

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 9

April 27, 2021

SUBJECT: CHILD ABUSE CENTRAL INDEX (CACI) REVIEW – REVISED

PURPOSE: This Order revises Department Manual Section 4/218.54, *Child Abuse Central Index (CACI) Review*. All supervisory personnel or their designees who receive either a verbal or telephonic child abuse or severe neglect case for review from either a suspect or the representing attorney, shall adhere to the procedures delineated in the revised Department Manual Section 4/218.54.

PROCEDURE: Department Manual Section 4/218.54, *Child Abuse Central Index (CACI) Review*, has been revised and is attached with the revisions indicated in italics.

AMENDMENT: This Order amends Section 4/218.54 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"

**DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No.9 , 2021**

218.54 CHILD ABUSE CENTRAL INDEX REVIEW. All child abuse or severe neglect cases classified as “Substantiated” are forwarded to *the Department of Justice (DOJ)* by the *appropriate child protection agency* for inclusion into the *Child Abuse Central Index (CACI)* database. Cases classified as “Unfounded” or “Inconclusive” are not reported to DOJ and shall be removed from the Index. The CACI database shall be continually updated and shall not contain any child abuse or severe neglect reports classified as “Unfounded” or “Inconclusive” in compliance with *California Penal Code (PC) Section 11169(a)*.

If a previously filed report is subsequently proven to be unsubstantiated, the DOJ shall be notified in writing via a correspondence of that fact so DOJ can remove the person’s name from the CACI database.

The Child Abuse and Neglect Reporting Act requires written notice to the known or suspected child abuser of initial placement into the CACI database [PC Section 11169(c)]. Any person listed in the CACI database has the right to a hearing to challenge their inclusion on the CACI database [PC Section 11169 (d)].

A person named as a suspected child abuser is entitled to present a challenge to a previously filed report and shall be given a reasonable opportunity to rebut the charge. A formal hearing with full rights of confrontation and cross-examination is not necessarily required, *but must be afforded as a reasonable opportunity to be heard*. Therefore, the Department shall conduct a child abuse or severe neglect case review hearing in all instances when either the suspect or the representing attorney requests, telephonically or through written correspondence, a review of the case. The Department shall provide the suspect a reasonable opportunity to be heard and present “evidence” for consideration to have the final classification of the case changed from “Substantiated.”

Note: Although an attorney representing a suspect in a child abuse or severe neglect case may be present at the case review *hearing*, there is no current legal requirement that counsel be permitted to call or cross-examine witnesses.

Case Review – Employee’s Responsibilities. Any Department employee who receives a request, verbally or telephonically, for a child abuse or severe neglect case review *hearing* from either the suspect or the representing attorney shall:

- Immediately refer the requesting person to the concerned *Case Review Coordinator (CRC)*, who will schedule and subsequently conduct the case review *hearing*; or,
- If the CRC is unavailable, the Department employee shall refer the requesting person to the CRC’s immediate supervisor, who will then assume the responsibility for notifying the CRC regarding the request for a case review *hearing*.

Case Review – Coordinator’s Responsibilities. The CRC in the concerned geographic Area or specialized division shall conduct the case review *hearing*. The assigned CRC shall be a

**DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No. 9 , 2021**

supervisor who has expertise in child abuse or severe neglect investigations. The assignment of the CRC shall be as follows:

- In the geographic Areas, the CRC shall be a Detective III supervisor, who is assigned to the CRC position by the concerned Area's detective division commanding officer (CO);
- In specialized divisions, the CRC shall be a Detective III supervisor, who is assigned to the CRC position by the concerned divisional CO; or,
- In the absence of the assigned CRC, the concerned commanding officer may assign a designee of supervisory rank (e.g., Detective II, Sergeant I, or higher) as the CRC to conduct the case review *hearing*.

When either the suspect or the representing attorney requests a case review *hearing*, the CRC shall:

- Schedule a case review *hearing* within a reasonable time period to allow the requesting party *his or her* right to due process. Case review *hearings* should be conducted during normal business hours; and,
- Notify the requesting party of the scheduled date and time of the case review *hearing*. The telephonic notification should be supplemented by a notification via facsimile or e-mail to the requesting party, when possible.

In preparation for conducting the child abuse or severe neglect case review *hearings*, the assigned CRC shall:

- Discuss the case with the case investigator, *if available*, and thoroughly review the case prior to the case review *hearing*;
- Determine if the *specified charges were* filed, and the criminal filing disposition of the case;
- Determine the court status of the case by querying the Prosecutors Information Management System (PIMS) and the Trial Court Information System (TCIS), and ascertain whether the case was adjudicated, pending, or has a final court disposition;
- Determine if the classification of the child abuse or severe neglect case was appropriate or should be changed from "Substantiated," to "Inconclusive" or "Unfounded";
- Inform the suspect and/or representing attorney that the Department is mandated by PC Section 11169(a), on all cases classified as "Substantiated" to forward the suspect's name and identifying information to *the* DOJ for entry *in* the CACI database; and,
- Complete the *Child Abuse Central Index Case Review, Form 08.31.01*, and process appropriately. In the narrative portion of the form, the CRC shall summarize the findings of the review process and document any additional evidence *provided* by the suspect and/or representing attorney. *The CRC shall* include information that is relevant to the investigation, classification and final disposition of the child abuse or severe neglect case.

Documentation Of Case Review Hearings. All case review *hearings* should be conducted in-person, if possible. Upon completion of the case review, the CRC, or designee, shall complete, review and sign the *Child Abuse Central Index (CACI) Case Review Form*. The form

**DEPARTMENT MANUAL
VOLUME IV
Revised by Special Order No.9 , 2021**

shall then be submitted to the concerned commanding officer for review and approval.

Note: When the suspect requests a telephonic case review *hearing*, the CRC shall complete the CACI Case Review Form and indicate in the appropriate box on the form that the case review *hearing* was conducted telephonically. The completed form shall then be processed in the same manner as an in-person case review *hearing*.

As an option, the case review *hearings* may be *digitally* recorded. If so, the recording shall be retained in accordance with established Department procedures outlined in Manual Sections 3/569.20 and 3/569.40. The original recording should be forwarded immediately to Technical Investigation Division, and a copy *shall be* maintained in the Detective Case Folder, if necessary.

The CRC shall maintain all materials used in the case review *hearing* in accordance with record retention guidelines. Copies of the case review *hearing* records shall be stored *for a period of three years* at the Area or specialized division where the case review *hearing* was conducted.

Case Review – Area, Division Commanding Officer’s Responsibilities. *The CO of the geographic Area or specialized division where the case was investigated and reviewed, shall approve the completed Child Abuse Central Index Case Review Form.*

Commanding Officer’s Responsibilities. *Commanding officers shall ensure all personnel within their commands adhere to this Department Manual Section.*