

STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK

COUNCIL BILL NUMBER: CB38

ORDINANCE NUMBER: 2023-38

TITLE: AN ORDINANCE APPROVING THE COOPERATIVE AGREEMENT BETWEEN THE GILPIN COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES, AND THE CITY OF BLACK HAWK THROUGH THE BLACK HAWK POLICE DEPARTMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. The City of Black Hawk hereby approves the Cooperative Agreement between the Gilpin County Department of Human/Social Services, and the City of Black Hawk through the Black Hawk Police Department, as more particularly described in **Exhibit A**, attached hereto incorporated herein by this reference, and authorizes the Chief of Police to execute the same on behalf of the City.

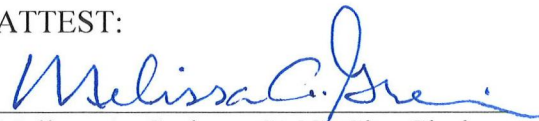
Section 2. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 4. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 13th day of December, 2023.

ATTEST:


Melissa A. Greiner, CMC, City Clerk


David D. Spellman, Mayor



**COOPERATIVE AGREEMENT BETWEEN
COUNTY DEPARTMENT OF HUMAN/SOCIAL SERVICES, AND LAW
ENFORCEMENT AGENCY**

This agreement is entered into, by and between the Gilpin County Department of Human Services, hereinafter "Human/Social Services", and the Local Law Enforcement, hereinafter "Law Enforcement".

WITNESSETH

WHEREAS, Colorado law encourages cooperation between local departments of Human/Social Services and Local Law Enforcement; and

WHEREAS, from time to time, Human/Social Services and Local Law have the responsibility to assess/investigate allegations of child abuse and neglect; and

WHEREAS, the parties hereto desire to memorialize their cooperative arrangement; and

WHEREAS, by custom, Human/Social Services has taken the prime responsibility to assess/investigate child abuse and neglect cases, and the parties affirmatively state that this Agreement is not intended to change this custom; and

WHEREAS, while each of the undersigned professionals and agencies have specific responsibilities in the treatment, protection, and investigation of children, it is acknowledged that the multidisciplinary team approach on matters of child abuse and neglect is a more positive approach to the ultimate resolution of the problems related to these most difficult situations; and

WHEREAS, the purpose of this agreement is to enhance the ability of agencies, organizations, and individuals to implement coordinated efforts in dealing with children and families involved in child abuse and neglect,

NOW THEREFORE, the parties agree as follows:

PROTOCOL FOR COOPERATION

The following protocol shall apply for cooperation between Human/Social Services and local Law Enforcement.

- A. Child abuse reporting laws allow reports to both Law Enforcement and Human/Social Services. This makes cooperation essential to assure prompt action, protection for the child and the responses required by law. The decision regarding who assess /investigates a suspected child abuse/neglect case shall be made jointly by the referring agency and the receiving agency. Joint assessment/ investigation may also be requested by the receiving agency if there is a determination of that need.
- B. The Department of Human/Social Services has an assigned worker on call twenty-four hours per day, seven days per week. Any referrals should be made to a caseworker or the director during regular working hours or the staff person on call after hours. All referrals from Human/ Social Services will be made to the officer on duty.

- C. Cases of minor and medium physical abuse/neglect will not require immediate referral to local Law Enforcement by the staff of Human/ Social Services. All cases of a more severe nature require immediate contact with local Law Enforcement depending on jurisdiction.
- D. Third-party abuse or neglect cases investigated by Law Enforcement as provided in Section 19-3-308(5.3)(a) shall not require immediate notification to Human/Social Services. In such cases, Law Enforcement shall submit a copy of its investigative report to Human/Social Services in order that Human/Social Services may submit a report to the state's automated system if the case is substantiated.
- E. All reports of confirmed child abuse/neglect shall be forwarded by the County Department to the District Attorney's office and the local Law Enforcement agency.
- F. In Joint assessments/investigations, as a general rule, Human/Social Services will take the lead in interviewing the victim; and Law Enforcement will take the lead in interviewing the alleged perpetrator. Joint interviews shall be preceded by a planning session to outline the conduct of the interview prior to the investigation. However, some assessments/investigations will proceed according to a standard plan of actions, while others will require a unique approach. Upon completion of the joint assessment/investigation:
 - 1. Law Enforcement continues criminal investigation without the involvement of Human/Social Services. This shall include the submission of the information to the District Attorney for disposition.
 - 2. Human/Social Services shall be responsible for determining what measures are necessary for the protection of the children, which may include, but not necessarily be limited to the removal of the child (ren) from the home, the filing of a Petition for Dependency and Neglect, and appropriate notification to the Court if removal has occurred.
 - 3. Appropriate sharing of reports must occur. Law Enforcement shall provide Human/Social Services with copies of incident reports when requested.

LANGUAGE AND CRITERIA FOR IDENTIFICATION OF SUSPECTED ABUSE

This section is intended to ensure that all parties are using the same language and criteria for identification of suspected abuse and neglect cases.

ABUSE

- Minor - Excessive or inappropriate force used resulting in a superficial injury.
- Medium - Excessive or inappropriate force used resulting in an injury which may require medical attention.
- Severe- Excessive or inappropriate force used resulting in a serious injury which requires medical attention and/or hospitalization.
- Near fatal - Involves an incident in which a physician determines that a child is in serious, critical, or life-threatening condition as the result of sickness or injury caused by suspected abuse and/or neglect.
- Fatal - Physical or emotional needs of a child are not met resulting in death.

NEGLECT

- Minor - Physical or emotional needs of child are marginally or inconsistently met, but little or no impact on the child's functioning.
- Medium - Physical or emotional needs of a child are inadequately met resulting in some impairment in the child's functioning.
- Severe - Physical or emotional needs of a child are not met resulting in serious injury or illness.
- Near fatal - Physical or emotional needs of the child are not met in an incident in which a physician determines that a child is in serious, critical, or life-threatening condition as the result of sickness or injury caused by suspected abuse and/or neglect.
- Fatal - Physical or emotional needs of a child are not met resulting in death.

SEXUAL ABUSE

- Severity of sexual abuse should be determined based upon the type of contact, duration of contact, and the emotional impact upon the child.

RESPONSIBILITY FOR INVESTIGATION

- G. The following are applicable cases, or types of cases, where it is expected that the sole investigation will be conducted by Human/Social Services (Law Enforcement may be called at any time there may be a safety risk to any worker):
1. Minor physical abuse
 2. Substance exposed newborn
 3. Organic Failure to Thrive
 4. Medical neglect (including failure to provide medically indicated treatment to disabled infants with life threatening conditions and drug affected babies).
 5. Sexual abuse when perpetrator under age 10. Exception, if there is indication that the under age 10 perpetrator is the victim of someone over 10.
 6. Educational neglect. In truancy cases, after charges have been filed by the school district.
 7. Emotional abuse.
 8. Medium neglect, lack of supervision.
 9. Physical or sexual abuse in a daycare home or center, foster home, group home or institution. (Another county department may need to investigate to avoid a conflict of interest).
- H. The following are examples of cases where it is expected that the sole investigation will be conducted by Law Enforcement (Human/Social Services may be called when determined by both parties to be in the best interest of the safety of the child).
1. Third-party physical abuse.
 2. Third party sexual abuse, when the alleged perpetrator is over 10 and it can be determined that the actor is not an abused child.
 3. Report of immediate danger to a child when proximity and speed of Law Enforcement response is needed, when Child Protective Services are not available, and risk to the child indicates immediate evaluation is needed (e.g., welfare check).
- I. The following cases shall be jointly investigated by Human/Social Services and Law Enforcement when abuse or neglect is suspected:

1. Death of a child.
2. Medium to severe physical abuse or risk of this. Joint investigation by Human/Social Services and Law Enforcement is recommended to evaluate the need for immediate medical evaluation, protective custody of the child and appropriate civil and criminal action.
3. All head trauma injuries (i.e., subdural hematoma).
4. All injuries involving ruptured organs, unjustifiably explained abdominal injuries or any injury consistent with abuse. (The history given concerning such conditions is at variance with the degree or type of such condition or death; or the circumstances indicate that such condition may not be the product of an accidental occurrence).
5. All fractures which are unjustifiably explained, or multiple fractures or in various stages of healing. (The history given concerning such conditions is at variance with the degree or type of such condition or death; or the circumstances indicate that such condition may not be the product of an accidental occurrence).
6. All second or third degree burns, including cigarette burns or other burns consistent with abuse (such as immersion burns).
7. All lacerations to the face, external genitalia or extremities which are unjustifiably explained. (The history given concerning such condition is at variance with the degree or type of such condition or death; or the circumstances indicate that such conditions may not be the product of an accidental occurrence). All lesions on different parts of the body.
8. Intra familial and third-party sexual abuse.
9. Injurious Environment. (May require Code Enforcement).
10. Sexual abuse when the alleged perpetrator may be a child victim, or the actor may have his/her own children under the age of 18, or any other child may be at risk.
11. When a suspected perpetrator who is a parent, custodian, guardian or a child may flee.
12. When a parent, custodian, or guardian of a child refuses access to the child (ren) by Human/Social Services or Law Enforcement, or refuses medical examination of the child (ren). It is recognized that it may be necessary for Human/ Social Services to obtain a Court Order for access to said child (ren).
13. Conditions suggesting suspicion that a law has been broken.
14. Any case in which a child is subjected to human trafficking to include sexual and labor servitude.

VI. GENERAL PROVISIONS OF COOPERATIVE AGREEMENT

- A. The intent of this Agreement is to clarify and enhance cooperation between agencies to protect children. It is recognized there may be differing opinions regarding some case decisions. In those cases, referral to supervisory levels would be appropriate. Child Protection Teams also may be used for consultation, feedback, and direction regarding cases which have become problematic between agencies. The District Attorney may provide guidance as well. In extreme circumstances, the Court may be requested to intervene to resolve issues related to the legal responsibility of each agency.
- B. Because agencies and communities are changing entities, annual review for modification or evaluation is accepted as a part of this cooperative agreement. The parties shall set a mutually convenient annual meeting to review and discuss issues directly related to the fulfillment of this Agreement.
- C. Copies of relevant portions of Colorado Revised Statutes are attached hereto for reference.

THE UNDERSIGNED INDIVIDUALS REPRESENTING THEIR RESPECTIVE AGENCIES
HAVE READ THIS DOCUMENT AND AGREE TO IMPLEMENT THE PROCEDURES AS
OUTLINED.

County Human/ Social Services Representative

Name: *Laura L Solomon*

Title: Gilpin County Human Services Director

Date: March 24, 2023

Local Law Enforcement Representative

Name: *Kevin Armstrong*
KEVIN ARMSTRONG

Title: SHERIFF

Date: 03-24-2023

Local Law Enforcement Representative

Name & Signature: *David D. Spellman*

David D. Spellman
Title: Mayor

Date: December 13, 2023