

PROTOCOL: Cross Reports to Law Enforcement

OVERVIEW

This Protocol describes the Department's procedures in fulfilling reporting requirements under the [Child Abuse And Neglect Reporting Act \(CANRA\)](#).

Under Penal Code (PC) § 11166(j), the Department of Children and Family Services must immediately, or as soon as practically possible, report by telephone, fax or electronically transmit to the law enforcement agency having jurisdiction over the case and to the district attorney's office, every suspected instance of child abuse or neglect, except specific instances which are listed below. The Department is also required to send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

The intent and purpose of CANRA is to protect children from abuse and neglect. In any investigation of suspected child abuse or neglect, all persons participating in the investigation of the case must consider the needs of the child victim and do whatever is necessary to prevent psychological harm to the child victim.

Please refer to [DM31-501.1, Reporting to DOJ Child Abuse Index for information on how to cross report to DOJ](#). This protocol is specific to reporting to Law Enforcement and DA only.

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SCREENER’S RESPONSIBILITES (RECEIPT OF CHILD ABUSE REPORT)

ER Screeners cross reporting responsibilities are limited to the cross report required to be made to local law enforcement and to the D.A.

The ER Screeners cross reporting responsibilities will differ somewhat depending on:

1. The type of cross report to be made, telephone or written;
2. Who made the report, a mandated or non-mandated reporter

Telephone Cross Report

The ER Screener must cross report to the police by telephone **every** report received of suspected child abuse or neglect as required by the California Penal Code, Child Abuse and Neglect Reporting Act. The cross report must be made to the proper law enforcement jurisdiction. A list of law enforcement agencies by city/region with contact information is located at the end of this protocol.

Note- Some police jurisdictions may request that phone-in reports not be made. The alternative method in these cases is to document the case in the screener narrative, generate the BCIA 8572 and submit to the appropriate police agency within 36 hours by mail, fax or email. No telephone report is required to be made to the D.A.

Follow-up written report table

| If the report was received from non-mandated reporter | If the report was received from mandated reporter |
|---|---|
| <p>The Screener will create the written Suspected Child Abuse Report, form BCIA 8572, if the report was made by a non-mandated reporter. This written report of suspected child abuse is to be submitted to the law enforcement agency where the verbal report was made within 36 hours of the initial report and is also to be sent to the D.A. for all reports of child abuse, except for reports of neglect and abuse related to substance abuse per PC 11165.13 and 11165.2</p> <p>The DA SCAR report can be emailed to: DA-SCARS@contracostada.org</p> <p>NOTE: This written report is required by the CANRA, it is the duty of the Department to fulfill this written cross report responsibility.</p> | <p>Mandated reporters are required to submit the written part of the child abuse report (form BCIA 8572 - Suspected Child Abuse Report) to the Department within 36 hours.</p> <p>Copies of that report must then be distributed by the Screener to the appropriate police agency and to the D.A. for all reports of child abuse, except for reports of neglect and abuse related to substance abuse per PC 11165.13 and 11165.2</p> <p>The DA SCAR report can be emailed to: DA-SCARS@contracostada.org</p> <p>NOTE: If no written report is received within one week, the Screener will create the BCIA 8572 and distribute to the police agency with jurisdiction and to the D.A.</p> |

EMERGENCY RESPONSE RESPONSIBILITIES

Written cross report of suspected child abuse

If additional information was obtained during an investigation, the field investigator in ER, as a mandated reporter, will need to complete DOJ form BCIA 8572 - Suspected Child Abuse Report - and submit it to the appropriate police agency within 36 hours by mail, fax or email. The Screener will have already made the required immediate verbal report depending on the local policies of police jurisdictions as to receiving these reports.

Reports after an 'active investigation'

This is the principal reporting responsibility of the Social Worker who conducts the active investigation of a report of suspected child abuse or neglect. Reporting agencies must submit [Form BCIA 8583 Child Abuse and Severe Neglect Indexing Form](#), to the DOJ after an active investigation has been conducted and the incident has been determined to be substantiated.

Form BCIA 8583 is created in CWS/CMS at the conclusion of the investigation when a case is substantiated and submitted to DOJ and law enforcement. This report is recorded in the [Child Abuse Central Index \(CACI\)](#) database and must be filled out **completely and thoroughly** (see [DM31-501.1, Reporting to DOJ Child Abuse Index](#) for further details on how to report BCIA 8583 DOJ) or it will be returned by the DOJ. It must also be amended or corrected after submission when necessary.

Active Investigation means the activities of an agency in response to a report of known or suspected child abuse. The activities must include, at a minimum: assessing the nature and seriousness of the known or suspected abuse; conducting interviews of the victim(s) and any known suspect(s) and witness(es) when appropriate and/or available; gathering and preserving evidence; determining whether the incident is substantiated, inconclusive, or unfounded; and preparing a report that will be retained in the files of the investigating agency.

WHAT MUST BE CROSS-REPORTED

Referrals with the following allegations must be cross-reported:

- physical abuse (defined in [PC§ 11165.6](#));
- sexual abuse or sexual exploitation (defined in [PC§ 1165.1](#));
- severe neglect (defined in [PC§ 1165.2\(a\)](#));
- willful harming or injuring of a child (defined in [PC§ 1165.3](#));
- emotional abuse (defined in [PC§ 1165.3](#)); or
- unlawful corporal punishment or injury (defined in [PC§1165.4](#)).

WHAT DOES NOT NEED TO BE CROSS REPORTED

Social workers are not required to cross-report the following referrals alleging:

- General neglect;
- The inability of the parent to provide the child with regular care due to the parent's substance abuse;
- Caretaker absence

OUT OF HOME CARE REPORTS

When conducting an investigation of a child in out-of-home care, additional cross reports may be necessary. Refer to CFS policy for Out of Home Investigations, [DM31-112](#) for further direction.

SENSITIVE CASES

If the report is sensitive due to a client's association with CFS or EHSD consult the screening supervisor to determine handling and transmission of the cross report. Please refer to the CFS policy Sensitive Cases, [DM31-503.6](#), for further direction.

REFERRALS WHERE LAW ENFORCEMENT IS THE ALLEGED PERPETRATOR

If the report has an allegation concerning a suspect who is a member of law enforcement, the cross report must go to Internal Affairs of the specific law enforcement jurisdiction involved. The screener or ER Worker can use the LE directory in this Practice Guide to contact the internal affairs office for the respective LE jurisdiction. Then, the screener or ER worker based on Internal Affairs request send the cross report along with the cover letter found [here](#) to the recommended email, FAX or address for mailing.

Pursuant to PC § 11167.5, upon request CFS staff may also send a copy of the Investigation Narrative to the appropriate law enforcement agency Internal Affairs office.

NEW REFERRALS ON OPEN CASES

When a new referral is received on an open case, the BCIA 8583 must be completed if the new allegation is investigated and meets the DOJ reporting criteria stated in [DM31-501.1, Reporting to DOJ Child Abuse Index](#).

CWS PROCESS TO COMPLETE CROSS-REPORT

To create a Cross Report Notebook in CWS/CMS:

1. Click the plus [+] Create New Cross Report (under police car icon)
2. Complete the Identification section:
 - Date and Time = when cross report occurred



- Staff Person = who made the cross report
 - Cross Report Type (appropriate choices) -The usual Type is "Suspected Child Abuse Report"
 - Title...(to whom and what agency was the cross-report made)
 - Cross Report Not Sent (if no cross report was made) -Use the Narrative description to explain why.
3. Complete the Sent To section:
- In- State Law Enforcement- Select from drop down menu.

LAW ENFORCEMENT JURISDICTIONS CONTACT INFORMATION

| Law Enforcement Jurisdiction | Contact Info. For SCAR |
|---|---|
| Contra Costa Co. Sheriff Martinez Station | 651 Pine St 7th Floor Martinez, California 94553 (925) 335-1500 |
| Contra Costa Co. Sheriff Lafayette Station | 3675 Mt. Diablo Blvd., Suite 130 Lafayette, California 94549 (925) 283-3680 |
| Contra Costa Co. Sheriff Orinda Station | 22 Orinda Way Orinda, California 94563 (925)250-6820 |
| Contra Costa Co. Sheriff Valley Station | 150 Alamo Plz Ste C Alamo, CA 94507 (925)837-2902 |
| Antioch PD | 300 L Street Antioch, California 94509 (925) 779-6900 |
| Blackhawk PD | 1092 Eagle Nest Place Danville, CA 94526 (925) 736-1018 |
| Brentwood PD | 9100 Brentwood Blvd Brentwood, California 94513 (925) 634-6911 |
| Clayton PD | 6000 Heritage Trl Clayton, California 94517 (925) 673-7350 |
| Concord PD | 1350 Galindo St Concord, California 94520 (925) 671-3220 |
| Danville PD | 510 La Gonda Way Danville, California 94526 (925) 314-3410 |



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|------------------|---|
| El Cerrito PD | 10900 San Pablo Avenue El Cerrito, California 9453 (510) 215-4400 |
| Hercules PD | 111 Civic Dr Hercules, California 94547 (510) 799-8260 |
| Kensington PD | 217 Arlington Ave Kensington, California 94707 (510) 526-4141 |
| Martinez PD | 525 Henrietta Street Martinez, California 94553 (925) 372-3445 |
| Moraga PD | 329 Rheem Boulevard Moraga, California 94556 (925) 376-2515 |
| Pinole PD | 880 Tennent Ave Pinole, California 94564 (510) 724-8950 |
| Pittsburg PD | 65 Civic Avenue Pittsburg, California 94565 (925) 252-4980 |
| Pleasant Hill PD | 330 Civic Dr Pleasant Hill, California 94523 (925) 288-4600 |
| Richmond PD | 1701 Regatta Boulevard Richmond, California 94804 (510) 233-1214 |
| San Pablo PD | 13880 San Pablo Avenue San Pablo, California 94806 (510) 215-3130 |
| San Ramon PD | 2222 Camino Ramon San Ramon, California 94583 (925) 973-2700 |
| Walnut Creek PD | 1666 N Main St Walnut Creek, California 94596 (925) 943-5844 |

RESOURCES

- [BCIA 8572 Suspected Child Abuse Report](#)
- [BCIA 8583 Child Abuse and Severe Neglect Indexing Form](#)