

**ARKANSAS STATE POLICE  
CRIMES AGAINST CHILDREN DIVISION  
OPERATIONAL PROTOCOLS**

**SECTION I. Responsibilities**

Arkansas Code Annotated §12-8-501 et.seq. established the Arkansas State Police Family Protection Unit, currently known as the Crimes Against Children Division (CACD). The assumed responsibilities of the sections of that unit are delineated below.

Nothing in this protocol should be interpreted as replacing existing efforts of local law enforcement or mandating joint investigations.

**A. Child Abuse Hotline Section**

The Child Abuse Hotline Section will:

- Receive, document and forward all materially complete and valid reports.
- Not automatically conduct a history check when calls show to be waiting for 15 minutes or longer
- Attempt to secure all information requested on the CHRIS screen and elicit the following:
  - Reason the reporter suspects child maltreatment and how the reporter acquired the information
  - Current risk of harm to the child
  - Mental and physical condition of the alleged offender
  - Potential danger to staff assessing the report
  - Identity and location of possible witnesses or persons knowledgeable about the alleged child maltreatment
  - Relevant addresses and directions
  - Licensing authority and facility involved
- Prioritize and assign the report according to the terms of the Agreement between the ADHS and the ASP.
- Inform the caller if the report does not constitute a report of child maltreatment.
- Transmit to DCFS or CACD for investigation and/or assessment.
- Telephone notification of Priority I calls to County Office and the CACD supervisor. After-hours notification is to be made to the appropriate on-call member of either the Division of Children and Family Services (DCFS) or the CACD.

The Child Abuse Hotline Section Administrator will maintain a hard copy listing of DCFS on-call staff including supervisors and CACD as provided by those respective entities.

The DCFS will maintain in the CHRIS System a current list of on-call DCFS staff, supervisors, and Area Managers including home and pager numbers.

At any time should the system be inoperable or the respective entities do not have access to the computerized entry, the maltreatment reports shall be forwarded by telephone.

Child maltreatment allegations will be assigned for child maltreatment investigation pursuant to A.C.A. §12-12-509 as follows:

Type of Maltreatment	Priority	Agency
Abandonment	I	DCFS
Abuse with a Deadly Weapon	I	ASP
Bone Fractures	I	ASP

Brain Damage/Skull Fracture	I	ASP
Burns, Scalding	I	ASP
Cuts, Bruises and Welts/Age 4 and over ►	I/II	DCFS
Cuts, Bruises and Welts/Age three and under ►	I/II	ASP/DCFS
Death	I	ASP
Educational Neglect	II	DCFS
Environmental Neglect	II	DCFS
Extreme or Repeated Cruelty	II	DCFS
Failure to Protect	I or II	ASP/DCFS
Failure to Thrive	I	DCFS
Human Bites	II	DCFS
Immersion	I	ASP
Inadequate Clothing	II	DCFS
Inadequate Food	II	DCFS
Inadequate Shelter	II	DCFS
Inadequate Supervision	II	DCFS
Indecent Exposure	I	ASP
Internal Injuries	I	ASP
Kicking	II	DCFS
Lock-out	II	DCFS
Malnutrition	I	DCFS
Medical Neglect	II	DCFS
Medical Neglect of Disabled Infants	I	DCFS
Mental Injury	II	DCFS
Munchausen Syndrome by Proxy or Factitious Illness by Proxy	II	DCFS
Newborn Child Born with an Illegal Substance in its System or Born with a Health Problem as a Result of the Pregnant Mother's Use Before Birth of an Illegal Substance	II	DCFS
Poison/Noxious Substances	I	ASP
Pornography/Exposure to Live Sex Act	I	ASP
Sex (Oral)	I	ASP
Sexual Contact	I	ASP
Sexual Exploitation	I	ASP
Sexual Penetration	I	ASP
Shaking a Child Age Four or Older	II	DCFS
Shaking a Child Age Three or Younger	II	DCFS
Sprains/Dislocations	II	DCFS
Striking a Child Age Seven or Older on the Face	II	DCFS
Striking a Child Age Six or Younger on the Face	II	DCFS
Striking, Pinching or Biting a Child in the Genital Area	II	DCFS
Striking a Child with a Closed Fist	II	DCFS
Subdural Hematoma	I	ASP
Substance Misuse	II	DCFS
Suffocation or Interfering with Breathing	I	ASP
Threat of Harm	I	DCFS
Throwing a Child	II	DCFS
Tying/Close Confinement	II	DCFS
Underaged Juvenile Aggressors (Under Age Ten)	I	DCFS

► Depending upon the location (head/torso, excluding buttocks), severity and multiplicity of the injuries, cuts, bruises and welts may be a Priority I.

► The investigation of bruises, cuts, or welts in or on any portion of the head, face, neck, or torso, excluding buttocks, that are the result of a direct act against the child by a parent or caretaker, when reported by a medical facility or medical personnel or law enforcement, will be the responsibility of the CACD. This does not include an injury that is the result of a failure on the part of the parent or caretaker to safeguard the child from environmental situations that resulted in those injuries.

Reports containing information that young children are behaving in a developmentally inappropriate sexual manner, but do not contain allegations of sexual abuse or name an offender will not be registered as child maltreatment, but will be referred to DCFS for an assessment of the family's need for services. If the assessment results in an allegation of child sexual abuse as defined by statute and Protocol, the DCFS worker will make a report to the Child Abuse Hotline, and, if accepted, be investigated by CACD.

The Arkansas State Police, being specially trained and organizationally placed outside the Arkansas Department of Human Services, shall investigate all allegations that name a foster parent or foster child as an alleged offender or underaged juvenile aggressor, that occur in any Human Development Center, or in a facility administered or under contract to the Division of Youth Services (excluding the community based providers). Those DYS facilities include: Alexander Youth Services Center (Alexander); Northeast Arkansas Regional Juvenile Program (Harrisburg); East Arkansas Regional Juvenile Program (Colt); Northwest Arkansas Regional Juvenile Program (Mansfield); Northwest Arkansas Female Juvenile Program (Mansfield); Southeast Arkansas Regional Juvenile Program (Dermott); Southeast Arkansas 18-21 Program (Dermott); Southwest Arkansas Regional Juvenile Program (Lewisville), as well as any report which lists a DHS employee as an alleged offender.

\* The Arkansas State Police shall begin a child maltreatment investigation within twenty-four (24) hours of receiving an allegation of severe maltreatment. Upon initiation, the CACD will immediately notify DCFS if there are concerns about the safety of the children in the home. If a report is received after hours regarding the hospitalization of a victim child and other children remain in the home, the CACD will immediately notify the DCFS on-call worker. An investigation is initiated when the victim is interviewed or examined outside the presence of the alleged offender. An assessment for safety does not constitute an initiation of a child maltreatment investigation. DCFS may provide transportation assistance for medical examinations to the nearest appropriate provider.

#### **B. Judicial and Other Appearances**

Employees of the CACD will prepare affidavits, appear and respond to queries in the Administrative Hearings conducted by the Department of Human Services and court proceedings. Each employee will appear in response to a subpoena or other notification in any proceeding in Juvenile Court or Circuit Court.

To ensure the DHS and the CACD are adequately prepared for court appearances and administrative hearings, the CACD will send the Central Registry its investigative file within ten business days of the request for the file by the Central Registry manager.

#### **SECTION II. Working Relationships between the Arkansas State Police and the Division of Children and Family Services**

Members of the ASP and DCFS will cooperate fully to assess, evaluate, or determine the need to provide services to the children and families of the State of Arkansas. This will include the notification to the appropriate DCFS County Office of observations, findings, or other information by members of the CACD that will aid the DCFS in providing those services.

No member of the ASP shall attempt to inhibit the reunification efforts of the DCFS in dealing with families. Should CACD have unresolved concerns regarding the safety of a child, they should express these concerns through the DCFS chain of supervision, beginning with the Area Manager.

### **SECTION III. Investigative Requirements**

The ASP will have an initial response by an investigator from the CACD within twenty-four (24) hours for Priority I cases and within seventy-two (72) hours for Priority II cases. To prevent multiple interviews of the child victim, the CACD will enter into a Child Maltreatment Investigation Agreement with the Multi-Disciplinary Teams. This agreement shall identify the agencies, including agency head signatures, entering into such agreement on behalf of the team. No such agreement shall contain language that may cause the local law enforcement agency, the CACD, or any other agency member of such team to breach that agency's existing policies or cause an unsound working relationship between the agencies concerned. As the Arkansas State Police are acting under agreement with the Department of Human Services to conduct investigations, the Department of Human Services will have the right to approve or amend such agreements.

Arkansas Code Annotated §12-12-509 (d) requires determinations on all allegations of child maltreatment be made within thirty (30) days of the receipt of the initial report. The CACD will meet this requirement unless the investigation relates to an out of home offender of sexual abuse and can be extended as allowed by statute and insure the appropriate finding and all supporting documentation for each allegation is indicated in CHRIS. The determination of child maltreatment may be based on information developed during a criminal investigation conducted in conjunction with the child maltreatment investigation.

Required notifications as set out in Arkansas Code Annotated §12-12-512 and §12-12-515 and PUB 52 shall be made by the agency of primary responsibility with the exception of reports involving foster children, in which case notifications to legal parent/guardian, public defender or counsel, juvenile division or circuit court, Attorneys Ad Litem and CASA will be made by DHS/DCFS.

Any receipt of an allegation that a client or resident of any facility licensed or registered by the State of Arkansas or meeting licensing requirements has been subjected to child maltreatment while at such facility shall cause the agency assigned as having primary responsibility for the investigation to notify the licensing or registering authority of the receipt of that report (Arkansas Code Annotated §12-12-507(d)). Each such notification will be documented in CHRIS.

### **SECTION IV. Disclosure of Information**

Pursuant to Arkansas Code Annotated §12-12-506, any information concerning the identity of an alleged victim, suspect, witness, or reporting person shall not be disclosed by any member of the CACD, except as allowed by federal or state law or regulation. This is to include verification that any individual or allegation exists in the Central Registry. All notifications, disclosures and release of investigative material concerning criminal proceedings will be made by the CACD. All other notifications and disclosures surrounding and concerning the Central Registry will be made by the DCFS.

Pursuant to Arkansas Code Annotated §9-27-352, the name of any subject of arrest that is a juvenile will not be released unless authorized by written order of the juvenile court; or the subject is formally charged with a felony in circuit court and the approval of the Prosecuting Attorney who caused the charges to be filed has been obtained. The arrest or detention of a juvenile may be released to a select group when the exchange of information is for the purpose of obtaining services for the juvenile or to ensure public safety. The release of information for this limited purpose must be authorized by a written order of the juvenile court.

No investigative file shall be released while the investigation is actively being pursued, except as allowed in Arkansas Code Annotated 12-12-506. An investigative file may be released by DCFS upon completion, or when a determination has been made by the appropriate Prosecuting Attorney that charges are to be filed and those charges are formally filed.

At no time will the identity of the victim of a "sex offense," as enumerated in Arkansas Code Annotated §16-90-1101(6), be disclosed. This includes information that may directly or indirectly identify the victim.

Nothing in the preceding paragraphs will preclude timely disclosure to the appropriate Prosecuting Attorney's Office in the furtherance of the prosecution of the offender in such crimes; or other law enforcement agencies in the furtherance of the investigation; or as required by the Division of Children and Family Services; or the U.S. Department of Health and Human Services, or any assistance through the Arkansas Crime Victims Reparations Act. CACD may verbally disclose information to the Prosecuting Attorney or law enforcement upon request or as necessary to facilitate investigation/prosecution.

Cases of malicious reporting shall be made to the Prosecuting Attorney's Office in accordance with A.C.A. § 12-12-512 and 12-12-506.

#### **SECTION V. Multi-disciplinary Teams and Citizen Review Panels**

Recognizing that multi-disciplinary teams and citizen review panels are a viable and valuable asset in the approach to child maltreatment, each member and supervisor of the CACD assigned to investigative duties will be active in supporting those teams. This will include attending meetings, joint training sessions, and encouragement of team members in this joint effort.

#### **Amendment of Protocols**

The Arkansas Department of Human Services Division of Children and Family Services Child Maltreatment Assessment Protocol shall not be amended without the consent of the Division of Children and Family Services and the Arkansas State Police CACD. ADHS agrees to update this document as soon as possible after any statutory or other agreed upon amendments.