

Adult Abuse

325.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Kitsap County Sheriff's Office members as required by law.

325.1.1 DEFINITIONS

Definitions related to this policy include:

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

325.2 POLICY

The Kitsap County Sheriff's Office will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law and in accordance with the Kitsap County Special Assault Investigation Protocol. [See attachment: SAU Protocol 2021 \(FINAL\).pdf](#)

325.3 MANDATORY NOTIFICATION

Members of the Kitsap County Sheriff's Office shall notify the Washington State Department of Social and Health Services (DSHS) when there is reasonable cause to believe that abandonment, abuse, financial exploitation, or neglect of a vulnerable adult has occurred. Members shall also notify DSHS when there is reason to suspect sexual assault or physical assault or reasonable cause to believe that an act has caused fear of imminent harm. The Coroner shall also be notified when there is reason to suspect that the death of a vulnerable adult was caused by abuse, neglect, or abandonment by another person (RCW 74.34.035).

For purposes of notification, the following definitions apply (RCW 74.34.020):

- Abandonment is action or inaction by a person or entity with a duty of care for a vulnerable adult that leaves the person without the means or ability to obtain necessary food, clothing, shelter, or health care.
- Abuse is intentional, willful, or reckless action or inaction that inflicts injury, unreasonable confinement or restraint, sexual abuse, physical abuse, financial exploitation, mental abuse, intimidation, or punishment.
- A vulnerable adult is a person who meets any of the following criteria:
 - (a) Is 60 years or older and who has the functional, mental, or physical inability to care for oneself.
 - (b) Is found by the superior court to be incapacitated under RCW 11.130.005 et seq.
 - (c) Has a developmental disability as defined under RCW 71A.10.020.
 - (d) Is admitted to any facility as defined in RCW 74.34.020 (e.g., assisted living facility, nursing home, other facility licensed by DSHS).

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- (e) Is receiving services from an individual provider or licensed home health, hospice, or home care agency.
- (f) Self-directs self-care and receives services from a personal aide under RCW 74.39.001 et seq.

325.3.1 NOTIFICATION PROCEDURE

Notification should occur as follows (RCW 74.34.035):

- (a) All notification to DSHS shall be made immediately or as soon as practicable by telephone
- (b) Information provided shall include, if known:
 - 1. The name and address of the person making the report.
 - 2. The name and address of the vulnerable adult.
 - 3. The name and address of the facility or agency providing care for the vulnerable adult.
 - 4. The name and address of the legal guardian or alternate decision maker.
 - 5. The nature and extent of the abandonment, abuse, financial exploitation, neglect, or self-neglect.
 - 6. Any history of previous abandonment, abuse, financial exploitation, neglect, or self-neglect.
 - 7. The identity of the alleged perpetrator, if known.
 - 8. Any other information that may be helpful in establishing the extent of abandonment, abuse, financial exploitation, neglect, or the cause of death of the deceased vulnerable adult.

325.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present all cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

325.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. If the investigation reveals that a crime may have been committed, the County prosecutor shall be provided a written report of the incident (RCW 74.34.063(3)).

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating deputy in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

325.6 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for oneself, the deputy should make reasonable attempts to contact DSHS. Generally, removal of an adult abuse victim from the abuse victim's family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this office should remove an adult abuse victim from the abuse victim's family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the deputy should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would

endanger the victim or result in abduction. If this is not a reasonable option, the deputy shall ensure that the adult is delivered to DSHS.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking the adult into protective custody.

When adult abuse victims are under state control, have a state-appointed guardian, or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

325.7 INTERVIEWS

325.7.1 PRELIMINARY INTERVIEWS

Deputies should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation.

325.7.2 DETAINING VICTIMS FOR INTERVIEWS

A deputy should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

325.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency, or entity having legal custody of the adult. The deputy should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency, or entity having legal custody and is refusing to give consent for the medical examination, deputies should notify a supervisor before proceeding. If exigent circumstances do not exist, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

325.9 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

325.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Division supervisor should:

- (a) Work with professionals from the appropriate agencies, including DSHS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- (b) Activate any available interagency response when a deputy notifies the Detective Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

325.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate.
- (b) Notify the Detective Division supervisor so an interagency response can begin.

325.10 STATE MANDATES AND OTHER RELEVANT LAWS

Washington requires or permits the following:

325.10.1 RECORDS DIVISION RESPONSIBILITIES

The Records Division is responsible for:

- (a) Providing a copy of the adult abuse report to DSHS as required by law.
- (b) Retaining the original adult abuse report with the initial case file.

325.10.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy (RCW 74.34.035(9); RCW 74.34.095).

325.10.3 ARREST WITHOUT WARRANT

When a deputy has confirmed that a valid court order for protection, including a temporary order, exists and has probable cause to believe that a person has violated that order, the deputy has the authority to arrest the person without a warrant (RCW 10.31.100).

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325.11 TRAINING

The Office should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpretive services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.

Attachments

SAU Protocol 2021 (FINAL).pdf



Special Assault Unit Protocol

Updated April 2021

THE KITSAP COUNTY SPECIAL ASSAULT INVESTIGATION PROTOCOL

The purpose of the Kitsap County Special Assault Investigation Protocol is to set forth minimum standards and procedures to follow in the investigation of child death, child sexual and physical abuse and criminal neglect allegations, online sexual exploitation, adult sexual abuse allegations and domestic violence, human trafficking (including commercial sexual exploitation of minors), and crimes against vulnerable adults, including financial exploitation¹. Though ideally these standards would be applied in all domestic violence investigations, it is acknowledged that the volume of cases reported and the significant time investment inherent in such investigations may limit their application to felony level domestic violence allegations or cases involving significant risk of infliction of serious bodily injury.

This protocol is not intended as legal authority for the admissibility or non-admissibility of evidence developed in the course of an investigation. These protocol should not be used as the basis for the dismissal of any criminal charges arising from a report of child death, child sexual or physical abuse or criminal neglect, online sexual exploitation, adult sexual abuse or domestic violence, human trafficking (including commercial sexual exploitation of minors), or crimes against vulnerable adults, including financial exploitation. Similarly, this protocol should not be used as the basis of any civil claims stemming from a deviation from the guidelines set forth herein.

This protocol shall be reviewed every other year, prior to the end of each calendar year by the board of Kitsap S.A.I.V.S (Special Assault Investigations and Victim's Services). Any proposed changes will be submitted to the prosecuting attorney for approval.

¹ For purposes of these protocol, "Vulnerable Adult" means a person eighteen years of age or older who presents as a vulnerable adult by virtue of developmental disability, cognitive disability, advanced age, mental illness, and/or physical disability.

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I. MISSION STATEMENT

It is the mission of all key participants involved in the investigation and prosecution of child death, child sexual and physical abuse cases, criminal neglect, online sexual exploitation, adult sexual abuse allegations and domestic violence, human trafficking (including commercial sexual abuse of minors), and crimes against vulnerable adults, including financial exploitation to:

- ensure the safety of all victims and the public at large;
- minimize the secondary trauma of all victims and witnesses who are interviewed during the course of an investigation;
- consistently follow a framework for coordination and communication among all participants and avoidance of conflicts among participants that may hinder the effectiveness of an investigation;
- constantly strive for improvement through training, communication and critical review of current investigative practices;
- increase the overall quality of the investigation; and
- protect the rights and interests of victims and their families, witnesses and suspects.

II. ANTI-DISCRIMINATION POLICY

Kitsap S.A.I.V.S. shall not discriminate on the basis of race, color, religion (creed), gender, age, national origin (ancestry), disability, marital status, sexual orientation, or military status, in any of its activities or operations. These activities include, but are not limited to, the investigation and prosecution of special assault crimes, provision of victim advocacy, selection of volunteers, selection of vendors, and provision of other services. Kitsap S.A.I.V.S. will provide reasonable accommodation to people with disabilities.

III. AGENCY ROLES AND RESPONSIBILITIES

A. Key Participants Defined:

1. **Group One – Mandatory Reporters** (child neglect, child sexual and physical abuse and criminal neglect cases, commercial sexual abuse of minors, and abandonment, abuse, financial exploitation, or neglect of a vulnerable adult cases only) (as defined by these protocol); includes but is not limited to:
 - (a) Law Enforcement
 - (b) Schools, including professional school personnel
 - (c) Medical Community
 - (d) Daycares and licensed child care providers
 - (e) Counselors/ Mental Health Professionals
 - (f) Attorneys, including Prosecuting Attorney
 - (g) Social Services, including victim advocate groups (See RCW 26.44.020(8))
 - (h) 26.44.020(8))
 - (i) Clergy/Church
 - (j) Probation / Department of Corrections
 - (k) Any other mandatory reporter as required by RCW 26.44.030 and RCW 74.34.020 et seq.
 - (l) Christian Science practitioner (vulnerable adults only)
 - (m) Any operator of an adult facility (vulnerable adults only)
 - (n) Any paid or volunteer employee of a social service, welfare, mental health, adult day health, adult day care, home health, home care, or hospice agency
 - (o) A mandated reporter is not required to report to a law enforcement agency an incident of physical assault between vulnerable adults that causes minor bodily injury and does not require more than basic first aid, unless requested by the injured vulnerable adult or his or her legal representative or family member or unless:

- (1) The injury appears on the back, face, head, neck, chest, breasts, groin, inner thigh, buttock, genital, or anal area;
- (2) There is a fracture;
- (3) There is a pattern of physical assault between the same vulnerable adults or involving the same vulnerable adults; or
- (4) There is an attempt to strangle a vulnerable adult.

2. Group Two – Investigators/ First Responders

- (a) Law Enforcement, including Naval Criminal Investigative Service
- (b) (NCIS)
- (c) Coroner
- (d) Emergency Medical Services (EMS)
- (e) Department of Children, Youth and Families (DCYF/formerly CPS)
- (f) The “Designated Forensic Interviewer” who is employed by the prosecutor’s office.
- (g) Adult Protective Services (APS)²
- (h) Residential Care Services (RCS)

B. Roles and Responsibilities of Key Participants:

1. Group One -- Mandatory Reporters

As mandatory reporters, all participants should respond to a disclosure or concern for child physical or sexual abuse (including sexual exploitation), or neglect and incidents involving serious domestic violence acts which are seen or heard by a child and abandonment, abuse, financial exploitation, or neglect of a vulnerable adult cases, by:

- (1) Immediately calling 911;
- (2) Making a secondary call to DCYF or APS at (866)363-4276, or 1-866-ENDHARM;

² APS shall contact RCS and/or any other investigation agency, when appropriate.

- (3) Taking appropriate measures to ensure the immediate safety of the child or vulnerable adult;
- (4) Inquiring of the child or vulnerable adult no more than is necessary to ensure that the child or vulnerable adult is safe;
- (5) Documenting all volunteered statements of the child or vulnerable adult, all questions asked and all responses of the child or vulnerable adult in a near verbatim manner;
- (6) Refraining from the use of leading or suggestive questions (i.e. those questions that suggest to the child or vulnerable adult what the answer should be);
- (7) After the initial disclosure to a mandatory reporter, the child or vulnerable adult shall not be questioned further by additional staff, concerned persons or supervisors except as is necessary to ensure the safety of the child.

Non-law enforcement mandatory reporters should never assume the role of an criminal investigator, Child or Adult Protective Services, or Residential Care Services representative and shall allow investigators and/or forensic interviewers unlimited access to a child when it is necessary to conduct an interview at school (pursuant to RCW 26.44.030(15)).

2. Group Two – Investigators/ First Responders

(a) Roles and Responsibilities In Emergent Situations

“Emergent” situations are those involving death, substantial injury or trauma, significant fear by the child or adult victim, risk of danger to the child or adult victim or others, or acute situations where the incident has occurred in the recent past.

- (1) In any case involving sudden unexpected death or serious or suspicious injuries to a child or vulnerable adult victim, Kitsap911 shall immediately summon law enforcement and EMS to the scene (and to summon law enforcement to the hospital if the victim is transported there).

- (2) Law enforcement shall respond to any child death and/or serious or suspicious injury to a child or vulnerable adult.
- (3) When involved, Child Protective Services Residential Care Services or Adult Protective Services and law enforcement shall respond to emergent situations by notifying each other as soon as possible that a report has been made and/or in accordance with RCW 26.44.030.
- (4) Priority should be given to the safety of the child or adult victim.
- (5) Law enforcement should take an immediate lead role in the investigation.
- (6) Law enforcement shall determine the need for protective custody of any children/ victims and notify DCYF/APS immediately. (APS cannot take custody of an adult but if the adult victim wants an alternative placement, APS can work with collaterals for placement).
- (7) When the victim is a child or vulnerable adult, investigators should follow the child interview guidelines as set forth in Section V (Victim Interviews and Methods of Documentation) and Section VI (Training and Qualifications of Interviewers).
- (8) Good faith efforts should be made by DCYF or APS to contact the identified victim(s) within twenty-four (24) hours of the receipt of the referral.
- (9) DCYF, Residential Care Services or Adult Protective Services should defer all suspect contact to the law enforcement agency responding.
- (10) The crime scene shall be handled by law enforcement as per the individual law enforcement agency's departmental guidelines. All First Responders shall refer to Kitsap County's CPOD

- (11) (Collaboration, Preservation, Observation, and Documentation) Procedures. All First Responders shall avoid disturbing the scene of a death or serious or suspicious injury to a child or vulnerable adult. In cases of obvious death, First Responders shall not move the victim any further.
- (12) All First Responders shall document all observations made at the scene of a death or serious or suspicious injury and provide all information to law enforcement/ investigators as soon as is possible. First Responders shall refer to Kitsap County's CPOD procedures regarding Observation and Documentation. Investigators shall collect any information about First Responder observations as soon as is possible.
- (13) The investigator should photograph both the victim and suspect of a domestic violence incident, even if there is not any physical sign of abuse or damage. APS will need the approval of the vulnerable adult to photograph unless it is to preserve evidence. 13) The investigator shall attempt to obtain a written statement from any adult victim of domestic violence.
- (14) The investigator shall thoroughly photograph the crime scene and/or location(s) where the incident took place, consulting with the law enforcement agency's crime scene unit as appropriate and seize all relevant evidence. First Responders should strongly consider photographing the scene, where possible.
- (15) The investigator should utilize the SAIVS Protocol Field Guide when responding to a report of domestic violence or sexual assault.
- (16) The investigator shall attempt to obtain a signed medical release form as soon as is possible from any victim of domestic violence or sexual assault.

- (17) The investigator shall make an immediate determination of the need for a medical examination of the victim (i.e.: any sexual contact within the past five days may warrant a medical examination).
- (18) Medical examinations should be referred to St. Michael's Medical Center's Sexual Assault Nurse Examiner (SANE) program.
- (19) The investigator will provide the victim with a victim's right packet.
- (20) The investigator shall obtain a report from Kitsap911 and/or ILEADS regarding past calls to the home.
- (21) Investigators should consult with the prosecutor's office as early as possible in the investigation or as legal issues arise.
- (22) All referrals regarding child death, child physical or sexual abuse, criminal neglect, adult sexual abuse or domestic violence, human trafficking (including commercial sexual abuse of minors), or abandonment, abuse, financial exploitation, or neglect of a vulnerable adult shall be forwarded to the Prosecutor's office by law enforcement. No investigation shall be submitted for review by the prosecutor unless all investigative avenues have been explored by all agencies involved and/or an arrest has been made.
- (23) Victims must be notified of the right to have an advocate made available to them and such requests shall be accommodated when:
 - a. A medical evaluation with the SANE program is performed;
 - b. A formal interview is conducted at the Prosecutor's Office or any interview is scheduled;
- (24) A victim advocate shall be made available to a victim when:

- a. Requested by a victim or victim's family or legal representative; or
- b. An investigator or First Responder identifies a need for an advocate.

(b) Roles and Responsibilities In Non-Emergent Situations

"Non-Emergent" situations are those that do not rise to level of "Emergent," or those situations where the abuse occurred in the past, the victim or others are not at immediate risk, the victim is not facing immediate contact with the perpetrator and there is no crime scene to be preserved and or/processed.

- (1) When involved, DCYF or Adult Protective Services and law enforcement shall respond to non-emergent situations by notifying each other as soon as possible that a report has been made and/or in accordance with RCW 26.44.030.
- (2) When the victim is a child, DCYF should take an immediate lead role in the investigation of cases, until such time as law enforcement becomes involved. DCYF will make a referral to law enforcement and the prosecutor's office and will share information as is legally appropriate.
- (3) When the victim is a vulnerable adult, Adult Protective services or Residential Care Services should take an immediate lead role in the investigation of cases, until such time as law enforcement becomes involved. APS or RCS will make a referral to law enforcement and the prosecutor's office and will share information as is legally appropriate.
- (4) When the victim is a child or vulnerable adult, investigators should follow the interview guidelines as set forth in Section V (Victim Interviews and Methods of Documentation).

- (5) DCYF and law enforcement should defer any forensic interview to the designated forensic interviewer employed by the prosecutor's office.
- (6) Upon the request of law enforcement, DCYF, or Adult Protective Services, the prosecutor's office's designated forensic interviewer will conduct interviews of vulnerable adult victims according to the guidelines in Section V (Victim Interviews and Methods of Documentation).
- (7) Investigators shall contact all persons to whom the victim has made prior disclosures and shall document as near verbatim as possible the disclosures that were made.
- (8) DCYF shall make good faith efforts to contact identified victim(s) within seventy-two (72) hours of the receipt of the referral. APS shall follow APS priority guidelines for contact with identified victims.
- (9) The investigator shall make a determination of the need for a medical examination.
- (10) Medical examinations should be referred to St. Michael's SANE program.
- (11) Investigators should consult with the prosecutor's office as early as possible in the investigation or as legal issues arise.
- (12) Suspect and witness contact should be deferred to law enforcement when law enforcement is involved in the investigation and/or it appears that the allegation is criminal in nature.
- (13) Continued contact with the victim or victim's family or legal representative by the lead investigative agency is strongly encouraged.
- (14) The investigation should be completed and/or forwarded to the Prosecutor's office within four (4) months of the original referral. However, no investigation shall be submitted for

review by the prosecutor unless all investigative avenues have been explored by all agencies involved and/or an arrest has been made.

(15) Victims must be notified of the right to have an advocate made available to them and such requests shall be accommodated when:

- a. A medical evaluation with the SANE program is performed;
- b. A formal child or vulnerable adult forensic interview is conducted at the Prosecutor's Office or any interview is scheduled;

(16) A victim advocate shall be made available to a victim when:

- a. Requested by a victim or victim's family or legal representative; or
- b. An investigator or First Responder identifies a need for an advocate.

(c) Law Enforcement/DCYF/APS/RCS Communication.

(1) Making/Sharing referrals:

- a. DCYF/APS/RCS referrals and Law Enforcement reports shall be transmitted from the originating agency to the receiving agency by either mail or electronic means.
- b. If an agency's preferred method of transmission is mail, the agency will fax or send electronically any report/referral that is deemed emergent in nature to ensure the quickest possible coordination of response.
- c. The agency sending the reports will provide the receiving agency with a summary list of the referrals/reports sent on a schedule agreed upon by both agencies. This will allow the receiving agency to verify receipt of the reports/referrals.
- d. If an agency sending the report is pursuing an investigation, the assigned investigator will contact the designated point

person at the agency receiving the report by phone to facilitate coordination of investigation.

- e. Reports should include all available information regarding the name and address of alleged victim, the name and address of the subject of the allegation, the details of the alleged abuse, and any action taken.

(2) When a child is taken into protective custody:

- a. The assigned DCYF investigator shall contact the Law Enforcement agency responsible for protective custody by phone to obtain as many details as available regarding the situation leading to protective custody. Each Law Enforcement agency shall designate a primary and secondary point of contact to ensure that direct communication with the agency is made and messages are not left for officers not on shift.
- b. When DCYF is considering returning a child who has been placed into protective custody home, Law Enforcement shall be notified telephonically through the identified points of contact at the earliest possible time prior to the final decision being made.
- c. Law Enforcement shall be notified of any staffings related to the return of children as soon as possible to allow them to participate or provide additional information regarding the circumstances of the protective custody and the safety of the children. Law Enforcement will have the opportunity to provide information prior to the staffing through conversations with the DCYF investigator, to be physically present at the staffing, or to participate telephonically in the staffing.

- (3) When a vulnerable adult appears at risk:
 - a. When law enforcement encounters a possible vulnerable adult apparently at risk, they should make all efforts to contact APS Intake (1-800-EndHarm) to explore services and/or protective measures available to the vulnerable adult.

C. Joint Investigation Procedures in Death, Sexual and Physical Abuse, or Criminal Neglect Investigations

A “Joint investigation” occurs when multiple agencies are involved in the investigation of any death or physical or sexual abuse, or criminal neglect, or incidents involving serious domestic violence acts. While the need for joint investigations will most often be limited to allegations of death, sexual or physical abuse of a child or vulnerable adult, the following protocol should be relied upon by investigators when multiple agencies and/or jurisdictions are involved in the investigation of adult sexual assault or domestic violence.

1. Who Conducts the Interview.
 - a) See Section V (Victim Interviews and Methods of Documentation) of this protocol.
 - (1) All child sexual assault victims under the age of sixteen (16) shall be interviewed by the prosecutor’s office designated forensic interviewer when there is a clear statement of abuse or reason to believe that a child has been sexually abused. (Interviews will not be conducted based solely on a child exhibiting sexualized behaviors.) The designated forensic interviewer shall interview the child unless it is apparent that there is risk to the immediate safety of the child or public and/or there is a crime scene at risk of contamination that requires more information that can only be obtained from the child. The forensic interviewer may interview child victims of

physical abuse when deemed appropriate by a Special Assault Prosecutor and/or by MDT member(s).

- (2) The designated forensic interviewers shall review the referral and information available to determine which designated forensic interviewer is the most appropriate for that particular child.
- (3) Law enforcement may refer a victim to the prosecutor's office forensic interviewer for any age vulnerable adult victim or victims over the age of sixteen (16), when appropriate.
- (4) The prosecutor's office shall maintain documentation of all interviews. Where near verbatim reporting is used, the documentation shall include a record of all questions asked and answers given as well as any spontaneous statements made. Where video recording is used, the documentation shall consist of a Digital Video Disc (DVD) recording.
- (5) The prosecutor's office shall designate a back-up plan for those cases where the forensic interviewer is not available during regular business hours for emergent interviewing. This should not affect the referral process by law enforcement.

2. Investigating Officer's Duties Regarding Children and Vulnerable Adults

If the reporting party can provide information regarding the identity of the perpetrator, the general nature of the allegations, the general time frame and general location of the crime, then no interview should be conducted by the investigating officer.

- a) Consultation with a child sexual abuse investigator within the agency's department and/or with a Special Assault Unit prosecutor should be performed when there is a question regarding whether an on-scene interview should be conducted.
- b) Each law enforcement agency shall designate an investigator to be available for twenty-four hour consultation regarding the necessity of

interviewing a child victim of sexual or physical abuse and what specific questions should be asked during such an interview. It is encouraged that this investigator attend the Washington State Child Abuse Interviewing and Assessment Training (“CAIA”).

- c) Law enforcement shall inquire of their agencies on call investigator or a Special Assault Unit Deputy Prosecuting Attorney prior to conducting any interview with any child under the age of ten, or any vulnerable adult.
- d) With child victims under the age of ten or any vulnerable adult, no more information shall be solicited by the investigating officer than is reasonably necessary to meet the above described needs though sensitivity and discretion should be given to a victim who wishes to divulge more.
- e) Spontaneous statements by any victim shall not be cut off.
- f) The law enforcement agency shall maintain documentation of any interview it conducts, and shall conduct near verbatim reporting of the questions asked and answers given as well as any spontaneous statements made.

3. DCYF/APS Duties

- a) In those cases where law enforcement or prosecutor involvement is not warranted but Child Protective Services or Adult Protective Services must still investigate the referral, DCYF/APS shall designate a primary interviewer who is properly trained and qualified to conduct such interviews (as per Section VI of this protocol).
- b) Near verbatim reporting or audio recording per DCYF/APS protocol of the questions asked and answers given as well as any spontaneous statements made shall be conducted in all sexual assault and physical abuse investigations.

4. Who Observes the Interview
 - a) The preferred method of interviewing a victim is in a one-on-one situation with no parent(s), relatives, legal guardians or other potentially interested party present.
 - b) Consideration of the Victim's Bill of Rights shall remain a priority in all interviews.
 - c) Law enforcement and DCYF/APS may observe any forensic interview via closed-circuit TV in the course of their investigation; however, parents/relatives/guardians will not be permitted to observe the forensic interview.
5. Who Is Responsible For Documenting Interview
 - a) Whoever asks the questions during the interview shall have the primary responsibility for documenting the questions asked and answers given in a near verbatim manner.
6. Which Agency Is the Custodian of Documentation
 - a) Whoever documents the interview is deemed the "primary keeper of the record." Release of the record to a non-criminal justice agency is controlled by statute. (See RCW 26.44) The "record" or the "interview" includes any video or audio recordings, transcripts or written summaries of the forensic interview.
 - b) "Criminal justice agency" is defined in RCW 10.97.030.
 - c) A record of a forensic interview shall not be released to a noncriminal justice agency without prior screening by an attorney for the record-keeping agency, and a protective order pursuant to RCW 26.44.186.
 - d) If an out-of-county criminal justice agency requests a copy of the forensic interview the request shall be directed to the primary keeper of the record.

7. How Team Members, Other Than The Custodian, Are To Access Documentation of the Interviews or Investigations

(d) Prosecutor Interviewer Records:

- (1) An investigator wishing to view the forensic interview may do so by closed-circuit television while the interview is being conducted, or by viewing the recording at the Child Advocacy Center. Verbal confirmation of what is contained in the forensic interview record may be given to DCYF or APS, or DCYF/APS may review the record on the prosecutor's office premises.
- (2) Upon request, a hard copy of the forensic interview record may be given to DCYF or APS, if necessary, for Court purposes with an appropriate protective order.
- (3) A hard copy shall be forwarded to DSHS Division of Licensed Resources (DLR), if requested with an appropriate protective order.
- (4) A limited, verbal summary of what is contained in the forensic interview record should be provided to the appropriate forensic medical examiner for referral purposes.
- (5) Victim advocates shall not receive information with respect to the contents of the interview.

(e) Forensic Medical Examiner Reports:

- (1) Any interview conducted by a medical examiner shall become part of the forensic charting.
- (2) A hard copy of the forensic charting shall be released immediately to the appropriate law enforcement agency.
- (3) Contact with the prosecutor should be made if there is any request for release of this report to anyone besides law enforcement or the prosecutor.

- (4) DCYF or APS can immediately access verbal information regarding the forensic examination via the hospital or the prosecutor.
 - (5) Upon request made to the Prosecutor's Office, a hard copy of the interview may be given to DCYF or APS, if necessary, for Court purposes.
 - (6) Victim advocates shall not receive any release of information with respect to the interview.
- (f) DCYF or APS Interviews and/or Investigative Reports:
- (1) Upon request, a hard copy of the investigation or copy of any audio recordings made shall be released immediately to the appropriate law enforcement agency and to the prosecutor.
 - (2) If a disclosure is made during the course of a DCYF or APS interview, the interview shall be released immediately to law enforcement and the prosecutor.
 - (3) The designated medical agency can access limited, verbal information for referral purposes.
 - (4) Victim advocates shall not receive any release of information with respect to the interview.
 - (5) If there is a request for a copy of the interview by a non-criminal justice agency when a criminal investigation is pending, the Attorney General's office will contact the prosecutor or law enforcement to determine if the safety of the victim or other legal basis exists to deny the release at that time.

8. Who Convenes A Multi-Disciplinary Investigation

- a) See Section IX (Case Review) of this protocol.
- b) Generally, —multi-disciplinary investigation is deemed to be the joint sharing of information and collaborative investigative efforts as set forth in this protocol.

- c) Any agency member of the multi-disciplinary investigation (ie: law enforcement, prosecutor, medical staff, DCYF, or APS) can request a staffing and collective determination of an investigative plan.

9. Dispute Resolution

In criminal investigations where disputes regarding the investigation arise, the prosecutor will have the ultimate authority to resolve the dispute but only after the key participants in the multi-disciplinary investigation have met and discussed all of the issues. The prosecutor will be given deference only if the key participants are unable to reach a joint resolution.

IV. SUSPECT AND WITNESS INTERVIEWS

The procedures set forth in Section III (Agency Roles and Responsibilities) of this protocol are adopted.

V. VICTIM INTERVIEWS AND METHODS OF DOCUMENTATION FOR CHILDREN AND VULNERABLE ADULTS

A. An interviewer shall:

1. Make all efforts to conduct a thorough interview that enhances free recall while keeping in mind the person's developmental level, cultural and language needs and emotional well-being;
2. Adhere to the current state and nationally recognized accepted standards and practices of forensic child interviewing.
3. Make an interpreter available if English is not the child's native language.
4. Provide an interview room that is child-friendly, but free from distraction. The child is the most important part of the interview and aids that may

assist the child should always be considered. Communication aids such as a tablet, or drawing tools will available if needed.

5. Introduce evidence during an interview sparingly and such introduction shall be guided by APSAC and NICHD standards, and MDT consultation.
6. Conduct second or subsequent interviews only after consultation with MDT members and focus information or allegations that were not discussed in the original interview.

B. Who conducts the forensic interview shall be governed by Section III (Agency Roles and Responsibilities) of this protocol.

C. Methods of documentation of the forensic interview:

1. The prosecutor's office shall conduct video recording or near-verbatim recording of all questions asked, responses given and any spontaneous statements made regarding sexual abuse. These methods are recommended to document statements regarding physical abuse.
2. The authorized methods for recording interviews are video recording and near verbatim note taking. The committee shall re-convene and assess the value of the alternative means of recording as established or tested through the pilot projects put into place via state legislation.
3. Original written notes of an interview shall be retained until such time as a video recorded interview is verified to be completely and accurately recorded or a near verbatim report has been generated.

D. Who Observes the Forensic Interview:

1. The preferred method of forensically interviewing a victim is in a one-on-one situation with no parent(s), legal guardians, relatives or other potentially interested party present.
2. Consideration of the Victim's Bill of Rights shall remain a priority in all interviews.

3. Law enforcement and DCYF/APS/RCS may observe any forensic interview via closed- circuit TV in the course of their investigation; however, relatives, legal guardians or other potentially interested party will not be permitted to observe the forensic interview.

E. Video Recording – Procedures to Inform the Victim

1. At the start of the forensic interview, the forensic interviewer shall inform the victim that the interview is being video recorded. If the victim refuses to be interviewed while being video recorded, then the interviewer shall conduct the interview using near verbatim reporting.

F. Video Recording – Designation and Processing of Recordings

1. After the forensic interview concludes, the interviewer shall verify that the DVD in fact captured the interview.
2. The prosecutor's office shall maintain an archive system of video recordings, with a log to track:
 - (a) when the prosecutor's working copy is checked out for use by deputy prosecuting attorneys or their investigators,
 - (b) when a copy is made for the defense or for court purposes,
 - (c) when defense copies are returned after the conclusion of a case and
 - (d) the final destruction or archiving of each DVD.
3. Immediately after an interview concludes, the interviewer shall log the recordings into the prosecutor's archiving system.

G. Video Recording – Procedures for Distribution and Storage to Law Enforcement and Deputy Prosecuting Attorneys

1. After the recordings are checked into the prosecutor's archive system, the interviewer shall notify the law enforcement agency that the forensic interview is complete.

H. Video Recording – Procedures for Protection Orders and Release to Defense Counsel

1. If a case is charged where a video recording is subject to disclosure pursuant to Criminal Rule 4.7, the prosecutor's office shall notify defense counsel of the recording's existence. If defense counsel asks to view the recording, the prosecutor's office shall facilitate a viewing on prosecutor's office or law enforcement premises. If defense counsel requests a copy of the DVD, the prosecutor's office shall release a copy of the DVD upon entry of a protection order by the court.
2. In each case where the prosecutor's office releases a copy of the recording to defense counsel, the parties must first enter a protection order that meets or exceeds the protections found in RCW 26.44.186.

I. Video Recording – Procedures for Security of Recordings, Long-term Storage and Final Destruction of Recording

1. The prosecutor's office is responsible for securely storing the prosecutor's recordings and copies made thereof. Deputy Prosecuting Attorneys or their investigators may view a DVD by checking it out of the archive system and then checking it back into the system immediately after viewing. In no instance may the prosecutor's recording be removed from the premises of the prosecutor's office without explicit permission by the supervisor of the special assault unit.
2. The prosecutor's office will track all recordings, whether original or copied, and shall destroy recordings or document destruction of recordings according to the following schedule:
 - (a) Defense copy – Returned for destruction five days after resolution of the case by plea, verdict or dismissal.
 - (b) Copy of Prosecutor's Recording Made for Internal Use – Returned for destruction immediately after completion of work with recording.

- (c) Prosecutor's Recording – Destroyed the later of (a) exhaustion of the time for appeal and collateral attack in cases where defendants are convicted, or (b) when there is no reasonable possibility that the recording can be used in any criminal prosecution, two-or-three-strikes sentencing, or civil commitment proceeding.

J. Video Recording – Procedures for Pro Se Defendants

1. In no event will DVD recordings or copies thereof be issued to a defendant who represents himself or herself.
2. In the event that a pro se defendant demands viewing of a video recorded interview and the Court orders the viewing, law enforcement shall facilitate a supervised viewing of the law enforcement recording.

K. Adult Victim Interviews

1. Investigators shall make all efforts to conduct a thorough interview that enhances free recall while keeping in mind the victim's cultural and language needs and emotional well being.
2. Near verbatim recording of the interview is encouraged.
3. See Section III (Agency Roles and Responsibilities) and Section XI (Methods of Protecting Child and Adult Victims During An Investigation) of these protocol for further victim interview guidelines.

VI. TRAINING AND QUALIFICATIONS OF INTERVIEWERS AND MULTI-DISCIPLINARY TEAM MEMBERS

A. “Primary Interviewers” are those who have primary responsibility for interviewing, including:

1. The “Designated Forensic Interviewer” employed by the prosecutor's office; or

2. DCYF/APS/RCS workers assigned to investigate child and/or vulnerable adult sexual abuse allegations.

B. Training of all Primary and Designated Forensic Interviewers shall be according to the following:

1. All —Primary Forensic Interviewers shall complete the minimum statutory training required by the state of Washington.
2. The CAIA training model or its equivalent is encouraged training for all
3. “Primary Forensic Interviewers.”
4. Any “Designated Forensic Interviewer” shall receive the CAIA training or its equivalent prior to being selected as the “Designated Forensic Interviewer” or assuming that role.

C. Training Goals of Primary and Designated Forensic Interviewers

1. “Primary Forensic Interviewers” shall have the requisite statutory training and should attend the yearly refresher CAIA training or its equivalent, when possible.
2. Each law enforcement agency shall make efforts to send personnel to the CAIA forensic interviewer training or its equivalent each year.
3. Forensic interviewers are encouraged to meet on a regular basis (at least two times a year) to discuss current interview trends and research issues. These meetings shall be convened and the agenda set by the “Designated Forensic Interviewer.”
4. Law enforcement, DCYF/APS/RCS and the prosecutor’s office should make efforts to send their Primary and Designated forensic interviewers to the CAIA peer review meetings regularly.

D. Training Goals of Multi-Disciplinary Team (MDT) Members:

1. Training is routinely provided to all of the MDT members through their own agencies as well as through trainings conducted by Kitsap S.A.I.V.S.

2. MDT members shall try to attend at least one “Team Training” per year.

VII. MEDICAL EVALUATION, EVIDENCE AND TREATMENT

The primary purpose of the medical evaluation is to provide medical care to the patient/ victim. Where appropriate, forensic evidence will be observed, documented and collected.

A. Primary goals of medical evaluation are to:

1. Help ensure the health, safety, and well-being of the patient
2. Evaluate, document, diagnose and address medical conditions resulting from abuse.
3. Differentiate medical findings that are indicative of abuse from those which may be explained by other medical conditions.
4. Document, diagnose, and address medical conditions unrelated to abuse
5. Assess the patient for any developmental, emotional, or behavioral problems needing further evaluation and treatment and make referrals as necessary
6. Reassure and educate the patient (and family, if appropriate)
7. Refer for therapy to address trauma related to the abuse/assault, if not provided by another member of the MDT/CAC

B. Designated providers:

1. EMS Personnel.
2. St. Michael’s Medical Center’s Sexual Assault Nurse Examiner Program (SANE) is recognized as the qualified and designated medical forensic program in this community.
3. Child Abuse Pediatrician/Medical Specialist

C. Referral Sources for medical evaluation

1. Law Enforcement
2. Department of Children, Youth and Families (DCYF)
3. Adult Protective Services (APS)
4. The Prosecutor's Office
5. Hospital Emergency Department/Social Worker
6. EMS/ First Responders
7. Medical Community
8. Residential Care Services (RCS)

*A Referral to a medical professional for exam by a mandatory reporter does NOT relieve that reporter from their statutory duty to report to DCYF/APS/RCS or Law Enforcement.

D. Emergency Medical Services/ First Responders Response for Children Under the Age of Eighteen (18) or Vulnerable Adults

1. Ensure safety and provide medical aid as needed to save or assist the child or vulnerable adult.
2. If the victim is clearly dead:
 - a) Do not move the body;
 - b) Be careful not to destroy potential evidence;
 - c) In cases of sudden, unexpected child death, refer to SUIDI Form;
 - d) EMS shall complete a Reporting Form and share all information with the Coroner.
3. Make sure Law Enforcement has been notified (whether you stay at the scene or not):
 - a) Provide your contact information to Law Enforcement.
4. Document all adults and children present.
 - a) Include who has left the scene;
 - b) Document what they did and said; their appearance;

- c) Document their reactions to death or injury.
- 5. Document all statements and demeanor (emotional state) of speakers:
 - a) As soon as possible and verbatim;
 - b) Explain your job is to provide medical aid;
 - c) Ask for caretaker explanation; request details;
 - d) Record observations of both words and actions.
- 6. Document all your observations of the environment as soon as possible:
 - a) Focus all your senses on the surroundings;
 - b) Describe scene accurately and completely;
 - c) Possible mechanism of injury present?
- 7. Consider and record victim's developmental level.
 - a) Compare reasonableness of history given regarding mechanism of injury to victim's age and developmental abilities and scene observations.
- 8. Know signs of possible abuse and neglect:
 - a) Physical abuse: Unexplained broken bones, bruises, black eyes, cuts, burns, welts; pattern injuries, bite marks; reports of injury received from an adult caretaker, etc.
 - b) Sexual abuse: Difficulty walking or sitting, inappropriate interest or knowledge of sexual acts, reports of inappropriate touching, etc.
 - c) Neglect: obvious lack of hygiene; back of head flat; severe diaper rash; bed sores; hungry; underweight; lack of food, formula or care; parent or child or caregiver use of drugs or alcohol, over-medication of the victim, or withholding medication, evidence of physical restraint, signs of lack of supervision, etc.
- 9. First Responders/ EMS shall refer to Kitsap County CPOD procedures.

E. Referrals for child physical abuse or neglect

If an investigation reveals a child has suffered felony-level abuse or neglect, the investigating entity(s) should consult with the Child Abuse Pediatrician/Medical Provider.

F. Duties of the Sexual Assault Nurse Examiner

1. The Sexual Assault Nurse Examiner shall endeavor to document if known, or if ascertained for medical or forensic diagnostic purposes*:

- a) The time frame of the incident;
- b) Whether the present situation is an acute or non-acute case;
- c) When was the last incident;
- d) The nature of the sexual abuse alleged;
- e) The family's ability to protect the victim or other children or vulnerable adults in the home.

**The Sexual Assault Nurse Examiner is not a forensic interviewer and shall not purposefully engage in an interview of the victim except as is necessary for diagnostic or treatment purposes.*

2. SANE shall ensure that the victim/case is engaged with one or more of the following agencies (either before or after the examination):

- a) Law Enforcement;
- b) The Prosecutor's Office;
- c) DCYF, Residential Care Services or Adult
- d) Protective Services;
- e) Hospital Emergency Department/Social Worker;
- f) KSAC;
- g) YWCA;
- h) Scarlet Road
- i) Any other Victim Advocacy Program.

3. SANE shall identify whether an examination is needed.

- a) SANE shall follow established state wide protocols to make this determination.

- b) No exam conducted pursuant to this Protocol will be conducted without proper report to Law Enforcement, DCYF/APS/RCS or an emergent referral through the Hospital ED.
- 4. SANE shall identify whether the case is acute or non-acute.

G. SANE Responsibilities in Acute Situations

“Acute” situations are those where the victim/patient needs an immediate forensic medical exam based on the time frame. The time frame is as follows: (1) For children twelve (12) and under, there is a clear disclosure by the child and/or the incident was witnessed by an adult and it has been 120 hours or less since their last contact with the perpetrator; (2) For adolescents and adults, it has been – 120 hours or less since the last contact with the perpetrator.

- 1. Triage by hospital staff to determine the necessity of the medical exam and forensic evidence collection. Medical staff will determine appropriate treatment for injuries and how to manage emergency or life-threatening conditions that may become evident during a sexual assault exam.
- 2. If an exam is to be performed immediately, the Hospital will page the on-call nurse examiner, the on-call sexual assault advocate and the Hospital’s social worker.
- 3. If no exam is to be performed immediately, the hospital’s social worker will meet with the victim and refer the victim for a scheduled SANE examination.
- 4. Law Enforcement and/or DCYF shall be notified at any point during an acute exam where immediate intervention of that agency is necessary.
- 5. If the victim is an adult and wishes to report the incident to law enforcement, SANE shall obtain a signed medical release from the victim that is effective for ninety (90) days.

6. After a pediatric (under the age of 18) examination or an adult examination for an incident in which the adult is reporting to law enforcement is performed:
 - a) SANE shall share information as described in Section X (Information Sharing) of this protocol.
 - b) The forensic evidence kit (accompanied by forensic SANE chart and medical release) shall be turned over to Law Enforcement for pick-up.
 - c) A follow up exam shall be offered as appropriate and information regarding scheduling a follow up exam will be contained in the hospital discharge instructions.
 - d) SANE shall refer the patient to counseling or victim's services as appropriate.
 - e) Any dictation generated after the examination shall be forwarded directly to law enforcement.

H. SANE Responsibilities in Non-Acute Situations.

“Non-Acute” situations are those situations where an adult or adolescent victim/patient had contact with the perpetrator over 120 hours ago.

1. Triage by hospital staff to determine the necessity of the medical exam and forensic evidence collection.
2. If an examination is to be performed, the intake person shall schedule an appointment that is to take place within 3 weeks and coordinate sexual assault victim advocate contact.
3. If there is no need to schedule an examination, the intake person shall make appropriate referrals to the appropriate agencies.
4. After an examination, is performed:
 - a) Kitsap911 should be contacted to identify the jurisdiction of the law enforcement agency, if unknown.

- b) SANE shall share information as described in Section X (Information Sharing) of this protocol.
- c) SANE shall refer the patient to counseling or victim's services as appropriate.

I. Privacy of the Forensic Examination

- 1. Priority shall be given to maintaining the privacy of the victim with respect to maintaining the photo documentation of the examination.
- 2. Absent extraordinary circumstances, the photo documentation shall be viewed only by medical personnel for forensic and diagnostic purposes.

J. Mental Health/ Counseling Referrals for Victims and Non-Offending Family Members

The mental health of the victim and non-offending caregivers is critical to the victim's processing and healing from any traumatic event. For that reason, trained and qualified mental health providers are critical.

- 1. Mental Health services are always offered and referrals for services are made by KSAC, DCYF, YWCA, Scarlet Road and other Victim Advocacy Programs.
- 2. Mental Health services are available and accessible through Kitsap Mental Health Services (KMHS), DCYF, KSAC and other Victim Advocacy programs regardless of the ability to pay.
- 3. At the time of the forensic interview, the victim (and non-offending caregiver, if appropriate) will be advised of mental health services available. If requested, the interviewer or a member of his/her staff will make a referral to the appropriate agency

VIII. VICTIM ADVOCATES

It is the intention of this protocol to ensure victims have access to advocates throughout the duration of a case.

A. Availability of Victim Advocacy Services

1. For sexual assault cases:
 - a) The support of a victim advocate will be offered at the time of the forensic interview and/or medical evaluation, whichever happens first. Victim advocacy can also be offered at any time in the duration, or after the case has been resolved.
 - b) Ongoing support and advocacy will be available to victims by designated, trained individuals.
 - c) Member agencies within this protocol will coordinate services with victim advocates to ensure a holistic delivery of services.
2. For domestic violence cases:
 - a) The support of a victim advocate will be offered at the time of law enforcement initial contact via the “Domestic Violence Pamphlet” required by RCW 10.99. Victim advocacy can also be offered at any time in the duration, or after the case has been resolved.
 - b) Ongoing support and advocacy will be available to victims by designated, trained individuals.
 - c) Member agencies within this protocol will coordinate services with victim advocates to ensure a holistic delivery of services.

IX. CASE REVIEW

*This protocol is to be liberally construed and should not act as a deterrent to any member of the Multi-Disciplinary Team to convene the team on any particular case. The team shall meet at least once a month, but as frequently thereafter as caseloads require.

A. Criteria Defining Complex Cases Where Multi-Disciplinary Team (MDT) Staffings Are Mandatory:

1. Any child/vulnerable adult death resulting in criminal charges.
2. Multiple victims are apparent outside of same family.
3. Multiple Jurisdictions (more than one law enforcement agency and/or more than one DCYF/APS Office).
4. Multiple suspects/perpetrators.
5. Abuse within an institutional setting where:
 - a) A group, organization, or facility has care of the victim(s).
 - b) The suspect is an employee, volunteer, member, participant, or otherwise normally associated with the institution.
 - c) Possibility of multiple victims or a perpetrator with access to multiple victims.
 - d) The suspect or victim is a family member or employee of a MDT member agency.

B. Core Team Membership

1. Law Enforcement (Each agency involved)
2. Prosecutor (includes Child Advocacy Center)
3. Department of Children, Youth and Families (DCYF)
4. Adult Protective Services (APS)
5. Attorney General

6. Coroner (in instances of death)
7. Licensed medical practitioner involved in sexual abuse
8. Licensed mental health provider
9. Residential Care Services (RCS), if applicable
10. Victim Services (KSAC, YWCA, Scarlet Road or other victim advocacy program)
11. SANE
12. Others:
13. Other Interested Members of the Community.

Other interested members of the community may be provided an opportunity to share information with the team as approved by the team.

C. Who Convenes The Team

1. Any representative from the core team membership.
2. Each member agency shall independently designate within their agency who has the authority to convene the MDT.

D. How Is The Team Convened

1. By contact with the head of the Prosecutor's Special Assault Unit who will then be responsible for contacting members and designating time, place and agenda for meeting of core members.

E. Time Frames for Convening an MDT

1. When a complex case is identified by any team member they shall immediately notify the head of the Special Assault Unit (SAU). The SAU head shall have discretion in setting the time for a MDT meeting but shall convene team prior to any action being taken by any core member or prior to expiration of any compulsory time period applicable to any member

(i.e. team must meet so DLR can meet 24 hour deadline). This shall not preclude any necessary emergency response by a team member agency to ensure the protection of the victim or integrity of the investigation.

2. The Team in its entirety, or a fraction thereof, shall meet or otherwise communicate prior to any further contact or further interview of victim, alleged suspect, or witness.

F. Functions of The Team:

1. At the meeting decisions shall be made as to each of the following, as applicable:
 - a) Who will take the lead in the investigation.
 - b) Who will contact and/or interview the suspect(s).
 - c) What steps will be taken to avoid contamination of possible victims: ie; using multiple interviewers, provision of only limited case information to interviewers, assurance that interviews are conducted pursuant to accepted interviewing protocols or standards.
 - d) How will the investigation be handled if a victim reports details that may have a bearing on other potential victims.
 - e) How can this information be used without compromising the investigation or contaminating the other witnesses.
 - f) Will potential victims be kept from speaking with other potential victims, and if so, how may that impact their well-being.
 - g) How will the interviews be documented.
 - h) How will parents, guardians and others who may have been at risk of
victimization be notified.
 - i) What information will be provided to them.
 - j) Who will be identified as the person these individuals are to contact regarding the investigation.

- l) Which person will be designated to speak with the media.
- m) Are other resources needed by the team or group members.
- n) When should periodic meetings be scheduled to analyze and review progress, update information, and debrief the investigation.

G. Ongoing MDT Team Functions:

- 1. At the initial team meeting, the MDT team shall establish a plan or schedule for future meetings and a preliminary assessment as to the time frame of the investigation.
- 2. Termination of a particular MDT shall be by the consensus of members. At the termination meeting, members shall debrief and critique the efficacy of the team's work for the purpose of improving future MDT function.
- 3. No investigation shall be submitted for review by the prosecutor unless all investigative avenues have been explored by all agencies involved and/or an arrest has been made.

H. Documentation of MDT Staffings

- 1. A case assignment log designating specific tasks and time frames for completion of the same shall be maintained.
- 2. Documentation is to be maintained by lead law enforcement agency or DCYF (APS/RCS) if law enforcement is not involved.
- 3. All efforts shall be made to maintain the utmost confidentiality of MDT discussions as work product. The goal shall be to engender a free flow of information and ideas without compromising the confidentiality of the teams' work.
- 4. Post meeting, the designated note-taker shall disseminate the notes from the meeting to the team recognizing requirements of confidentiality.

I. Information Sharing

1. During the meeting, free flow of information shall be encouraged, recognizing restrictions regarding confidentiality and privacy.
2. Each participating member will be expected to sign a confidentiality acknowledgment pledging to keep confidential and private information solely within the confines of the MDT conversation.
3. Any recommendations about the case shall be communicated to the MDT members through the meeting minutes published after each MDT meeting.
4. A mental health professional will be encouraged to provide input at case review staffings and provide information about specific cases or general issues as allowed by professional privilege and confidentiality standards, including state and federal laws, including but not limited to HIPAA. This input should also include consultation on issues relevant to the child trauma and evidence-based treatment. The mental health professional should support the MDT in the monitoring of treatment progress and outcomes.

X. INFORMATION SHARING

Information shall be shared pursuant to the guidelines set forth in this protocol, according to each agency's departmental policies, Kitsap County's CPOD procedures and as controlled by state and federal law.

XI. METHODS OF PROTECTING CHILD AND ADULT VICTIMS DURING AN INVESTIGATION

- A. First priority shall always be the health and welfare of a victim.
- B. The number and extent of victim interviews shall be limited according to the guidelines set forth in Section III (Agency Roles and Responsibilities) of these protocol.

- C. In determining whether additional interviews shall be conducted, consideration will be given to the emotional welfare of the victim and/or the input of a child victim's or vulnerable adult's parents or guardians (to the extent that they are not suspects or seeking to protect possible suspects.)
- D. Investigators shall seek the least intrusive of protective measures for a child/vulnerable adult victim.
- E. All criminal justice agencies will provide written information regarding victim's services or resources to the victim at the time of the report of the crime.
- F. Sharing of investigatory information shall be according to the guidelines set forth in Section III (Agency Roles and Responsibilities) of these protocol.
- G. These factors are not exclusive or exhaustive; the Kitsap County Special Assault Investigation Protocol in its entirety is designed to protect the child or adult victim while maintaining the integrity of the investigation.

XII. CASE TRACKING AND CLOSURE

- A. A decision to decline to prosecute shall be made by the reviewing prosecutor with written notice provided to the investigating law enforcement agency and written notice to the named victim, when appropriate.

- B. Each law enforcement agency and/or DCYF/ RCS/ APS shall close cases in accordance with their agency's protocol with appropriate notification to the named victim as the per agency guidelines.
- C. No death, physical abuse, criminal neglect, sexual assault or domestic violence investigation shall be closed without disclosure of the investigative results to the prosecutor. No investigation shall be submitted for review by the prosecutor unless all investigative avenues have been explored by all agencies involved and/or an arrest has been made.
- D. See Section IX (Case Review) of these protocol for further case closure guidelines.
- E. Each agency shall maintain and track case information per the agency's policies and procedures.
- F. The Forensic Interviewers, Law Enforcement, Prosecutors, SANE and DSHS shall track and receive case information about a child sexual assault client/victim demographics including:
 - 1. Age;
 - 2. Ethnicity;
 - 3. Disability;
 - 4. Gender; and
 - 5. Any other statistical data required by National Children's Alliance Accreditation standards.
- G. Member agencies may request of other member agencies statistical or demographic data if for program evaluation and research purposes, if

that data is readily available. Any agency receiving the data shall strictly comply with any privacy or confidentiality requirements of the providing agency.

XIII. COMMUNITY ASSESSMENT

At a minimum of every three years, Kitsap SAIVS will conduct a community assessment that includes a review of:

1. Community demographics,
2. Kitsap SAIVS client demographics,
3. Analysis of disparities between these populations,
4. Methods Kitsap SAIVS will use to identify and address gaps in services,
5. Strategies for outreach to un-or underserved communities, and
6. A method to monitor the effectiveness of outreach and intervention strategies.

XIV. CHILD FOCUSED SETTING

Making children and families feel safe and supported when entering the Kitsap SAIVS's building (the CAC) is of the utmost importance. For those reasons, no alleged offender and corresponding victim shall be in the building at the same time. If any person of any member agency becomes aware there is an alleged offender expected to be in the building, that person shall notify the head of the Prosecutor's Special Assault Unit to discuss appropriate safety precautions.

XV. HUMAN TRAFFICKING/COMMERCIAL SEXUAL EXPLOITATION

Kitsap County recognizes that investigations into human trafficking are unique from those involving sexual assaults. Human trafficking investigations involve child victims and adult

victims, and although they involve some of the complexities of both sexual assault and domestic violence related cases, they are unique and require their own protocols.

A victim-centered approach to investigation and prosecution is essential to accomplishing our law enforcement mission. Victims who can tell their story and testify as a witness are key to successful human trafficking investigations and prosecutions. When encountering a potential victim, it is important to remember that victims may not be comfortable coming forward and working with law enforcement. They need help to feel stable, safe and secure.

Trafficking victims may:

- Fear law enforcement;
- Not identify themselves as a victim;
- Not tell a complete story, or use rehearsed responses; or
- Identify with the trafficker.

It is crucial to understand that these behaviors are indicative of the level of control traffickers exert over victims, and that victims need support and understanding in order to help make the case investigation, and subsequent prosecution of the perpetrator, a success.

When law enforcement encounters a potential victim of trafficking in the course of their duties, it is critical that they begin to develop rapport and establish trust by:

- Immediately connecting the victim to a victim advocate who can connect them to support services, emphasizing that assistance is available regardless of the outcome of the investigation and prosecution;
- Taking time to explain who they are, answer questions they might have, and acknowledge and address their fears;
- Being sensitive to cultural differences and language barriers and using an interpreter when needed;
- Conducting interviews in a neutral location, only after the victim's needs have been assessed and any urgent needs have been met; and
- Being patient and giving the victim time to stabilize and begin their recovery process.

The purpose of these protocols is to provide consistent and comprehensive investigations amongst the numerous agencies that participate in the investigation, prosecution, and provision of advocacy of these human trafficking cases.

Definitions

1. Child victim – A person under the age of 18, who is recruited, harbored, transported, and/or obtained for the purposes of a commercial sex act and/or sexual exploitation, regardless of force, fraud or coercion. Child victims should be distinguished from adult victims because of the placement issues, need for forensic child interviews, and other complexities that may arise.
2. Adult victim – A person 18 or older, who is recruited, harbored, transported and/or obtained for the purposes of a commercial sex act. Adult victims are particularly vulnerable because a vast majority were recruited and entered into the commercial sex trade when they were minors.
3. Individual Involved in Prostitution – Individuals (minors and adults) who are involved in the commercial sex industry.
4. Human Traffickers or “Pimps” – Individuals who recruit, harbor, transport, obtain and/or exploit another person for the purpose of commercially profiting from their sexual trade.
5. Human Trafficking Investigations – primarily done by detectives specializing in this area and conducting proactive investigations targeting human traffic related cases.
6. Other Law Enforcement – primarily patrol officers and street contact(s) not specifically targeting human trafficking. This can also include detectives working in other areas (i.e., drugs, burglaries, assaults, and domestic violence) that involve possible human trafficking related information.
7. “Johns/Buyers” – Individuals who solicit or attempt to solicit commercial sex.

Law Enforcement Investigations

A. Human Trafficking Investigations

A. Child Victims

- 1.) An advocate shall be notified and/or utilized immediately by calling Scarlet Road (360) 362-5143 (call or text).
- 2.) The child victim interview should be conducted by the Prosecutor's Office Forensic Interviewer, but in the case of emergent circumstances, the Designated Law Enforcement Agency Child Interviewer may be utilized (refer to Section V in these protocol).
- 3.) Placement determination; see section 2 of these protocol (Placement of Child Victims).
- 4.) Law Enforcement and/or Child Protective Services shall utilize their own Standard Operating Procedure for notification of parents, guardians or other family members regarding the Child Victim.
- 5.) Law enforcement shall review all law enforcement databases(s) (LINX; iLEADS) for any prior contacts involving the child victim.
- 6.) Contact designated human trafficking prosecutor, as appropriate.
- 7.) Referrals for mental health counseling for the victim shall be made in accordance with the victim advocacy program's referral policies.

B. Adult Victims

- 1.) An advocate shall be notified and/or utilized immediately by calling Scarlet Road (360) 362-5143.
- 2.) The lead detective shall make determination of how to conduct and document the interview.
- 3.) Law enforcement agencies may utilize the Prosecutor's Office Forensic Interviewers or the Agency Designated Forensic Interviewers to conduct the interview of the adult victim.

- 4.) Referrals for mental health counseling for the victim shall be made in accordance with the victim advocacy program's referral policies.

C. Confidential informants

- 1.) Law enforcement shall consult with the designated human trafficking prosecutor before utilizing any confidential informant.

B. Placement of the Child Victim

NON CUSTODIAL RELEASE – A child victim may be temporarily detained but released to the following designated custodians without taking them into custody as follows:

- (A) **No Immediate Safety Issues:** Law enforcement/DCYF may Release to parent/guardian provided there are no immediate safety or placement concerns with the child as follows:
 - (1) No suspected abuse or neglect by parent/guardian.
 - (2) Release to the following custodian provided they will accept the child, can be notified, and will arrive within a reasonable time:
 - (a) Parent/guardian or
 - (b) Upon approval of parent/guardian, to responsible adult willing to accept the child; and,
 - (c) Upon approval by parent, child, and law enforcement, the child may be transported by law enforcement to the custodian.
 - (3) Law Enforcement/DCYF (in consultation with Scarlet Road if appropriate) shall explain the circumstances for detaining the child to the child, custodian, and, in the written investigation.
 - (4) When appropriate, the child and custodian shall be provided a safety plan checklist to ensure the future safety and well-being of the child.
- (B) **Dependency Issues:** If the child is a dependent child supervised by a Washington State agency then they may only be released as follows:

- (1) To a state agency who will accept the child.
- (2) To the following authorized custodian provided they can be notified and will arrive within a reasonable time:
 - (a) State agency or its authorized agent; or,
 - (b) Child Protective Services (DCYF); and,
 - (c) Upon approval by both custodian and law enforcement, the child may be transported by law enforcement to the custodian.
- (3) Law Enforcement/DCYF shall explain the circumstances for detaining the child to the child, custodian, and, in the written investigation.

TEMPORARY CUSTODY (RCW 43.185C.260) – A child victim may only be taken into temporary law enforcement custody under either of the following options at the time of detainment (A) or (B):

(A) **Option #1: An immediate concern for safety of the child**

- (1) There must be at least one of the following reasons for concern:
 - (a) The parent/guardian indicates the child was absent from the home without consent; or,
 - (b) The child's age, location, and/or time of day indicates safety concerns; or,
 - (c) The child is unlawfully harbored in violation of RCW 13.32A.080.
- (2) Law enforcement shall transport and deliver the child to the following custodian provided they will accept the child and can be notified and available within a reasonable time and distance:
 - (a) Parent/guardian if no suspected abuse or neglect issues, or, at request of parent/guardian, to the following:
 - (I) Home of a responsible adult;
 - (II) DCYF; or
 - (III) Licensed youth shelter.

- (b) If parent/guardian is not available or there are abuse/neglect issues, then to DCYF.
- (3) Law Enforcement shall explain reason for giving custody of the child to the custodian, and in the written investigation.

(B) Option #2: The child is a Washington State dependent on runaway status

- (1) The state agency legally charged with supervision of the child indicates the child has run away from placement.
- (2) If available within a reasonable time and distance law enforcement shall deliver the child to the agency DCYF.
- (3) Law enforcement shall explain the reason for giving custody of the child to the agency/DCYF, and in the written investigation.

FULL CUSTODY and DETENTION – A child victim may only be taken to Kitsap County Juvenile Detention on the following conditions existing at the time of detainment:

- (A) **Arrest warrants** – Warrants of arrest (and other court pickup orders authorizing detention); or,
- (B) **Non-Prostitution Arrest** - Probable cause exists to arrest for new crime unrelated to prostitution or the human trafficking itself; or,
- (C) **Out of State Run-Away** - The child has run-away or absconded from another state (detention authorized by Interstate Compact).
- (D) **Prostitution Arrest**— Arrest and detention on such an offense shall not be conducted unless the prosecutor’s office has been consulted and/or all other avenues for placement have been exhausted. In that scenario, if probable cause exists for the crime of prostitution, or related human trafficking offenses, the child may be detained on those bases.

C. Information Gathering

- A. Anytime a member of law enforcement suspects that human trafficking may be occurring, the officer shall write an information-only report including as

much detail as possible, even if the suspicion does not rise to the level of probable cause to arrest.

- 1.) Forward to Prosecutor's Office as Human Trafficking/Information Only report.
- 2.) Forward to designated Human Trafficking detectives. (The head of the Special Assault Unit of the Prosecutor's Office maintains the list of designated Human Trafficking detectives.)

D. Prosecution Standards

- B. Pimps will have absolutely no influence over how a victim's case(s) will be resolved, and every effort will be made to avoid any contact between the pimp and victim.
- C. "Johns" will be prosecuted to the fullest extent of the law. Some benefit may be given to the John/defendant if their testimony is of paramount importance, but consideration will only be made on a case-by-case basis and based upon their successful cooperation with the prosecution of pimps.
- C. Prosecution of adult victims:
 - 1.) The goal with those charged with prostitution is to resolve with the T.H.R.I.V.E. diversion therapeutic court, or some similar diversion program with a focus toward rehabilitating the victim.
 - 2.) Determination of whether to charge or not will be decided on a case by case basis.

XVI. RESOURCES FOR HUMAN TRAFFICKING INVESTIGATIONS

FBI Child Exploitation Task Force/ South Sound Child Exploitation Task Force (formerly known as Innocence Lost Initiative):

National Center for Missing and Exploited Children (NCMEC):

<https://www.fbi.gov/investigate/violent-crime/cac#Overview-and>

1-800-THE LOST/ 1-800-843-5678

WWW.CYBERTIPLINE.COM

Washington State Patrol (WSP) Missing and Exploited Children Task Force (MECTF):

MECTF@wsp.wa.gov

Phone: (360) 704-2410

Fax: (360) 704-2973

P.O. Box 2347

Olympia, WA 98507-2347

FOR MISSING CHILDREN:

<https://www.wsp.wa.gov/crime/alerts-missing-persons/missing-children/>

1-800-543-5678

Email: MPU@wsp.wa.gov

Internet Crimes Against Children (ICAC) Task Force:

<https://www.icactaskforce.org/Pages/Home.aspx>

Washington Contact-- E-mail: tag.gleason@seattle.gov

Seattle Police Department

Contact: Captain Tag Gleason

Phone: (206) 684-4351

Kitsap/ Jefferson FBI:

Seattle Line: (206) 622-0460

Western States Information Network (WSIN):

<http://oag.ca.gov/bi/wsin>

Shared Hope

www.sharedhope.org

High Intensity Drug Trafficking Areas (HIDTA) Program:

<http://www.whitehouse.gov/ondcp/high-intensity-drug-trafficking-areas-program>

Northwest HIDTA Contact Dave Rodriguez, Director 300 Fifth Ave, 13th Floor Seattle, WA 98104

Naval Criminal Investigative Service (NCIS):

(360) 476-3650 (Bremerton)

After Hours Contact Navy Region Northwest Regional Operation Center (ROC) and ask for NCIS Duty

Agent: (360) 315-5122 or 877-414-5358

Main Number: (360)396-4660

Resources Include: Dept. of Defense Personnel Database, Computer/Electronic Forensic Exams, and Major Case Response Team (MCRT)/ Crime Scene Investigators.

Bremerton Police Department:

(360) 473-5228

Resources include: Computer/Electronic Forensic Exams, and three (3) Designated Agency Child Interviewers.

Child Protective Services (DCYF):

Local Intake (Bremerton DCFS) (360) 475-3688/ 1-888-713-6115

(866) END HARM/ (866)363-4276/1-800-423-6246 After hours Intake: 1-800-562-5624

Kitsap Sexual Assault Center (KSAC) Victim Advocates:

(866)831-2050 or (360)479-8500

YWCA Alive Program Victim Advocates:

<http://www.ywcakitsap.org/>

(360) 479-0522 or (800)500-5513

Scarlet Road:

<http://scarletroad.org/>

(360) 362-5143 (call or text)