OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 17 **December 7, 2023**

SUBJECT: REPORTING SUSPECTED CHILD ABUSE REPORT INVESTIGATIONS – REVISED

PURPOSE: On October 8, 2023, Governor Gavin Newsom signed into law California Assembly Bill 391 (AB 391). This new legislation will amend Section 11167 of the Penal Code relating to crimes under the Child Abuse and Neglect Reporting Act. The amendments establish procedures for the reporting and investigation of suspected child abuse or neglect by non-mandated reporters. The bill mandates that any agency that receives a report from a non-mandated reporter must ask the reporter to provide certain information, such as their name, telephone number, and the source of the information that led to the suspicion of child abuse or neglect. If the reporter declines to provide their identifying information, the agency must try to determine the reason behind the refusal and then inform the reporter that their information will be kept confidential.

PROCEDURE:

I. **REPORTING SUSPECTED CHILD ABUSE REPORT INVESTIGATIONS – REVISED.** Department Manual Section 4/218.53, *Reporting Suspected Child Abuse Report Investigations*, has been revised. Attached is the Manual section with the revisions in italics.

AMENDMENT: This Order amends Section 4/218.53 of the Department Manual.

AUDIT RESPONSIBILITY: The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.

MICHEL R. MOORE
Chief of Police

Attachment

DISTRIBUTION "D"

218. JUVENILES INVOLVED.

218.53 REPORTING SUSPECTED CHILD ABUSE REPORT INVESTIGATIONS.

California law specifies that certain professionals, as well as employees of designated organizations, and agencies (mandated reporters), as specified in California Penal Code Section 11165.7 (e.g, health care professionals, school officials), shall report suspected child abuse and neglect to any of the following:

- Any law enforcement agency; or,
- The county welfare department [e.g., Department of Children and Family Services (DCFS)].

California Penal Code Section 11165.2 differentiates and defines neglect as:

- **General Neglect.** The negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred, but the child is at substantial risk of suffering serious physical harm or illness.

  Note: General Neglect does **not** include a parent's economic disadvantage.

- **Severe Neglect.** "The negligent failure of a person having the care or custody of a child to protect the child from severe malnutrition or medically diagnosed, non-organic failure to thrive," and, "those situations of neglect where any person having the care or custody of a child willfully causes or permits the person, or health of the child, to be placed in a situation such that their person or health is endangered."

  Note: Endangered, as proscribed by Section 11165.3 PC, includes the intentional failure to provide adequate food, clothing, shelter, or medical care.

  The Child Abuse and Neglect Reporting Act requires a mandated reporter [as defined in Penal Code Section 11165.7(a)], to make a report to a specified agency whenever the mandated reporter, in his or her professional capacity or within the scope of his or her employment, has knowledge of or observes a child whom the mandated reporter knows, or reasonably suspects, has been the victim of child abuse or neglect. Existing law provides that "child abuse or neglect" for these purposes includes "sexual assault," that includes, among other things, the crimes of sodomy, oral copulation, and sexual penetration.

Assembly Bill 1145 "Child Abuse, Reportable Conduct" amending Penal Code Section 11165.1, states that "sexual assault" for these purposes does not include voluntary sodomy, oral copulation, or sexual penetration, if there are no indicators of abuse, unless that conduct is between a person who is 21 years of age or older and a minor who is under 16 years of age.

Suspected child abuse can be reported to the Department as follows:

- Electronically (e.g., email or social media);
- Via fax referral;

  Note: Suspected Child Abuse Reports (SCAR) received electronically during business hours shall be reviewed, organized, and evaluated by the staff of the Investigative Control Unit (ICU), Juvenile Division. During weekends, holidays, and off-hours, these functions will be the responsibility of the Department Operations Center (DOC).

- Direct verbal notification from a mandated reporter;
- Direct verbal notification from a concerned member of the public; or,
- Mailed directly to the Department (i.e., via *United States Postal Service, Federal Express,etc.)* by the *Los Angeles County Department of Children and Family Services (*DCFS) or a mandated reporter.

  Note: Suspected Child Abuse Reports sent directly to the Department by DCFS or a mandated reporter shall be forwarded to the concerned Area SCAR Coordinator to be logged and filed. In situations when the Department is the first agency to receive a SCAR, the officers completing the initial investigation and appropriate report (i.e., investigative or injury report) shall notify DCFS and document the notification in the report.

Suspected Child Abuse Reports Review Process. The review process shall include determining whether the SCAR requires law enforcement investigation and/or an immediate Department response. If it is determined that an immediate Department response is needed, a unit shall be dispatched. If there was a delay in reporting, or other circumstances indicating the call may have already been handled, employees from the receiving division (e.g., Juvenile Division or DOC) shall use the alleged victim's name and address to query Department resources to determine if a report regarding the incident has already been completed. If a report has been completed, the Division of Record (DR) number, type of report, and the date of the report shall be included in the SCAR. No further preliminary investigation is required.

Suspected Child Abuse Reports Investigation Response Protocol.

Immediate Dispatch. A patrol unit shall be immediately dispatched when any of the following are involved:

- An allegation of sexual abuse;
- Severe neglect requiring medical treatment;
- Hospitalization for internal injuries of a suspicious nature; or,
- Physical abuse with visible injury.

Note: In most cases the investigation of incidents involving visible injuries will require an immediate dispatch of a patrol unit, unless otherwise determined to have extenuating (i.e., injuries caused by children involved in mutual combat, minor injury caused during reasonable restraint, a parent holding down a combative child, or when there is minor injury and the perpetrator has no direct or likely access to the child) by ICU, and the approval of a supervisor.

School cars and juvenile cars will not automatically be assigned child abuse calls. Child abuse calls for service generated by Juvenile Division or the DOC, shall include in the comments of the radio call, a request for the handling unit to contact their watch commander prior to handling the call. The responding unit may request a copy of the SCAR from Juvenile Division or the DOC, which will be provided electronically via email. If the SCAR indicates DCFS is handling as an "Immediate Response," a Children's Social Worker (CSW) will be assigned, and will respond regardless of the time of day or day of the week. However, law enforcement personnel are still required to complete a separate and independent criminal investigation.

Exceptions to Immediate Dispatch – Delayed Handling. The dispatch of a unit to investigate a SCAR may be delayed or the SCAR may be handled differently, if any of the following apply:

- The SCAR does not meet the criteria for immediate dispatch;
- Alleged sexual abuse that occurred more than 120 hours earlier and the perpetrator has no direct or likely access to the child; or,
- When an injury or crime report has already been taken for the incident reported in the SCAR;
- The handling supervisor approves the delay of the handling of the investigation ("delayed handling" means a period not to exceed 24 hours in furtherance of the investigation, after consideration to the risk factors involving the child and any siblings).

  EXAMPLE: A SCAR describing minor bruising on a 10-year-old child is received at 0200 hours. Since dispatching a unit would most likely require both the child and the parents to be awakened, the supervisor decides to approve the delay of dispatching a until the next morning when the child is in school, and can be interviewed in a neutral setting at a more convenient time.

If the responding officers are unable to locate the reporting party or an alleged victim during their investigation, they shall contact their watch commander for guidance on how to proceed. The watch commander shall determine if the alleged abuse is serious enough to require the continuing efforts of the officers to locate the victim or whether another unit can be dispatched at a later time.

Note: Watch commanders may refer to Special Order No. 26, Procedures for Suspected Child Abuse Investigations – Revised, dated on August 28, 2006, in determining if the alleged abuse is serious enough to require the continuing efforts of the officers to locate the victim or whether another unit can be dispatched at a later time.

If the decision is made to dispatch a unit at a later time, the watch commander shall ensure appropriate arrangements are made for the call to be reassigned within the next 24 hours. If a second response has not been attempted prior to the concerned watch commander's end of watch, the watch commander shall make an entry in the Watch Commander's Daily Report, Form 15.80.00, specifically describing what arrangements have been made. After a total of two unsuccessful attempts have been made to investigate the SCAR, the watch commander shall forward the SCAR to the Area SCAR Coordinator for additional follow-up. All efforts to handle the SCAR shall be chronologically documented on the SCAR, on an attached chronological record, or on an attached Area Command Center (ACC)/ Mobile Digital Computer (MDC) administrative message. The date and time of each attempt, together with the officers' names and unit numbers, shall be included. Officers concluding a SCAR investigation shall complete a*n Investigative Report, Form 03.01.00* or *an Injury Investigation, Form 03.15.00.*

Reporting Procedures. An Injury *Investigation,* Form 03.15.00, is to be completed when there is no evidence of a crime to document the preliminary investigation. Reporting procedures shall be handled depending on the type of incident.

Notification from DCFS. Officers responding to a call arising from a DCFS notification do not need to complete a SCAR if one has already been generated by the DCFS. Department of Children and Family Services has the responsibility for ensuring a SCAR has been completed, or will be completed. If the CSW has the SCAR available, officers shall obtain a copy and attach it to a copy of the crime or *i*njury *report* and forward it to the Area SCAR Coordinator. Upon the completion of the criminal investigation, officers shall notify the DCFS Protection Hot Line, at (800) 540-4000 to cross-report the allegations and findings of the investigation.

Notification from a Mandated Reporter. If the mandated reporter has the SCAR available, officers shall have him or her retain the yellow copy, and the officer shall take the remaining copies. The officers shall attach these copies, along with a copy of the crime or *i*njury *report,* and forward it to the Area SCAR Coordinator.

If the mandated reporter has not yet completed a SCAR, officers shall advise him or her to complete a SCAR within 36 hours. Officers do not need to complete a SCAR. If the mandated reporter has completed a SCAR, and obtained a DCFS referral number, officers shall include it in the narrative of the crime or injury report. If there is no DCFS referral number, officers shall cross report the allegations and findings to the DCFS Child Protection Hot Line for a referral number. Upon completion of the crime and injury report, officers shall obtain the child's name and the name of the social worker giving the referral number. The referral number shall be included in the narrative portion of the crime or *i*njury *report*.

Note: The identity of mandated reporters shall be kept confidential, and disclosed only to other involved agencies, in accordance with Penal Code Section 11167. Mandated reporters are required to make an initial telephonic report as soon as practicable, and a written report within 36 hours.

Notification from a *Non-Mandated Reporter or* Concerned Member of the Public.

Assembly Bill 391 "Child Abuse and Neglect: Nonmandated Reporters" amending Penal Code Section 11167, *states, "An agency specified in Section 11165.9 receiving a report of known reasonably suspected child abuse or neglect pursuant to subdivision (g) of Section 11166 shall ask the reporter to provide all of the following information in the report;*

- *Name;*
- *Telephone number;*
- *The information that gave rise to the knowledge or reasonable suspicion of child abuse or neglect; and,*
- *The source or sources of the information that gave rise to the knowledge or reasonable suspicion of child abuse or neglect."*

If a non-mandated reporter refuses to provide their name or telephone number, the officer shall make efforts to determine the basis for that refusal and advise the reporter that the identifying information will remain confidential.

> ***Note:*** *Officers shall document the non-mandated reporter's information in a Request for Confidentiality of Information, Form 03.02.00.*

Upon notification from a concerned member of the public *(i.e, a non-mandated reporter),* officers shall contact the DCFS Child Protection Hotline for a referral number. The officer shall provide the child's name and the name of the social worker giving the referral number. This information shall be included in the narrative of the crime or injury *report.* When ICU receives a SCAR investigation electronically, the SCAR shall be forwarded to the Area SCAR Coordinator. The Area SCAR Coordinator shall be responsible for closing out the investigation in the Electronic Suspected Child Abuse Report (ESCAR) System with the appropriate disposition category.

– – – – – The remainder of this section remains unchanged – – – – –