

## CHILD ABUSE / ASSAULT INVESTIGATION PROTOCOL

Because the Giles County Sheriff's Office, the Giles County Department of Social Services, and the Giles County Commonwealth Attorney have a common interest in prompt investigation, professional collaboration and coordination, and expeditious prosecution of child abuse/assault cases, the following protocol is agreed upon to protect the welfare of children in Giles County, Virginia.

A. Receipt of Reports of Suspected Child Abuse:

When either the Giles DSS or Sheriff's Office receives a report of suspected child abuse or assault, they will immediately notify the other agency. If the Commonwealth Attorney's Office receives the initial report, that office will notify either DSS or the Sheriff's Office, which in turn will alert the other agency immediately.

Regardless of the role of the alleged perpetrator to the child victim, the agency receiving the report will gather all available information from the reporter. Based on the role of caretaker or non-caretaker, the case will become primarily the investigation of DSS or the Sheriff's Office respectively.

B. Screening:

Each report of suspected child abuse/assault will be screened by DSS and/or the Sheriff's Office for validity and seriousness. If the social worker and police investigator do not agree on how to proceed, supervisors at both agencies will review the report and decide on proper responses.

C. Case Assignments:

Once a suspected report is determined to be valid, it will be assigned to a social worker and/or investigator for immediate investigation.

Reports of suspected child abuse/assault will be given priority attention by the respective investigative agencies. If possible, within 24 hours a joint investigation will attempt to have an on-side interview with the child's caretaker and assess the safety of the child victim and other children in the home.

If a Sheriff's Office investigator is not available to respond, upon discussing the report, a social worker may be required to assess the safety of the child when the alleged perpetrator is in a caretaking role. In the case of a non-caretaker assault, the Sheriff's Office will have a social worker available 24 hours per day to assist with requested interviews.

D. Investigations:

Category I:

DSS and the Sheriff's Office will do joint investigations when any of the following exists:

1. The reported injury to a child requires hospitalization or is deemed a medically serious injury (criminal charges may be sought).
2. The reported injury is to a child less than 18 years old.
3. Suspected sexual abuse is reported.
4. Suspected sexual abuse of multiple victims is reported.

5. The investigation is done on weekends or holidays.
6. Death of a child occurs.

In joint investigations, the police investigator will make the final decisions in all aspects of the criminal investigation. This authority is in effect until it is apparent to the police investigator that criminal prosecution is not feasible or likely. The social worker will make the final decisions in all aspects pertinent to the child's custody and protection and the protection of other children in the home. Differences between the investigator and the social worker will be referred to the appropriate supervisors for review.

Category II:

DSS will do independent investigations when there is a reported minor injury to a child under 18 years of age.

DSS may begin an independent investigation but subsequently call upon the appropriate police for assistance when any of the following exists:

1. Additional information leads to a Category I report.
2. The investigation setting becomes unsafe after an initial investigation has begun. The Protective Services social worker will call for immediate police assistance. The police officer will leave when the officer and social worker mutually agree that no further danger exists.

E. Pre-Arrest and Arrest:

1. Either the Commonwealth Attorney or an Assistant Commonwealth Attorney will be available on an on-call basis for consultation on legal issues in child abuse/assault cases.
2. All information related to the specific incident of abuse or neglect is to be released to the Commonwealth Attorney's Office. In that this protocol is designed to facilitate a complete and expeditious investigation of all reported child abuse/assault, the Giles Commonwealth Attorney's Office has appointed the Sheriff's Office Investigator as his designee for the receipt of all information from DSS (with copy to his office). Furthermore, since federal regulations specify that the name of the complainant in a child protective service case be maintained confidential, the responding Sheriff's Office Investigator will also be bound by these rules of confidentiality.
3. If, as a result of consultation, it is deemed appropriate for the Commonwealth Attorney to respond to the location of the interview, then he will be available to do so.
4. The Sheriff's Office investigator may make arrests in child abuse/assault cases where they find evidence and investigative information to support criminal charges.
5. The Commonwealth Attorney, or his assistant, who attends bond hearings will request appropriate bond conditions, such as no contact between the alleged child abuser and the child. The Department of Social Services and/or the Sheriff's Office is to advise the Commonwealth Attorney's Office of any special bond conditions deemed necessary to protect the welfare of the child of which they may become aware during the course of the investigation.

F. Pre-Indictment:

1. The Commonwealth Attorney's Office will assign a prosecutor to all child abuse cases within 14 days of the receipt of the police report.

2. After receiving the case assignment, the Commonwealth Attorney will decide whether it is necessary to interview the child to determine if the victim is able to testify in the criminal case. This decision will take into consideration factors such as age, developmental stage, emotional or intellectual limiting factors of the child.
3. The Investigator and/or the social worker will be available to accompany and assist the Commonwealth Attorney to interview the child victim.
4. The Commonwealth Attorney's Office will determine whether or not to proceed with an indictment in child abuse cases, after consultation with the Police and Protective Services.

G. Post-Indictment and Trial Coordination:

1. The Commonwealth Attorney's Office, the Protective Services staff and the Police will coordinate the referral of these cases to the Women's Resource Center Victim/Witness Coordinator.
2. The Commonwealth Attorney's Office will orchestrate the smooth progression of child abuse prosecution through the criminal court system in an expeditious manner.

This agreement is entered into September 20, 1993 by the parties indicated below. The terms and conditions of the agreement shall be amended only in writing executed by all parties.

Date	<u>/S/*</u> Linda Boggs, Director Giles County Department of Social Services
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Date	<u>/S/*</u> Larry Ellis, Sheriff Giles County Sheriff's Office
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Date	<u>/S/*</u> James Hartley Giles County Commonwealth Attorney
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\*Actual signatures and dates appear on the original protocol. Out of respect for the privacy and security of the signatories, the Children's Justice Act is producing the document without original signatures.