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MOHAVE COUNTY ATTORNEY ANNUAL GOVERNOR'S REPORT ON THE INVESTIGATION OF CHILD ABUSE PURSUANT TO A.R.S. §8-817(B)(8)

Under A.R.S. §8-817(B)(8) there is a requirement that every County develop, adopt, and implement protocols to guide the investigations of allegations involving criminal conduct with respect to children. Please find attached a copy of the protocol that Mohave County has developed over the years, with this draft adopted in 2007.

In the fiscal year starting July 1, 2014, and ending on June 30, 2015, Mohave County investigated 74 cases involving child abuse and 87 cases involving child sexual abuse. Of these 74 cases involving child abuse, there were 66 cases that were investigated jointly pursuant to our attached protocol. Those cases that were not investigated jointly involve four cases involving Aggravated DUI cases where a child was present in the vehicle and the other four cases involved child abuse that was not committed in the child victim's home. Of the 87 cases involving child sexual abuse, which includes sexual conduct with a minor, molestation of a child, and attempted offenses involving the same crimes, 68 of these cases were investigated jointly, and the majority of the remaining cases were not investigated jointly because the molestation or sexual abuse did not occur in the home and was not perpetrated by individuals living with the victim. Those cases where the victim and perpetrator lived together are cases that mandate CPS involvement. As stated in past reports, CPS is only involved in cases where the child's family, parents or guardians are the potential perpetrators.

However, there were approximately four cases where a joint investigation between law enforcement and CPS did not take place due to law enforcement not contacting CPS or being unable to contact CPS on the hotline in a timely manner. Law enforcement has continued to report over the years that they do tend to get frustrated with the CPS hotline, particularly when they are put on hold for an extended period of time. In these cases, law enforcement will generally leave a message but will not stay on the phone indefinitely. Ultimately, CPS did get contacted in these cases but were not involved in the initial investigation. We are still working on resolving these issues by having fairly regular MDT (Multi-Disciplinary Team) that involve a local task force that is comprised of members of the Mohave County Attorney's Office, CPS and local law enforcement agencies. These issues can be resolved by everyone working together and continuing to communicate as often as possible.

Of these 74 child abuse cases presented for review, approximately 64 of them resulted in some criminal charge and 54 of these cases resulted in at least one conviction for a criminal offense for the current fiscal year. Of course some of those cases are still pending. Of the approximate 87 child sexual abuse cases presented to the County Attorney's Office for review, 74 of those cases resulted in criminal charges and 63 of these cases resulted in a criminal conviction for at least one criminal offense. Again, some of these cases are still pending and will not be resolved until the next fiscal year.

Please feel free to contact me at (928) 753-0719 if you have any additional questions.

Sincerely,

Matthew J. Smith
Mohave County Attorney

Enclosure (Mohave County Children's Justice Task Force Protocol)

MJS/nas

cc:

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Mohave County
Children's Justice Task Force

Investigation and Prosecution Protocol For Child Physical and Sexual Abuse Cases

Statement of Purpose

This protocol is designed to assist in the investigation and prosecution of child physical and sexual abuse cases in Mohave County. While it is recognized that each agency has it own mandate to fulfill, we also acknowledge that no one agency or discipline can fully address the problem of child abuse alone.

The goals of the Mohave County Children's Justice Task Force are:

1. To treat all child abuse victims with dignity and respect and protecting the child(ren) from further abuse;
2. To reduce the trauma to the child(ren) by videotaping one interview thereby eliminating the need for additional interviews;
3. To promote statutory crime reporting by training mandated reporters;
4. To coordinate the investigation of child abuse cases by working as a multidisciplinary team through the sharing of information and critiquing cases as a team to aid in the successful prosecution of child abuse;
5. To afford the child(ren) and family members crisis services and on-going treatment services as soon as possible.

Child Protective Services:

1. CPS (Child Protective Services) responsibility is the protection of the child(ren) from abuse, neglect or exploitation by their parents or caretakers (familial).

2. CPS will make the decision, based on the investigation and CPS rules and regulations, as to the need for temporary custody and/or foster care for the victim(s).

3. The parent (in the case of intra familial sexual abuse – the non-offending parent) will be told of the reported allegations, the result of the investigation by law enforcement and CPS and how the case will proceed.

4. CPS will make the determination as to the need to file a dependency petition.

5. CPS will keep the County Attorney's Office and the investigating law enforcement agency informed regarding the status of the family and the impact on the victim and family as it relates to the release or detainment of the alleged perpetrator.

6. Upon receipt of a report alleging extremely serious conduct allegations (see Appendix A), the appropriate official (law enforcement or CPS) 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 less or lower priority-type cases by law enforcement or CPS, 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.

7. CPS and law enforcement investigators promptly share relevant information during the course of the investigation.

8. 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 ensure the safety of children.

9. CPS and law enforcement investigators monitor and/or participate in forensic interviews conducted by their counterparts.

10. Whenever possible forensic interviews should be conducted in child-friendly environments such as a crime victim center or child and family advocacy center. In Mohave County three (3) such facilities are available.

Bullhead City:	Tri-State Victim Center
Kingman:	Sarah's House
Lake Havasu City:	H.A.V.E.N.

See special procedures for Arizona Strip cases (page 23).

It is at the discretion of the investigating law enforcement agency to conduct the video and/or audio taped interview at one of the above-listed facilities or at their local law enforcement agency.

11. There is an agreed-upon team (law enforcement and CPS) approach to investigating serious cases of child abuse and/or neglect which includes a written agreement between agencies.

12. Efforts to coordinate investigations are clearly documented in reports prepared by law enforcement and CPS.

13. As soon as possible, following the completion of the investigation of child abuse allegations, CPS will notify law enforcement and the Mohave County Attorney's Office of their decision as to whether or not it is necessary to remove the child(ren) from the home.

14. In addition to any training required by CPS for their investigators, they should also be trained in forensic interviewing techniques.

    All investigators who interview alleged victims of child abuse or neglect need, as soon as possible, to complete the basic and advanced forensic interview training as outlined in Appendix D.

Law Enforcement:

1. Upon receipt of a report alleging extremely serious conduct allegations (see Appendix A), the agency that receives the report shall promptly notify the other agency via telephone or in person. This would include reports classified initially as less or lower priority-type cases by law enforcement or CPS, 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.

2. Law enforcement and CPS investigators promptly share relevant information during the course of the investigation.

3. Law enforcement and CPS investigators maintain ongoing contact during the course of the investigation to discuss its status and any steps needed to further fact-finding efforts and ensure the safety of children.

4. Law enforcement and CPS investigators monitor and/or participate in forensic interviews conducted by their counterparts.

5. "First Responders" refer to those individuals, usually patrol officers or CPS investigators, who are the first to arrive at the scene where a report of child maltreatment has been made.

6. First responders should limit their questioning of children who allege abuse and/or neglect to the following four questions:

   A. What happened?
   B. When did it happen?
   C. Where did it happen?
   D. Who did this?

   The first responder should not ask any more questions of the child(ren) 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 child(ren).

7. Following the initial interview with the child(ren) alleging abuse, an in-depth videotaped interview will be conducted by a trained forensic interviewer (See Appendix D).

8. Whenever possible forensic interviews should be conducted in child-friendly environments such as a crime victim center or child and family advocacy center. In Mohave County three (3) such facilities are available.

   Bullhead City: Tri-State Victim Center
   Kingman: Sarah's House
   Lake Havasu City: H.A.V.E.N.
   See special procedures for Arizona Strip cases (page 23).

It is at the discretion of the investigating law enforcement agency to conduct the video and/or audio taped interview at one of the above-listed facilities or at their local law enforcement agency.

9. Whenever possible, interviews should be monitored by an appropriate party to ensure that the content and methods used in the interview reflect best practices.

10. There is an agreed-upon team (law enforcement and CPS) approach to investigating serious cases of child abuse and/or neglect which includes a written agreement between agencies.

11. Efforts to coordinate investigations are clearly documented in reports prepared by law enforcement and CPS.

12. Parents will not be told that because a taped interview has been done with a child that the child will not have to testify.

13. Following the interview by law enforcement and/or CPS, if a forensic exam is deemed necessary, every effort will be made to conduct the exam at one of the crime victim centers listed above (#8) and will be conducted by a trained SANE (Sexual Assault Nurse Examiner) nurse.

    If the victim is taken to the emergency room of a local hospital due to extensive physical injuries requiring medical treatment by a physician, the SANE nurse will be requested by law enforcement to respond to the hospital to conduct the forensic exam at the hospital.

14. When law enforcement has completed their investigation, they will submit the case to the County Attorney's Office. The case file should include the following:

    a. Complete copy of the police report;
    b. Copy of audio and video tapes;
    c. Any photographs; and
    d. Tapes of 911 calls;

15. Also submitted to the County Attorney's Office in a timely manner includes:

    a. All medical records of the child;
    b. Child Protective Services files on the child and family;
    c. Prior relevant police reports; and
    d. Any other information obtained during the investigation.
    e. Attorney General's Office Documents should be included - specifically – dependency hearing transcripts, or depositions; information from other cases, etc.

16. If the case is not filed, notification of the decision not to file shall be the responsibility of the County Attorney's Office. The victim's representative(s) as well as CPS should be notified of the declination of charges.

17. If the County Attorney's Officers refers the case back to law enforcement for further investigation:

    a. The case should be investigated further as soon as possible.
    b. The Mohave County Attorney's Office must be advised, within 30 days, if the investigating agency decides to close the case.

18. It is recommended that law enforcement and CPS investigators follow the Interview Protocol for Children (See Appendix B).

19. All investigators who interview alleged victims of child abuse or neglect need, as soon as possible, to complete the basic and advanced forensic interview training provided by the Arizona Children's Justice Task Force.

Count Attorney's Office:

1. Once the investigation has been completed, law enforcement will contact the Mohave County Attorney's Office. However, the Mohave County Attorney's Office should be contacted by law enforcement if there are any questions or directions requested by law enforcement. Law enforcement will submit a written report to the County Attorney's Office in order to determine if further investigation is needed, prosecution is declined or charges are filed.

   A. Further Investigation:

      1. If further investigation is needed, the attorney screening the case will advise law enforcement specifically what additional information is needed for prosecution.
      2. When the investigating law enforcement agency obtains the additional information requested by the County Attorney's Office, the case will be re-submitted for review.
      3. If, for whatever reason, the investigating law enforcement agency does not pursue the investigation, it will notify the Mohave County Attorney's Office within 30 days.

   B. Prosecution Declined:

      1. If the attorney screening the case submitted by law enforcement declines to prosecute, a letter will be sent to the victim and/or the victim's lawful representative advising of the decision to not prosecute and the reason that prosecution was declined.
      2. A copy of the Mohave County Attorney case screening form will be forwarded to the investigation law enforcement agency and CPS advising of the reason prosecution was declined.
      3. The victim or the victim's lawful representative has the right to confer with the initial reviewing prosecutor regarding the decision not to prosecute.
      4. All cases that are declined may be re-evaluated if new evidence is presented.

   C. Case is Accepted for Prosecution:

      1. Once the case is assigned to a Deputy County Attorney, the attorney and/or the Victim Advocate will contact the victim or the victim's lawful representative as soon as practicable to discuss the process and obtain input as to a possible disposition.

      2. If a plea offer is made by the Deputy County Attorney to the Defendant, the victim or the victim's lawful representative will be notified of the plea offer.

a. If the victim or the victim's lawful representative wishes to discuss the plea offer with the Deputy County Attorney, the victim or the victim's lawful representative, they will contact the County Attorney's Office and arrange a meeting with the Deputy County Attorney.
b. Although the final disposition of the case is up to the Deputy County Attorney, input from the victim or the victim's lawful representative is welcomed by the County Attorney's Office.
c. If the victim or the victim's lawful representative does not agree with the plea offer and the matter cannot be resolved, the victim has the right and opportunity to notify the pre-sentence probation officer and the court of their opinion.
d. The final disposition of a disputed negotiated plea rests with the discretion of the court to either accept or reject the plea offer.

3. If a case cannot be resolved through a plea agreement, the case will be set for trial.

The County Attorney's Office recognizes that many victims and/or the victim's lawful representative are apprehensive about testifying. This apprehension, many times, is caused by:

a. Unfamiliarity with the trial process;
b. Uncertainty as to whether or not the case is proceeding to trial;
c. Unnecessary delays;
d. Fear of testifying;
e. Fear of facing the accused in open court while testifying;
f. Fear of not being believed;
g. Fear of cross-examination by the defense.

4. Trial preparation is the responsibility of the Deputy County Attorney.

a. The Deputy County Attorney should meet with the victim in order to acquaint the victim with the trial process.
b. The Deputy County Attorney should strive to develop rapport with the victim.
c. The Deputy County Attorney, along with the Victim Advocate, may initially meet with the victim in a place where the victim will feel comfortable.

5. Victim preparation is the responsibility of the Deputy County Attorney with the assistance of the Victim Advocate.

a. In all but very rare cases, the victim will be required to testify in court.
b. At least 3 days before trial, the victim will be taken into a courtroom and the Deputy County Attorney and/or the Victim

Advocate will explain courtroom protocol and procedures to the victim.

c. The victim will also be given the opportunity to view the video "It's Called A Witness Chair" that will help the victim understand the various roles of people in the courtroom.

d. In appropriate cases, the Deputy County Attorney will request adaptation of the courtroom in order to fit the victim's needs.

e. The Deputy County Attorney takes an active role in the victim's recovery process by the manner in which he/she handles a case destined for trial.

   1. If requested to do so, the Deputy County Attorney will assist the victim in selecting a support person to be present during the victim's testimony, in addition to the Victim Advocate.
   2. The support person cannot otherwise be a witness in the case.
   3. The Deputy County Attorney will seek appointment of an interpreter or guardian ad litem for a victim in appropriate cases.

5. Prior to trial, the Deputy County Attorney or the Victim Advocate will discuss the possible outcomes of the trial with the victim and/or the victim's lawful representative.

6. If the defendant pleads guilty or no contest, or if a jury finds the defendant guilty, the Deputy County Attorney or Victim Advocate will inform the victim of the sentencing.

7. The Deputy County Attorney or the Victim Advocate will advise the victim and/or the victim's lawful representative of:

   a. the purpose of the pre-sentence investigation report prepared by the Mohave County Probation Department;
   b. the right to restitution;
   c. the right to make an impact statement at the sentencing.
   d. what to expect after the defendant is sentenced.

Victim Services Protocol:

The primary role of the Victim Advocate is two-fold – to provide information concerning the prosecution of the case and to accompany the victim, at the request of the victim or the victim's lawful representative, to court proceedings to provide explanations and, when necessary, emotional support.

A. Criminal or Juvenile Justice System Information:

Advocates provide the victim or the victim's lawful representative the following:

1. Information about the charges filed against the defendant and his/her custody status;
2. Information about the various steps a case will take as it progresses through the justice system, up to and including sentencing;
3. An explanation of the victim's rights, and if the victim and/or the victim's lawful representative wishes to exercise their rights, the Victim Advocate will assist them in doing so;
4. Notification of court dates if the victim or the victim's lawful representative elects to exercise their rights; in cases where the victim is in the custody/care of CPS and/or has a guardian add litem, the Victim Advocate will keep CPS and/or the guardian ad litem informed of the on-going status of the case if they have requested to be notified;
5. A more detailed explanation of the various court proceedings, what those proceedings mean, what could possibly happen during the proceedings, as well as advising the victim and/or the victim's lawful representative of their options as criminal justice events occur;
6. Transportation arrangements for in-state or out-of-state travel for the victim and/or the victim's lawful representative if they are needed for interviews, court appearances, etc.;
7. Information about the pre-sentence report and facilitation of the victim and/or the victim's lawful representative input into the report.
8. Information regarding the victim's and/or the victim's lawful representatives' post-conviction notification rights; this includes advising the victim and/or the victim's lawful representative on how to obtain information about the defendant's custody status.

B. Supportive Services:

Victim Advocates provide the following supportive services when appropriate, during the course of the prosecution:

1. Meeting with the victim shortly after being assigned to the case in an environment that is comfortable for the victim to establish rapport with the victim and his/her family, to assess family dynamics, and to assess the need for counseling referrals;
2. Assisting the victim and/or the victim's lawful representative in understanding how the crime has affected him/her emotionally, helping to relieve any anxiety associated with his/her participating in prosecution, and helping the victim and/or the victim's lawful representative understand what will happen with the case and how events may impact them;
3. Acting as an emotional support for the victim and/or the victim's lawful representative by attending court proceedings with him/her and explaining those proceedings;
4. Providing continuous, on-going crisis intervention counseling for the victim throughout the prosecution of the case, and assisting him/her in all that happens during his/her involvement with the criminal or juvenile justice process;
5. Addressing any concerns that the victims may have regarding their safety and that of their family throughout the criminal justice process, and taking appropriate action to ensure their safety;
6. Provide the victim and/or the victim's lawful representative with a courtroom preview prior to trial. This may be done with or without the Deputy County Attorney, depending on the circumstances.

C. Advocacy:

The Victim Advocate advocates on the victim's behalf by:

1. Acting a liaison between the Deputy County Attorney prosecuting the case, and the victim and/or the victim's lawful representative by facilitating communication between the two;
2. Keeping the prosecutor apprised of the victim's well being, the victim's and/or the victim's lawful representative opinion regarding prosecution, and the victim's expectations concerning the final disposition of the case;
3. Helping the victim and/or the victim's lawful representative exercise their rights, including facilitating the victim's wish to make an oral statement to the court regarding pleas, continuances, or sentencing; and
4. Acting as a liaison between the victim and/or the victim's lawful representative and his/her school, employer, landlords, or others to minimize hardships arising from the crime or the victim's participation in prosecution.

D. Social Service Assistance:

The Victim Advocate provides social service assistance by:

1. Providing referrals for counseling, housing, financial assistance, food assistance, or other social service needs; and
2. Providing referrals to the Mohave County Crime Victim Compensation Program for assistance with compensable expenses.

E. Special Services for Child Victims and Witnesses:

In addition to the above, Victim Advocates will provide the following for child victims and witnesses:

1. Insuring that all communication with the child is in age appropriate language;
2. Assessing and advising the Deputy County Attorney of the child's development and communication skills in order to facilitate the Deputy County Attorney's ability to effectively communicate with the child;
3. Providing information to the victim's non-offending parent(s) to facilitate their ability to help the child.

School Protocol:

1. All staff should be trained in the legal requirements for the identification and reporting of child abuse (A.R.S. 13-3620 – see Appendix C).

2. The designated school official will be informed as to the progress of the case and will keep other school personnel (child's teacher, school counselor, etc) informed on a need to know basis in order to better assist the child.

3. The person receiving the initial allegation of child abuse will immediately report the allegation to law enforcement of CPS. No attempts should be made by school personnel to interview the child.

   This does not mean that school personnel may not reasonably complete a discussion that is occurring with a child during which the allegations of abuse initially arise. School personnel should only ask the following 4 questions:

   A. What happened?
   B. When did it happen?
   C. Where did it happen?
   D. Who did this?

   In addition, and not withstanding the above, the school district may deem it necessary to investigate and take appropriate action from a personnel basis in those situations that involve allegations made by students against school personnel.

   Such investigation and action may involve an interview and/or testimony of the child. This investigation will follow the initial investigation by law enforcement and/or CPS. In such cases, the school district will notify the County Attorney's Office of any interviews to be conducted with the child or any hearings at which the child/victim may attend.

4. School officials will not notify parents or legal guardians without law enforcement or CPS approval.

5. If school officials opt to contact CPS, try to determine the length of time before a CPS worker responds to the school. If it will be more than 1 hour, school officials should consider contacting law enforcement.

   REASON: If a child discloses abuse (physical and/or sexual), that child should not have to wait several hours until someone can talk to him/her. Additionally, after reporting abuse late in the school day, a delay in responding to the school's report may result in the school having to send the child home because the school day is over and the school has no authority to keep the child.

6. A quiet, neutral, private place should be provided for law enforcement or CPS to conduct an initial contact interview with the child reporting abuse.

7. Normally, school officials shall not sit in on an interview conducted by law enforcement or CPS. Exceptions to this rule include:

   A. Situations in which the child requests the presence of a school staff member. The school staff member's role is to support the child and document information.
   B. Other situations in which law enforcement and/or CPS deem it appropriate, in his/her discretion, to include a school staff member in the interview. In such cases, law enforcement and/or CPS will define the school staff member's role in the interview.

8. Unless law enforcement and/or CPS consent to additional disclosure, parents/legal guardians and unnecessary school personnel should not be notified of a child abuse report.

9. School personnel have many legal rights and constraints as participants in this process. It is important to be familiar with all of them.

MEDICAL PROTOCOL

Medical personnel have a complex role in child abuse cases. Evidence of child abuse may be detected during an examination or disclosures of abuse may be made to medical personnel. Since medical personnel are mandated reporters of child abuse per A.R.S. 13-3620 (see Appendix C), this protocol will outline child abuse reporting guidelines.

When medically appropriate, it is strongly suggested that child abuse examinations be conducted at a crime victim advocacy center within Mohave County. If a victim is transported to the emergency room at a local hospital due to injuries other than child molest, a Sexual Assault Nurse Examiner (SANE nurse) will be requested to respond to the emergency room to conduct the forensic exam.

I. Sexual Abuse

A. When medically appropriate, forensic sexual abuse examinations will be conducted by a trained Sexual Assault Nurse Examiner (SANE Nurse).

B. The Medical Evaluation

1. Indications for forensic medical examinations: In the majority of cases there is no question as to whether a forensic medical exam needs to be done. However, occasionally there are reports that involve concern about possible sexual abuse in which the need for an exam is not clear-cut.

a) Sexual Abuse within 72 Hours: Children or adolescents, regardless of gender, who have alleged sexual abuse having occurred within the previous 72 hours, need a forensic medical exam as soon as possible to collect specimens and document injuries. The victim should be advised not to bathe, change clothing, etc., prior to exam.

b) Genital/Rectal Pain and/or Bleeding: these children need to be seen as soon as possible so that the site of the bleeding or cause of the pain can be identified. This will help to differentiate accidental from non-accidental injuries and sexually transmitted ones. If these children are examined first by a community physician, then he/she should call in a child abuse report if there appears to be reasonable suspicion that abuse has occurred. Law enforcement and/or C.P.S. should request a forensic exam by a trained Sexual Assault Nurse Examiner (SANE).

c) Adolescent: Sexual abuse occurring 3-14 days prior to the report: These children may have evidence of healing trauma and thus a forensic exam would be worthwhile as soon as possible. If more than 14 days has passed since the alleged molestation, these adolescents could be seen on a scheduled basis for a forensic exam.

d) Custody Disputes: One exam, at the request of law enforcement and/or C.P.S. is appropriate subsequent to a report being made. However, professionals who deal with abuse evaluations should not be influenced by those parents who want frequent medical exams after visitation.

e) Molest Allegations/Concerns during regular medical exams by community/emergency room physicians: After consideration of history, behavioral changes and examination findings, that physician must make a child abuse report if there is reasonable suspicion that sexual abuse has occurred. Law enforcement and/or C.P.S. can then request a forensic exam.

f) If a forensic exam is deemed necessary, it will be scheduled after the interview by law enforcement.

g) If a forensic exam is scheduled, it will be conducted at a local crime victim center by trained a SANE (Sexual Assault Nurse Examiner) nurse unless there are extensive physical injuries that require the attention of a physician. In these cases, the SANE nurse will respond to the local hospital emergency room to conduct the exam.

2. Procedure for Forensic Medical Examination

a) A supportive adult may accompany a child into the exam room at the discretion of law enforcement and/or C.P.S.

b) The forensic exam will be conducted per the Sexual Assault Nurse Examiner protocol.

II. Physical Abuse and Neglect

1. Indications for Forensic Medical Examinations: Children suspected of having been physically abused or neglected should have an exam as soon as possible. Children with fairly minor visible injuries may have serious internal injuries.

2. A supportive adult may accompany a child into the exam room at the discretion of law enforcement and/or C.P.S.

3. Color photographs should be done to document visible injuries. A measuring device, color scale and identification label should appear in the photograph. If the law enforcement photographer is not available to do this, the medical unit should have an appropriate camera.

4. X-rays of the entire skeleton are indicated in most children less than 2 years of age in whom physical abuse is suspected and in some older children.

THERAPEUTIC PROTOCOL

A. The role of the therapist in regard to the child victim may begin at any juncture in the process. In some cases, it may be the therapist who hears the initial disclosure and makes the child abuse report. In other cases, the therapist is brought into the picture following disclosure. This may be prior to, during, or after legal proceedings have taken place. In order that the therapist may better assist the child in therapy, the therapist should contact the law enforcement agency and/or C.P.S. to obtain background concerning the child victim.

B. The therapist's primary goal is to facilitate healing the child who has been victimized. Secondarily, the therapist may act as a conduit to assist in minimizing re-traumatization and maximizing effectiveness of the child as a witness during the legal process. In this role specifically, the therapist should:

1. Work closely (as much as possible in a team approach) with other involved professionals.

2. Maintain adequate boundaries in his/her work with the child and family members to avoid potential contamination of evidence. This would include such things as not initiating discussion of factual information with individuals within a family who have not independently disclosed such information, as well as monitoring family discussion of factual information for the same purpose.

3. Provide support to the child victim though the legal process, as appropriate. Such means of support may include:
   a. Encouraging the victim to discuss fears about the court process, and the potential outcome.
   b. Visiting a courtroom with the victim.
   c. Using play to enact potential interview/court scenes, being a support person during interviews, depositions and/or court sessions.
   d. Explaining the process and impact on the victim to the victim's significant others (i.e. family, non-offending parent, foster family, etc.).

4. Provide consultation to other professionals regarding development issues and those specific to the particular victim.

5. In multiple victim cases, a therapist consultant, who is not treating any of the victims, should be a part of the investigatory team, to be the contact person for all of the treating therapists.

6. The therapist should be prepared to be called as a witness, although this will not always be necessary. This may be done by deposition and/or participation in court appearances. The therapist should also plan for his/her written records to be subpoenaed. Consequently, written records should be concise, clear and factual (not reflective of opinions or interpretations)

7. It is not uncommon for a child victim to fail to disclose information regarding abuse to law enforcement or C.P.S. during an investigation or a child abuse complaint. In this case, the child may be referred for therapy.

8. When a child discloses abuse in therapy, the therapist should report the abuse disclosure through normal channels (C.P.S. or law enforcement).

PROBATION PROTOCOL

A. Following a change of plea in which the defendant has pleaded guilty or a finding of guilty through the trial process, the Judge will order the probation department to prepare a pre-sentence report for the Judge's consideration. It is important for the victim and/or the parent(s)/guardian to have input into the pre-sentence report.

1. Victim/Witness will advise victim(s) and/or their parent(s)/guardian(s) to expect to be contacted by the Mohave County Probation Department to get their statement and input into the pre-sentence report for the Judge.

2. At some point during the preparing of the pre-sentence report, the probation officer assigned to prepare the report, will contact the victim(s) and/or the victim's parent(s)/guardian(s) by phone or mail and request information on their input into the report for the Judge.

B. If the defendant is placed on probation, the probation department is responsible for monitoring all court ordered requirements such as counseling, no contact with victim, etc.

C. If the defendant violates any of the court ordered requirements, the probation department will notify the County Attorney's Office as soon as possible.

D. If, in the course of probation, a probationer reveals abusive behavior or the probation officer suspects abusive behavior on the part of the probationer, law enforcement and/or the County Attorney's Office will be notified as soon as possible.

COMMUNICATIONS

MULTI-DISCIPLINE COMMUNICATIONS

A. Communication between disciplines working a specific case in which there is a child victim/witness is essential. The lack of such communication leaves individual professionals with a one-dimensional view of the case, the individual and/or the family. Information necessary for the investigation, intervention, prosecution and treatment may exist with only one part of the response team and needs to be shared. State law allows for the sharing of information among members of the multi-disciplinary teams in child abuse cases (A.R.S. 8-807).

B. Sharing of significant information allows for:

1. Ensuring safety, when professionals are aware of high risk individuals and/or behaviors.
2. Minimizing re-traumatization by reduction of "triggering" statements and activities by the various professionals.
3. More appropriate response to the child by professionals due to increased understanding of the individual child.
4. More effective long-term planning, including that for potential family reunification, based upon an expanded data base.
5. Resolution of any communication problems or ongoing deficiencies.

GUIDELINES FOR DISCLOSURE TO NON-INVESTIGATIVE PROFESSIONALS

A. Often children and adolescents who have been abused disclose to professionals other than those that normally investigate these cases. Examples of such professionals are school personnel, therapists, recreation staff, day care workers, etc.

B. When such a disclosure takes place, the following guidelines should be followed:

1. These individuals should make their mandated child abuse report based upon the initial statement or their suspicion. See Appendix A.
2. Non-investigative professionals should never attempt to do their own investigation.

   This does not mean, however, that these individuals may not reasonably complete a conversation with a child wherein the allegations of abuse first surface. Questions should be limited to who, what, when, and where. School personnel should only ask questions necessary for the immediate welfare of the child. In addition, nothing in this paragraph is intended to restrict the ability of a school district to investigate and take appropriate personnel action in those situations involving allegations made by a student against a school employee. Such

investigations will follow the initial investigation by law enforcement and/or C.P.S.
The school district will notify the County Attorney's Office prior to any interviews to be conducted with the child or any hearings at which the child/victim may attend.

3. Parents should not be told that because a taped interview has been done with a child that the child will not have to testify.

CONFIDENTIALITY CONSIDERATIONS

A. Many of the documents and proceedings relating to minors are confidential by statute, case law and/or court order.

B. Professionals are encouraged to share information under the appropriate protective court orders and within the restrictions and guidelines for their professions.

C. However, caution should be exercised at all times to protect the best interests of the child.

Forensic Interview Training:

1. The forensic interview with children alleging abuse or neglect should be conducted by persons who have completed extensive training and who have the requisite experience.

   "Extensive Training" should include:

   A. The completion of at least 40 hours of nationally recognized advanced training curriculum.

   B. Examples of "nationally recognized training curriculum" include:

      1. The five-day advanced forensic interview training seminar offered by the Arizona Children's Justice Task Force and Prevent Child Abuse, Inc.
      2. It also includes the completion of the five-day *Finding Words* training program offered by the American Prosecutor's Research Institute.
      3. The five-day advanced training program offered by the American Professional Society on the Abuse of Children.
      4. The advanced training program offered by the National Children's Advocacy Center in Huntsville, Alabama.

2. Forensic interviewers should participate in periodic peer reviews that include reviews of actual videotaped forensic interviews. When possible, peer reviews should use the standardized review criteria developed by the Arizona Children's Justice Task Force.

3. The extensive training requirements for forensic interviewers applies to both law enforcement and child protective service investigators.

SPECIAL PROCEDURES FOR CASES OCCURRING ON THE ARIZONA STRIP

The Arizona Strip (that part of Mohave County north of the Colorado River and Grand Canyon and south of the Utah border) presents unique situations for all agencies. The distance from Arizona resources require utilization of Utah agencies and other special procedures.

Child Abuse Reports:

When reports of abuse anywhere on the Arizona Strip are made to Arizona Child Protective Services (CPS), Arizona CPS shall notify the Mohave County Sheriff's Office which shall conduct the investigation. If reports are initially made to the Mohave County Sheriff's Office, the Sheriff's Office will report the situation to the Arizona CPS. If reports are initially made to the Colorado City Marshall's Office, the Marshall's Office shall report the situation to the Arizona CPS.

If Utah authorities such as Utah Child Protective Services, Washington County Sheriff's Office and St. George Police Department are investigating reports of abuse, they may become aware of incidents occurring in Mohave County, Arizona. The Utah authorities are requested to attempt to determine, as soon as possible in their investigation, whether abuse occurred in Mohave County Arizona. If Utah authorities obtain information that abuse did occur anywhere in Mohave County Arizona, they are requested to immediately notify Mohave County Sheriff's Office at:

928-718-4601 (Dispatch) OR 928-753-0753 (Main Number)

Forensic Interviews:

Forensic interviews should be conducted as near to the victim's location as possible. Consequently, interviews should be conducted in an appropriate location. While facilities may become available in Arizona in the future, until then interviews should be conducted at:

Children's Justice Center
441 East 500 South
St. George, UT 84770
435-634-1134

Medical examinations will be conducted by:

Dr. Kerri Smith
352 East Riverside Drive, Suite A9
St. George, UT 84970
435-656-1628

When investigating a report of child abuse on the Arizona Strip, law enforcement will conduct the investigation according to their department procedures and as outlined in the Law Enforcement portion of this protocol beginning on Page 4.

When investigating a report of child abuse on the Arizona Strip, Arizona Child Protective Services will conduct the investigation according to their department procedures and as outlined in the Child Protective Services portion of this protocol beginning on Page 4.

State Attorney General's Offices:

The Mohave County Attorney's Office will inform both the Arizona Attorney General and the Utah Attorney General of any prosecutions of abuse cases in the Arizona Strip.

The Arizona Attorney General will inform the Mohave County Attorney's Office of any investigation and prosecutions it conducts in the Arizona Strip, and the Utah Attorney General is requested to do the same.

APPENDIX "A"

DEFINITIONS OF ABUSE

The following is intended to provide guidelines and is not to be considered legal advice.

"Extremely serious conduct allegations" pursuant to A.R.S. 8-801(2), which essentially refer to those allegations which if deemed true, would constitute felonies. These include:

- Sexual Conduct with a Minor
- Sexual Abuse
- Sexual Assault
- Molestation of a Child
- Incest
- Child Prostitution
- Commercial Sexual Exploitation of a Minor
- Sexual Exploitation of a Minor
- Child Abuse (physical abuse and severe neglect)
- Death of a Child
- Certain Domestic Violence offenses that rise to the level of a felony (pursuant to A.R.S. 13-3601.

"Abuse" per A.R.S. 8-201 means the infliction of or allowing of physical injury, impairment of bodily function, or disfigurement or the infliction of or allowing another person to cause serious emotion damaged as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist pursuant to section 8-821 and is caused by the acts or omissions of an individual having care, custody and control of a child. Abuse shall include inflicting or allowing sexual abuse pursuant to section 1-31404, sexual conduct with a minor pursuant to section 13-1405, sexual assault pursuant to section 13-1406, molestation of a child pursuant to section 13-1410, commercial sexual exploitation of a minor pursuant to section 13-3552, sexual exploitation of a minor pursuant to 13-3553, incest pursuant to section 13-3608 or child prostitution pursuant to section 13-3212.

Physical Abuse:

"Physical Injury" per A.R.S. 13-3623 means the impairment of physical condition and includes any:

a.	skin bruising	e.	malnutrition	i.	subdural hematoma
b.	pressure sores	f.	dehydration	j.	soft tissue swelling
c.	bleeding	g.	burns	k.	injury to any internal organ
d.	failure to thrive	h.	fracture of any bone	l.	physical condition which imperils health or welfare

Serious Physical Injury:

"Serious Physical Injury" means physical injury which creates:

a. a reasonable risk of death or
b. that causes serious or permanent disfigurement,
c. serious impairment of health or
d. loss or protracted impairment of the function of any bodily limb or organ.

Neglect:

"Neglect or Neglected" means the inability or unwillingness of a parent, guardian or custodian of a child to provide that child with supervision, food, clothing, shelter or medical care if that inability or unwillingness causes substantial risk of harm to the child's health or welfare, except if the inability of a parent or guardian to provide services to meet the needs of a child with a disability or chronic illness is solely the result of the unavailability of reasonable services.

Substantial Risk of Harm:

"Substantial Risk of Harm" means actual, tangible or measurable harm or risk of harm to the child which may include physical, emotional, medical , sexual or other types of harm to the child.

Sexual Abuse (A.R.S. 13-1404):

A person commits sexual abuse by intentionally or knowingly engaging in sexual contact with any person fifteen or more years of age without the consent of that person, or with any person who is under fifteen years of age if the sexual contact involves on the female breast.

Sexual Conduct with a Minor (A.R.S. 13-1405):

A person commits sexual conduct with a minor by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under eighteen years of age. (This statute has been interpreted by the courts to include attempts to engage in this behavior, even if the attempt is only verbal.)

Sexual Assault (A.R.S. 13-1406):

A person commits sexual assault by intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.

Sexual Exploitation of a Minor (A.R.S. 13-3553):

A person commits sexual exploitation of a minor by knowingly:

1. Recording, filming, photographing, developing, or duplicating any visual depiction in which a minor is engaged in exploitive exhibition or other sexual conduct.
2. Distributing, transporting, exhibiting, receiving, selling, purchasing, electronically transmitting, possessing, or exchanging any visual depiction in which a minor is engage in exploitive exhibition or other sexual conduct.

Incest (A.R.S. 13-3608):

Persons who are eighteen or more years of age and are within the degree of consanguinity within which marriages are declared by law to be incestuous and void, who knowingly intermarry with each other, or who knowingly commit fornication or adultery with each other.

Additional Definitions:

1. "Sexual Contact" means any direct or indirect touching, fondling, or manipulating of any part of the body or by any object or causing a person to engage in such conduct.

2. "Without Consent" includes any of the following:

   a. The victim is coerced by the immediate use or threatened use of force against a person or property.
   b. The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep, or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant.
   c. The victim is intentionally deceived as to the nature of the act.
   d. The victim is intentionally deceived to erroneously believe that the person is the victim's spouse.

3. "Spouse" means any person who is legally married or cohabiting.

4. "Sexual Intercourse" means penetration into the penis, vulva, or anus by any part of the body or by any object or masturbatory contact with the penis or vulva.

5. "Oral Sexual Contact" means oral contact with the penis, vulva or anus.

   a. "Exploitive exhibition" means the actual or simulated exhibition of the genitals or pubic or rectal areas or any person for the purpose of sexual stimulation of the viewer.
   b. "Producing" means financing, directing, manufacturing, issuing, publishing, or advertising for pecuniary gain.

6. "Sexual Conduct" means actual or simulated:

   a. Sexual intercourse including genital-genital, oral-genital, anal-genital or oral-anal, whether between persons of the same or opposite sex.
   b. Penetration of the vagina or rectum by any object except one does as part of a recognized medical procedure.
   c. Sexual bestiality.
   d. Masturbation for the purposes of the sexual stimulation of the viewer.
   e. Sadomasochistic abuse for the purpose sexual stimulation of the viewer.
   f. Defecation or urination for the purpose of sexual stimulation of the viewer.

7. "Simulated" means any depicting of the genitals or rectal areas that give the appearance of sexual contact or incipient sexual conduct.

8. "Visual Depiction" includes each visual image that is contained in an undeveloped film, videotape or photograph or data stored in any form and that is capable of conversion into a visual image.

9. "Prostitution" means engaging in or agreeing or offering to engage I sexual conduct with any person under a fee arrangement with that person or any other person.

10. "Sexual Conduct" means sexual contact, sexual intercourse, or oral sexual contact, or sadomasochistic abuse.

11. "Sadomasochistic Abuse" means flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume or the condition of being fettered, bound or otherwise physically retrained on the part of one so clothed.

Emotional Abuse:

A.R.S. 8-821 permit a CPS Specialist or peace officer to take temporary custody of a child who is suffering serious emotional damage which can only be diagnosed by a medical doctor or psychologist. The child shall be immediately examined and after the examination the child shall be release to the custody of the parent, guardian, or custodian unless the examination reveals abuse.

The legal definition of emotional abuse is contained in A.R.S. 8-201.

"...serious emotional damage as evidenced by severe anxiety, depression, withdrawal or untoward aggressive behavior and which emotional damage is diagnosed by a medical doctor or psychologist pursuant to section 8-821 and which is caused by the acts or omissions of an individual having care, custody and control of a child."

APPENDIX "B"

Interview Protocol for Children:

A. General Principals

1. Investigative interviews are to be approached with a neutral, fact finding attitude for the purpose of collecting information after an allegation of abuse has emerged.
2. The interviewer should be neutral and supportive.
3. The well-being and best interests of the child should be of primary concern.
4. The interview should be conducted in a comfortable atmosphere that enables the child to speak freely.
5. The language and interview approach used by the interviewer should be developmentally appropriate.
6. Interview procedures may be modified to accommodate very young children or children with special needs.

B. Preservation of Interviews

1. All interviews of children alleging sexual abuse should be preserved on videotape or disc.
2. Whenever possible, interviews of children alleging physical abuse, except the initial interview by law enforcement or CPS, should be videotaped.

C. Process of the Child Interview

1. Obtain relevant background information from the reporting source and/or the caretaker without having the child present.
2. Interview the child with only the interviewer and the child present in the interview room. In rare circumstances and at the request of the interviewer, a third party may be present for the interview. The third party sits in his/her own chair out of direct sight of the child and does not ask questions, speak or react in any manner. Only as a last resort should be child be allowed to sit on the lap of the third party.
3. Conduct a semi-structured cognitive interview as follows:
   a. Develop a rapport discussing neutral topics to briefly ascertain the child's developmental level and language sample.
   b. Obtain free narrative/recall – allow spontaneous disclosures.
   c. Ask open-ended questions concerning the alleged abuse to encourage descriptions of specific incidents.
   d. Utilize focused questions in a non-leading manner to ascertain details of alleged abuse.
   e. Allow and support the ventilation of emotions.
   f. Summarize and close on a neutral topic.
4. Modify interview techniques as necessary for children with special needs or difficulties. Younger children may require more directive techniques during an interview due to their developmental limitations.

5. Utilize multiple qualified interviewers for multiple victim cases in order to avoid contamination of information.

D. Length of Interview

1. School age children should not be interviewed for more than approximately fifty (50) minutes without a break.
2. Preschool children should not be interviewed for more than approximately thirty (30) minutes without a break.

E. Observation of the Interview

The interview may be observed from a neutral location by only the following professionals:

1. Law enforcement personnel
2. CPS specialist investigating the allegations
3. Medical personnel
4. County Attorneys or Attorney Generals
5. The child's court appoint Guardian Ad Litem
6. Mental Health Professionals

APPENDIX "C"

A.R.S. 13-3620.A. Any person who reasonably believes that a minor is or has been the victim of physical injury, abuse, child abuse, a reportable offense or neglect that appears to have been inflicted on the minor by other than accidental means or that is not explained by the available medical history as being accidental in nature or who reasonably believes there has been a denial or deprivation of necessary medical treatment or surgical care or nourishment with the intent to cause or allow the death of an infant who is protected under section 36-2281 shall immediately report or cause reports to be made of this information to a peace officer or to child protective services in the department of economic security, except if such report concerns a person who does not have care, custody or control of the minor, the report shall be made to a peace officer only. A member of the clergy, Christian Science practitioner or priest who has received a confidential communication or a confession in that person's role as a member of the clergy, Christian Science practitioner or a priest in the course of the discipline enjoined by the church to which the member of the clergy, Christian Science practitioner or priest belongs may withhold reporting of the communication or confession if the member of the clergy, Christian Science practitioner or priest determines that it is reasonable and necessary within the concepts of the religion. This exception applies only to the communication or confession and not to personal observations the member of the clergy, Christian Science practitioner or priest may otherwise make of the minor. For the purposes of this subsection, "person" means:

1. Any physician, physician's assistant, optometrist, dentist, osteopath, chiropractor, podiatrist, behavioral health professional, nurse, psychologist, counselor or social worker who develops the reasonable belief in the course of treating a patient.

2. Any peace officer, member of the clergy, priest or Christian Science practitioner.

3. The parent, stepparent or guardian of the minor.

4. School personnel or domestic violence victim advocate who develops the reasonable belief in the course of their employment.

5. Any other person who has responsibility for the care and treatment of the minor.

APPENDIX "D"

DISPUTE RESOLUTION PROCEDURES

Mohave County Attorney's Office Dispute Resolution Process:

Dispute from Deputy County Attorney to an outside agency:

- The Deputy County Attorney should attempt to informally resolve the issue by personal communication with the involved officer, CPS worker or other persons directly involved.

- If unsuccessful, the Deputy County Attorney will discuss the result with the Mohave County Attorney or Chief Deputy County Attorney and determine the next step to be taken. In most cases the Mohave County Attorney or Chief Deputy County Attorney will discuss with the immediate supervisor of the other agency.

- Lodging a formal complaint with an outside agency should be done only when informal options have been explored and only as a last resort.

- Formal complaints to an outside agency will be initiated only by the Mohave County Attorney or the Chief Deputy County Attorney.

- No contact with the head of another agency expressing criticism of that agency shall be made without prior approval by the Mohave County Attorney or the Chief Deputy County Attorney. In most cases it will be necessary for such contact to be made by the Mohave County Attorney, Chief Deputy County Attorney or their designee.

Dispute with County Attorney's Office by outside agency:

- Attempt resolution by personal communication with the Mohave County Attorney Office's Deputy County Attorney.

- If issues remain unresolved, the outside agency worker should contact the Chief Deputy County Attorney and request a review of the Deputy County Attorney's decision/action.

- If the Chief Deputy County Attorney is unable to resolve the matter, the outside agency worker with their immediate supervisor's knowledge (and following any other requirements of their parent agency) may contact either the Chief Deputy County Attorney or the Mohave County Attorney or both and request further review.

Law Enforcement Agencies Dispute Resolution Process:

It is essential that Law Enforcement, Child Protective Services and the Mohave County Attorney's Office communicate effectively. To ensure there is an effective line of communication, the following procedure should be utilized.

Dispute from outside agency with patrol officer/deputy:

- In circumstances when patrol officers/deputies respond to an incident and there is a need to seek resolution beyond the officers/deputies ability, the respective agency seeking resolution shall speak to the on-duty supervisor from that law enforcement agency. When a law enforcement supervisor/detective supervisor is contacted with concerns regarding a specific incident, all necessary steps will be taken to resolve the complaint.

- In the event the issue can not be resolved at that level, the CPS representative or Deputy County Attorney will notify their respective chain of command asking for a meeting at the management level. This conferring may be completed over the phone as necessary to accommodate a timely response.

Dispute from outside agency with detective/investigator:

- In circumstances when child crimes investigators are investigating a complaint and there is an issue that requires resolution beyond the detectives' ability, the detective's supervisor or commander shall be notified.

- If this is not sufficient to resolve the issue, the CPS representative or Deputy County Attorney shall notify their respective chain of command asking for a meeting at the management level. This conferring may be completed over the phone as necessary to accommodate a timely response.

Dispute from law enforcement personnel with an outside agency:

- Officers/Deputies shall use a similar process to raise concerns with the County Attorney's Office or with Child Protective Services as appropriate and within their prescribed guidelines.

Child Protective Services Dispute Resolution Process:

Dispute from CPS with an outside agency:

- The CPS employee should initially attempt to resolve the dispute informally.
- Lodging a formal complaint with an outside agency should be done only when informal options, using the chain of command, have been explored and no resolution has been reached by the interested parties.
- Formal complaints to an outside agency will be initiated only by the Deputy Program Managers or Program Manager.

Dispute from outside agency personnel with CPS Specialist:

- Attempt resolution with CPS Specialist by personal communication.
- If issues remain unresolved, make contact with CPS Unit Supervisor. Explain in detail what the outstanding issue entails.
- If issues remain unresolved, make contact with the responsible Assistance Program Manager and set up a 1:1 meeting to discuss the outstanding issues.
- If issues remain unresolved, contact the appropriate Deputy Program Manager on day-to-day operations and for final review of the circumstances of the dispute. The Deputy Program Manager will consult the Program Manager on issues involving systematic barriers that will need to be addressed as a statewide system.
- Any individual agency barriers will need to be addressed with senior management from the respective entities to engage in conflict resolution pertaining to the Mohave County Interagency Protocol.