



<b>INSPECTIONS AND INVESTIGATIONS</b>		
<b>Policy 1162 Reporting and Investigating Suspected Child Abuse</b>	<b>Effective</b>	<b>08/11/2020</b>
	<b>Replaces</b>	<b>1162.02 1162.03</b>
	<b>Dated</b>	<b>02/14/2011</b>

The Arizona Department of Juvenile Corrections (ADJC) is committed to the safety and security of every juvenile in its care. Every allegation that a juvenile has been physically, sexually, or emotionally abused while in ADJC custody shall be thoroughly investigated. These allegations can come to the attention of ADJC investigators in a variety of ways: report by a juvenile, juvenile grievance, report of a parent or guardian, report by an employee, or through Project Zero Tolerance which provides additional reporting mechanisms for employees, parents and guardians, and members of the public. ADJC follows the child abuse reporting requirements in accordance with Arizona Revised Statutes (A.R.S.) §13-3620.

**AUTHORITY**

<b>Code of Federal Regulations (CFR)</b>	
28 CFR Part 115-311 et seq.	Prison Rape Elimination Act of 2003
<b>Arizona Revised Statutes (A.R.S.)</b>	
<a href="#">§8-201</a>	Definitions
<a href="#">§13-1401</a>	Definitions
<a href="#">§13-1404</a>	Sexual abuse; classification
<a href="#">§13-1405</a>	Sexual conduct with a minor; classification; definition
<a href="#">§13-1406</a>	Sexual assault; classification; increased punishment
<a href="#">§13-1407</a>	Defenses
<a href="#">§13-1410</a>	Molestation of a child; classification
<a href="#">§13-1419</a>	Unlawful sexual conduct; correctional facilities; classification; definition
<a href="#">§13-3620</a>	Duty to report abuse, physical injury, neglect and denial or deprivation of medical or surgical care or nourishment of minors; medical records; exception; violation; classification; definitions
<a href="#">§41-2804</a>	Duties and powers of the director
<b>American Correctional Association (ACA)</b>	
3-JTS-3D-06-1 through 10	Juvenile Rights/Protection from Harm
<b>National Commission on Correctional Health Care (NCCHC)</b>	
Y-A-13	Federal Sexual Assault Reporting Regulations
Y-G-09	Procedure in the event of Sexual Assault
Y-I-03	Forensic Information

## DEFINITIONS

1. **Child Molestation** as defined in A.R.S. §13-1410: Intentionally or knowingly engaging in or causing a person to engage in sexual contact, except sexual contact with a female breast, with a child under fifteen years of age.
2. **Multidisciplinary Protocol for the Investigation of Child Abuse - Maricopa County:** An interagency Council Protocol developed to serve as the model for how child abuse cases should be handled by each discipline.
3. **Sexual abuse** as defined in A.R.S. §13-1404: Intentionally or knowingly engaging in sexual contact with any person fifteen or more years of age without consent of that person or with any person who is under fifteen years of age if the sexual contact involves only the female breast. It is a defense to a prosecution pursuant to A.R.S. §13-1405 if the victim is fifteen, sixteen or seventeen years of age, the defendant is under nineteen years of age or attending high school and is no more than twenty-four months older than the victim and the conduct is consensual.
4. **Sexual assault** as defined in A.R.S. §13-1406: Intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person without consent of such person.
5. **Sexual conduct with a minor** as defined in A.R.S. §13-1404: Intentionally or knowingly engaging in sexual intercourse or oral sexual contact with any person who is under 18 years of age. Note: This statute applies to a perpetrator regardless of his or her age.
  - a. For the purpose of this subsection, it is a defense (A.R.S. §13-1407) to a prosecution pursuant to A.R.S. §§13-1405 and 13-3560 if the victim is fifteen, sixteen or seventeen years of age, the defendant is under nineteen years of age or attending high school and is no more than twenty-four months older than the victim and the conduct is consensual.
6. **Sexual contact** as defined in A.R.S. §13-1401: Any direct or indirect touching, fondling or manipulating of any part of the genitals, anus or female breast by any part of the body or by any object or causing a person to engage in such contact.
7. **Unlawful Sexual Conduct (Correctional Facilities)** as defined in A.R.S. §13-1419: A person commits unlawful sexual conduct by engaging in any act of a sexual nature with an offender who is in the custody of the State Department of Corrections, the Department Of Juvenile Corrections, a private prison facility, or a city or county jail or with an offender who is under the supervision of either department or a city or county.
  - a. For the purposes of this subsection, "person" means a person who is employed by the State Department of Corrections or the Department of Juvenile Corrections;
  - b. For the purposes of this section, "any act of a sexual nature" includes the following:
    - i. Any completed, attempted, threatened or requested touching of the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks with the intent to arouse or gratify sexual desire;
    - ii. Any act of exposing the genitalia, anus, groin, breast, inner thigh, pubic area or buttocks with the intent to arouse or gratify sexual desire;
    - iii. Any act of photographing, videotaping, filming, digitally recording or otherwise viewing, with or without a device, a juvenile or offender with the intent to arouse or gratify sexual desire, either:
      - (1) While the juvenile or offender is in a state of undress or partial dress;
      - (2) While the juvenile or offender is urinating or defecating.

## PROCEDURES

### I. Reporting Child Abuse

1. Under Arizona law when someone alleges child abuse inside an ADJC secure care facility, the case is the investigative responsibility of the Department's Inspector General (IG). The **ADJC IG** is the "local law enforcement" within the Department.
2. **ANY ADJC EMPLOYEE, VOLUNTEER, INTERN, AND/OR SERVICE PROVIDER UNDER CONTRACT WITH ADJC** shall immediately report if they reasonably believe that a juvenile is or has been a victim of the following:
  - a. Physical injury;
  - b. Sexual abuse;
  - c. Child abuse;
  - d. A reportable offense or neglect that appears to have been inflicted on the juvenile by other than accidental means or that is not explained by an available medical history as being accidental in nature; and
  - e. A denial or deprivation of necessary medical treatment or surgical care.
3. **Child Abuse Reports in Secure Facilities: ADJC EMPLOYEES** shall immediately report suspected child abuse by notifying the Shift Commander and completing a Confidential Incident Report.
  - a. The **ADJC EMPLOYEE** shall complete an *Incident Report (IR)* by marking the child abuse check box and reporting the following, if available:
    - i. The names and addresses of the juvenile's parent(s) and/or legal guardian;
    - ii. The juvenile's age;
    - iii. The nature and extent of the juvenile's abuse;
    - iv. Physical injury or neglect, including any evidence of previous abuse, child abuse, physical injury, or neglect;
    - v. When and where the incident occurred;
    - vi. Any other information that the person believes might be helpful in establishing the type of the abuse, to include:
      - (1) Child abuse;
      - (2) Physical injury; and
      - (3) Neglect.
  - b. If the abuse occurred at a secure facility and involved an employee, the **REPORTING EMPLOYEE** shall complete an Administrative Incident Report (AIR);
  - c. The **ADJC IG ARIZONA PEACE OFFICER STANDARDS TRAINING (AZPOST) CERTIFIED INVESTIGATOR** shall investigate the allegation;
  - d. While in a secure facility, if a juvenile reports an abuse that occurred in the community, the **REPORTING EMPLOYEE** shall enter the information into the IR system marking the confidential box in the IR program;
  - e. An **ADJC IG INVESTIGATOR** shall:
    - i. Review all allegations promptly, thoroughly, and objectively, including 3<sup>rd</sup> party and anonymous reports;
    - ii. Determine if the allegation has already been reported to law enforcement, Arizona Department of Child Safety (DCS), or competent government authority (i.e. courts);
    - iii. Notify local law enforcement and/or DCS in compliance with A.R.S. § 13-3620; and
    - iv. Assess the credibility of an alleged victim, suspect, or witness on an individual basis and not determine their credibility by the person's status as resident or staff.

4. **Reports of Physical or sexual abuse in another place of confinement:**

- a. In the event a juvenile reports physical or sexual abuse while in the custody of another place of confinement (for example, detention center, jail, or police):
  - i. The **ADJC EMPLOYEE** shall complete an IR by marking the child abuse check box and reporting the following, if available:
    - (1) The names and addresses of the juvenile's parent(s) and/or legal guardian;
    - (2) The juvenile's age;
    - (3) The nature and extent of the juvenile's abuse;
    - (4) Physical injury or neglect, to include any evidence of previous abuse, child abuse, physical injury, or neglect;
    - (5) When and where the incident occurred; and
    - (6) Any other information that the person believes might be helpful in establishing the cause of the abuse, child abuse, physical injury, or neglect.
  - ii. The **REPORTING EMPLOYEE** shall enter the information into the IR system marking the confidential box in the IR program;
  - iii. Upon receiving an allegation that a resident was sexually abused while confined at another facility, the **ADJC INVESTIGATOR** shall:
    - (1) Review the allegation;
    - (2) Determine if the allegation has already been reported to law enforcement, DCS, or competent government authority (i.e. courts);
    - (3) Notify local law enforcement and DCS in compliance with A.R.S. §13-3620; and
    - (4) Document all notifications in the investigative report
  - iv. The **SECURE CARE BUREAU ADMINISRTATOR** shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred or the appropriate investigative agency as soon as possible, but no later than 72 hours after receiving the allegation. The notification(s) shall be documented.

5. **Child Abuse Reports in the Community:**

- a. In the event a juvenile is in the community and reports that abuse had taken place in the community:
  - i. **ADJC EMPLOYEES** shall immediately:
    - (1) Notify local law enforcement and DCS by calling 1(888) SOS-CHILD/1(888)767-2445; and
    - (2) Notify their immediate supervisor and the After Hours Community Corrections Administrator that a law enforcement/DCS investigation has been requested.
  - ii. **ADJC EMPLOYEES** shall complete an IR by marking the child abuse check box and reporting the following:
    - (1) Names and addresses of the juvenile's parent(s) and/or legal guardian;
    - (2) The juvenile's age;
    - (3) The nature and extent of the juvenile's abuse;
      - (a) Child abuse;
      - (b) Physical injury; or
      - (c) Neglect.
    - (4) Evidence of a previous incident;
    - (5) When and where the incident occurred;
    - (6) Any other information that the person believes might be helpful in establishing a case;
    - (7) Date and time of notification to local law enforcement;
    - (8) Police report number; and
    - (9) Date and time of notification to DCS.
- b. In the event a juvenile is in the community and reports that an abuse took place while in an ADJC secure facility involving an ADJC employee, the **REPORTING EMPLOYEE:**
  - i. Complete an AIR by marking the child abuse check box and reporting the following:
    - (1) Names and addresses of the juvenile's parents and/or legal guardian;
    - (2) The juvenile's age;

- (3) The nature and extent of the juvenile's abuse, child abuse, physical injury, or neglect;
      - (4) Any evidence of previous abuse, child abuse, physical injury, or neglect;
      - (5) When and where the incident occurred; and
      - (6) Any other information that the person believes might be helpful in establishing the abuse, child abuse, physical injury, or neglect.
    - ii. Notify the After Hours Community Corrections Administrator and enter the information into the AIR system.
  - c. An **ADJC IG SPECIAL INVESTIGATOR** shall investigate the allegation;
  - d. The **IG** shall notify the Director and appropriate Administrator of an allegation against an employee; and
  - e. The **SECURE CARE BUREAU ADMINISTRATOR** shall determine a temporary disposition for the employee pending an investigation that will be based on the assessment of the available information.
6. **Notification Requirements:**
- a. For allegations of child abuse, the **ADJC EMPLOYEE** shall complete a confidential IR marking the child abuse check box and make appropriate notifications to ensure the juvenile's immediate safety. This shall include but is not limited to their supervisor and:
    - i. Secure facility:
      - (1) Secure Care Bureau Administrator (SCBA);
      - (2) Security Operations and Programs Chief Administrator;
      - (3) Support Services Chief Administrator; and
      - (4) Shift Commander.
    - ii. Community:
      - (1) Community Corrections Bureau Administrator (CCBA); and
      - (2) Deputy Parole Administrator.
    - iii. Inspector General.
  - b. The **INSPECTOR GENERAL OR DESIGNEE** shall:
    - i. Notify the Director or designee of the allegation; and
    - ii. Assign the matter for investigation in accordance with 1161.01 Criminal Investigations.
7. **Other Notifications:** It is essential that the victim's parent/guardian, DCS caseworker, or sentencing judge be briefed on the allegations and outcome of the investigation as soon as practical without endangering the juvenile or impeding the investigation.
- a. When sexual abuse or physical abuse is alleged the **SCBA OR DESIGNEE** shall:
    - i. If the victim is not a ward of the court, notify the victim's parent or guardian as soon as practical so long as it does not impede the investigation or endanger the victim. The notification shall include:
      - (1) The nature of the allegation and the status of the investigation without detail; and
      - (2) The case number and a point of contact for the parent or guardian to communicate with for updates.
    - ii. Ensure that notifications or attempts at notifications are documented in the ADJC contact system as a confidential contact note.
  - b. If the victim is a ward of the court, the **LEGAL SERVICES BUREAU ADMINISTRATOR OR DESIGNEE** shall:
    - i. Notify the DCS caseworker, the juvenile's attorney, and/or committing judge of the allegation;
    - ii. Document such notification in the victim's ADJC 'contact notes';
    - iii. Provide the victim's DCS caseworker, juvenile's attorney, and/or committing judge with the case number and a point of contact for the DCS caseworker or judge to communicate with for updates; and

- iv. Refer questions concerning treatment, programming, placement, and release to the victim's caseworker.
  - c. The **IG OR DESIGNEE** shall brief the victim's case manager and Psychology Associate through the Secure Care Administrator so that they may field questions from the victim's parent, guardian, or DCS caseworker.
  - d. The **IG OR DESIGNEE** shall brief the Juvenile Ombudsman (JO) of the outcome of an alleged sexual abuse investigation. The **JO** shall inform the juvenile if the allegation has been determined to be substantiated, unsubstantiated, or unfounded;
  - e. Additionally, when the investigation has determined that sexual abuse against a juvenile has been committed, the **JO** shall inform the juvenile that:
    - i. The employee has been transferred to another housing unit;
    - ii. The employee no longer works for the agency; or
    - iii. The employee or perpetrator has been indicted or convicted on a charge related to the sexual abuse incident.
  - f. The **JO** shall document the notification or attempt of notification made to the juvenile in the juvenile's contact notes.
8. It is essential for persons involved with juveniles committed to the ADJC to understand that not all allegations result in a criminal complaint or accountability. Often times there is insufficient information or evidence to proceed with a criminal complaint or a victim may refuse to cooperate. In addition, the possibility of false or erroneous allegations may occur.
- a. At the conclusion of the investigation, the **IG OR DESIGNEE** shall:
    - i. Notify the victim's parent or guardian as to the outcome of the investigation as soon as practical but not later than one business day after the investigation is concluded;
    - ii. Document such notification or attempts at notification in the victim's contact notes;
    - iii. If the investigation resulted in an arrest or a case submitted to the Office of the Maricopa County Attorney for review, refer questions concerning prosecution to the Office of the Maricopa County Attorney.
  - b. If the victim is a ward of the court, the **LEGAL SERVICES BUREAU ADMINISTRATOR OR DESIGNEE** shall notify the DCS caseworker and/or the committing judge of the outcome of the investigation.

## II. Child Abuse Investigation Protocol

1. The **IG** uses the Multidisciplinary Protocol for the Investigation of Child Abuse - Maricopa County as a guide for responding to and investigating an incident of physical and sexual abuse involving an ADJC juvenile in accordance with A.R.S. §13-3620. This investigation 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.
2. In addition to statutory requirements and case law the **IG** shall be concerned with the following during an investigation:
  - a. **ADJC SPECIAL INVESTIGATORS** shall:
    - i. Be cognizant of the needs of the victim;
    - ii. Be cognizant of the responsibilities of other organizations involved in the treatment, support, and recovery of the victim;
    - iii. Coordinate efforts with DCS, when needed; and
    - iv. Coordinate efforts with the prosecuting agency during an investigation.
  - b. The **IG** shall determine whether a criminal investigative response will be initiated.
3. **Sexual Abuse/Child Abuse Investigations outside of ADJC's jurisdiction.**
  - a. **ADJC SPECIAL INVESTIGATORS** shall:

- i. Establish and maintain a close working relationship with DCS and the Maricopa County Attorney's Office;
- ii. Document their actions and coordinate with the appropriate jurisdiction;
- iii. Obtain sufficient information about the allegation to identify the agency that has jurisdiction without conducting a formal interview; and
- iv. Cross report to local law enforcement jurisdiction and/or to DCS.

**4. Sexual Abuse Investigations within the ADJC jurisdiction:**

- a. **ADJC SPECIAL INVESTIGATORS** shall:
  - i. When necessary interview the reporting source to determine the circumstances of disclosure;
  - ii. Arrange for an interview of the victim;
  - iii. When necessary interview the victim;
    - (1) The interview shall be digitally recorded; and
    - (2) The interview will be conducted by trained personnel.
  - iv. Eliminate unnecessary or multiple interviews of the child victim;
  - v. Arrange for a medical examination by a qualified medical professional, if necessary;
  - vi. Conduct crime scene(s) investigation and process the evidence;
  - vii. Interview witnesses;
  - viii. Obtain a copy of the medical examination report;
  - ix. Interview medical personnel; and
  - x. Conduct investigative research on:
    - (1) Prior convictions of the suspect;
    - (2) Prior police reports involving the suspect, victim(s), or witness(es); and
    - (3) Prior unreported allegations involving the suspect, victim(s) or witness(es), and current and prior DCS reports.
- b. **ADJC SPECIAL INVESTIGATOR** shall **not**:
  - i. Terminate an investigation solely because the source of the allegation recants their allegation; and
  - ii. Terminate the investigation solely because the alleged abuser or victim is no longer employed with the agency.
- c. **ADJC SPECIAL INVESTIGATOR'S INTERVIEW** shall include:
  - i. 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.
  - ii. Any other necessary investigations being conducted.
- d. **ADJC SPECIAL INVESTIGATOR'S CASE PRESENTATION** shall be processed in a timely manner and include:
  - i. A complete copy of the ADJC investigations report;
  - ii. Copies and/or transcripts of the digital recordings;
  - iii. Documentation of any physical injury to the victim with digital photographs;
  - iv. Photographs:
    - (1) That depict the victim's entire body and face, not just the external manifestations of abuse;
      - (a) 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; and
    - (3) Additional follow-up photographs which were taken.
  - v. Medical records of the victim that pertain to the allegation;
  - vi. Relevant DCS files on the victim and family; and
  - vii. Prior relevant police reports and any other information obtained during the investigation.

**5. Child Physical Abuse and/or Neglect Investigations.**

- a. **ADJC SPECIAL INVESTIGATORS** shall establish the following:

- i. Physical abuse;
    - ii. Neglect; and
    - iii. Jurisdiction.
  - b. **ADJC SPECIAL INVESTIGATORS** shall:
    - i. 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 photographs;
        - (a) Photographs should depict the victim's entire body and face, not just the external manifestations of abuse.
          - (i) With the exception of licensed medical practitioner, photographs of private parts shall be taken by a person of the same gender.
          - (b) Photographs should include a ruler and color bar where possible; and
          - (c) 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.
6. **ADJC SPECIAL INVESTIGATORS** 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.
- a. **ADJC SPECIAL INVESTIGATORS** may obtain an initial statement from the qualified physician regarding:
    - i. Time frames;
    - ii. Mechanisms of injury;
    - iii. Symptoms the victim would be expected to show, given the injury sustained; and
    - iv. Interviews conducted with suspects and witnesses, including specialized physicians (for example, neurosurgeons or pediatric radiologists).
7. **CASE FILE** shall include the following:
- a. A complete copy of the police report;
  - b. Copy and/or transcripts of the digital recordings;
  - c. Photographs;
  - d. Medical records of the child;
  - e. Child Protective Services files on the victim and family;
  - f. Prior relevant police reports and any other information obtained during the investigation;
  - g. A copy of relevant information from the DCS investigation, including the DCS case file; and
  - h. Relevant information concerning the victim.
8. **Case Presentation.** All requested information shall be presented to the Deputy County Attorney 24 hours prior to a Grand Jury or Preliminary Hearing:
- a. If the case goes to a Grand Jury/Preliminary Hearing, an **ADJC SPECIAL INVESTIGATOR** shall present the case.
9. If the Deputy County Attorney refers the case back to ADJC for further investigation:
- a. The **IG** shall return the case to the original ADJC Special Investigator, when possible; and
  - b. The **ADJC SPECIAL INVESTIGATOR** shall obtain the requested information as soon as possible.



10. **ADJC Investigators Training.**

- a. **ADJC 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;
- b. **ADJC INVESTIGATORS** responsible for continuing an investigation beyond first responders of child abuse/neglect shall receive the following or equivalent training:
  - i. Child physical abuse investigations and medical aspects;
  - ii. The investigation of sexual crimes against children; and
  - iii. Forensic Interviewing – the basic 8-hour course.
- c. **ADJC INVESTIGATORS**, tasked with conducting an interview of a child for the purpose of obtaining evidence/statements for use in judicial hearings/trials, shall have the following training and have met the standards required:
  - i. A 40-hour training in advanced forensic interviewing; and
  - ii. The Children’s Justice Task Force Advanced Forensic Interview training; or
  - iii. Any equivalent courses that adhere to the same standards.
- d. **ADJC INVESTIGATORS** tasked with conducting or assisting in the investigation of sexual misconduct in a secure care setting shall attend additional computer-based training in the following areas provided by the National PREA Resource Center
  - i. Investigating Sexual Abuse in Correctional Settings:
    - (1) Legal Issues and Agency Liability: What Investigators Should Know;
    - (2) Trauma and Victim Responses: Considerations for the Investigative Process;
    - (3) First Response and Evidence Collection: The Foundation for Successful Investigations;
    - (4) Interviewing Victims of Sexual Abuse; and
    - (5) Prosecutorial Collaboration: Techniques to Get Prison Cases Prosecuted.
  - ii. Such trainings shall be conducted every two years.

**Signature Date**

08/11/2020

**Approved by**

Original Signature on File

Ryan Brezina, Inspector General

**Signature Date**

08/11/2020

**Approved by**

Original Signature on File

Jeff Hood, Director

**Effective Date**

08/11/2020

**FORM**

**1162A**

[Multidisciplinary Protocol for the Investigation of Child Abuse – Maricopa County](#) (posted in the ADJC portal)