

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-first Legislature – Second Regular Session

**COMMITTEE ON REFORM AND HUMAN SERVICES**

Minutes of Meeting  
Thursday, January 30, 2014  
House Hearing Room 1 -- 9:00 a.m.

Chairman Montenegro called the meeting to order at 9:08 a.m. and attendance was noted by the secretary.

**Members Present**

Mrs. Gonzales  
Mrs. Lesko  
Mr. Mendez

Mr. Seel  
Mr. Smith

Ms. Townsend, Vice-Chairman  
Mr. Montenegro, Chairman

**Members Absent**

None

**Committee Action**

None

**PRESENTATION**

**Overview of the Office of Child Welfare Investigations (OCWI)**

Greg McKay, Chief, Arizona's Office of Child Welfare Investigations (OCWI), gave an overview of his career and a presentation on the Office of Child Welfare Investigations (OCWI) (Attachment 1). He explained that this office is a result of the task force that Governor Brewer created to add insight on the criminal conduct allegations involving child maltreatment. He stated that Arizona Revised Statutes, Title 8 and Title 13 describe what criminal conduct is. Title 8 is where Child Protective Services (CPS) and Department of Economic Security (DES) get their definition of criminal conduct and Title 13 relates to the violations of child abuse and sex crimes. Other crimes and types of neglect need to be included in these titles and currently there is legislation underway to address that.

Mr. McKay explained what the first six months of the office entailed:

- Hiring 30 experienced staff members
- Developing training - over 150 hours
- Developing guidelines, policies and procedures
- Integrating into an already established state child abuse hotline
- Working with multidisciplinary and rural area protocols

- Obtaining criminal justice status to have access to historical data for cases

Mr. McKay discussed the hotline, classification of calls, the checklist, child fatality/death reports, causes and procedure that follow, joint investigations, and duplication of efforts between divisions.

He explained OCWI actions on the following policies and procedures:

- Removal of children in criminal conduct investigations
- Vetting of safety monitors
- Investigators photographing and documenting evidence
- Investigators recording interactions digitally
- Handling of evidence
- Placement of children
- CPS and OCWI interactions

Chairman Montenegro asked about the recording of evidence, examination of the child, and how the process works in a case.

Mr. McKay responded that it varies in each case as to the severity, who reported and how it is reported. The child is seen by a professional forensic pediatrician, interviewed, photographed and the parents or suspects are interviewed. Injuries are evaluated by the medical experts and if there are conflicting opinions of the cause, arrests may not be possible.

Mr. Smith asked about relationships with local law enforcement and evidence handled in rape cases. Mr. McKay stated their office works jointly on those cases but does not handle the evidence. Due to the volume of cases, CPS and law enforcement's working relationship is sometimes disjointed and can result in evidence and families being in limbo for a time.

Mr. Seel asked if the OCWI office came into being by Executive Order to which Chairman Montenegro clarified that a task force was put together by the Governor and out of the task force came a recommendation for this office; it then became a House bill that was passed which created the OCWI.

Mr. Mendez asked what CPS was doing before OCWI and what the difference is now. Mr. McKay responded that there are protocols in every county, and in many situations, there are breakdowns in duties and communication. An advocacy model is shared by the departments and it works well. OCWI is there to help and have that follow-through and cooperation from both sides in criminal cases.

Mr. McKay said that one of the roles of an OCWI analyst is to help locate missing or abducted children. The Attorney General's Office will call and issue an emergency pick up order from the Courts and there have been 20 missing children recovered. He explained the demographics of the 25 investigative staff and their scope of coverage: birth through five years of age, all children fatalities requiring an autopsy, and only in Maricopa and Pima counties, which is where 86 percent of the state's volume is. This age bracket is where 83 percent of child fatalities and 50 percent of felonies of child abuse happen because they are the least seen and least verbal. Mr. McKay explained that OCWI does not carry a backlog of cases due to the limited staff.

Mr. McKay discussed Maricopa and Pima counties' quarterly statistics and substantiation rates, and compared OCWI and CPS substantiation rates, which are 17 percent and 11 percent, from a current semi-annual report (Attachment 1, page 19). He spoke about the comprehensive investigative checklist and recurrence of cases, which is approximately 31 percent with the cases having three or more prior CPS reports of allegations or abuse.

He gave examples of cases that OCWI was involved in and the difference that they make.

Mr. McKay noted some immediate successes of OCWI:

- The hotline is better educated on criminal conduct, resulting in better classifications
- Joint investigations with law enforcement which are at nearly 100 percent
- Accountability between law enforcement, CPS and OCWI
- Emphasis on fatalities, which historically were missed
- Investigations occur sooner rather than later
- Stopping poor placements
- Making children safe more quickly

He noted some difficulties:

- Law enforcement primacy, leaving children at risk because of different timelines
- Time delays from law enforcement to hotline to OCWI
- Posturing, "sandboxing", attitudes and egos
- Legal issues with the Fourth, Fifth, and Sixth Amendments
- Getting kicked out of court due to constitutional confinements
- Setting some precedents

Mr. McKay stated some solutions:

- Train and educate all CPS personnel
- Learn from the case studies and the 45,000 reports that come in every year
- Do not hide the failures; be transparent
- Review the failures every year and talk about the breakdowns that occur
- Every investigator should have a digital camera and audio recorder available

Mr. McKay talked about the continued operation of OCWI and said they have asked for 100 additional staff with the number of cases being 11,000. He said that criminal conduct in definition is not inclusive enough and the bill that is going through the process will expand the interactions that OCWI is responsible for statutorily, so the numbers are going to go up.

Discussion ensued as to OCWI's manpower, each agency's timelines and roles, substantiation comparison rates, OCWI's success measurement and the lack of sworn authority status.

Mrs. Lesko questioned if the appropriation of \$5.7 million to DES for help with CPS issues that is being voted on in the budget for fiscal year (FY) 2014, includes any money for OCWI. She also asked how many additional staff would be included if the \$8.6 million appropriation to OCWI in FY 2015, proposed in the Governor's budget, is obtainable. Mr. McKay stated he is not as familiar with the budgeting side and is unsure what the appropriation for FY 2014 is but for FY 2015, it would be approximately 83 full-time staff.

Ingrid Garvey, Majority Research Analyst, clarified that the \$5.7 million for FY 2014 is for 192 caseworkers for CPS and nothing is appropriated for OCWI.

Mr. McKay responded to Members' questions as to how the not investigated cases (NIs) were found and the sequence of events. He confirmed that he and his chief deputy came across the NIs because of two separate interactions with CPS and a local agency referencing an NI classification. When they investigated, he stated that they found massive amounts of cases in that classification and had to figure out what the prevalence, process and the content were.

Mr. McKay summarized the actions and timeline:

- OCWI began operation on May 1, 2013
- First interaction with NIs was mid-August
- September through October found the NIs
  - Second interaction of NIs
  - Found a way to pull data and track disposition of NIs
  - Printed all hotline reports
  - Hand read all the cases
  - Sorted them into five sections depending on severity
  - Brought the issue and serious concerns to Director Carter
- November 12 press conference

Mr. McKay stated that they were unable to access all the cases; they found 2,800 in 2011 and 5,500 from 2012 to 2013. The Division of Children, Youth and Families (DCYF) had access and were able to pull all the cases, which was very intensive. Mr. Smith referenced Mr. McKay's presentation (Attachment 1, page 13) and asked about the increase in CPS reports from 2011 to 2012 which almost doubled in 2013. Mr. Smith asked if that was part of the 6500 NIs or if it was a subset. Mr. McKay replied it could have been public awareness campaigns and hotline improvements but the increased numbers does not include the NIs cases, and he has no explanation for the dramatic influx.

Mr. Mendez asked about domestic violence (DV) and sexual abuse training OCWI has received.

Mr. McKay replied that all training received is intertwined with DV and sexual abuse cases. He added that in addition to basic training and the law enforcement career experience all staff has, the following training is incorporated:

- 8 hours of forensics on child abuse
- 8 hours of forensics on sex crimes
- Strangulation and violence training
- 80 hours of academy style training
- 20 to 30 additional hours of advanced injuries identification
- 8 hours on basic forensics interview
- 40 hours of advanced forensics interview training

Discussion ensued on domestic violence cases, payment for removal of children from homes, and the volume of cases at this time.

Mr. McKay addressed a few issues with the hotline and the current percentage of dropped calls which is still at a high rate of 25 to 30 percent. He stated that the Children's Information Library and Data Source (C.H.I.L.D.S) database is antiquated and that it will take four to five years and millions of dollars to improve, but part of the solution right now is in staffing. He emphasized that there should be a minimum of staff at all times, quality personnel and a shortening of the intake process at the hotline. This is the process that needs to be streamlined. Mr. McKay thanked the Committee for their support and for their time.

The Committee thanked Mr. McKay for his efforts and hard work and wished OCWI success.

Chairman Montenegro stated that the children are owed a streamlined process and just throwing money at the problem is not the solution. He thanked Mr. McKay for his presentation and his time.

Without objection, the meeting adjourned at 11:11 a.m.

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Tracey Gardner, Committee Secretary  
March 5, 2014

(Original minutes, attachments and audio on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)