

Procedure 1162.03 Child Abuse Investigation Protocol

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Procedure: 1162.03 Replaces: 1160.04

Chapter: Inspections and Investigations Dated: 11/28/06

Rule: Child Abuse Investigation Protocol

Purpose:

Arizona Department of Juvenile Corrections (ADJC) Inspections and Investigations Division (IID) has established a protocol for responding to and investigating an incident of physical and sexual abuse involving an ADJC juvenile in accordance with ARS §13-3620. This protocol shall determine whether a crime has been committed and whether to bring to light those facts and circumstances necessary to hold the perpetrator(s) accountable for their criminal activity to the County Attorney's Office.

Rules:

1. In addition to statutory requirements and case law the ADJC CRIMINAL INVESTIGATIONS UNIT of the INSPECTIONS AND INVESTIGATIONS DIVISION (IID) shall be concerned with the following during an investigation:

1. ADJC CRIMINAL INVESTIGATIONS shall:

1. Be cognizant of the needs of the victim;
 2. Be cognizant of the responsibilities of other organizations involved in the treatment, support, and recovery of the victim;
 3. Coordinate efforts with Child Protective Services (CPS) when needed; and
 4. Coordinate efforts with the prosecuting agency during an investigation.
2. The Investigations Commander shall determine whether a criminal investigative response will be initiated.

2. Sexual Abuse/Child Abuse Investigations outside of ADJC's jurisdiction.

1. ADJC CRIMINAL special INVESTIGATORS shall:

1. Establish and maintain a close working relationship with CPS and the Pima and Maricopa County Attorney's Office;
2. Document their actions and coordinate with the appropriate jurisdiction;
3. Obtain sufficient information about the allegation to identify the agency that has jurisdiction without conducting a formal interview; and
4. Cross report to local law enforcement jurisdiction and/or to CPS.

3. Sexual Abuse Investigations within the ADJC jurisdiction.

1. ADJC CRIMINAL SPECIAL INVESTIGATORS shall:

1. When necessary interview the reporting source to determine the circumstances of disclosure;
2. Arrange for an interview of the victim;
3. When necessary interview the victim;
 1. The interview shall be recorded and may take place at Central Office IID Interview Room or at an Advocacy Center;
 2. The interview will be conducted by a trained Investigator.
4. Eliminate unnecessary or multiple interviews of the child victim;
5. Arrange for a medical examination by a qualified medical professional, if necessary;
6. Conduct crime scene(s) investigation and process the evidence;
7. Interview witnesses;
8. Obtain a copy of the medical examination report;
9. Interview medical personnel; and

10. Conduct investigative research on:

1. Prior convictions of the suspect;
2. Prior police reports involving the suspect, victim(s), or witness(es);
3. Prior unreported allegations involving the suspect, victim(s) or witness(es); and current and prior CPS reports.

2. ADJC CRIMINAL SPECIAL INVESTIGATOR'S INTERVIEW shall include:

1. Determination of the need to arrest the suspect based on:

1. The risk of flight to avoid prosecution; and
2. The danger to the community.

2. Any other necessary investigations being conducted.

3. ADJC CRIMINAL SPECIAL INVESTIGATOR'S CASE PRESENTATION shall be processed in a timely manner and include:

1. A complete copy of the ADJC investigations report;
2. Copies and/or transcripts of the audiotapes;
3. Video-recordings;

4. Documentation of any physical injury to the victim with digital or 35 mm photographs;

5. Photographs:

1. That depict the victim's entire body and face, not just the external manifestations of abuse;

1. With the exception of a licensed medical practitioner, photographs of private parts shall be taken by a person of the same gender.

2. That include a ruler and color bar where possible;

6. Additional follow-up photographs which were taken;

7. Medical records of the victim that pertain to the allegation;

8. Relevant CPS files on the victim and family; and

9. Prior relevant police reports and any other information obtained during the investigation.

4. Child Physical Abuse and/or Neglect Investigations.

1. ADJC CRIMINAL SPECIAL INVESTIGATORS shall establish the following:

1. Physical abuse;

2. Neglect; and

3. Jurisdiction.

2. The ADJC CRIMINAL SPECIAL INVESTIGATOR shall:

1. Following determination that a crime has been committed:

1. Assess the need for scene preservation and/or evidence collection;

2. Assess the need for a medical exam;

3. Obtain a search warrant or consent form, if necessary, when the victim or suspect gives information regarding a weapon, instrument, or mechanism of the injury;

4. Document any physical injury to the victim with digital or 35 mm photographs;

1. Photographs should depict the victim's entire body and face, not just the external manifestations of abuse.

1. With the exception of licensed medical practitioner, photographs of private parts shall be taken by a person of the same gender.

2. Photographs should include a ruler and color bar where possible;

3. Additional follow-up photographs shall be taken as needed.

5. Obtain any relevant medical records on the victim;

6. Interview appropriate medical personnel;

7. Assess the risk of flight to avoid prosecution; and

8. Determine if the suspect should be arrested in light of all the information obtained.

5. The ADJC CRIMINAL SPECIAL INVESTIGATOR shall notify the On-Call Deputy County Attorney for physical abuse cases and all cases where the victim is admitted to a hospital or dies as a result of suspected child abuse.

1. The Investigator may obtain an initial statement from the qualified physician regarding:

1. Time frames;

2. Mechanisms of injury;
3. Symptoms the victim would be expected to show, given the injury sustained;
4. Interviews conducted with suspects and witnesses, including specialized physicians (e.g., neurosurgeons, pediatric radiologists, etc.).

6. CASE FILE shall include the following:

1. A complete copy of the Police report;
2. Copy and/or transcripts of the audiotapes;
3. Video recording;
4. Photographs;
5. Medical records of the child;
6. Child Protective Services files on the victim and family;
7. Prior relevant Police reports and any other information obtained during the investigation;
8. A copy of relevant information from the CPS investigation, including the CPS case file; and
9. Relevant information concerning the victim.

7. Case Presentation. All requested information shall be presented to the Deputy County Attorney 24 hours prior to a Grand Jury or Preliminary Hearing:

1. If the case goes to a Grand Jury/Preliminary Hearing, an ADJC Criminal Investigator shall present the case;
8. If the Deputy County Attorney refers the case back to ADJC for further investigation:
 1. The Investigations Supervisor shall return the case to the original ADJC Criminal Investigator, when possible;
 2. The ADJC investigator shall obtain the requested information as soon as possible.

9. ADJC Criminal Special Investigators Training.

1. ADJC special Investigators shall participate in continuing training regarding the investigation of the neglect, physical, and sexual abuse of children which shall include, but not be limited to an 8-hour and 40-hour Forensic Interview School;

2. ADJC CRIMINAL SPECIAL INVESTIGATORS responsible for continuing an investigation beyond first responders of child abuse/neglect shall receive the following or equivalent training:

1. Child physical abuse investigations and medical aspects;
 2. The investigation of sexual crimes against children;
 3. Forensic Interviewing – the basic 8-hour course.
3. ADJC CRIMINAL SPECIAL INVESTIGATORS, tasked with conducting an interview of a child for the purpose of obtaining evidence/statements for use in judicial hearings/trials, should have the following training and have met the standards required:
1. A 40-hour training in advanced forensic interviewing; and
 2. The Children's Justice Task Force Advanced Forensic Interview training; or
 3. Any equivalent courses that adhere to the same standards.