews conducted by their counterparts.
- e. There is an agreed-upon team (CPS and law enforcement) approach to investigating serious cases of child abuse and/or neglect which includes a written agreement between agencies.
- f. Efforts to coordinate investigations are clearly documented in reports prepared by law enforcement and CPS investigators.

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

I. Pre-interview Protocol

- A. The CPS Specialist shall coordinate the investigations with law enforcement. 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. Extremely serious conduct allegation reports, as designated in Appendix F, shall be handled with joint Law Enforcement/ CPS Investigations. Other CPS reports may be handled with joint Law Enforcement/ CPS Investigations requested by either agency.
- B. Extremely serious conduct allegation reports, as designated in Appendix F, shall immediately be reported by telephone to the responsible law enforcement agency.
- 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 within twenty-four (24) hours.
- 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.

II. CPS Interview Protocol

- A. The following is the sequence for interviewing:
 - 1. Talk with the source of the report if possible.
 - 2. Alleged victim if the child's age and intellectual/ emotional functioning permit;
 - 2. Siblings/other children in the home;
 - 3. School/day care provider, medical provider;
 - 4. Non-abusing spouse/caretaker
 - 5. Alleged abusive caretaker; and
 - 6. Neighbors, relatives, and others with knowledge of the abuse.
- B. Child Interviews
 - 1. The CPS Specialist will work in conjunction 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. First responders should limit their questioning of the children who allege abuse and/or neglect to the following four questions:
 1. What happened?
 2. When did it happen?
 3. Where did it happen?
 4. Who did this?
5. To eliminate the need for multiple interviews of the child victim, the CPS Specialist will arrange 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 specially trained 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 and the County Attorney's Office.
6. Interviews of extremely serious conduct alleged child abuse victims will be videotaped and audiotaped in a child friendly atmosphere whenever possible. Interviews should be monitored by an appropriate party to ensure that the content and methods used in the interview reflect best practices whenever possible.
7. Forensic interviewers should participate in periodic peer reviews that include reviews of actual videotaped forensic interviews. If possible, peer reviews should use the standardized review criteria developed by the Arizona CJTF.
8. The CPS Specialist shall:
 - a. Introduce and identify him/herself as a CPS Specialist, while effecting an interview in 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 translators 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 forensic medical examination or treatment and arrange for this, seeking caretaker cooperation as appropriate. (See Medical Protocol for sexual or physical abuse.)

- 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 can not be made the same day, the reasons for lack of contact must be documented.
5. Initiate immediate contact with parent/caretaker in all situations when the child is taken into temporary custody. This includes advisement of legal rights in writing (see temporary Custody Notice, Appendix G), 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.

III. Case Management Protocol

The CPS Specialist will:

- A. Obtain a medical examination of the child victim following guidelines of the medical evaluation protocol. (see Medical 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 findings will be sent to the Protective Services Review Team, who will notify the alleged perpetrator of the rights.
- E. Provide periodic case status updates at the monthly multidisciplinary meetings to reinforce that importance of interagency collaboration and

communication and to ensure that the best interests of the child are being served.

- F. Participate in regular interagency case reviews that are constructive and non-accusatory and that focus on ongoing improvement of protocol compliance.
- G. Meet annually with the County Attorney's office in June to compile data necessary for the annual report. CPS will provide the following data:
 - 1. Number of cases involving extremely serious conduct allegations that were jointly investigated.
 - 2. Number of cases involving extremely serious conduct allegations that were not forwarded by CPS to law enforcement for a joint investigation.
 - 3. Summary of barriers encountered that prevented joint investigations.
 - 4. Number of calls made to the CPS Hotline and the number of those calls taken as reports (per county)(listed by priority level)
 - 5. Number of extremely serious conduct allegations that resulted in investigations that resulted in: 1) "substantiated findings and 2) removal of children (listed by priority level)
 - 6. Number of CPS-only investigations that resulted in submittals for criminal prosecution.
 - 7. Number of dependency petitions filed
 - 8. Number of adjudicated dependency cases
 - 9. Number of termination of parental rights filings (motion or petition)
 - 10. Number of termination of parental rights cases resulting in severance of parental rights.
 - 11. Number of active/open dependency cases during the reporting period (e.g., average or mean number of active cases, low and high range, monthly counts, etc.)
 - 12. Number of dependency cases that closed during the reporting period.
 - 13. Number of dependency cases that "reactivate". (by child or family)
- H. All CPS case workers shall follow the CPS policies related to ICWA cases.

Conflict Resolution

- A. Problem resolution should first be attempted between those directly involved in the dispute. Such resolutions should focus on the needs of the various individuals and their responsibilities to assist the children. Only if the dispute can not be resolved among the parties involved should immediate supervisors become involved in the resolution process.
- B. In all instances, dispute resolution should focus on the needs of the particular case or children so as not to hinder the prosecution or well being of the children.
- C. If the dispute arises out of conflict of policies between agencies then the resolution of the dispute should be addressed by the policy makers in the organizations that are involved in the dispute.