

# 0023 - CHILD ABUSE CENTRAL INDEX PROCESS

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

DETECTIVE DIVISION

SPECIAL VICTIMS BUREAU



<b>Bureau Order No:</b>	0023
<b>Subject:</b>	CHILD ABUSE CENTRAL INDEX PROCESS

<b>Effective Date</b>	Jan. 2023	<b>Last Date Reviewed</b>	Jan. 2023	<b>Last Date Revised</b>	Jan. 2023
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**PURPOSE:**

The Attorney General administers the Child Abuse Central Index (CACI), which was created by the Legislature in 1965 as a tool for state and local agencies to help protect the health and safety of California's children.

Defined in Penal Code (PC) sections 11164 through 11174.31, these statutes are referred to as the Child Abuse and Neglect Reporting Act (CANRA).

Each year, child abuse investigations are reported to the CACI. These reports pertain to investigations that substantiated physical abuse, sexual abuse, mental/emotional abuse, and/or severe neglect of a child. The reports are submitted by **county child welfare services and probation departments.**

The information in the CACI is available to aid law enforcement investigations, prosecutions, and to provide notification of new child abuse investigation reports involving the same suspects and/or victims. Information is also provided to designated social welfare agencies to help screen applicants for licensing or employment in child care facilities and foster homes, and to aid in background checks for other possible child placements, and adoptions. Dissemination of CACI information is restricted and controlled by statute.

Information on file in the Child Abuse Central Index includes:

- Names and personal descriptors of the suspects and victims listed on reports;
- Reporting agency that investigated the incident;
- The name and/or number assigned to the case by the investigating agency; and
- Type(s) of abuse investigated.

**Policy:**

Effective January 1, 2012, Chapter 468, Statutes of 2011, amends PC sections 11165.12, 11169, and 11170 of the Child Abuse and Neglect Reporting Act. The new law directs the Department of Justice (DOJ) to receive and enter into the Child Abuse Central Index **only substantiated reports of child abuse or severe neglect submitted by a child welfare agency or a county probation department. Police and sheriff departments are no longer required to submit reports of known or suspected child abuse or severe neglect to the DOJ via the Child Abuse or Severe Neglect Indexing Form (BCIA 8583).** The new law also directs the DOJ to remove all inconclusive reports from the CACI and all names of suspects 100 years of age or older.

Pursuant to 11169 (d) of the California PC, subject to subdivision (e), any person who is listed on the CACI has the **right to a hearing** before the agency that requested his or her inclusion in the CACI to challenge his or her listing on the CACI. The hearing shall satisfy due process requirements. It is the intent of the Legislature that the hearing provided for by this subdivision shall not be construed to be inconsistent with hearing

proceedings available to persons who have been listed on the CACI prior to the enactment of the act that added this subdivision.

PC 11169, subdivision (e) states, a hearing requested pursuant to subdivision (d) shall be denied when a court of competent jurisdiction has determined that suspected child abuse or neglect has occurred, or when the allegation of child abuse or neglect resulting in the referral to the CACI is pending before the court. A person who is listed on the CACI and has been denied a hearing pursuant to this subdivision has a right to a hearing pursuant to subdivision (d) only if the court's jurisdiction has terminated, the court has not made a finding concerning whether the suspected child abuse or neglect was substantiated, and a hearing has not previously been provided to the listed person pursuant to subdivision (d).

### **Review Process:**

Person(s) who have been suspected of child abuse and whose names have been placed into CACI, have a hearing to remove their names. When an individual makes a request to have their name removed from the CACI, the following shall occur:

- The Special Victims Bureau (SVB) Operations Lieutenant shall conduct a complete and thorough review of all materials of the case within **45 days** following receipt of the written request.
- The SVB Operations Lieutenant shall submit the file with his/her findings and recommendations to the Unit Commander for approval. After a complete and thorough review of the file and if the Unit Commander concurs with the findings and recommendations of the Operations Lieutenant, he/she will approve the case file. A letter as to the findings will be sent to the concerned individual. The letter shall be issued to the individual no later than **five (5)** days following the review by the Unit Commander.

The final conclusion letter will state that all reports, documents, and/or evidence have been reviewed (including documents submitted by the individual) and will include the result and reason(s) for the decision.

The reason for the decision rendered must support the Unit Commander's evaluation of the facts and evidence contained in the documentation.

The letter informs the concerned individual of the decision based on the materials and/or documents reviewed. SVB will notify the CA DOJ of any changes in classification in the amended (BCIA 8583) report.

Reviewed and approved by:

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Richard Ruiz, Captain

Special Victims Bureau

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