

**WORKING MEMORANDUM OF AGREEMENT  
BY AND BETWEEN  
LITTLETON POLICE DEPARTMENT  
AND  
DOUGLAS COUNTY DEPARTMENT OF HUMAN SERVICES  
  
CHILD WELFARE**

Child abuse and neglect are community problems requiring a cooperative response from both law enforcement and child protection. In order to enhance the inter-disciplinary approach and protect the children of Douglas County, the following has been agreed upon by and between the CITY OF LITTLETON on behalf of the LITTLETON POLICE DEPARTMENT and the Douglas County Department of Human Services.

This Agreement is not meant to supersede either Agency's current policies or procedures for the investigation of child abuse and neglect. The goal of the Agreement is to define the lines of communication between the responding Agencies that will result in cooperative, joint decision-making.

**A. Purpose**

This Agreement sets forth the respective roles and responsibilities in joint investigations and allows for special requests by one agency for assistance from the other agency.

**B. Intra-Familial Abuse and Neglect Cases**

The Department of Human Services is primarily responsible for coordinating the investigations involving intra-familial abuse and neglect. Investigations will be done in conjunction with the LITTLETON POLICE DEPARTMENT. To the extent permitted by law, there will be open communication between the agencies involved in the investigation. Law enforcement will make the determination as to whether a criminal investigation and action is warranted. (see Attachment A, Applicable Laws, Colorado Children's Code). The question of whether protective custody of the child/children is warranted will generally be determined by Douglas County Department of Human Services, the Office of the County Attorney and a Judicial Officer (judge or magistrate), or Law Enforcement, pursuant to *C.R.S. 19-3-401*. The Department of Human Services will report to the Child Protection Team for any continued recommendations.

**C. Third Party Abuse and Neglect**

The LITTLETON POLICE DEPARTMENT is responsible for the coordination and investigation of all third party abuse and neglect matters, as defined by statute, in conjunction with Human Services, if appropriate. Specific third-party cases investigated by a law enforcement agency (with the exception of institutional abuse or neglect) will not require immediate notification to the County Department of Human Services, but will require submission of an investigative report to the County Department for submission to the State Department in the manner prescribed by the State Department within sixty (60) days after the receipt of the report by the County Department.

#### D. Reports Requiring Joint Review and Investigations

Initial reports of sexual abuse, physical abuse and severe neglect are to be reviewed by Douglas County Human Services and the LITTLETON POLICE DEPARTMENT, and a decision will be made by those agencies as to the need for a joint investigation. *C.R.S. 19-3-307* requires reports of known or suspected child abuse or neglect made pursuant to *C.R.S. 19-3-101 et seq.* shall be made immediately to the county department or the local law enforcement agency. *C.R.S. 19-3-309 (4)(a)* mandates that investigations of intra-familial abuse be conducted in conjunction with the local law enforcement agency, to the extent that a joint investigation is possible and deemed appropriate, and any other appropriate agency. *C.R.S. 19-3-308 (5.3)(a)* designates the local law enforcement agency as having primary responsibility for the investigation of abuse or neglect of a child by a third party over ten years of age. If the law enforcement agency determines that human services are necessary for the child, the agency may request assistance from the county department and the county department shall immediately respond to the request for services or assistance as deemed appropriate by the county department, pursuant to *C.R.S. 19-3-308 (5.3)(b)*. (See Attachment B, Colorado Children's Code).

Specific cases which require Human Services investigation only will not require immediate telephone contact, but shall require written notification to the appropriate law enforcement agency by means of a written report. Copies of all reports are sent to the District Attorney, Law Enforcement Agencies (separated by jurisdiction) and Special Crimes Units.

#### E. Protective Custody

Pursuant to *C.R.S. 19-3-401* Law Enforcement officers may take a child into temporary custody without a court order. In most situations, the County Department of Human Services will facilitate the court order in conjunction with the County Attorney and the on-call judge, juvenile judge or magistrate.

#### F. Discretionary Joint Review and Investigation

Reports that may require a review and joint investigation are:

- 1) Death of a child with surviving siblings. Law enforcement may also coordinate investigations with the Coroner's Office;
- 2) Moderate to severe physical abuse by any relative, guardian, step-parent, spousal equivalent, boyfriend, girlfriend, and or other persons continuously in the child's home;
- 3) All serious head trauma injuries;
- 4) All injuries involving ruptured or damaged major organs, unexplained abdominal injuries or other injuries consistent with non-accidental trauma;
- 5) All fractures, which are unexplained, multiple or in various stages of healing or where the reason given for the fracture is inconsistent with the injury;

- 6) All second or third degree burns, all cigarette burns and/or other burns consistent with non-accidental trauma;
- 7) All other serious injuries, including serious bruising or injuries that constitute serious bodily injury as defined by C.R.S. 18-1-901, which are unexplained or inconsistent with the history provided;
- 8) Non-organic failure to thrive;
- 9) Medical neglect that results in bodily injury, serious bodily injury or death;
- 10) Sexual abuse by any parent, relative, guardian, step-parent, spousal equivalent, boyfriend, girlfriend and other persons continuously in the child's home;
- 11) Repeated reports of abuse to the child or siblings or other children residing in the home;
- 12) Repeated law enforcement responses for domestic violence in the child's home;
- 13) Illegal drug activity in the child's residence;
- 14) Severe environmental neglect;
- 15) Suspected danger to county department investigators;
- 16) When a parent or guardian refuses access to the children by the county department, or refuses to permit medical examinations of the children;
- 17) The need for placement or protective custody is not otherwise specified;
- 18) Physical or sexual abuse in an institution or home day care, day care center, foster home, group home, residential child care facility or institution operation licensed by the Colorado State Department of Human Services;
- 19) Child tests positive for Schedule I or II controlled substance, or a child is found on the premise where a controlled substance is being manufactured or attempted to be manufactured;
- 20) Any other time one Agency requires the assistance of the other.

G. Joint Investigation Procedures

Once it has been determined that a joint investigation will be conducted the following procedures should be followed:

- 1) The receiving agency will notify the other agency as soon as possible. Each agency will designate the persons to be notified and phone numbers where they can be reached. Record checks will also be completed and information shared when necessary by the agencies involved;

- 2) The county department and the law enforcement agency will coordinate on the investigation and determine the responsibilities for each. In a criminal investigation the law enforcement agency is the lead investigator, however, child protection issues are the primary responsibility of the county department. Issues to be determined include, but are not limited to:
  - a. When to initiate the investigation;
  - b. Where to conduct initial interview  
(Sungate, as appropriate);
  - c. The order of interviews;
  - d. Preservation of evidence;
  - e. Follow up referrals for child and non-offending parent.
- 3) The decision regarding removal of the children will be made by the county department of Human Services in coordination with law enforcement, the county attorney and the court representative (judge or magistrate).
- 4) Pursuant to *C.R.S. 19-3-308.5* every effort should be made to minimize the number of interviews conducted with a child witness or victim. If additional interviews are necessary to complete an investigation, efforts should be made to have the same interviewer. A competent interviewer according to the standards adopted by the investigating agency must conduct interviews, interviews should be videotaped when practical and such recordings shall be preserved as evidence in the enforcement and the county department will exchange investigative reports.
- 5) If the child is placed by the county department, the county department will keep the law enforcement agency informed of the child's whereabouts and will inform the law enforcement agency of a contact person within the county department.
- 6) When a child has been treated for the suspected abuse or neglect injuries or is currently in the hospital, the law enforcement agency and the county department will consult with the treating physicians in order to obtain accurate medical information and additional family information.
- 7) If the county department has taken custody of a child that is hospitalized as a result of child abuse, they will notify law enforcement of the condition and whereabouts of the child on an ongoing basis.
- 8) Law enforcement or the District Attorney's office will notify the county department if criminal charges are filed naming a child in their custody as a victim. If criminal charges are filed naming a child in county department custody the department will be included as a "victim notification" contact.

#### H. Other Responsibilities of Investigators

- 1) All reports shall be investigated within statutory requirements. If there is a report where law enforcement is not available, child protection will intervene to maintain the safety of the children and the integrity of the investigation.
- 2) Human Services will be available 24 hours a day to respond to reports or make arrangements with law enforcement to investigate.

- 3) The alleged perpetrator will be interviewed by both agencies on all intra familial reports and as requested by law enforcement on third party reports, whenever possible.
- 4) If Human Services is unable to participate in the interview, caseworkers will be allowed to watch the interview whenever possible or have access to video or audio taped interviews.
- 5) If the alleged perpetrator refuses to be interviewed, Human Services will notify the perpetrator of the allegations and document all efforts made to interview the alleged perpetrator.
- 6) This Agreement is approved with the understanding that all reports of abuse and neglect are unique and may require alternative procedures for completion of the investigation.

I. Cases Investigated by County Department of Human Services

There are certain cases where the County Department of Human Services will be the primary or sole agency investigating an allegation. The following are types of cases where a joint investigation will not be conducted, unless issues arise during the county department's investigation that indicates law enforcement participation is warranted:

- Fetal alcohol syndrome
- Drug exposed infants not covered in Section F definition
- Sexual abuse when the perpetrator is less than ten years of age
- Educational neglect
- Emotional neglect; law enforcement is notified if there is identifiable and sustainable impairment of the child
- Children with mental health, developmental disability, or special needs issues
- Children in need of supervision

J. Cases Investigated by Law Enforcement without County Department of Human Services

Law enforcement is primarily responsible for investigating certain types of cases. The law enforcement agency must forward reports of a child death to the county department, which in turn forwards it to the Colorado State Department of Human Services for tracking purposes. If, during the course of an investigation of third party abuse the law enforcement agency has reason to believe there may be other children at risk, they can request the assistance and involvement of the county department. Examples of these cases are listed below:

- Third party physical abuse
- Third party sexual abuse, where the perpetrator is over ten, however if the perpetrator is a juvenile and resides with other children, the county department should be notified
- Death of a child with no surviving children in the home

- Notification of the death should be made to the county department as soon as possible so that they can conduct any required internal investigations and tracking and so that any history of human services involvement with the principals can be made known to the law enforcement agency investigating the death

#### K Case Documentation/Reports

Every effort shall be made to provide law enforcement access to information in the Department's case files during an investigation of child abuse/neglect on the part of either law enforcement or a joint investigation. The Department shall make the case file or a copy of the case file available for law enforcement officials. Law Enforcement shall contact the Child Welfare Manager when requesting necessary documentation. The Department will make every effort to have the information available within 24-72 hours of the requests, unless it is an emergency in which case the information will be provided as soon as possible. In the event the Department is in need of a corresponding police report, every effort shall be made to direct the information to the appropriate contact at the County Human Services Department.

#### L. Confidentiality

Reports and investigative information shall be confidential and not available to the public. Disclosure of information including the child's name and address, names of caretaker or family members, reporting party's name and address, and any other identifying information contained in the report shall be permitted only when authorized by law or ordered by the court as outlined in the Colorado Revised Statutes and 19-1-307(1) and (2), C.R.S. 2013, Section 26-3.1-1 02(7).

#### M. Amendments/Agreements

This inter-agency agreement may be amended or revised as agreed upon by the undersigned agencies. Notice of proposed changes to the main body of this Interagency Agreement must be submitted in writing and agreed upon by all identified agencies.

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Dan Makelky, Director  
Douglas County Human Services

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Doug Stephens  
Littleton Police Department

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phil Cernanec  
Mayor, City of Littleton

\_\_\_\_\_  
Date

**COLLABORATION GUIDELINES  
HUMAN SERVICES AND LAW ENFORCEMENT**

<b>Referral Type</b>	<b>Notes</b>
	Human Services will fax Law Enforcement all reports that require a joint investigation, or reports requiring a LE independent investigation.
	If Law enforcement receives a report that requires a joint investigation, LE will fax or call a report to HS.
	Both HS and LE will communicate in scheduling a joint response plan.
	Caseworkers and detectives will keep each other informed of actions/information throughout the course of the joint investigation.
	Caseworkers can request LE backup if they feel their safety may be at risk.
Physical Abuse	Fax all reports LE- coordinated investigation
Sexual Abuse	Fax all reports to LE - coordinated investigation
Emotional Abuse	HS initial investigation. LE may be notified if criminal – must be an identifiable/substantial impairment of the child
Institutional Investigation	RTC: Report to LE if criminal charges likely. Foster home/Child Care to report all injuries to LE
Perpetrator under 10 yrs	HS investigation
Relative abuse	CHS needs to be involved, even if relative is not in the home
Third Party	LE investigation only
Environmental Neglect	Fax report to LE (may investigate if criminal)
Lack of Supervision	HS request welfare check if child is alone; LE will contact HS from scene if HS response is indicated. CW only if child is not alone but concerns about on-going pattern by parent.
Educational Neglect	HS only
Medical Neglect	HS will assess for immediate medical needs – fax report. LE will review report to determine if criminal.
Domestic Violence	Often LE is the initial responding agency; LE will fax all DV reports to HS if children are involved. If HS receives initial report, it will be faxed to LE.
Drug/Alcohol	Joint investigation when children test positive for schedule I or II controlled substance or a child is found on the premise where a controlled substance is being manufactured or attempted to be manufactured: F 19. If report indicates that a parent is currently impaired and unable to care for a child, LE will be called.
Mental Health	LE will respond to any emergency situation in which the person may be dangerous; homicidal or suicidal
Parent/Child Conflict	All reports of injuries need to be reported to LE – may be assigned to detective after review.
Truancy	HS Only
Fatality	HS, by statute is to be involved in child fatalities; assess the safety if there are surviving siblings. Must report to the State if HS has current or past open involvement with the family.

**APPLICABLE LAWS****Colorado Criminal Code**

18-1-102	Purpose
18-1.3-401	Penalties
18-1.3-1001	Lifetime supervision of sex offenders
18-1-501	Principals of criminal culpability
18-1-901	Definitions of bodily injury and serious bodily injury
18-3-102(l)(f)	First Degree Murder of a child under 12 by a person in a position of trust
18-3-304	Violation of custody
18-3-305	Enticement of a child
18-3-401	Unlawful sexual behavior - definitions
18-3-402	Sexual assault
18-3-404	Unlawful sexual contact
18-3-405	Sexual assault on a child
18-3-405.3	Sexual assault on a child by one in a position of trust
18-3-405.5	Sexual assault on a client by a psychotherapist
18-3-411	Sex offenses against children - unlawful sexual offense defined - limitation for commencing proceeding - evidence statutory privilege
18-3-412	Habitual sex offenders against children
18-3-412.5	Failure to register as a sex offender
16-22-101 <i>et. eq.</i>	Registration of sex offenders
16-22-102(9)	Definition of sexual behavior
18-3-413	Video tape depositions of children - victims of sexual offenses
18-3-413.5	Use of closed-circuit television - child victims of sexual offenses
18-3-414	Payment of treatment costs for victim(s) of sexual offense against a child
18-3-415	Acquired immune deficiency syndrome testing for persons charged with any sexual offense
18-3-415.5	Acquired immune deficiency syndrome testing for persons charged with certain sexual offenses - mandatory sentencing
18-6-301	Incest
18-6-302	Aggravated incest
18-6-401	Child abuse
18-6-401	Child abuse - limitations for commencing actions - evidence - statutory privilege
18-6-401.2	Habitual child abusers
18-6-401.3	Video tape depositions - children - victims of child abuse
18-6-401.4	Payment of treatment costs for the victim(s) of an act of child abuse
18-6-402	Trafficking in children



**Attachment A (cont'd)**

18-6-403	Sexual Exploitation of children
18-6-404	Procurement of a child for sexual exploitation
18-6-405	Reports of convictions to department of education
18-6-601	Harboring a runaway
18-6-701	Contributing to the delinquency of a minor
18-6-801	Domestic Violence
18-6-803.5	Violation of a Protective Order
18-6.5-102(1.5)	Definition of at-risk juvenile
18-6.5-103	Crimes against at-risk juveniles
18-7-401 <i>et seq.</i>	Child Prostitution
18-7-501 <i>et seq.</i>	Sexually explicit materials to children

**Colorado Children's Code**

19-1-102	Legislative declaration - purpose
19-1-103	Definitions
19-1-104	Jurisdiction
19-1-112	Search warrants for the protection of children
19-1-113	Emergency protection orders
19-1-114	Order of protection
19-1-302	Legislative declaration - sharing information
19-1-303	Exchange of information
19-1-307	Dependency and neglect records and information - access
19-3-302	Legislative declaration - child abuse and neglect
19-3-304	Persons required to report child abuse or neglect
19-3-304.5	Emergency possession of certain abandoned children
19-3-305	Required report of post mortem investigation
19-3-306	Evidence of abuse - color photos and x-rays
19-3-307	Reporting procedures
19-3-308	Action upon report of intrafamilial, institutional, or third-party abuse – child protection team
19-3-308.5	Recorded interviews of children - adoption of interviewing standards - Children's Advocacy Centers
19-3-309	Immunity from liability - persons reporting
19-3-311	Evidence not privileged
19-3-316	Protection orders and emergency protection orders
19-3-401	Taking children into custody by law enforcement officer
19-3-402	Duty of officer - notification - release or detention
19-3-403	Temporary custody - hearing - time limits – restrictions
19-3-404	Temporary shelter - child's home
19-3-405	Temporary protective custody

**Definitions**

**Child abuse or neglect** as defined in C.R.S. 19-1-103(1)(a):

(I) Any case in which a child exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, or death and either: Such condition or death is not justifiably explained; the history given concerning such condition is at variance with the degree or type of such condition or death; or the circumstances indicate that such condition may not be the product of an accidental occurrence;

(II) Any case in which a child is subjected to unlawful sexual behavior as defined in section 16-22-102(9);

(III) Any case in which a child is a child in need of services because the child's parents, 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. This definition is subject to the provisions of 19-3-103, regarding spiritual treatment.

(IV) Any case in which a child is subjected to emotional abuse. As used in this subparagraph (IV), "emotional abuse" means an identifiable and substantial impairment of the child's intellectual or psychological functioning or development.

(V) Any act or omission as defined in 19-3-102(1 )(a), (b), or (c):

- a. A parent, guardian, or legal custodian has abandoned the child or has subjected him or her to mistreatment or abuse or a parent, guardian, or legal custodian has suffered or allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring;
- b. The child lacks proper parental care through the actions or omissions of the parent, guardian, or legal custodian;
- c. The child's environment is injurious to his or her welfare

(VI) 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 C. R.S. § 18-1 8102(5), is manufactured or attempted to be manufactured.