



**DENVER  
INTERAGENCY  
CHILD ABUSE,**

**CHILD  
SEXUAL  
ABUSE**

**AND**

**DRUG  
ENDANGERED  
CHILDREN**

**PROTOCOL**



Department of  
Human Services

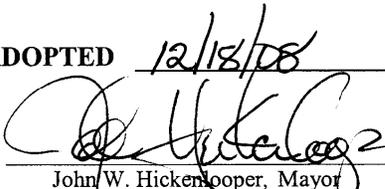


**DENVER  
HEALTH**

*Level One Care for ALL*

Child abuse and neglect, sexual abuse, and abuse through exposure to drugs and drug environments, represent serious child welfare concerns and serious crimes. The City and County of Denver has historically employed a multidisciplinary approach to investigate these cases, prosecute the perpetrators and provide services for the child(ren and non-offending family members. The goal of all the partner agencies is to provide for the safety of all children.

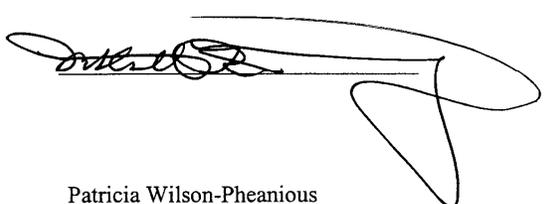
In 1985, the Colorado Department of Health and Human Services funded the initial development of *The Interagency Child Abuse Project Policies and Procedures*, which was one of the first documents of its kind. The current protocol represents the evolution of the policies, procedures and best practices of the partner agencies. It also serves as a reference for persons who seek information regarding the handling of child abuse, child sexual abuse, and drug abuse investigation in Denver.

APPROVED AND ADOPTED 12/18/08 BY:  
  
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City and County of Denver

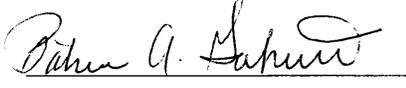
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# DENVER HEALTH MEDICAL CENTER POLICIES AND PROCEDURES

## **A. CHILD ABUSE AND NEGLECT**

It is the policy of Denver Health to make available and provide services in accordance with the intent of Colorado law as it relates to child abuse and neglect. Colorado law requires specific persons who suspect child abuse or neglect to report the incident to the appropriate County Department of Human Services or local law enforcement, [C.R.S. 19-3-304(2)].

### **I. PURPOSE**

Denver Health Medical Center (DHMC) will establish procedures for the management of child abuse and neglect. The procedures established will be consistent with Colorado law and insure the safety of children.

**Definition:** Child abuse or neglect means an act or omission in one of the following categories which seriously threatens the health or welfare of a child. A child is defined as any person under the age of 18 years. (C.R.S. 19-103<sup>1</sup>)

Child abuse / neglect may include the following:

- Evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fractures of any bone, subdural hematoma, soft tissue swelling, or death;
- When the history given concerning such condition or health is at variance
- with the degree or type of such condition or death;
- Circumstances indicate that such condition or death may not be the product of an accidental occurrence;
- Any case in which a child is subject to sexual assault or molestation, sexual exploitation, or prostitution;
- Any case in which the child's parent(s), legal guardian or custodian fails to take the same actions to provide adequate food, clothing, shelter, medical care or supervision that a prudent parent would take.
- Any case in which a child is subjected to emotional abuse which means an identifiable and substantial impairment of the child's intellectual or psychological functioning or development.
- Any act or omission which puts a child at risk as described in section 19-3-102(1)(a), (1)(b), or (1)(c).
- Any case in which, in the presence of a child, or on the premises where a child is found, or where a child resides, a controlled substance as defined in section 18-18-102(5)C.R.S., manufactured.

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<sup>1</sup> For the purpose of criminal investigation, charges, and prosecution, the statutory definition of child abuse is found at C.R.S. 18-6-401.

## 2. NOTIFICATIONS AND PROCEDURES

In all case in which child abuse, neglect, or sexual assault is evident or suspected, it is the policy of Denver Health to report the case to the appropriate County Department of Human Services in accordance with Colorado law. In Denver, the report is called in to the Denver Department of Human Services (DDHS) hotline, **(720-944-3000)**.

Every report that is called in will be followed by a written report, both fax and hard copy. A copy of the report will also be forwarded to the office of the Director of the Clinical Social Work Department.

In order to facilitate an investigation of child abuse or neglect, the medical provider may release the record of the investigation to the county Department of Human Services, and the investigating law enforcement agency. The Department of Human Services or the investigating law enforcement agency must provide a HIPAA compliant release of medical information prior to receiving the record. The release of medical information will be placed in the patient's file.

If the Denver Department of Human Services (DDHS) is notified, a caseworker may come to the hospital or clinic to review the case and be involved in the decision regarding the disposition. The DDHS caseworker may, determine that the circumstances require the involvement of the Denver Police Department, (DPD).

Caseworkers from counties other than Denver will come to the hospital or clinic only if urgent.

1. Adams County 303-412-5212
2. Arapahoe County 303-636-1750  
303-795-4711 (weekend/evenings)
3. Boulder County 303-441-1240
4. Jefferson' County 303-271-4131

Denver Health Clinical Social Work staff assigned to the Pediatric Service and Emergency Department may be available during office and some evening hours for consultation and coordination with the County Department of Human Services caseworkers. It is advisable to contact the Clinical Social Work staff member as early as possible when abuse or neglect is suspected. The staff member will assist in psychosocial assessment, management of family member(s) present and will advise the involved County Department worker regarding recommendations for disposition.

In all cases, the attending physician will be consulted before the patient leaves.

### **3. DOCUMENTATION**

The physician or caregiver will document the following information:

- Signs of trauma on the non-accidental trauma (NAT) description sheet, the medical record, or a drawing on the encounter form.
- Photographs of any external signs of trauma if equipment is available. The physician or caregiver involved in the initial assessment and examination will report to the DDHS hotline and document that a report was made per established Denver Health procedure.

Per Denver Health policy, The Family Crisis Center (FCC) physician shall be notified of any hospital admission for child abuse, neglect or deprivation, failure to thrive, or sexual abuse, (720-944-3747). Any Emergency Department or hospital death of a child in which child abuse or neglect is suspected should also be reported to the FCC physician in addition to the DDHS hotline.

### **4. PREVENTION**

In all DHMC service settings (maternity clinics, newborn services, pediatrics services, and adult services) health care personnel providing care to parents, infants and children will give special attention to parental expectations and parent-child relationships looking for early signs which may indicate increased risk for child abuse / neglect. When indicated, staff should develop and implement plans to assist the family and should arrange for follow-up services. Clinical Social Work Department staff are available to facilitate these procedures.

Written requests for assistance sent by DDHS caseworkers to the Clinical Social Work Department are accepted and acted upon. DDHS caseworkers sometimes advise that a woman may be coming to DHMC to deliver a baby and that there are current or past child protection cases. Action is taken by the Clinical Social Work Department to inform DDHS if the party concerned comes to DHMC.

## **B. SEXUAL ABUSE OF CHILDREN AND ADOLESCENTS**

### **Treatment and Evaluation**

It is the policy of Denver Health Medical Center to evaluate all suspected cases of sexual assault of a child and to report such cases to the appropriate authorities.

### **1. PURPOSE**

Denver Health Medical Center has established procedures for investigating and treating the sexual abuse of children in a manner that is consistent with Colorado law and insures the safety of children.

**Definition:** The definition of sexual abuse and sexual exploitation used by DHMC includes guidelines promulgated by the American Bar Association Center for Child Advocacy and the Colorado Revised Statutes, (C.R.S 18-3-402, C.R.S 18-3-402, C.R.S 18-3-404, C.R.S 18-3-405 and C.R.S 18-3-405.3)

## 2. NOTIFICATION

Investigation of **third party sexual assault**, those in which the perpetrator is not member of the child's family or living with the child in a family-type relationship, is the responsibility of the local law enforcement agency. Notification procedures are as follows:

- The law enforcement agency from the jurisdiction in which the assault **occurred** must be notified if this has not already been done.
- If the assault occurred in Denver County, an officer of the Denver Police Department **must** authorize the use of the Sexual Assault Evidence Kit (SAEK) and accept custody of the SAEK or any other evidence.
- If the assault occurred outside Denver County, the law enforcement agency with jurisdiction will determine where the child will be evaluated. If the evaluation is authorized at DHMC, law enforcement personnel from that jurisdiction **must** initiate a police report and accept custody of any evidence.
- It is not necessary to notify the County Department of Human Services if the police are already involved. If it is determined prudent to do so, the Department of Human Services in the county where the **child resides** should be notified.

In the case of **interfamilial** child sexual assault, notification is made as follows:

- A report must be made to the Department of Human Services in the county where the **child resides**.
- If a SAEK is required, the law enforcement agency in the county where the assault **occurred** must also be notified.

## 3. PROCEDURES

The evaluation of sexual abuse victims will be performed immediately at the Denver Emergency Center for Children (DECC) or the Family Crisis Center (FCC) if the child is injured and needs medical care or if the child has been assaulted within the past 72 hours and needs a forensic examination.

In cases where there is NO concern for the injury and the assault occurred greater than 72-hours prior, the medical examination will be arranged by the investigating agency.

Cases of sexual assault on children who reside in Denver County should be reported

to the DDHS hotline. If the child does not require a forensic exam or require treatment of injuries, DDHS staff will arrange an examination at the Family Crisis Center (FCC).

Per Denver Health policy, Patients seen in the Community Health Centers with evidence of acute trauma or for whom a forensic exam is indicated should be referred to the Family Crisis Center or the Denver Emergency Center for Children (DECC). Patients who do not exhibit acute trauma or for whom a forensic exam is not indicated should be referred to the Family Crisis Center.

**Consent:** Although parental consent is preferable, patients under the age of 18 years may give their own consent for sexual assault examination and treatment. If a parent refuses to give consent and there is any possibility the child has been sexually assaulted, the child can be examined without consent as part of a child abuse investigation.

The physician will attempt to notify the parent(s) or legal guardian of the sexual assault when the child indicates he/she was the victim of a sexual assault. However, **other confidential information** revealed by the patient not related to the assault cannot be revealed to the parent(s) or legal guardian if the patient indicates that the information is confidential.

#### 4. ASSESSMENT

Preliminary to the assessment the following should be completed:

- Notify the clinical social worker
- Obtain necessary authorization for a SAEK
- Collect necessary clothing from the patient in the following way:
  1. Place two chux together on the floor and have the patient undress while standing on the chux.
  2. Place each item of clothing in a **separate** paper bag.
  3. Place the **top** chux in a separate paper bag. 4.Give all bags to police
- Use the standard Sexual Assault Form for adolescents. However, it should never be used for young children (generally children under 12 years). Use of this form involves the interviewer asking leading questions which in young children is often inadmissible in court. For young children, use a blank encounter form.

The goal of the physician is not to conduct a detailed forensic interview but to obtain the minimum information necessary to make decisions about the timing and extent of the exam and the need to report. It is the responsibility of law enforcement or the County Department of Human Services to obtain an extensive history. The information obtained by the physician should determine if the suspected perpetrator is a third party or family member.

**Examination:** Examination of the child should not be more traumatic than the assault and should follow the general guidelines below:

- It is not always necessary to perform a pelvic exam on a patient if vaginal penetration clearly did not occur.
- A thorough physical exam needs to be performed and all evidence of trauma documented using the NAT form and genital diagram.
- A genital and anal exam should be performed on young children.
- Tanner Stage of Development should be documented.
- An exam should be performed as indicated by the age of the child patient, type of assault, and degree of injury. **Speculum examinations should never be performed on prepubescent children.** Consultation with the OB/GYN Service and / or sedation may be necessary in those cases in which there are extensive injuries which cannot be determined due to the child's fear or lack of cooperation.
- Many prepubescent children will not tolerate swabs in the vagina. If this is the case, consideration of sedation should be made on a case by case basis in consultation with the parent(s).

**Forensic examination - Sexual Assault Evidence Kit:** A SAEK should be used if an exam indicates contact or there is a history of oral, vaginal, or anal contact with the assailant's penis and/or saliva **within 72 hours** of the exam. Instructions for use of the kit are printed on the envelopes and must be followed carefully.

There are chain of custody procedures to be observed when using the SAEK. The **red seal** on the evidence kit should be **intact** until broken by the physician.

After the seal is broken, the contents of the kit must be in the physician's possession at all times until samples are collected and sealed in the evidence box. The envelopes, tubes, and slides can be labeled by other personnel in the physician's presence, but the physician should initial each item before it is sealed. The completed SAEK should be locked in the evidence box located in the DECC **only** if the Denver Police Department is investigating the case. If another law enforcement agency is involved, that department must take custody of the completed SAEK.

**Medical tests:** the following medical tests may be indicated at the time of the examination depending on the circumstances of the sexual assault and other variables.

1. **Pregnancy** testing will be done on all pubertal patients. The family or patient should be counseled on the possible need for another follow-up pregnancy test.
2. **Sexually transmitted disease (STD)** will be done by the medical provider based on the most recent standards of care.

## **Prophylaxis:**

Pregnancy and STD prophylaxis may be offered to the patient by the medical team as indicated.

The physician will complete a routine hospital encounter or the Sexual Assault Form as well as the Denver Police Department Sexual Assault Examination Request attached to the SAEK. Once complete, the latter form is enclosed in the SAEK.

If the assailant is a family member, someone living in the home, someone closely associated with the family, temporary caretaker, or if the safety of the child if returned home is a concern, the examining physician must report the case to DDHS at 720-944-3000 to request that the on-call worker determine the disposition of the child.

The checklist must be completed.

## **DENVER DEPARTMENT OF HUMAN SERVICES** **INVESTIGATIVE PROCEDURES**

### **1. PURPOSE**

Child Protection Services (CPS) constitute a comprehensive set of services. The purpose of CPS is to maximize the ability of families to protect and care for their own children, minimize harm, and ensure permanency planning. Safety of the children is paramount.

The purpose of the intake system is to receive, review and conduct both an initial assessment of all reports of intrafamilial abuse or neglect to children as well as a more complete family assessment when the report contains specific allegations of known or suspected abuse or neglect as defined in statutes and regulations. This assessment will be completed within thirty days of the referral date.

Colorado Revised Statutes - C.R.S. 19-3-308(4)(a) provides that the county department shall be the agency responsible for the coordination of all investigations of all reports of known or suspected incidents of intrafamilial abuse or neglect. The county department shall conduct the investigation in conjunction with the local law enforcement agency, to the extent a joint investigation is possible and deemed appropriate.

### **2. NOTIFICATIONS**

The Department shall forward copies of all referrals received by the Hotline to the Missing and Exploited Persons Unit of the Denver Police Department (DPD) within

24 hours. DPD Missing and Exploited Persons Unit staff will review for possible assignment.

In cases of child abuse or child endangerment, including those involving Drug Endangered Children (DEC<sup>2</sup>), that warrant a criminal investigation, the DDHS caseworker will notify the Denver Police Department via the Communications Bureau (Dispatch). An officer will be dispatched to the location to complete a GO report and order-in all involved persons on DPD form 140, Protective Custody Notice and/or Request to Appear. This notice also includes the parents Rights and Remedies. If there are questions if the abuse or endangerment will warrant a criminal investigation, the caseworker will contact The Missing and Exploited Persons Unit supervisor.

DPD will immediately notify DDHS upon discovery of a suspicious child fatality. DDHS will assess the safety of any other children in the home and assign a fatality investigative caseworker to complete a fatality investigation.

In cases of suspicious death, the Department will notify the DPD homicide unit immediately with any information relevant to the possible cause of death. This includes family history of abuse or neglect to other children.

In cases where a suspected child abuse victim is transported to a medical facility and DDHS is notified, DDHS will notify DPD and an officer will respond to complete a GO Report .

Immediate medical evaluation and treatment is indicated in all cases in which children are found in methamphetamine labs. Children should be transported as follows:

- Family Crisis Center (weekdays)
- Denver Emergency Center for Children (DECC), 24hours a day, 7 days/wk

All DEC children should have a medical examination follow-up at the Family Crisis Center within 72 hours.

For cases that result in a criminal filing by the District Attorney's Office, the Department shall make available records requested by DPD or the District Attorney's Office pursuant to C.R.S. 19-1-307(2)(a). (See Memorandum in Appendix D)

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<sup>2</sup> Drug Endangered Children (DEC) refers to the following:

- Persons under 18 years of age who are;
  - directly or indirectly exposed to use, sale, manufacturing of illegal drugs or intoxicated caregiver; or
  - live in a house where illegal drugs are used, sold and /or manufactured; or
  - who ingest or inhale illegal drugs or exposed in the home; or
  - are exposed to the toxic chemicals of home drug lab
- Infants exposed to illegal drugs in utero
- Infants/Children who suffer physical abuse and neglect because of their caretaker's substance abuse.

### 3. RESPONDING CASEWORKER'S ROLE

Denver County Department of Human Services has an Emergency Response Team (ERT) that is available for **consultation** 24 hours a day, 7 days a week to respond to allegations of abuse and neglect including those involving drug endangered children.

ERT caseworkers will be available to respond immediately to any situation where the child/children may not be safe. Whenever possible, it is preferred that the ERT caseworker and DPD officer respond together to the scene of the abuse or neglect.

If a caseworker responds to a report of abuse or neglect without police, and there is probable cause to believe that the abuse or neglect is criminal, DPD will be called. If there are questions whether the abuse or neglect will necessitate a criminal investigation, the caseworker will contact DPD's Missing and Exploited Persons Unit supervisor. The responding officers will complete a GO report and order in all parties involved, including the victim, on DPD form 140, Protective Custody Notice and/or Request to Appear for the next business day. With the information supplied by the caseworker, the officer and caseworker will decide if the child needs placement. If it is determined the child is to be placed, a determination will be made as to who transport the child. DDHS staff are encouraged to transport the child when appropriate to minimize trauma for the child. If worker or child safety concerns exist, the officer will follow DPD protocol and transport the child.

If the reported abuse or neglect is not criminal in nature, but a DDHS caseworker determines that an emergency placement of a child is necessary, the caseworker must call DPD for an officer or the Denver Juvenile Court for a verbal order of custody.

The caseworker will request the DPD officer take the child into protective custody and explain the concerns. The caseworker will also request the officer serve the parent or guardian with DPD form 140, Protective Custody Notice and/or Request to Appear for the next business day. This notice also includes the Parents' Rights and Remedies Form and is used to place the child into protective custody.

In the event that there is a disagreement between the DDHS caseworker and the DPD officer regarding the removal of a child from the home, the caseworker will call the DDHS Administrator or supervisor on duty for guidance. The administrator or supervisor will contact the DPD Missing and Exploited Persons Unit Supervisor. If the DPD Missing and Exploited Persons Unit Supervisor is unavailable, a DPD Missing and Exploited Persons Unit detective should be contacted for further consultation. Absent a court order, the ultimate decision to leave a child in the home or take a child into protective custody is the decision of law enforcement.

The worker will be available to meet with the parents the next business day to discuss the allegations. Plans will be made for the child to return home with

services, without services or to explain to the parent or guardian why the child cannot return home. The worker will also request names and addresses of any available relatives or kin to assist the family and the children.

DPD may also be called for assistance in the following circumstances:

- Serious cases of child abuse requiring immediate response including domestic violence,
- Injurious home environment with unsafe living conditions,
- Cases involving Drug Endangered Children,
- Sexual abuse cases where the victim is at continued risk from the perpetrator,
- Abandoned or seriously neglected children,
- Suspicious child death cases,
- Situations in which the family is likely to flee the jurisdiction with the children. SEXUAL ABUSE (Intrafamilial, custody, care),
- Any case where there is suspected sexual abuse of a child.

In cases of sexual assault that warrant a criminal investigation, the DPD Missing and Exploited Persons Unit will be notified immediately by telephone. A copy of the TRAILS referral and a memo with additional information will be forwarded to the Missing and Exploited Persons Unit as soon as possible.

The caseworker will assist with the investigation as requested by the assigned Missing and Exploited Persons Unit detective.

The caseworker will be responsible for arranging a medical evaluation of the child. In all cases that involve penetration, a medical exam must be conducted.

### **INVESTIGATION OF THIRD-PARTY SEXUAL ASSAULT, ABUSE AND NEGLECT**

Law enforcement personnel shall assume the primary responsibility for the coordination and investigation of third party sexual assault, abuse and neglect by suspects ten years or older. CRS 19-3-308(5.3)(a).

DDHS may, upon recommendation of the Sex Abuse Unit Supervisor or Missing and Exploited Persons Unit supervisor, conduct an investigation regarding reports of sexual abuse and neglect when the alleged perpetrator is under the age of ten.

DPD may notify DDHS if they determine that a child's safety and/or protection is compromised in the case of a third party sexual assault or abuse and neglect case and request further investigation.

DDHS may investigate and determine the appropriate action and services.

DDHS Sex Abuse Unit staff will work in partnership with DPD to provide requested assistance during the course of the investigation following normal DDHS protocols.

Before an investigation is completed, if DPD determines that the assistance of DDHS is required for the child or the child's family, then DDHS shall respond in a manner they deem appropriate.

#### **ASSESSMENT OF INSTITUTIONAL ABUSE [CRS 19-3-308(4.5)(A)]**

Institutional abuse or neglect includes those reports that occur in any private or public facility that provides out-of-home childcare including day care homes and centers and 24 hour childcare facilities. School settings shall not be viewed as institutional abuse.

DDHS shall coordinate the investigation of reports of institutional abuse. DPD shall be notified by DDHS when the investigation warrants their involvement.

The initial investigation by DDHS shall assess the need for emergency intervention and evaluate the safety of the child or other children in the institution.

A report of minor injury resulting from physical restraining shall not, by itself, require a full investigation unless there are surrounding circumstances that would indicate abusive or neglectful behavior by the care provider. Such circumstances include those reports in which someone is specifically alleging the behavior to be abusive or those reports in which there has been a pattern of frequent injuries by the same caretaker or of similar incidents in the same facility.

The State Department of Human Services Licensing Section shall be notified if the abuse or neglect occurred in a state licensed facility.

DDHS shall assess all cases of institutional abuse and cases where the alleged perpetrator is a person in a position of trust. Investigations may be conducted independently or by another agency.

Institutional abuse if in a category that would otherwise require a joint investigation; DDHS and DPD shall be responsible for all investigations of child sexual assault by an adult in institutional facilities, and shall report all findings to the appropriate licensing authority. However, DPD shall respond to all child sexual assault calls allegedly occurring within the school system.

#### **4. ASSESSING THE ALLEGATIONS/DDHS CASEWORKER**

Sound practice and protection of the child or child victim dictates the importance of the investigation. The agency receiving the report shall notify the other agency that a joint investigation is indicated.

The DDHS caseworker's screening includes obtaining information from collateral sources, such as schools, medical personnel, law enforcement or other care providers.

This initial risk assessment is performed by the Hotline in accordance with a standardized risk assessment tool.

The investigation/assessment shall determine the nature, extent, and cause of the alleged abuse or neglect. Investigation shall include the following activities:

- An interview and/or observation of the child out of the presence of the suspected perpetrator. (CRS 19-3-308(234),19-3-308-5) (7.202.52 Colorado Department of Human Services Policy and Procedures for Child Welfare Services)
- An assessment of the child's current physical, mental or emotional condition will be completed. Based on the assessment, a medical examination may be conducted. Assessment may include a visit to the child's place of residence or place of custody if there are concerns regarding the conditions of the home.
- A list of the names and description of the conditions of other children living in the household.
- An interview of the child's parents or other caretakers, siblings, guardians or custodians, as appropriate.
- A consideration of ethnic, religious and cultural issues shall be made.
- Caseworkers will seek the assistance of a certified professional when special needs are present- i.e., monolingual clients, hearing impaired clients, developmentally impaired clients.
- If access to the home or child is denied, DDHS caseworker may seek assistance of the DPD or a court order to obtain access.

## **5. JOINT INVESTIGATION COORDINATION**

The following cases shall be investigated jointly by the Department of Human Services and the Denver Police Department:

- Intrafamilial sexual abuse
- Physical abuse where there are injuries or obvious marks indicative of abuse
- Severe or repeated neglect and/or failure to thrive
- Situations in which parents are arrested and children are deemed at risk by DPD
- Safety issues, i.e. injurious environment
- Cases involving Drug Endangered Children
- Upon request by either agency, the District Attorney's Office, or the Court.

If the investigation warrants, each agency shall check its records for previous contacts with the family and suspected perpetrator. This includes a check with the State Database<sup>2</sup> by the DDHS and NCIC/CCIC by law enforcement. Denver Police Department will check Department of Motor Vehicles and other public records when necessary.

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<sup>3</sup> State Database of Confirmed Persons Responsible for Abuse and Neglect

The DDHS caseworker and the DPD detective conducting the investigation must communicate to share information and discuss the investigation. The discussion should include:

- When the interview will be conducted,
- Where interviews are to be conducted,
- The order of interviewing victims, parents, siblings, relatives, teachers, therapists, suspects, and any other witnesses,
- Who will take the lead in interviewing each person,
- Whether to video and/or audiotape,
- What interviewing aids are appropriate.

## **6. DOCUMENTATION OF THE INVESTIGATION**

The following information shall be obtained from all interviews:

- Location (address, county and state of occurrence)
- Offense elements
- Identification of victim and perpetrator
- Identification of other victims and any witnesses
- Dates of occurrence
- Injuries documented

DDHS maintains a 24 hour Hotline for the purposes of receiving all reports of abuse and neglect. Upon the request of hospital/health care staff, law enforcement or the District Attorney's Office, the Hotline staff shall immediately notify the ERT caseworker of the need to speak directly to them regarding a case needing an emergent response. The Hotline staff shall attempt to obtain the following information from the reporter and record the information on the TRAILS Referral Report Form:

- Name of parents
- Address
- Phone number
- Name and phone number of reporting party, title and/or relationship of reporter
- Special needs or disabilities
- Present location of child if different from parent's address
- Name of Case Aide/Hotline staff who took the call
- Date and time of call
- Name, sex and birth date of all children in household
- Nature and extent of abuse, including any known details
- Any known information of the alleged perpetrator
- Primary language spoken by family involved
- Actions taken by reporting party

A review of County and State records and a check of the State Database will occur

on all reports. The results and date of these checks will be documented.

The caseworker may close a case within 30 days if the investigation indicates the allegation of abuse/neglect is clearly unfounded and the family is not requesting further services.

Services may be provided when the allegations of abuse/neglect have been confirmed.

The Child Protection Review Team will review cases of abuse and neglect. The County Department shall enter all confirmed child abuse or neglect cases to the State Database as soon as the investigation is completed. This will be done no later than 60 calendar days after receipt of the complaint. Services may be offered if the investigation indicates lack of evidence to sustain the allegation.

There shall be documentation in the record of the services offered. Appropriate referrals shall be made to community resources for the provision of services. These referrals shall be documented in the case record.

## 7. RESPONSE TIME

Both Hotline screeners and the Intake Supervisor prioritize the assessment of referrals based upon an initial assessment of risk of abuse and the current safety of the child. Priority in response time is determined using the following time frames unless there are circumstances that require a different response. Response outside of these time frames will be documented in the record.

- **All High Risk Referrals** the safety and protection issues shall be addressed immediately and no later than 24 hours after the initial receipt of the report.
- **All Moderate or Low Risk Referrals in which the child's safety has not been secured** the investigation shall be initiated as soon as possible, but no later than 72 hours after receipt of the report.
- **All Low Risk Referrals in which the child's safety has been secured** the assessment shall occur as soon as possible but no later than four working days after the receipt of the report.

The Intake Supervisors have four options when reviewing referrals:

1. Assign to an intake caseworker for assessment
2. No assignment. Reports that do not require further assessment shall be documented along with the reasons that indicate further investigation is not needed.
3. The referral may be held until more information is received or until staff is available for assignment. If the referral meets the criteria for case assignment, it

will be assigned to a caseworker within the time frames indicated by the risk assessment outlined above. If referral cannot be assigned within these time frames, the reason will be noted by the supervisor on the reporting form. "Hold" is written in the assigned work field on the Form 36 and the date is written in the date field. The supervisor will complete the supervisory risk assessment. The packet will be held in the assignment box and reviewed again the following day.

4. The referral will be assigned to a professional screening caseworker for further evaluation and review. Referrals appropriate for assignment to a casework screener include:

- Reports that do not have complete information sufficient to determine the need to assign the referral to a caseworker;
- Reports that do not include a specific allegation of abuse or neglect but indicate that there is potential for harm and a reporting party requests a call back;
- Requests for services not provided by DDHS but available in the response does not discover evidence of known or suspected abuse or community.

The intake assessment will be completed within 30 days of receipt of the child abuse and neglect report unless there are circumstances that prevent this from occurring. Such circumstances will be documented in the case record.

Referrals that will not be assigned for further assessment include:

- Reports that indicate no evidence of known or suspect abuse or neglect or request for services;
- Reports with inadequate identifying information which makes it impossible to proceed with assessment, (i.e. no names or way of finding names, no address or way to find address.);
- Reports received by the DPD or DDHS which include the following:
  1. The report made directly to the police or referred to the police by DDHS indicates no known or suspected child abuse or neglect and DDHS concurs. The exception would be in cases where DPD requests a follow up or there have been two prior reports that were not investigated in the past two years.
  2. DPD has been called because the child(ren) is home alone but DPD response does not discover evidence of abuse or neglect and DDHS concurs. At least one child must be twelve years of age or older.
  3. A complaint made to DPD or DDHS contains no specific details indicating abuse or neglect and DPD response does not discover evidence of abuse or neglect. Exceptions include situations in which a DDHS assessment is required , the child(ren) is under school age, DDHS or DPD has received prior reports involving the same household or individuals.
  4. A complaint indicates that the home environment is known or suspected to be dangerous due to drug or gang related activity, however, police neglect

as indicated in the complaint.

5. A complaint concerns only school attendance problems with no indicators of abuse or neglect. Complaints from schools concerning severe neglect and endangerment will be handled according to DDHS protocol.
6. A complaint is made by a party identified with a known pattern of harassment, (same caller, same complaint, and prior investigation has revealed no abuse or neglect.) The exception would be if the complainant gives specific information concerning abuse or neglect which meet assignment criteria.
7. A request for a custody evaluation in which no known or suspect child abuse or neglect is alleged and there is no specific court order.
8. A complaint of third party physical or sexual abuse that does not involve institutional abuse or an alleged perpetrator under the age of ten. In all other cases, DPD investigates.
9. A complaint that concerns abuse or neglect which occurred in the past and there is no complaint concerning current abuse or neglect. When the alleged victim is under school age, consideration will be given for assignment depending on the nature of the past abuse and possible ongoing vulnerability of the child.
  - When the child is 16 years of age or older and there is no evidence of abuse or neglect.
  - Cases that involve child to child fighting or sexual play and the children are within four years of each other in age. An exception may be made if there is evidence of lack of supervision on the part of the parent.

## **8. PROTECTIVE CUSTODY OR OTHER IMMEDIATE ACTIONS**

Law enforcement assistance and/or an appropriate court order may be sought when one or more of the following criteria exist. CRS 19-3-308 (3)(b) and CRS 19-3-308 (4)(b):

- A caseworker is unable to properly investigate a report of suspected child abuse or neglect due to the family's unwillingness to cooperate.
- The DDHS investigation indicates the need for removal of the child from the home.
- The family is already under the jurisdiction of the court and a modification is necessary to ensure the child's continued safety.
- It is necessary to restrain an individual from having contact with the child or to exclude an individual from the family home to ensure that the child is safe.

A child can be removed from the home by:

- Police protective custody
- A court order
- A signed voluntary placement agreement

Within 48/72 hours of a police protective hold, the child shall:

- Be returned home
- Be placed with a relative approved by DDHS
- Remain in placement through a court order
- Continue in placement by virtue of a voluntary placement agreement signed by the parent.

When a child is taken into protective custody, the DDHS caseworker shall provide the parent with a Parent Information Fact Sheet.

The type of placement utilized shall be the least restrictive and most appropriate alternative to meet the child's need.

## **9. JUVENILE COURT - DEPENDENCY AND NEGLECT PETITION**

DDHS will make a decision whether to file a Dependency and Neglect Petition in Denver Juvenile Court. Within 48 - 72 hours of a child being taken into police custody a detention hearing must be held if that child is to remain in custody. The purpose of the court action is to promote safety of the child and ensure adequate care. The City Attorney's Office shall represent DDHS in Denver Juvenile Court. The Guardian ad Litem shall be appointed by Juvenile Court to represent the child's best interests.

When the D & N petition involves a DEC and there is a concomitant criminal case, a referral to the Family Integrated Drug Court will be considered.

## **10. CHILD FATALITIES**

**Preface: Volume 7, 7.202.75 states the following:**

**The county department shall investigate child fatalities in intrafamilial and institutional settings in those in cases in which,**

- 1. There is reason to know or suspect that abuse or neglect caused or contributed to the child's death,**
- 2. The death is not explained or cause of death is unknown at the time of the child's death,**
- 3. The history given about the child's death is at variance with the degree or type of injury and subsequent death.**

DDHS will investigate the death of any youth that has an open case within the Family and Children Division. This includes youth between 18 and 21 years of age who may be eligible for specialized services.

In those cases in which a child fatality meets the above criteria, DDHS will do the following:

1. All notifications of child deaths must be routed to or called into the Hotline. In most cases, fatalities are reported by DPD or Denver Coroner's Office.
2. The Hotline will determine if there are other children in the family and search available systems and data bases to determine if the family has any prior referrals or involvement within the DDHS system or any county department of human services in Colorado. The Hotline will generate a referral (DW-36) with the information collected.
3. After obtaining the above information, the Hotline will immediately contact the following:
  - During business hours - (1) Child Death Supervisor, (2) Intake Administrator
  - After hours - (1) Administrator on call, (2) After-hours Emergency Response Worker, (3) Child Death Supervisor, (4) Intake Section Administrator.
4. During Night Caller hours (midnight - 8 a.m.) the night caller will do the following:
  - The **Night Caller** will be notified by the Crisis Center answering service that a child death has occurred,
  - The Night Caller will immediately call the On-Call Supervisor, On-Call Administrator, and Intake Section Administrator. The Intake Section Administrator will contact the Family and Children's Division Director.
  - It is imperative to learn if other children are involved with the family system both within the home where the fatality occurred and outside the home. The Night Caller will access both TRAILS and CIAO for any previous family involvement with DDHS or any other county department of human services in Colorado.
  - The Night Caller will coordinate any immediate investigation needs with DPD.
  - A Night Caller report must be given to the Hotline to generate a referral the next business day.
5. During business hours, **Child Death Supervisor** will immediately do the following:
  - Assign the referral to an internal child fatality investigation worker who is specifically trained to facilitate the appropriate investigation protocols and child fatality dynamics.
  - Draft a document noting the dynamics in the case of the deceased. (See appendix A) The documentation will be emailed to the persons on the child fatality distribution list.
  - Keep Intake Administrator regularly updated as to status of the case.
  - If the death is suspicious, the State of Colorado Department of Human Services Administrator must be notified within 24 hours pursuant to the requirements of Volume 7, 7.202.77, Reporting to the State.
  - If applicable, work with the Victim Assistance Unit of the Denver Police Department to notify parents of the child's death.
  - If applicable, notify the Denver Juvenile Court, Denver City Attorney, and the child's Guardian ad Litem of the child's death.
  - Supervisor will provide trauma counseling resources to any DDHS staff

involved in the case.

6. **Child Death Caseworker** will do the following:

- Asses the safety of other children in the home. The assessment will include visiting the home, interviewing or evaluating children and examining the children's physical, mental and emotional status.
- After completion of the above assessment, the worker and a supervisor will agree on a safety intervention.
- If removal of children is needed, this will be done through a police hold or verbal order of custody from the on-call judge.
- Collaborate with DPD, the District Attorney, Coroner's Office, and hospital in the investigation of the death. Provide the parties with information related to any prior DHS involvement with the child, family, or alleged perpetrator.
- If the death is suspicious, the caseworker will submit a report summarizing the investigation of the death to the Child Protection Intake Section Administrator within 30 days. If more time is needed, a written request must be submitted to the State Department of Human Services.
- If the death is suspicious, the caseworker will consult with DPD and the DA's Office before sanctioning the family or the child's move from the state.
- If applicable, the caseworker will compile names of all DDHS personnel involved in the case prior to the child's death.
- Consult with the On-Call Administrator.

7. If death occurs after hours, the **Emergency Response Worker** will do the following:

- Consult with the On-Call Administrator.
- Assess the safety of other children in the home.
- If removal of children is needed, this will be done through a police hold or a verbal order of custody from the on-call judge.
- Collaborate with DPD concerning immediate investigation needs.
- Provide a copy of the Emergency Response Report to the Hotline to generate a referral.
- Staff the case with assigned Child Death Caseworker.

8. The **Intake Section Administrator** will:

- Keep the Division Director informed.
- Submit an *Internal Review* report within 45 days as required by Volume 7.
- If needed, coordinate the scheduling of a State Fatality Review with the State Administrator.
- Facilitate all necessary staffing, internal administrative reviews and meetings regarding the fatality.

9. The **Division Director** will:

- Keep the agency Manager and Public Information Officer up to date regarding the case.
- Review Internal Administrative Review Report prior to submission to the

- State.
- Participate in any on-site State Department of Human Services reviews.

## **11. CONFLICT CASES**

An example of a conflict case is when the perpetrator or parent is an employee of the Department. The caseworker assigned to the investigation will immediately notify his/her supervisor to assess whether it would be a conflict for the Department to continue the investigation. If it is determined to be a conflict, an administrator or the supervisor will request a courtesy supervision from a separate county department. The safety of the children must be considered in the expediency of the decision.

## **12. POLICE OFFICERS AND THEIR FAMILIES**

If a referral is received regarding a member of the Denver Police Department, the intake supervisors will notify Missing and Exploited Persons Unit Supervisor that the referral has been received. If this is not known at the time of the referral, the intake caseworker will contact the Missing and Exploited Persons Unit Supervisor immediately upon discovering that one of the parents or the suspected perpetrator is a member of the Denver Police Department. The Missing and Exploited Persons Unit Supervisor will coordinate with the Internal Affairs Bureau to determine whether the Denver Police Department should open an investigation. If an Internal Affairs Investigation is opened and a Dependency and Neglect petition is necessary, the Department will coordinate with the assigned investigator in obtaining the necessary information.

# **DENVER POLICE DEPARTMENT** **POLICIES AND PROCEDURES**

## **INVESTIGATIONS**

### **A. STANDARDS FOR JOINT INVESTIGATIONS**

Child abuse and neglect are community problems requiring a comprehensive and coordinated response by law enforcement, human services, and other agencies when appropriate. The Denver Police Department and the Denver Coroner's Office will have primary responsibility for the investigation of any death occurring within the City and County of Denver. When such investigations involve the death of a child, the Denver Department of Human Services (DDHS), will be notified as part of that investigation. Where abuse is suspected or other safety concerns are evident, officers will follow the standard investigative protocols outlined in the Operations Manual. The Denver Department of Human Services may be contacted for assistance in these instances.

For an incident where the child remains at the scene, or is transported and abuse is suspected, an investigator will respond.

Child death investigations will include but are not limited to:

- a. Any unattended child death to include suspected S.I.D.S. cases..
- b. Any child death that appears suspicious.
- c. Any child death where there are other children in the family and/or in the home.
- d. Any case where physical abuse has occurred and there are injuries.
- e. Any case where there is severe and repeated abuse.
- f. Investigations requested by other agencies, the District Attorney or the Court.

## **B. PROCEDURES FOR JOINT INVESTIGATIONS**

Sound practice and protection of children dictates the importance of the investigation. Any agency receiving a report that fits the criteria for joint investigation will notify the other involved agency when that joint investigation is both practical and appropriate.

Investigations conducted by the investigative agencies will follow their standard investigative protocols.

Upon the determination of a joint investigation between the Denver Department of Human Services and the Denver Police Department, an investigative plan will be developed. Should a criminal investigation be appropriate, the Denver Police Department will notify the Denver Department of Human Services of the following:

- a. When and where any and all interviews will be conducted, taking into consideration the agreements of the Forensic Interview MOU. (Appendix C)
- b. What interviews will be conducted and the order of such interviews.
- c. Determine the lead interviewer and the role of each person in the interview room.
- d. How the interview is to be documented, (audio / video).
- e. What interview aids, if any, are appropriate.

The goal of any interview is to obtain the following information:

- a. Location of the offense.
- b. Elements of the offense.
- c. Identification of all victims, witnesses, and perpetrators.
- d. Date of offense(s) occurrence.
- e. Documentation of injuries.

The Denver Police Department is responsible for gathering and preserving all evidence collected in criminal cases in accordance with standard investigative protocols outline the Denver Police Department Operations Manual.

## LAW ENFORCEMENT INVESTIGATIVE PROCEDURES

### 1. PURPOSE

It will be the responsibility of the Denver Police Department to conduct criminal investigations, gather and maintain evidence collected as a result of the investigation, assemble and present cases to the Denver District Attorney and assist in the protection of all children alleged to be victims of any crime. All cases submitted to the Denver Police Department for consideration will be presented to the DA's Office for consideration of filing charges.

The Colorado Revised Statutes - C.R.S. 19-3-308(5.3)(a), provides that law enforcement agencies are solely responsible for the coordination and investigation of all reports of third party abuse, neglect, or sexual assault committed by persons ten years of age or older.

Except in cases involving schools, investigations of all abuse and sexual assault cases where the perpetrator has care, custody, control or is a family member of the victim will be the shared responsibility of the Denver Department of Human Services (DDHS) and the Denver Police Department (DPD).

### 2. NOTIFICATIONS

- a. In all cases of interfamilial child abuse, the Denver Police Department will be notified. Officers will complete a GO report. As much as is practical, all persons involved will be ordered-in to the Family Crisis Center for the next business day on DPD form 140, Protective Custody notice and/or Request to Appear. When necessary, the DDHS will be notified by phone in addition to the required reports.
- b. All calls to the DDHS hotline are recorded on the statewide computer tracking system (TRAILS). A copy of such documentation will be submitted to the Denver Police Department within 24 hours, or the next working day, for review and possible follow-up assignment. Emergencies called in on the hotline during non-duty hours will be referred to the ERT caseworker.
- c. When officers respond to a complaint called in by the DDHS Hotline, officers will complete a GO report and advise the Hotline worker of the outcome of the call.
- d. In cases of criminal child abuse or child endangerment, the DDHS caseworker will notify DPD via the Communications Bureau. An officer will then be dispatched to the location. The officer **will complete a GO report** and order-in all involved persons on DPD form 140. Should it be necessary, the officer will contact the Missing and Exploited Persons Unit Supervisor.
- e. In cases where a death has occurred and the death is unattended or appears suspicious in nature, a Homicide Unit Supervisor will be responsible for making all other notifications as set forth in the Denver Police Department

## Operations Manual.

- f. In cases where a death has occurred, a Homicide Unit Supervisor and the on-call Chief Deputy District Attorney will be notified. In addition, to this notification, the Missing and Exploited Persons Unit Supervisor will also be notified. This is done to best utilize the expertise of the Missing and Exploited Persons Unit in child death cases and to better facilitate follow-up notifications of DDHS.
- g. In cases in which there is serious bodily injury (SBI), the Missing and Exploited Persons Unit Supervisor will be notified.
- h. In cases where a suspected child abuse victim is transported to a medical facility, officers of the Denver Police Department will respond for the purpose of protecting and collection of evidence. A GO report will be completed and a copy of DPD form 140, Protective Custody Notice and/or Request to Appear will be left with the medical facility to initiate a police hold. The responding officer is responsible for notifying the DDHS Child Abuse Hotline.
- i. When the investigation involves a suspected perpetrator who was acting in an official capacity as an employee of a school district, the Denver Police Department detective will notify Denver Public Schools security.
- j. Officers with questions will notify a Missing and Exploited Persons Unit supervisor.
- k. The supervisor of the Missing and Exploited Persons Unit will provide a list of assigned cases and their respective outcomes to the Denver District Attorney on a quarterly basis.

### 3. RESPONDING OFFICER'S ROLE

- (1) The first priority in a child abuse or sex assault investigation is to ensure the protection of the child. Police officers must investigate all complaints concerning abused/neglected children to determine their validity. When a child is a victim of child abuse, child neglect or sexual assault, the officer has the responsibility of deciding if the child should be left in the home. Officers are given the authority to remove children from their parent or legal guardian without a court order, and must evaluate the safety of the child victim as well as other children who are in the care of the parent or legal guardian. Under CRS §19-3-401, the officer has the authority to remove the child “whenever the safety or well-being of the child is immediately at issue and there is no other reasonable way to protect the child”. Once a decision is made to remove a child, officers must contact the Denver Department of Human Services at 720-944-3000 and advise the social worker a child placement is needed. Refer to Denver Police Department Operations Manual section 308.03(2). It is the officers’ decision when a child is taken away from a parent or legal guardian, and it is social services decision where the child will be placed. If an officer is unsure if a child should be placed into protective custody, they must notify their supervisor to

make the determination. If the supervisor is unsure if a child should be taken into protective custody the MEP Unit supervisor must be contacted. If children are taken into protective custody and no adults are present, a copy of a DPD form 140, Protective Custody Notice and/or Request to Appear, must be left at the residence.

The responding officer is responsible for the following:

**Child Abuse with serious bodily injury:**

- a. Arrange for transport if the child is at the scene.
- b. Obtain all facts pertaining to the event.
- c. Contact the appropriate Denver Police Department Supervisor.
- d. Contact the on-call Missing and Exploited Persons Unit Supervisor.
- e. Complete all necessary reports.
- f. Collect evidence, or arrange to have collected.
- g. Assist the on-call detective when requested.
- h. Assure the safety of other children present.
- i. Notify the DDHS Child Abuse Hotline.

**Sexual abuse ( intrafamilial, custody, care) within 72 hours of the incident:**

- a. In all cases where sexual abuse is alleged or evident, the Missing and Exploited Persons Unit Supervisor and DDHS will be notified.
- b. Obtain the facts from the outcry witnesses.
- c. The victim will be interviewed by trained investigative personnel. Officers will only gather basic facts and only if absolutely necessary complete the initial investigation.
- d. Obtain statements from all witnesses.
- e. Determine the need for a search warrant. Questions must be directed to the Missing and Exploited Persons Unit Supervisor.
- f. If no warrant is needed, collect all evidence at the scene.
- g. Complete all necessary paperwork.
- h. Arrest a suspect only after consultation with a Missing and Exploited Persons Unit detective or supervisor.
- i. Transport the child to the Denver Health Medical Center (DHMC) or Children's Hospital for treatment and completion of a sexual assault exam.
- j. Order-In family members to the Family Crisis Center.

**Sexual abuse (intrafamilial, custody, care) after 72 hours of incident:**

- a. In all cases where sexual assault is alleged or evident, the Missing and Exploited Persons Unit Supervisor and DDHS will be notified.
- b. Obtain the facts and written statements from the outcry witnesses.
- c. The victim will be interviewed by training investigative personnel. Officers will only gather the basic facts and only if absolutely necessary complete the initial investigation. The victim will be interviewed and videotaped.
- d. Obtain statements from all witnesses.
- e. Determine the need for a search warrant. Questions must be directed to the Missing and Exploited Persons Unit Supervisor.
- f. If no warrant is needed, collect all evidence at the scene.

- g. Complete a GO report.
- h. Approval for arrest must be obtained from the supervisor of the Missing and Exploited Persons Unit.
- i. Order-in the victim and guardian on DPD form 140, Protective Custody Notice and/or Request to Appear.
- j. Order-in the suspect on DPD form 140, Protective Custody Notice and/or Request to Appear. The order-in time for suspects will be listed as 10:30a.m.
- k. Should the welfare of the child or integrity of the investigation be of concern, the child will be placed into temporary custody. Should the child be placed in a facility other than the Family Crisis Center, a DPD form 104, Protective Custody Notice and/or Request to Appear will be completed. A copy of this order-in will be left with the facility.

### **Third party sexual assault:**

Third party sexual assault investigations will follow the protocols outlined in the Denver Police Department Operations manual and the Denver Sexual Assault Response Protocols delineated in the Sexual Assault Interagency Council manual.

### **Responding to a school:**

Police officers and school personnel should take into consideration the child's sensitivity and need for privacy. A location that will minimize attention should be chosen for any interview conducted at a school facility.

When child abuse is alleged, the officer shall observe the child and consider if medical attention is necessary. A Missing and Exploited Persons Unit detective can be called to interview the child.

Factors to consider in evaluating whether the child should be interviewed:

- a. Has the child disclosed details to another person?
- b. The child's age and maturity.
- c. The child's ability to relate information about what occurred.
- d. The emotional stability and physical needs of the child.

## **4. ASSESSING THE FACTS: RESPONDING OFFICER AND/OR DETECTIVE**

Section 19-3-308, C.R.S., of the Colorado Children's Code states that a thorough investigation is made immediately upon receipt of a report of known or suspected child abuse or neglect. It further directs that the investigation include:

- a. A determination of the nature, extent and cause of the abuse or neglect;
- b. The identification of any other children living in the same place; and
- c. An assessment of the conditions of any other children living in the same place.

It is optimal that the physical assessment be made by medical personnel; however,

during the initial contact it is not always possible and must frequently be assessed by the responding officer who must determine whether care is necessary.

To comply with section 19-3-308, C.R.S., the child may have to be examined for physical injury and those injuries documented. If medical personnel have examined the child a report should be obtained documenting the injuries. If injuries are obvious, paramedics should be summoned to examine the injuries. Officers may be present while paramedics examine the injuries and document their location. If there is no alternative available and the child must be examined, the officer may check for injuries. Because of the traumatic nature of such examination, medical personnel should complete these exams.

The responding officer will assess and examine the possibility of other safety issues including:

- a. Safety of children in the home
- b.. Emotional abuse.
- c. Drug/Alcohol exposure.

The responding officer will obtain written statements from all witnesses. Should any safety issues exist, the officer will notify the DDHS Hotline.

## **5. DOCUMENTATION OF THE INVESTIGATION**

- a. It is the responsibility of the responding officer to complete a GO report. Officers must obtain approval from their supervisor or the supervisor of the Missing and Exploited Persons Unit prior to jailing a suspect.
- b. A GO report will be completed irrespective to the abuse or neglect being founded or unfounded. Should officers respond to a complaint and locate no children, a GO report titled "letter to detectives" will be sent to the Missing and Exploited Persons Unit detailing the type of call dispatched and what was observed. Include the names of all persons contacted at the location.

## **6. GATHERING EVIDENCE**

1. Evidence will be collected in accordance with standard investigative practice outline in the Denver Police Department Operations Manual.
2. While conducting a scene examination, officers will record their observations accurately. This documentation is important for future testimony in subsequent criminal and civil proceedings. Areas of concern include but are not limited to:
  - a. Physical conditions of all children present, including their appearance and any injuries.
  - b. Condition of surrounding. Include safety concerns such as unprotected or open windows, exposed wiring, vermin, human or animal waste, weapons, drugs or associated paraphernalia.

- c. General condition of the home including cleanliness and adequacy of sleeping, eating, and washing facilities.
  - d. Availability of food and water.
  - e. Adequate heat, light, and space.
3. Officers will observe and record the behavior of the parent(s) and child(ren) toward each other in the officer's presence. Behavior may include various non-verbal messages such as:
  - a. Eye contact between family Members.
  - b. Facial expressions.
  - c. Voice tone or voice inflection.
  - d. Levels of communication between family members.
  - e. Willingness to listen.
  - f. Ability to express feeling or engage in physical closeness.
4. Photographic and videotape evidence will be collected in standard investigative format as outlined in the Denver Police Department Operations Manual.
5. Once collected, all physical evidence will be handled with standard investigative practice as outlined in the Denver Police Department Operations Manual. This will include evidence gathered from any suspect. Legal orders may be utilized for this collection as outlined in the Colorado Revised Statutes.
6. Should any officer have questions about any procedure as it pertains to documentation or collection of evidence or crime scene, a Missing and Exploited Persons detective will be contacted for direction and assistance.
7. Obtain medical records pursuant to section 19-1-307(2)(a), C.R.S.

## **7. PROTECTIVE CUSTODY HOLDS**

Pursuant to 19-3-401, C.R.S., law enforcement officers are the only authorized entity, outside the courts, which have statutory power to place a protective hold on a child. When a decision has been made to place a child, the officer will notify the DDHS Hotline for placement location. If needed, the officer will transport the child to the placement facility.

- a. DPD officers will assist DDHS caseworkers with the enforcement of a court ordered hold. In these situations, officers are only present to keep the peace and ensure the safety of all the parties involved.
- b. The officer taking the child into protective custody will serve the parent or guardian with DPD form 140, protective Custody Order and/or Request to Appear. A copy of the form will be sent to DDHS and the Missing and Exploited Persons Unit. If the child is placed into a facility other than the

Family Crisis Center, a copy of DPD form 140, Protective Custody Order and/or Request to Appear will be left with such facility.

- c. Protective holds on other children in the home should be strongly considered when investigating a child death, serious physical abuse/neglect cases or cases involving sexual abuse.
- d. Officers investigating other cases such as domestic violence, drug or alcohol incidents or any other case where child abuse/neglect issues are present, should complete additional investigation. Should it be necessary, protective holds should be considered in appropriate incidents.

## **8. IDENTIFYING AND INTERVIEWING POTENTIAL WITNESSES**

Interviews of any and all witnesses will be conducted utilizing standard investigative procedures and practice as outlined in the Denver Police Department Operations Manual.

## **9. IDENTIFYING AND INTERVIEWING POTENTIAL SUSPECTS**

Standard investigative procedure will be utilized in identifying and arresting suspects of a criminal episode. The practice and procedure outlined in the Denver Police Department Operations Manual and the Colorado Revised Statutes will be adhered to.

Interviews of suspects will be conducted in accordance with standard investigative practice outlined in the Denver Police Department Operations Manual and the law.

## **10. DRUG ENDANGERED CHILDREN (DEC)**

### **1. Definitions**

**Drug Endangered Children** are defined as:

- Persons under 18 years of age who are;
  - directly or indirectly exposed to the use, sale or manufacturing of illegal drugs or caregiver intoxicated by use of alcohol; or
  - live in a house where illegal drugs are used, sold and /or manufactured; or
  - who ingest or inhale illegal drugs or are exposed in the home; or
  - are exposed to the toxic chemicals of a home drug lab
- Infants exposed to illegal drugs in utero,
- Infants/children who suffer physical abuse and/or neglect because of their caretaker's substance abuse.

**Controlled substance** is defined as a drug, substance, or immediate precursor included in schedules I through V of Part 2 of Section 18-18-102, (C.R.S.), including but not limited to heroin, methamphetamine, cocaine, marijuana, and

marihuana concentrate.

**Clandestine laboratory** is defined as a scene having hazardous chemicals, glassware, fertilizers, seeds, molds, or spores used to manufacture or grow controlled substances.

## **2. Patrol Response:**

- a. When officers arrest a suspect for violation of any controlled substance law and the suspect is either the parent or guardian of a child or children *who are physically present*, officers shall further assess if the actions of the suspect permitted that child or children to be unreasonably placed in a situation that posed a threat of injury to the child's or children's life or health or if the child's or children's current safety is a concern.
- b. If officers determine that the actions of the suspect permitted the child or children to be unreasonably placed in a situation that posed a threat of injury to the child's or children's life or health, or if the child's or children's current safety is a concern, officers shall call the Denver Department of Human Services Hotline at 720-944-3000 for placement of the child. The Emergency Response Worker shall determine where the child or children will be placed. Officers should never place a child or children away from his/her/their parent or legal guardian without consent from the Denver Department of Human Services.
  1. Officers shall complete a GO report, adding the offense "Child Abuse-aggravated" to the report and route this to the Vice/Drug Control Bureau handle.
  2. If children are taken into protective custody officers must complete DPD form 140, Protective Custody Notice and/or Request to Appear and check the box titled "protective custody". Refer to Denver Police Department operations manual section 308.05 for distribution.
- c. If officers determine that suspect is legal guardian or parent of a child or children, although a child or children are not physically present, and that child's or children's safety is a concern because of the nature of the offense, officers shall notify the Denver Department of Human Services Hotline at 720-944-3000. Officers shall alert the Hotline of the circumstances of the arrest and any concerns for the child or children. Officers shall further include the notification to the Denver Department of Human Services in their statements.
- d. In the event that patrol officers determine that a child or children shall be placed and notification is made to the Denver Department of Human Services Hotline and a worker does not respond to the scene in an appropriate time frame, an employee of the Denver Police Department shall transport the child or children to the Family Crisis Center. Notification of the transport shall be made to the Hotline to

ensure that a representative of the Denver Department of Human Services is present to meet and take custody of the child or children at the Family Crisis Center.

3. When officers find evidence of a **Clandestine Laboratory** as defined in section 308.06(1)(c) officers shall immediately notify the on call Vice/Narcotics Bureau supervisor.

a. If children are involved, an offense of “Child Abuse-Aggravated” will be added to the GO report and the children will be included in the report as entities.

b. The Vice/Narcotics Bureau personnel will contact the Denver Human Services Emergency Response Team to assist with placement of the children.

1. **DEC found in clandestine laboratories require immediate medical** examination as follows:

- Family Crisis Center (weekdays)
- Denver Emergency Center for Children (DECC)

2. Vice /Narcotics Bureau Personnel **must provide drug exposure history to medical personnel when a child is brought in for medical evaluation.**

4. In the event that Detectives determine that a child or children shall be placed and notification is made to the Denver Department of Human Services Hotline and a worker does not respond to the scene in an appropriate time frame, an employee of the Denver Police Department shall transport the child or children to the Family Crisis Center. Notification of the transport shall be made to the Hotline to ensure that a representative of the Denver Department of Human Services is present to meet and take custody of the child or children at the Family Crisis Center.

## **DENVER DISTRICT ATTORNEY'S OFFICE** **POLICIES AND PROCEDURES**

### **I. STATEMENT OF PURPOSE**

Children victimized by physical and sexual abuse deserve a thoughtful and effective response from law enforcement that recognizes their special needs. The Denver District Attorney’s Child Abuse protocol reflects our mission to work together with other agencies involved in child abuse cases to reduce the trauma for child victims. It is designed to provide a consistent response to child physical and sexual abuse cases that meets the needs of child victims while maintaining the integrity of a thorough investigation and an effective prosecution.

## II. INTAKE PROCEDURES

Once the Denver Police Department has investigated a case, they shall present the case to the Denver District Attorney's office for a filing decision. All suspected cases of child physical/sexual abuse presented to the Denver Police Department must be presented to the Denver District Attorney's Office for a filing decision. This includes both felony and misdemeanor offenses.

The Denver District Attorney's Office agrees to maintain a specialized Intake Unit for the purpose of making filing decisions in child physical/sexual abuse cases.<sup>3</sup> A deputy district attorney should consider the following factors when reviewing a case for filing:

### A. Evidentiary considerations

- (1) The child's statement
- (2) Statement of other witnesses including other children, non-offending parents, teachers, other professionals, or adults
- (3) Medical findings
- (4) Physical findings
- (5) Behavioral findings
- (6) Any relevant psychological information involving the child, family, or alleged perpetrator
- (7) Therapist evaluations of the child
- (8) The statement(s) of the alleged suspect
- (9) Criminal history of the alleged suspect
- (10) Prior referrals or bad acts of the alleged suspect
- (11) Suspect's polygraph results

### B. Legal Sufficiency

In addition to the above considerations, the prosecuting attorney must consider the "legal sufficiency" of the evidence. These considerations include:

- (1) The applicable statute of limitations
- (2) Existence of *admissible* evidence to prove all the elements of the crime
- (3) Availability and credibility of necessary witnesses
- (4) The specificity of the allegations

In the final analysis, the prosecuting attorney must make a charging decision in accordance with their ethical duty to ensure that the case can be proven "beyond a reasonable doubt."

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<sup>3</sup> This function will be maintained subject to budgetary constraints.

### **III. CASE STAFFING**

The District Attorney's Office agrees to maintain a specialized prosecution unit<sup>4</sup> to specifically target and prosecute felony child physical abuse/sexual abuse cases. Each case will be staffed with a deputy district attorney, DA investigator, victim advocate and support staff member. These individuals will be assigned to the case once it has been accepted by the district attorney's office for filing. These individuals will remain on a case until final disposition. Every attempt will be made to maintain continuity of personnel on each case.

#### **1. DISTRICT ATTORNEY'S INVESTIGATOR ROLE**

An experienced DA's investigator will be assigned to every child physical abuse/sexual abuse case. The role of the DA's investigator will be to conduct a thorough and complete investigation. The specifics of each investigation will depend on the type of abuse (physical/sexual); the child's age and ability to communicate; the timeliness of the outcry; and the existence of other corroborative witnesses and evidence. Additionally, DA's investigators will identify information helpful to the prosecution of a case including identifying prior victims of the defendant's misconduct and issuing search warrants for additional evidence which may corroborate a victim's statement.

When necessary, the DA's investigator may need to take additional statements from victims and witnesses. When practicable, child victims and witnesses will be interviewed in a child friendly environment such as the Family Crisis Center or the Denver Child Advocacy Center. Additionally, the DA's investigator will be familiar with "best practices" standards as it relates to interviewing children.<sup>5</sup> The investigator will be responsible for complete and accurate documentation of each interview.

#### **2. DISTRICT ATTORNEY'S VICTIM ADVOCATE ROLE**

The victim advocate will have primary responsibility for notifying victims and their parents or guardians of all critical stages of the criminal prosecution process pursuant to the Victim Rights Amendment.<sup>6</sup>

The victim advocate will provide the victims and their parents or guardians with information regarding additional resources in the community including referrals for therapy, applications for Crime Victim Compensation, and other services.<sup>7</sup>

In every case involving a child victim or witness, the victim advocate will identify and attempt contact with other professionals who are involved with that child. These

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<sup>4</sup> Currently called the Family Violence Unit.

<sup>5</sup> Memorandum of Understanding regarding forensic interviewing practices.

<sup>6</sup> See C.R.S. 24-4.1-301 and C.R.S. 24-4.1-304

<sup>7</sup> See C.R.S. 24-4.1-301 and C.R.S. 24-4.1-304

contacts are made to ensure that the child victim's/witness' needs are being met and to coordinate the prosecution effort with the child's family or foster family, therapist, Denver Department of Human Services (DDHS) case worker, guardian ad litem, court appointed special advocate (CASA), representatives of Denver Public Schools, and other professionals. The purpose of this outreach is to facilitate an understanding of the child's needs prior to the prosecution of a case and to ensure that the child is properly supported throughout the criminal justice process. The victim advocate will seek input regarding the child victim's ability to testify, the trauma if any likely to result from testifying, and the child victim's feelings on the case.

The victim advocate and other team members will work to prepare child victims and witnesses for the courtroom experience. Additionally, the victim advocate and other team members will provide the child with the opportunity to become familiar with the actual courtroom in which they will testify.

At the conclusion of the criminal case and *upon request*, the victim advocate will notify DDHS, DPD, and other involved professionals of the outcome of the case. The victim advocate will provide information to the victim concerning the victim's right to be heard post-conviction. The victim advocate will assist the victim in registering with probation to be notified of any change in the defendant's status. In those cases that result in a sentence to the Department of Corrections, the victim will be assisted in registering with the DOC to be informed of any change in inmate status and to be heard concerning community corrections eligibility or parole eligibility.

### **3. ROLE OF DEPUTY DISTRICT ATTORNEY**

The prosecuting attorney shall ensure that in every case involving child victims and witnesses that the child is treated with the utmost care and respect. The prosecuting attorney will balance this role with maintaining offender accountability and ensuring the safety of the community.

Prosecutor's responsibilities include but are not limited to the following:

1. Prosecutors assume the ultimate responsibility for informing victims and their families of the status of the case from the time of the initial charging decision to determination of the defendant's sentence.<sup>8</sup>
2. Prosecutors shall bring to the attention of the court the views of the victims on bail, continuances, plea bargains, dismissals, sentencing and restitution.
3. Prosecutors should charge and pursue to the fullest extent of the law any and all charges which accurately reflect the defendant's misconduct. The prosecutor must have a good faith belief that the charges against the suspect can be proven beyond a reasonable

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<sup>8</sup> C.R.S. 24-4.1-302.5

doubt.

4. Prosecutors should strongly encourage the court to place statutory priority on child physical abuse and sexual abuse cases.<sup>9</sup> The prosecutor should discourage continuances unless the successful outcome of the prosecution is jeopardized absent a continuance. When such delays are necessary, the prosecutor shall attempt to secure dates which are agreeable for the victim, the victim's family and law enforcement.
5. Prosecutors shall ensure that a criminal restraining order prohibiting the defendant from having contact with the victim and/or the family is issued at the beginning of every case.<sup>10</sup>
6. Prosecutors, when practicable, shall include the victim and their family in decisions concerning a reduction of charges, plea offers, dismissal or other dispositions.<sup>11</sup>
7. Prosecutors shall maintain communication with the victim and their family to respond to their inquiries.
8. Prosecutors dealing with both misdemeanor and felony level child abuse cases shall be given specialized training. This training requirement may be met by the prosecutor's participation at in-house trainings as well as through participation in a mentoring relationship with attorneys who are experienced in the area of prosecuting child physical and sexual abuse cases.
9. Prosecutors shall conduct a thorough review of the case to identify and file any relevant pretrial motions. The purpose of the motions should be to aid the prosecutor in: (a) preventing unnecessary harassment or intimidation of a child witness<sup>12</sup>; (b) easing the way for a child victim who is required to testify at court hearings<sup>13</sup>; and (c) ensuring the admission of important evidence at trial.<sup>14</sup> In those instances in which

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<sup>9</sup> C.R.S. 18-3-411 and C.R.S. 18-6-401.1(4)

<sup>10</sup> C.R.S. 18-1-1001

<sup>11</sup> C.R.S. 24-4.1-302.5

<sup>12</sup> Prosecutors should be prepared to respond to motions which improperly intrude into the privacy of the child witness. These motions include: (1) Motion for Psychiatric or Psychological Examination of the Victim; (2) Motion for Second Physical Examination of the Victim; (3) Motion to Admit Evidence of a Victim's and Witness' Prior (sexual ) History pursuant to C.R.S. 18-3-407; (4) Motion to Disclose the Address and Telephone Number of Child Witness.

<sup>13</sup> The prosecutor should be aware of statutes which in a *qualifying case* may ease the burden of a testifying child witness. These statutes include: (1) Motion for Videotape Depositions, C.R.S. 18-3-413 and 18-6-401.3; (2) Motion for Use of Closed Circuit Television, C.R.S. 18-3-415.5; (3) Motion to Admit child Hearsay Statements, C.R.S. 13-25-129.

<sup>14</sup> Prosecutors should be aware of statutory and legal authority which enables the attorney to present the strongest case possible including: (1) Motion in Limine to Admit Other Act Evidence pursuant to C.R.E. 404(b) and C.R.S. 16-10-301; (2) Notice of Intent to Offer Expert Testimony; (3) Motion in Limine to Preclude Evidence; (4) Motion for Expanded Voir Dire.

the law provides for HIV testing of a defendant,<sup>15</sup> the prosecuting attorney will facilitate preparation of the necessary motions for the Court. County Court deputies handling misdemeanor cases will be expected of follow the same procedures outlined above for felony level Deputies assigned to the Family Violence Unit.

## **IV. GUIDELINES FOR PROSECUTION**

### **1. Vertical Prosecution**

#### **A. District Court Child Physical and Sexual Abuse Cases**

The Denver District Attorney's Office maintains a commitment to "vertical prosecution" in cases involving charges of child physical/sexual abuse.

This means that the prosecutor assigned to the case will be the individual who makes all subsequent decisions including preliminary hearing, witness preparation, pre-trial motions, trial and sentencing. The deputy district attorney will make these case decisions with the advice and counsel of the Chief Deputy District Attorney in the Family Violence Unit and the Denver District Attorney. The advantage of this system is that it promotes trust in the prosecutor and promotes the prosecutor's fullest understanding of what approach to take, what evidence to present, and what plea agreement and sentence to recommend.

#### **B. Juvenile Court Child Physical and Sexual Abuse Cases**

Misdemeanor and felony child abuse cases filed in the Juvenile Court will be handled in the following manner. Every child abuse case which comes into the Juvenile Court division will be reviewed by the Juvenile Court Chief Deputy. A preparation worksheet will be placed in each file that gives the deputy district attorney guidance on legal issues and investigative steps to take. The case is then assigned to a particular deputy district attorney. Once a case is assigned, the deputy is expected to handle all aspects of the case from start to finish, irrespective of which courtroom the deputy is assigned to or if the deputy moves out of the Juvenile Court division before the case has been completed. The deputy and Chief will discuss what offer may be appropriate on a case. Only the Chief Deputy can change the assignment of a Juvenile Court child abuse case. The investigators and victim advocates are directed that child abuse cases have high priority. Case progress is periodically reviewed by the Chief.

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<sup>15</sup> See C.R.S. 18-3-415

## **C. County Court Child Physical and Sexual Abuse Cases**

Misdemeanor child abuse cases will be handled in the following manner.

Every child abuse case which comes into the County Court division will first be reviewed by one of the County Court Chief Deputies. A preparation worksheet will be placed into each file that gives the deputy district attorney guidance on legal issues, investigative steps to take and general guidance about what type of plea bargain offer may be appropriate. The case is then assigned to a particular deputy district attorney. Once a case is assigned, the deputy is expected to handle all aspects of the case from start to finish, irrespective of which courtroom the deputy is assigned to or if the deputy moves out of the County Court division before the case has been completed. Only a Chief Deputy can change the assignment of a County Court child abuse case.

### **2. Plea Dispositions**

While the District Attorney's Office will endeavor to zealously prosecute cases involving child victims, in certain cases a guilty plea may be the desirable outcome. A plea of guilty by a defendant will ensure that the defendant will be held accountable for his misconduct, may spare the child victim possible anxiety associated with public court hearings, and prevent costly appeals. However, this must be balanced with the victim's wishes and desires in the case. Ultimately, the decision to offer a plea bargain to a defendant rests with the prosecuting attorney. Factors that prosecutors should consider include:

- (1) Severity of the crime
  - i. The violent nature and duration of the criminal act
  - ii. Crimes involving a greater number of victims
  - iii. Impact of the crime on the victim
- (2) Dangerousness of the Offender
  - i. Prior criminal history of defendant
  - ii. Threats of harm to victim
- (3) Victim's wishes and well being
- (4) Newly developed evidence or legal problems including:
  - i. Crucial witnesses become unavailable for trial
  - ii. Victims or witnesses alter or change their original testimony
  - iii. Legal rulings which suppress important evidence.

Any and all such plea dispositions must be made in accordance with The Victim's Rights Amendment Act.<sup>16</sup>

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<sup>16</sup> C.R.S. 24-4.1-301

## **V. GUIDELINES FOR HANDLING SENSITIVE INFORMATION**

The Denver District Attorney's Office recognizes that sexual assault on children cases contain highly sensitive information. This information includes the name and address of victims and their families, the details of the sexual assault crime and, in some cases, medical information.

As a result, the Denver District Attorney's Office will designate on the outside of each file whether a victim of sexual assault is implicated in a specific case. The notation will allow district attorney personnel to readily identify those cases that require additional services for victims and to ensure that the file will be handled with appropriate discretion.

When a sexual assault case has reached its final conclusion, that file will be stored in the Denver District Attorney's Office in a manner which prohibits access to anyone but Denver District Attorney personnel.

## **VI. CHILD FATALITIES**

The Denver District Attorney's Office provides an on-call Chief Deputy District Attorney assigned to respond to all homicide calls after regular business hours. In a case where physical abuse has resulted in the death of a child,<sup>17</sup> the Chief Deputy of the Family Violence Unit may be contacted by the on-call deputy. The Chief Deputy or their designee will be prepared to respond to crime scenes as well as authorize necessary warrants. This deputy will participate as needed by the Denver Police Department in the investigation of a case.

## **VII. DRUG ENDANGERED CHILDREN (DEC)**

The Denver District Attorney's Office Drug Unit reviews all felony level drug cases for filing. The Denver District Attorney's Office Drug Unit is aware of the health risks which can occur when children are exposed to controlled substances as defined in C.R.S. 18-18-102. When a review of a felony level drug filing indicates that a child or children were present at the time the drug offense was committed the Drug Unit considers filing child abuse charges pursuant to C.R.S. 18-6-401 in conjunction with the drug charges. All deputies in the Denver District Attorney's Office receive regular trainings on the issue of drug endangered children.

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<sup>17</sup> For purposes of this section a "child" will be defined as a person 12 years of age or younger. A "child abuse death" is that death which is caused by but not limited to the following: death by beating, burns, and Shaken Baby Syndrome.

## **VIII. CONCLUSIONS**

The Denver District Attorney's Child Abuse protocol provides the framework for approaching child physical abuse, child sexual abuse and drug endangered children cases in a way that ensures the most effective law enforcement response possible and the least amount of additional trauma to the victim. The protocol acknowledges that there are special considerations for child victims of abuse and that working together with investigators, prosecutors, and treatment providers, we can create continuity in each case that reduces trauma and aids in a successful outcome.