

La Paz County Joint Investigation Outline

1. A 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

any other act of abuse that is classified as a felony

- Indecent Exposure to a person under the age of 15 13-1402;
- Public Sexual Indecency to a Minor 13-1403;
- Surreptitious photographing, videotaping, filming or digitally recording 13-3019;
- Child Prostitution 13-3212;
- Furnishing harmful items to minors 13-3506;
- Commercial Sexual Exploitation of a Minor 13-3552;
- Sexual exploitation of a minor 13-3553;
- Admitting Minor to public displays of sexual conduct 13-3556;
- Duty to Report Abuse 13-3620;

Other areas joint investigation will be initiated are for methamphetamine labs, hazardous situations, worker safety issues and alleged drug abuse by the caretaker.

CPS role – Assure the safety of the child

Law Enforcement role – Investigation of criminal allegation.

B. Guidelines for what constitutes a “Joint Investigation”; Law enforcement and 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
- What information each agency has on the persons involved in the reported incident.

Each agency shall respect the mandated response times of the other agency. Child Protective Services response times are as follows P1-2 hrs, P2-48 hrs, P3-72 hrs, and P4 up to 7 days. Law enforcement response is immediate then if needed transferred to the proper agency or detective.

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.

If, during the course of an investigation that is not deemed to be ESCA, the matter is now identified as an ESCA, the investigating agency shall notify the other agency in the manner proscribed in this protocol.

Disagreement on response; Contact the appropriate supervisor of the agency with whom you disagree. Utilize “chain of command”, starting with the supervisor directly responsible for the professional that you disagree with. Be prepared to identify issues and cite relevant statutory or policy conflicts.

Information sharing: During a joint investigation of an ASCE crime, relevant information to assure a safe temporary placement for a child (local agency involvement records, criminal history etc) will be made available to CPS from law enforcement sources. CPS shall make past CPS involvements and history available to law enforcement.

Documentation of joint investigation: CPS and law enforcement shall document in their reports that this is a joint investigation. The Joint Investigation Data Report form shall be completed by law enforcement and forwarded to the La Paz County Attorney’s Office.

Forensic Interview: CPS and law enforcement investigators shall monitor and/or participate in forensic interviews conducted by their counterparts whenever possible. If this is not possible, video and audio tapes of the interview shall be made available to their counterparts.

Ongoing Investigation: CPS and law enforcement shall work in consultation with each other throughout the course of the investigation, prosecution and civil process.

C. **When Joint Investigation is required** – A joint investigation is required in response to any report of ESCA or other areas that occurred in La Paz County (see definition of ESC in “A”)

Out of jurisdiction crime within the state of Arizona – Time is of the essence for crimes that require a joint investigation. An appropriate law enforcement agency of a non-La Paz jurisdiction may contact a La Paz County law enforcement agency to request a courtesy interview or other investigative assistance. Local CPS agencies will assist other CPS units if the child resides in the La Paz County service area. The guidelines set forth in this protocol shall be followed.

Out of jurisdiction crime outside of the state of Arizona: Law enforcement agencies outside of the state of Arizona often contact an Arizona agency for assistance in an investigation. CPS agencies outside of the state of Arizona often contact Arizona CPS for assistance in an investigation. La Paz County law enforcement and CPS agencies will assist as their agency protocol allows and when possible, in accordance with the guidelines regarding ESCA.

D. **Interagency Notification:** If the report of an ESCA has been made to CPS, CPS shall immediately notify a law enforcement representative from the appropriate jurisdiction. If the report is first made to law enforcement, law enforcement shall immediately notify the **Hotline** and may also **notify a representative from CPS** in the proper local office. This notification shall be made to the representative in a manner that assures receipt (verbal relay of information rather than written, phone

message or e-mail). Fax or e-mail messaging is recommended as backup confirmation. It is recommended that the agencies notify each other prior to responding to the circumstance, thereby permitting an agreed upon and coordinated response. It is understood that exigent circumstances may require an expedited response to protect the safety of a victim, non-offending family member or witness.

Contacting Law Enforcement: Contact dispatch for the appropriate agency. Notify dispatch that this is a joint investigation that requires a law enforcement response. This does not preclude a CPS professional from directly contacting an investigator.

Contacting CPS: Contact the CPS Hotline using the law enforcement designated line 1-877-238-4501 and the law enforcement professional may also notify a representative from CPS in the proper local office.

It is understood that specially trained CPS or law enforcement investigators are not available at all times for immediate response. In the absence of a specially trained investigator, each agency shall communicate with an agency representative (CPS or law enforcement) that shares the powers and duties of that agency.

- E. Procedures for mandated and other reporters** – The allied professionals responding to ESCAs in La Paz County encourage mandated and other reporters to contact both CPS and law enforcement when making a report of suspected abuse/neglect.

2. STANDARDS FOR CONDUCTING JOINT INVESTIGATIONS

- A. Guidelines for first responders – First responders are generally defined as those individuals, usually patrol officers/deputies or CPS investigators, who are the first to arrive at the scene where a report of child maltreatment has been made. In order to minimize further trauma and ensure an effective investigation, first responders should limit their questioning of the child victim to the following four questions:

- What happened?
- When did it happen?
- Where did it happen?
- Who did this?

The first responder should then contact the appropriate detective or supervisor to ensure that a trained forensic interviewer will conduct a forensic interview of the child(ren).

- B. Forensic Medical Exams – forensic medical exams are performed at the H.A.V.E.N Center in Lake Havasu or Amberly's place in Yuma. (See attached Mission statements) or other trained forensic medical professional. La Paz County Attorney will review the circumstances of each request for a forensic medical evaluation. The facts of each circumstance are reviewed by the La Paz County Attorney or his designee to assure that necessary medical

evaluations are performed. When examinations are performed within 120 hours of the incident, the examination generally consists of the following: Physical examination, public safety Sex Crime Evidence Kit and Colposcopy. When an examination is conducted after 120 hours has elapsed since the incident, the examination generally consists of the following: Physical examination and Colposcopy. H.A.V.E.N Center in Lake Havasu or Amberly's place in Yuma is not a licensed medical facility. In the case of a victim in need of emergency medical treatment, the victim shall be medically stabilized at a medical facility and then transported to the H.A.V.E.N Center in Lake Havasu or Amberly's place in Yuma for a forensic medical examination. In general, the forensic sexual assault examination should not be performed at the medical facility unless the victim cannot be treated and cleared as medically stable.

- C. Forensic Interview – A forensic interview of children alleging abuse or neglect shall be conducted by persons who are trained to conduct forensic interviews. The interview, whenever possible, should be conducted in a child-friendly environment that is equipped to videotape and audiotape the interview. The forensic interviewer shall have completed a training curriculum, such as the introductory *and* advanced training offered by the Arizona Children's Justice Task Force. The forensic interviewer shall participate in periodic peer reviews that include reviews of actual videotaped forensic interviews.

3. TRAINING

- A. The La Paz County Attorney, the La Paz County Sheriff, chief law enforcement officers for each municipality and each CPS supervisor in La Paz County shall assure that their employees involved in ESCA investigations shall attend training developed to execute this protocol. This training will include cross training between CPS, prosecution, local assistant attorney generals and law enforcement to assure they understand the roles and mandates of each agency involved.
- B. Forensic interview training – Forensic interviewers shall have received extensive 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, such as the training seminar offered by the Arizona Children's Justice Task Force. Interviewers shall participate in Peer Review training to maintain their skill.

4. PROCEDURES FOR MULTIDISCIPLINARY RESPONSE AND COORDINATION

- A. Sharing information - During a joint investigation of an ASCE crime, relevant information to assure a safe temporary placement for a child will be made available to CPS from law enforcement sources. CPS shall make past CPS involvements and history available to law enforcement. It is understood that certain information may be deemed to be confidential. If there is a dispute as to release of information, refer to this protocol section #7 – Dispute Resolution.

B. Coordinating related criminal child abuse/neglect and dependency cases - On occasion a family might be involved in the adult and/or juvenile criminal justice systems and/or the civil court system. The purpose, demands and constraints of each of these systems varies. It is the responsibility of the administration of each of these systems to assure adequate communication and access to allied professionals (CPS, schools, law enforcement, probation, mental health, prosecutors, etc.). Child safety is paramount and permanency for children involved in dependency proceedings shall not be inappropriately delayed.

C. Ongoing notification of case status - CPS and law enforcement shall work in consultation with each other throughout the course of the investigation, prosecution and civil process. This is best accomplished by staffing ESCA cases on a quarterly basis. Each law enforcement jurisdiction shall participate in a quarterly review of each ESCA case investigated during that quarter. The Review team consist of (at a minimum) law enforcement, prosecution and CPS. Other appropriate professional members can include; Adult Protective Services, medical, behavioral health, victim advocacy and school personnel.

D.Co-location: During the course of the investigation CPS and Law Enforcement will include site visits to each other's work location to coordinate investigative efforts.

5. A PROCESS FOR ENSURING PROTOCOL COMPLIANCE

- A. Procedures for tracking protocol compliance – protocol compliance will be tracked during the Reviews (see 4.C). Failure to comply with this published protocol will be forwarded to the appropriate supervisor of the agency not in compliance.
- B. Periodic reviews of and updates to local protocols: It is recommended that this protocol be reviewed annually to ascertain the need for updates. A representative from the La Paz County Attorney's Office, CPS, and law enforcement (at a minimum) shall be involved in this review. Any update shall be communicated to CPS, La Paz County law enforcement agencies and affected area professionals.

6. PROCEDURES FOR A LOCAL (COUNTY) ANNUAL REPORT

An annual report shall be transmitted to the Governor, the Speaker of the House of Representatives and the President of the Senate with in 45 days after the end of the (state) fiscal year. The La Paz County Attorney, the La Paz County Sheriff, the chief law enforcement officers for each municipality in the county and CPS shall provide information as outlined in this protocol to (whomever is compiling the report) within 15 days after the end of the (state) fiscal year.

Information included in this report shall include;
Law Enforcement Information

- Number of cases involving an ESCA that were jointly investigated using the criterion set forth in this protocol

- A summary of barrier and challenges encountered by law enforcement and CPS to fulfill the dictates of this protocol
- Number of joint investigations in each law enforcement jurisdiction

County Attorney Information

- Number of ESCA cases submitted/referred to the County Attorney for prosecution
- Number of ESCA cases submitted by law enforcement that were charged
- Number of ESCA cases submitted to the County Attorney that resulted in trial or plea agreements
- Number ESCA cases submitted to the County Attorney that resulted in convictions

CPS Information

- Number of calls to the CPS Hotline involving incidents in the La Paz County area of responsibility and priority levels of those calls
- Number of ESCA calls that were substantiated
- Number of ESCA calls that resulted in removal of children

7. PROCEDURES FOR DISPUTE RESOLUTION

It is understood that conflicts may arise during a joint investigation and after. If conflict does occur, the concerned agency is advised to contact the immediate supervisor responsible for the agency with whom the concern is based. If the immediate supervisor cannot provide a satisfactory solution to the problem, the concerned agency may then utilize the “chain of command” for the other agency. Be prepared to identify issues and cite relevant statutory or policy conflicts.

The La Paz County Attorney’s Office and/or the Arizona Attorney General’s Office may be used as a resource to answer questions regarding legalities.

LE and CPS are encouraged to schedule a multiagency meeting for the purpose of resolving misunderstandings, incomplete communication or other issues affecting the joint investigation of ESCA.

8. STANDARDS FOR INTERDISCIPLINARY INVESTIGATIONS INVOLVING NATIVE AMERICAN CHILDREN

A. Complying with Indian Child Welfare Act (ICWA)