03-004 Child Abuse and Neglect Reporting Act

Los Angeles County Sheriff's Department

FIELD OPERATIONS DIRECTIVE

Field Operations Support Services

CHILD ABUSE AND NEGLECT REPORTING ACT

PURPOSE

The purpose of this Field Operations Directive is to define policies to ensure compliance with the mandates of the Child Abuse and Neglect Reporting Act, Penal Code §11164.

BACKGROUND

The intent and purpose of the Child Abuse and Neglect Reporting Act is to protect children from abuse and neglect. It will also ensure that law enforcement and county welfare agencies (Department of Children and Family Services - DCFS) cross-report, investigate, and protect children from abuse and neglect. The Child Abuse and Neglect Reporting Act sets forth specific requirements for the reporting of child abuse incidents as well as cross-reporting requirements for law enforcement and DCFS.

Law enforcement and DCFS conduct two separate types of investigations. Law enforcement conducts a criminal investigation and DCFS investigates the social aspect of the case. Deputies should not rely on DCFS to conduct any part of their investigation. This is not to say that a deputy should not confer with DCFS to ensure a smooth investigation.

DEFINITIONS

Child - A person under the age of 18 years.

Child Abuse or Neglect - Includes physical injury inflicted by other than accidental means upon a child, sexual abuse of a child, neglect (as defined in section 11165.2 P.C.), willful harming or injuring of a child, endangering of the person or health of a child, and unlawful corporal punishment or injury of a child (see Penal Code §11165.6).

Mandated Cross Reporting - A system where law enforcement and DCFS must notify each other of suspected child abuse or neglect to ensure that each agency is aware of reports made by the other agency.

Mandated Reporter - Penal Code §11165.7 defines those persons who are required to report suspected child abuse or neglect to any law enforcement agency (excluding school district police or security and probation department) or DCFS. Mandated reporters include, but are not limited to, school employees,

doctors, clergy, firemen, and Department personnel (both sworn and non-sworn).

SCAR - Suspected Child Abuse Report Form (DOJ Form SS 8572).

Referral Number - The 19-digit number issued by DCFS for the tracking of SCAR forms. This number is located in the upper right-hand corner of the SCAR form.

PROCEDURE

The identity of all persons who report child abuse or neglect is confidential. Department personnel shall not release the name of the person who reported the alleged abuse or neglect to any person, including the child or the child's parents/guardians. Release of this information to DCFS, other law enforcement agencies, district attorney, or others as listed in Penal Code, §11167(d) is permitted.

If it is determined that the abuse or neglect occurred in another jurisdiction, Department personnel shall take a courtesy report (per MPP §4-01/020.35). The exception to this policy is when a station receives a SCAR from DCFS via E-SCARs wherein the incident's address written on the SCAR is not within that station's jurisdiction. In this instance, the SCAR shall be returned to DCFS for routing to the appropriate agency (see instructions in E-SCARS procedures attachment).

DCFS shall immediately, or as soon as practically possible, cross-report any suspected child abuse or neglect by telephone, fax, or electronic transmission to the law enforcement agency having jurisdiction over the case. Law enforcement agencies shall immediately, or as soon as practicably possible, cross-report any suspected child abuse or neglect by telephone to DCFS [see Penal Code §11166(i) and §11166(j)].

Pursuant to Penal Code §11165.9, school police personnel, including sworn, may not accept a cross report for a SCAR. When Department personnel receive a call for service from a school or school police personnel, a call for service shall be dispatched and the call for service handled as described below.

Watch Deputy's Responsibilities

When a watch deputy receives a prompt on the computer aided dispatch (CAD) system that a new SCAR has been received by the dispatcher, the watch deputy shall process a call for service as described in the E-SCARS attachment.

If the SCAR clearly fails to establish a basis for investigation, the watch deputy may present the SCAR to the watch commander. If the watch commander determines that no call for service shall be dispatched, the watch deputy shall clear the call for service in the CAD system with all appropriate information and complete the top portion of the SCAR Clearance Narrative/Checkoff Report. The watch deputy shall obtain an URN with a statistical code of 419. The watch deputy shall have the watch commander sign and date the watch commander's approval section. All other SCARs shall be dispatched as a call for service.

NOTE: Rerouted SCARs do not require a SCAR Clearance Narrative/Checkoff Report or URN.

When determining whether to dispatch a child abuse or neglect call as a routine, priority, or emergent, the watch deputy shall take into consideration the degree of urgency of the SCAR or call for service, the time of day, and the age of the child.

Responding Deputy's Responsibilities

The responding deputy shall thoroughly investigate the alleged abuse or neglect.

When interviewing a child at school, Department personnel must advise the child that they have a right to have a school staff member (adult) with them while being interviewed. For further information refer to Penal Code §11174.3.

Upon suspicion that a child has been abused or neglected, the responding deputy shall complete an incident report (SH-R-49). The incident report must contain the following information:

- The SCAR referral number;
- The names and dates of birth of all siblings and the names and dates of birth of persons residing at the location;
- If another person(s) is present during the child's interview, the name of the person(s) present;
- In all cases of actual, suspected, or alleged family abuse incidents, clearance code 831 shall be used in conjunction with other appropriate codes to clear the call in CAD (see FOD 02-002, Tracking Family Abuse Crimes);
- The responding deputy must attach the SCAR to the incident report and write the URN number on the upper right-hand corner of the SCAR;
- If the responding deputy can articulate, beyond a reasonable doubt, that no child abuse occurred, no incident report (SH-R-49) is necessary; however, the deputy shall complete the SCAR Clearance Narrative/Checkoff Report stating, in detail, their findings including the names and dates of birth of all persons at the location;
    - If the responding deputy completes a SCAR Clearance Narrative/Checkoff Report, the deputy shall obtain an URN with a statistical code of 419. The deputy shall place the URN on the upper right-hand corner of the SCAR and submit it to the watch sergeant with the completed SCAR Clearance Narrative/Checkoff Report.
- If the call for service is generated by another source, such as a call made directly to the station or by observation, and the allegation of child abuse is physical or sexual abuse, the responding deputy shall contact the DCFS Hotline [REDACTED TEXT] as soon as possible. If the deputy determines suspected or actual child abuse has occurred, the deputy shall write an incident report (SH-R-49). If the deputy determines no abuse occurred, the deputy shall complete a SCAR Clearance Narrative/Checkoff Report. If the deputy determines that general neglect or emotional abuse exists or the deputy believes the children would benefit from services offered by DCFS, the deputy may contact the DCFS Hotline;
    - When calling the DCFS Hotline, the deputy should be prepared to answer the questions in the "DCFS Hotline Questions" form. The "DCFS Hotline Questions" form can also be found on the Special Victim's Bureau intranet website. Upon completion of the call, the DCFS Hotline will provide the deputy with a SCAR referral number.

- The responding deputy must include the following additional information in the incident report or SCAR Clearance Narrative/Checkoff Report:
  - Date and time the DCFS Hotline was notified by the deputy;
  - The name of the person at DCFS the deputy spoke with; and
  - If the receiving DCFS Hotline worker refuses to take the information and does not issue a SCAR referral number, the name of the person the responding deputy spoke with at the DCFS Hotline and the reason the person refused to take the information;
- The responding deputy shall have desk personnel print the SCAR from the E-SCAR system and attach it to the incident report or SCAR Clearance Narrative/Checkoff Report.

- If the call for service is generated by a mandated reporter, the responding deputy shall ascertain if the mandated reporter has contacted DCFS and, if so, obtain the SCAR referral number. If the mandated reporter has not contacted DCFS, the Deputy shall notify DCFS and obtain a SCAR referral number.

  NOTE: DCFS worker's personal information (home address, personal phone number, date of birth) are not necessary to complete a SCAR or Incident Report (SH-R-49).

Watch Sergeant's Responsibilities

- When reviewing reports, the watch sergeant shall ensure that the reports contain the information as described above and that the SCAR is attached to the incident report (SH-R-49); and
- If a deputy submits a SCAR Clearance Narrative/Checkoff Report and SCAR, the watch sergeant shall ensure an URN was obtained using a statistical code of 419 and the URN is on the upper right-hand corner of the SCAR. The watch sergeant shall check the appropriate "Action" box on the SCAR Clearance Narrative/Checkoff Report.

Watch Commander's Responsibilities

- The watch commander shall review the E-SCAR system which contains the SCARs at least once during their shift and ensure that all SCARs are handled in a timely and complete manner; and
- If the SCAR clearly fails to establish a basis for investigation, the watch commander may determine that no call for service needs to be dispatched. The watch commander shall sign and date the SCAR Clearance Narrative/Checkoff Report in the watch commander's approval section.

Additional Information

If Department personnel need help or assistance with the E-SCARs system, they may contact Special Victims Bureau via the [REDACTED TEXT]

Personnel may also contact the Special Victims Bureau by calling [REDACTED TEXT] Monday – Friday during regular business hours or [REDACTED TEXT] after hours. In addition, the above e-mail address may

be used for non-emergent assistance with questions regarding child abuse laws or policies.

AFFECTED DIRECTIVES/PUBLICATIONS

MPP 4-06/023.00 (Child Abuse) – This directive provides supplemental information and protocols to the referenced MPP section.

CITES/REFERENCES

Penal Code §11164, Child Abuse and Neglect Reporting Act

Penal Code §11165.6, Child Abuse or Neglect

Penal Code §11165.7, Mandated Reporter

Penal Code §11165.9 Mandated Reporting

Penal Code §11166(i), Cross Mandated Reporting - DCFS to Law Enforcement

Penal Code §11166(j), Cross Mandated Reporting - Law Enforcement to DCFS

Penal Code §11167(d), Confidentiality for Reporters

Penal Code §11174.3, School Staff Member Present

MPP 4-01/020.35, Courtesy Report

Field Operations Directive 02-002, Tracking Family Abuse Crimes

ATTACHMENTS

E-SCARs Procedures

Intake Questions for the Child Protection Hotline

Suspected Child Abuse Report (DOJ Form SS 8572)