INTRADEPARTMENTAL CORRESPONDENCE

January 9, 2020
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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: SUSPECTED CHILD ABUSE REPORT INSPECTION

RECOMMENDED ACTIONS

1. That the Board of Police Commissioners (Board) REVIEW and APPROVE the attached Fact Sheet.

DISCUSSION

Juvenile Division conducted an inspection of Suspected Child Abuse Reports (SCARs) for the period of January 1, 2018, through June 30, 2019, to ensure the Department’s investigation and administrative closure of SCARs documented and closed as “No Investigation” were appropriate.

The LAPD Procedures for Suspected Child Abuse Investigations is documented in Special Order No. 26, dated August 28, 2006, and guided by a formal agreement with the Los Angeles County Department of Children and Family Services (DCFS), the Los Angeles County District Attorney’s Office, the Los Angeles Sheriff’s Department, and several other law enforcement agencies in Los Angeles County.

The inspection identified 3,987 SCARs Departmentwide which were closed with a disposition of “No Investigation” during the eighteen-month period from January 1, 2018, through June 30, 2019. The extensive review of each of these cases revealed that the Department appropriately handled 3,977 or 99.7% of the 3,987 cases dispositioned as “No Investigation.” The 10 cases or .3% found to be problematic, were investigated and properly documented once discovered.

The majority of SCARs reviewed, 92.1%, fell into categories (non-criminal emotional abuse, general neglect, duplicates, occurrences out of State or Country) that did not require an investigation by the Department as stipulated in the agreement with DCFS. The inspection identified 302 SCARs or 7.6% of the total cases which resulted in the completion of an Injury Investigation Report or an Investigative Report but were incorrectly closed as “No Investigation.” The correct disposition should have been “No Crime Suspected” upon completion of an Injury Investigation Report or “Crime Suspected” upon completion of an Investigative Report and documented within the notes section of the Electronic SCAR (ESCAR) database, indicating that a report was completed.
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The inspection recommended policy updates and implementation, training for concerned personnel, and annual inspections of SCARs to improve the child abuse investigative process.

The Department reviewed the recommendations and concurred with them. On December 16, 2019, the recommended training for all Area Juvenile Coordinators regarding appropriate disposition and review of SCARs, with attention to those identified as “No Investigation,” was completed.

As of December 18, 2019, a Detective Bureau Notice regarding which SCARs can be closed as “No Investigation” and the appropriate notations to be entered into the ESCAR database when closing a case as “No Investigation,” is being reviewed and will be published.

Juvenile Division had a preliminary discussion with DCFS and the District Attorney’s Office; a subsequent meeting will be scheduled for January 2020. The goal of the meeting is to recommend changes to the ESCAR database for additional appropriate disposition options such as “No Law Enforcement Investigation/DCFS Investigation Only.”

Audit Division will amend their Annual Audit Plan for 2019/2020 to conduct a yearly random sampling inspection of SCARs closed as “No Investigation” to ensure the cases were appropriately handled. Additionally, Juvenile Division will conduct quarterly biopsy inspections of random samplings from every geographic Area to ensure that all SCARs closed as “No Investigation” were handled/dispositioned appropriately.

If there are any questions regarding this correspondence, please contact Captain II Chris Waters, Juvenile Division, at (213) 486-0500.

MICHEL R. MOORE
Chief of Police

Attachments
PURPOSE

The purpose of this inspection was to ensure the Department’s investigation and administrative closure of Suspected Child Abuse Reports (SCARs) documented and closed as “No Investigation” were appropriate. The inspection covered an eighteen-month period from January 1, 2018, through June 30, 2019.

BACKGROUND

A recent news article called into question approximately 4,000 SCAR cases, between January 1, 2018, through June 30, 2019, that were closed with an administrative disposition of “No Investigation.” The article alleged that the cases in question were not investigated or handled appropriately by the Department.

The Department’s response prior to and after the article being published was that these cases were either non-criminal in nature, duplicate SCARs, or not within Los Angeles Police Department’s (LAPD) jurisdiction and, therefore, handled by another agency. By formal agreement with the Los Angeles County Department of Children and Family Services (DCFS), the Los Angeles County District Attorney’s Office, the Los Angeles Sheriff’s Department (LASD), and several other law enforcement agencies in Los Angeles County, non-criminal cases do not require an investigation by law enforcement. Specifically, non-criminal emotional abuse and general neglect are investigated by DCFS (Attachment 1).

Suspected Child Abuse Reports are generated through the DCFS hotline by a Mandated Reporter, i.e. law enforcement, school official, health professional or social worker. The SCAR is then forwarded to the appropriate agency. The LAPD Procedures for Suspected Child Abuse Investigations is documented in Special Order No. 26 (SO #26), dated August 28, 2006. The order stipulates that all SCARs be reviewed, organized and evaluated by Juvenile Division, Investigative Control Unit (ICU) during business hours (during non-business hours, weekends and holidays, this responsibility is assumed by the Department Operations Center who are trained by ICU). The ICU is staffed by personnel with expertise in child abuse investigations. After ICU’s assessment the SCAR is either immediately dispatched to a patrol unit for follow-up or sent to the geographic Area of occurrence for follow-up. This determination is based on the SCAR Investigation Response Protocol according to SO #26 (Attachment 2).
SCOPE AND METHODOLOGY

Upon reviewing the SCARs received between January 1, 2018, and June 30, 2019, it was determined that there were 3,987 SCARs Departmentwide that were closed with a disposition of “No Investigation.”

- The SCARs from each geographic Area that were dispositioned as “No Investigation,” were reviewed by a child abuse expert assigned to Juvenile Division.
- Each SCAR “comments section” within the Electronic Suspected Child Abuse Report System (ESCARS) database was also reviewed for appropriateness.
- The narrative of each SCAR was reviewed to ensure the criteria for a “No Investigation” disposition, as stated in the agreement with DCFS, appropriately met one of the following:
  - Non-criminal Emotional Abuse and General Neglect;
  - A Duplicate SCAR;
  - A SCAR Forwarded To or Handled By Another agency;
  - A SCAR with no Specific Allegation of a Crime or Abuse but “Alerts” the agency to Potential Future Secondary Risk to a child;
  - An Incident that occurred Out of State or Country;
  - A DCFS Input Error/Information Missing;
  - Los Angeles Unified School District (LAUSD) Administrative Handle; or
  - Human Trafficking Unit (HTU)/Possible Commercial Sexually Exploited Child (CSEC)

SUMMARY OF FINDINGS

The inspection was based on the below objective to verify that each SCAR received within the identified period was appropriately dispositioned and closed as “No Investigation” consistent with Department policy and the formal agreement with other Los Angeles County government partners.

<table>
<thead>
<tr>
<th>Objective No.</th>
<th>Description of Objective</th>
<th>Number Meeting Standards</th>
<th>Percent Meeting Standards</th>
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<tbody>
<tr>
<td>1.</td>
<td>Was each SCAR appropriately dispositioned as “No Investigation” consistent with Department policy and DCFS agreement?</td>
<td>3,977</td>
<td>99.7%</td>
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DETAILED FINDINGS

Non-Criminal Emotional Abuse/General Neglect/Non-Criminal Alert of Potential Future Risk

Of the SCARs reviewed, 1,670 or 41.9% that were closed as “No Investigation” were emotional abuse, general neglect, or a non-criminal alert of potential future risk. The first two categories are not criminal and do not require a law enforcement response. It must be noted that DCFS is still mandated to investigate these cases and document their findings. Cases of severe neglect are handled as criminal matters. With “Potentially at Risk” allegations a SCAR will be generated if it is determined that there are potential future secondary risk factors, i.e., additional children, usually at another location, because of their relationship to a victim or a suspect.

Duplicate SCARs

Of the SCARs reviewed, 1,683 or 42.2% were duplicates and closed as “No Investigation.” Duplicates include any cases where more than one SCAR is received on the same incident. An example would be two mandatory reporters, such as a school nurse and a teacher, separately reported the same abuse of a child. One of these cases would be documented on either an Injury Investigation, Form 03.15.00, or Investigative Report, Form 03.01.00, while the other would be closed as a duplicate “No Investigation.”

SCARs Forwarded To or Handled By Another Agency

Of the SCARs reviewed, 141 or 3.5% were either forwarded to or handled by another agency. If it is discovered that an incident took place in another jurisdiction, the SCAR should be forwarded to the agency with jurisdiction, for appropriate investigation.

An Incident that occurred Out of State or Country

Of the SCARs reviewed, 105 or 2.6% contained crimes that occurred outside the state or country. Once discovered, the SCAR was forwarded to the appropriate investigative entity with jurisdictional responsibility.

DCFS Input Error/Information Missing

Of the SCARs reviewed, 28 or .7% were the result of a DCFS administrative error. Some of the cases did not contain sufficient information to allow for review or investigation.

LAUSD Administrative Handle

Of the SCARs reviewed, 21 or .5% were administratively handled by the LAUSD as an administrative investigation. This category included cases against LAUSD staff that were not criminal. LAUSD staff may use physical means to control a child that is potentially placing themselves or other children in harm’s way. This is not a reportable abuse.
HTU/Possible CSEC

Of the SCARs reviewed, 25 or .6% involved the human trafficking of minors. These cases involved minors forced into prostitution, and generally resulted in a crime report for Kidnapping, Rape, or another form of child abuse. The reports were sent to the Department’s Human Trafficking Unit. The 25 cases in this category were investigated and properly documented however, the geographic Areas incorrectly closed these cases as “No Investigation.”

Investigation Completed and Report Taken-Closed Out Incorrectly

Of the SCARs reviewed, 304 or 7.6% resulted in the completion of an Injury Investigation Report or a Crime Report but were incorrectly closed as “No Investigation.” The correct disposition should have been “No Crime Suspected” or “Crime Suspected” and within the notes, indicated that a report was taken.

SCARs indicating POSSIBLE CRIME with NO REPORT

1. Of the SCARs reviewed, 10 or .3% indicated a possible crime and no report was taken. These cases required an investigation and documentation in form of an Injury Investigation Report or Crime Report (Attachment 3).

   Note: Once discovered, the Area Detective Commanding Officers and Juvenile Coordinators were notified, and immediate and appropriate action was taken in all of the 10 identified cases.

Below are summaries of each case including SCAR referral number, geographic Area of occurrence, DCFS disposition, incident description, original action taken, and corrective action taken.

1) **Referral No. 1161-9961-0431-0058245 – 77th Street Area**
   
   **Allegation:** Physical Abuse
   
   **DCFS Disposition:** Case was set as “Unfounded” for any abuse.
   
   **Incident:** Child came to school with visible facial injuries but denied abuse to school staff.
   
   **Original Action Taken:** On March 23, 2018, Juvenile Division’s Investigative Control Unit (ICU) set the disposition as “divisional” for further review by 77th Street Area because the child presented with visible injuries but denied abuse. On April 3, 2018, 77th Street Area closed out the LAPD investigation by setting the disposition to “No Investigation” because the child denied abuse to the school administrator.
   
   **Corrective Action Taken by Area:** On December 1, 2019, this referral was assigned to 77th J-Car for immediate follow-up. Officers contacted the victim who did not recall the incident nor the last time he was disciplined. An Injury Investigation Report (DR No. 19-1718600) was completed documenting the victim’s interview.
2) Referral No. 0530-0974-6008-7046460 – Devonshire Area
   Allegation: General Neglect and Caretaker Absence
   DCFS Disposition: Case was set as “Unfounded” for any abuse or caretaker absence.
   Incident: Child was discovered intoxicated and brought into the hospital emergency room for alcohol poisoning.
   Original Action Taken: On April 20, 2019, at 2300 hours, the child was transported to the hospital suffering from severe intoxication. On April 21, 2019, at 0110 hours, LAPD was notified because the child’s parents had not yet responded to the hospital. Responding officers reported the incident to the DCFS Hotline prior to the parent’s arrival and verified that the child was under the care of a physician. The child could not be interviewed due to her intoxication.
   Corrective Action Taken by Area: An Injury Investigation Report (DR No. 19-1718600) was completed by Devonshire Division officers on November 26, 2019, per SO #26.

3) Referral No. 0042-8267-2191-0086709 – Harbor Area
   Allegation: Sexual Abuse
   DCFS Disposition: Case was evaluated out to law enforcement due to “Out of home” abuse.
   Incident: Witness discovered what she believed to be child pornography on suspect’s electronic tablet.
   Original Action Taken: On November 30, 2018, the Department Operations Center (DOC) set the case to “Pending.” On December 13, 2018, Harbor Area set the case to “No Investigation” based on “no child pornography observed.” This case was sent to LAPD because the alleged suspect was an AYSO Soccer Coach in Harbor Area. However, there was no allegation of abuse within LAPD jurisdiction. The pornography was allegedly seen on his device, by the witness at his residence, in Lawndale, California.
   Corrective Action Taken by Area: This case was forwarded to LASD’s South Los Angeles Station on November 27, 2019. LASD Watch Deputy Cuevas, Serial No. 434084, assumed responsibility for the follow-up investigation.

4) Referral No. 1680-9911-7656-6087139 – Hollywood Area
   Allegation: Emotional Abuse and Domestic Violence
   DCFS Disposition: Case was set as “Inconclusive” for Emotional Abuse.
   Incident: Child witnessed father beat mother the previous evening.
   Original Action Taken: On August 28, 2018, the DOC set the case to “No Investigation.” On August 29, 2018, the ICU conducted a secondary review and set the case for divisional investigation of a domestic violence investigation. However, the case status was not changed to “Pending” but remained “No Investigation.”
   Corrective Action Taken by Area: On November 26, 2019, this referral was assigned to a Hollywood J-Car for immediate handling to determine if there was spousal abuse and
to complete a report. As of December 2, 2019, Hollywood personnel are trying to locate a current address for the victim. The address listed is for school purposes only, it not where the victim resides. Hollywood personnel are working with Newton Division to obtain a current address.

5) **Referral No. 1029-4513-9391-0091460 – Newton Area**  
**DCFS Disposition:** Case was set as “Unfounded” for General Neglect and Emotional Abuse.  
**Incident:** Mother alleged that foster mother had physically abused her children and removed them from her without permission.  
**Original Action Taken:** On December 26, 2018, ICU set the case to “Pending” for divisional follow-up. On February 14, 2019, Newton Area set the case to “No Investigation” and indicated that Newton Area officers contacted the alleged victims and transported them back to the foster mother’s residence.  
**Corrective Action Taken by Area:** On November 26, 2019, Newton officers contacted the involved party who explained that she had temporary “foster” custody of the children. The children were returned to their parents by DCFS. An Injury Investigation Report (DR No. 19-1322942) was completed on December 26, 2018, per SO #26.

6) **Referral No. 0672-0097-5883-8025575 – Newton Area**  
**DCFS Disposition:** Case was evaluated out to LAPD due to “Out of home” abuse.  
**Incident:** Victim (11 years old) disclosed that a 14-year-old boy had attempted to touch her genitals and had sucked on her neck, leaving visible injuries.  
**Original Action Taken:** On September 18, 2018, the DOC set the case to “Pending” for further review. On the same date, ICU conducted a secondary review and set the case to “Pending” for divisional review by Newton Area due to allegations of sexual battery. On September 25, 2018, Newton Area set the case to “No Investigation” due to “no allegation of a crime.”  
**Corrective Action Taken by Area:** On November 26, 2019, Newton officers contacted the victim and her mother. The victim did not wish to disclose any information to the officers. An Injury Investigation Report (DR No. 19-1322964) was completed on December 2, 2019, per SO #26.

7) **Referral No. 0268-9024-2520-7036561 – North Hollywood Area**  
**DCFS Disposition:** Case was evaluated out to LAPD due to “Out of home” abuse.  
**Incident:** Victim alleged sexual abuse during 5585 (72-hour hold) intake interview.  
**Original Action Taken:** On April 22, 2019, North Hollywood set the case to “Pending” upon receipt of forwarded ESCAR from LASD – Palmdale. On May 31, 2019, North Hollywood first set the case to “Pending” and then to “No Investigation” pending receipt of a courtesy report from LASD.  
**Corrective Action Taken by Area:** On November 26, 2019, North Hollywood Area officers made telephonic contact with the victim’s guardian. On December 2, 2019,
Detective Franco from North Hollywood contacted a LASD SCAR Deputy. The SCAR Deputy will do a follow-up on December 3, 2019, to complete a courtesy report.

8) **Referral No. 0735-9850-7122-3088130 – North Hollywood Area**  
   **DCFS Disposition:** Case was evaluated out to LAPD due to “Out of home” abuse.  
   **Incident:** Third party reported that victim disclosed that he was “raped” at school. Child never disclosed to reporting party.  
   **Original Action Taken:** On May 16, 2019, ICU set the case to “Pending” for divisional follow-up investigation. On June 28, 2019, North Hollywood closed the case, inappropriately, as “No Investigation” based on the information provided in the SCAR. A disposition of “No Investigation” would require sufficient explanation in the notes.  
   **Corrective Action Taken by Area:** On November 27, 2019, North Hollywood officers contacted the victim and his mother. The victim stated that he lied about being “raped” at school because he was being “picked on” by another boy at school. The victim’s mother stated that in May 2019, after learning of the victim’s claim, she took the victim to their doctor who determined that there was no evidence that the victim had been sodomized. The victim then told his mother that he lied. An Injury Investigation Report (DR No. 19-21181) was completed per SO #26.

9) **Referral No. 0457-3865-4987-9079832 – Southwest Area**  
   **DCFS Disposition:** Case was set to “Unfounded” for physical abuse.  
   **Incident:** Victim disclosed that his mother had smashed his finger in a car door.  
   **Original Action Taken:** On March 19, 2019, ICU set the case to “Pending” for divisional investigation. On April 24, 2019, Southwest set the case to “No Investigation” due to incident not being a Southwest occurrence.  
   **Corrective Action Taken by Area:** Southwest Area was contacted, and an investigation was completed. An Injury Investigation (DR No. 19-1322348) was completed on November 15, 2019, and the case status was set to “No Crime Suspected.”

10) **Referral No. 0408-6363-5160-7082040 – Olympic Area**  
    **DCFS Disposition:** Case was set to “Unfounded” for physical abuse.  
    **Incident:** Victim alleged that caretaker burned her with a lighter while she was trying to attack victim’s sibling.  
    **Original Action Taken:** On May 30, 2019, the DOC generated an Immediate Dispatch through Communications Division. Olympic Area officers were unable to locate the victim and suspect. On June 3, 2019, Olympic set the case, inappropriately without contacting the parties, to “No Investigation” based on “non-intentional injury” reported in the narrative of the SCAR.  
    **Corrective Action Taken by Area:** Olympic Area was contacted, and an investigation was completed. An Injury Investigation (DR No. 19-2000947) was completed on November 14, 2019, and the case status was set to “No Crime Suspected.”
CONCLUSION

The extensive review of each of these cases revealed that the Department appropriately handled 99.7% of the 3,987 cases dispositioned as “No Investigation.” The “No Investigation” disposition is misleading because all cases of in home Suspected Child Abuse are investigated by DCFS. Cases that occur outside the home are not investigated by DCFS and are “evaluated out to law enforcement” for investigation.

- 10 cases or .3% found to be problematic, were investigated and properly documented once discovered.
  - An investigation was completed by DCFS on 6 of the 10 cases; five were “Unsounded” and one was “Inconclusive” for the alleged emotional abuse.
  - Of the remaining 4 cases that were not investigated by DCFS; two occurred in LASD jurisdiction, and the two occurring in LAPD jurisdiction were investigated and documented on Injury Investigation Reports.

- Almost 8% of the 3,987 cases which were dispositioned as “No Investigation” were in fact investigated and documented with an Injury Investigation Report or Crime Report but closed out incorrectly.

RECOMMENDATIONS

It is recommended that the Department implement systems, policies, training and audits to improve the child abuse investigative process.

- Policy: A Detective Bureau Notice has been written and will be published directing which SCARs can be closed as “No Investigation” and the appropriate notations to be entered into the ESCAR database system when closing a case as “No Investigation.”

- Training: Juvenile Division had scheduled training on September 16, 2019, for all Juvenile Coordinators regarding appropriate disposition and review of SCARs, with attention to those identified as “No Investigation.”

- Audits: Audit Division will conduct a yearly random sampling audit of SCARs closed as “No Investigation,” to ensure the cases were appropriately handled. Additionally, Juvenile Division will conduct quarterly biopsy inspections of random samplings from every geographic Area to ensure that all SCARs closed as “No Investigation,” were handled/dispositioned appropriately.

- ESCAR Database Changes: Juvenile Division will schedule a meeting with DCFS and the District Attorney’s Office for January 2020, to recommend changes to the ESCAR Database for additional appropriate disposition options such as “No Law Enforcement Investigation/DCFS Investigation only.”
It is always the Department's goal to protect our most vulnerable victims from abuse and we will always seek ways to improve and perfect the child abuse investigative process.

**ATTACHMENTS**

1. Formal Agreement with DCFS
3. ESCARs Inspection Pie Chart
4. LAPD E-SCARS REPORTING
ADDENDA
Los Angeles County
ELECTRONIC – SUSPECTED CHILD ABUSE REPORT SYSTEM
(E-SCARS)
MEMORANDUM OF UNDERSTANDING AND
OPERATIONAL AGREEMENT

I. PURPOSE

The purpose of this Memorandum of Understanding (MOU) between County Departments and Operational Agreement (OA) with all independent city agencies is to establish defined policies and procedures for all participating agencies with Electronic Suspected Child Abuse Report System (E-SCARS).

II. OVERVIEW

A Suspected Child Abuse Report (SCAR) is a Department of Justice standardized form (SS8572) which must be prepared in "every known or suspected instance of child abuse or neglect." Whenever a mandated reporter reasonably suspects that child abuse, neglect, or child endangerment has occurred, he/she must report this information to either the Department of Children and Family Services (DCFS) or the law enforcement agency (LEA) with investigative jurisdiction. Once a SCAR is created, that document is cross-reported between DCFS, LEAs, and the Los Angeles County District Attorney’s Office (DA) as required by statute. [Penal Code §§ 11166 (j) and (k)].

III. BACKGROUND

In 2003, the DA, Los Angeles County Sheriff’s Department (LASD), and DCFS jointly launched E-SCARS utilizing funds provided by the Quality and Productivity Committee. E-SCARS is a web-based application that allows agencies to share SCARs as well as review historical information about victims and suspects. E-SCARS is now the primary means by which statutorily mandated and authorized agencies cross-report allegations of child abuse in Los Angeles County. E-SCARS is an Information sharing system with built in accountability measures. By using E-SCARS to cross-report every instance of child physical/sexual abuse, severe neglect, or child endangerment and responding and investigating every appropriate allegation brought to the departments’ attention through E-SCARS, these departments’ efforts to protect children have significantly been enhanced.

IV. LEGISLATION

California’s Child Abuse and Neglect Reporting Act (CANRA) defines child abuse, establishes procedures to report and investigate child abuse, imposes an obligation on
certain individuals to report child abuse and proscribes penalties for failing to comply with the law. [Penal Code §§ 11164 et seq.]

V. LAW ENFORCEMENT AGENCY (LEA) RESPONSIBILITIES/BEST PRACTICES

A. RECEIVING A SCAR VIA E-SCARS

Any LEA personnel (including but not limited to dispatchers, watch commanders, records personnel, or records supervisor) who receives a SCAR shall:

1. Monitor their dispatching systems and/or check their email or fax machines regularly for any SCARs that have been transmitted from the DCFS Child Protection Hotline (CPH). Regularly means at a minimum an interval not exceeding three hours, including nights and weekends.

2. Upon receipt of a SCAR, LEAs shall verify that the incident location is within their jurisdiction. If the location is not within the agency's jurisdiction, or if the SCAR is missing critical information, the SCAR shall be re-routed to DCFS through E-SCARS for transmission to the proper LEA or for additional information.

3. Newly received SCARs should not remain in the Unopened category for more than three days. All SCARs should be opened (i.e., the allegations should be carefully reviewed) upon receipt and the status of the SCAR should be changed from Unopened to Pending, Crime Suspected, or No Crime Suspected. If the LEA does not intend to investigate, the SCAR status should be updated to the No Investigation category with a written explanation. For purposes of E-SCARS, the definition of "opened" means changing the category of an Unopened SCAR to a different category in E-SCARS.

4. Pursuant to Penal Code § 11185.9, reports of suspected child abuse or neglect made to any police department or Sheriff's department shall be accepted "even if the agency to whom the report is being made lacks subject matter or geographical jurisdiction to investigate the reported case." LEAs should prepare a courtesy report describing the allegation(s) and send this report to the responsible agency. Working in this cooperative manner will improve child protection efforts by (1) furthering legislative intent to ensure a trained individual visibly observes, interviews, and properly assesses any possible child victim; and (2) encouraging other agencies to do the same by building upon the information provided. This section does not refer to SCARs that are re-routed to DCFS for wrong jurisdiction based on what is written on the SCAR.
B. RESPONDING TO A SCAR FROM DCFS

Patrol officers/deputies or detectives shall:

1. LEAs must, by law, conduct an independent investigation in all cases where physical or sexual abuse or severe neglect is suspected [Penal Code § 11166 and Alieo v. City of Alhambra (75 Cal. App. 4th 1180)]. Every SCAR received shall be assigned to a patrol officer/deputy or detective to investigate the allegation(s) and shall be treated just as if it were a “call for service.” The failure to conduct a reasonable investigation, such as the failure to send a patrol car in response to a child abuse report, can result in a finding of departmental/personal liability. More importantly, a failure to timely investigate reported abuse can lead to serious injuries to the child, including potentially fatal injuries.

2. LEAs are to respond as soon as practical to every allegation of suspected physical or sexual abuse with few exceptions (e.g., a significant delay in reporting might not warrant immediate response). Respond means to make contact with the alleged victim, parent/guardian of the victim, and any potential witnesses to the alleged abuse.

3. If the first responding officer/deputy or detective is unable to make contact with the primary parties involved and is unable to respond again in a timely manner, the SCAR shall be assigned to another officer/deputy or detective until contact is made or all reasonable attempts to make contact have been exhausted. Except LASD whose updates are captured electronically, the actions by all sworn personnel should be (briefly) documented in the Comments section on the LEA/DA Update page in E-SCARS.

4. Penal Code § 11166.05 makes reporting of emotional child abuse discretionary. An LEA agency should evaluate and encourage an investigation of an allegation of suspected emotional child abuse given the potentially grave consequences that can occur when a child feels isolated and/or without support.

5. Except LASD whose updates are captured electronically, upon conclusion of an initial criminal investigation by an officer or detective, a LEA representative shall update E-SCARS with the findings. LEAs shall update the LEA/DA Update page with the report number or tag number (call number) as soon as feasible. Each LEA will provide some identifying number designated by their department in E-SCARS which documents their response to a SCAR— even if a written report is not prepared. Consideration should be given to writing a report documenting actions undertaken by the LEA rather than relying upon an alternative manner of recording the incident (such as a tag or call number) in order to ensure an accurate record for review in case of future incidents involving the same suspect or victim.

C. RESPONDING TO A MANDATED REPORTER/CITIZEN REPORT
1. If a mandated reporter or concerned citizen contacts law enforcement directly and actual or suspected child abuse is determined, the LEA must telephonically report the allegations to DCFS CPH as soon as possible. DCFS will generate a SCAR with the information obtained from the LEA in order to reduce the incidence of multiple "hard copy" SCARs being generated from a single incident. DCFS will ensure the report is entered into E-SCARS and available for the LEA to download and print.

2. LEA shall handle the report of actual or suspected child abuse as if it was received via the E-SCAR system.

D. DETECTIVES INVESTIGATING A SCAR

1. Once the incident is fully investigated, the assigned investigator or his/her designee will ensure the status on the LEA/DA Update page properly reflects the accurate status of the allegations.

2. Except LASD whose updates are captured electronically, LEAs shall update the LEA/DA Update page Comments field when No Crime Suspected or No Investigation has been categorized. This will keep all E-SCARS partners informed as to why these actions were taken or conclusions were drawn from the available facts.

3. LEAs shall cross-report to DCFS CPH any allegation involving suspected or actual child physical or sexual abuse or severe neglect situations involving a family member or caretaker or when a child needs to be taken into protective custody for any reason. LEAs should cross-report allegations of any other suspects or non-family member to ensure E-SCARS maintains a complete history of all child abuse cases within Los Angeles County.

4. LEAs shall report to DCFS CPH all cases of child endangerment (e.g. driving under the influence with a child in a vehicle, domestic violence committed in the presence of a minor, possessing, selling, or manufacturing narcotics while a child is present, shoplifting in the company of a minor, any other situation involving the physical arrest of the only adult caretaker of a child, or possessing weapons/narcotics in the presence of a child).

E. TRAINING

1. LEAs shall ensure that appropriate training is provided to all sworn personnel in the recognizing possible child abuse and neglect, skilled interviewing of child victims/witnesses, and when and how allegations of child abuse, neglect or endangerment should be cross-reported.
VI. DEPARTMENT OF CHILDREN AND FAMILY SERVICES (DCFS) RESPONSIBILITIES/BEST PRACTICES

DCFS receives nearly 200,000 reports annually of potential child abuse, about one-half of which are required to be cross-reported to law enforcement and the DA. Allegations reported to DCFS requiring a cross-report to law enforcement and the DA are processed and relayed via E-SCARS virtually immediately to both a children's social worker and the LEA with jurisdiction to investigate the allegations, as well as to the DA as required by law.

A. CHILD PROTECTION HOTLINE (CPH)

1. The DCFS CPH shall generate a referral when any mandated reporter; or any concerned citizen, calls to report possible abuse and/or neglect as defined in Penal Code § 11165.6. DCFS will assess and determine if an in-person response is necessary or if the referral can be safely “Evaluated Out” and offer support services to the victim/family when needed. DCFS shall generate a SCAR for all allegations of "child abuse or neglect" as defined in Penal Code § 11165.6.

2. After taking the referral and determining that an allegation requires a cross-report to law enforcement, DCFS shall route the SCAR as soon as practically possible to the DCFS office responsible for covering the residence of the mother and to the LEA with jurisdiction to investigate the allegation.

3. DCFS shall handle all SCARs re-routed to the CPH as soon as practically possible upon receipt of the re-routed SCAR in order to ensure prompt action by the LEA with investigative jurisdiction. Re-routing is the process by which, SCARs returned to CPH by a law enforcement agency that believes that the SCAR in question was sent to it in error, must be routed by CPH to the correct law enforcement agency.

B. CHILDREN’S SOCIAL WORKERS (CSW)

1. When CPH determines that an in-person investigation is required, a CSW shall conduct a child welfare investigation to the alleged child abuse or neglect. In those instances where a LEA is conducting a criminal investigation arising out of, or related to, the alleged child abuse or neglect, the child welfare investigation will be performed concurrently.

2. At the conclusion of their investigation and documentation on the Child Welfare Services/Case Management System (CWS/CMS), the assigned social worker’s findings will be reflected in E-SCARS on the SCAR Detail page, DCFS’ Conclusion(s) tab.

C. SUPERVISING CHILDREN’S SOCIAL WORKERS (SCSW)
1. SCSWs shall ensure that, prior to approving the closure of any referral in which a cross-report to a LEA was made, the E-SCARS SCAR Details page, LEA/DA Update tab is reviewed to determine the involved LEA’s finding on the referral.

2. SCSWs shall ensure that apparent inconsistent findings between DCFS and the involved LEA in E-SCARS are evaluated and the reasons for the discrepancy and actions taken are documented on CWS/CMS.

VII. DISTRICT ATTORNEY’S OFFICE (DA) REGARDING AUDITING COMPLIANCE AND OTHER RESPONSIBILITIES

The DA will continue their auditing of cross-reporting suspected child abuse allegations throughout Los Angeles County as well as expand awareness for all mandated reporters of their statutory obligation to report suspected child abuse, neglect, or child endangerment situations.

A. PROSECUTOR/FILING ATTORNEY

When any case is presented for filing (felony or misdemeanor) involving child abuse, severe neglect, or child endangerment, the filing deputy reviewing the case shall:

1. Ensure that the filing law enforcement officer has attached a copy of the SCAR to the filing packet.

2. If the allegations were investigated by the LEA but not cross-reported, the filing deputy shall advise the filing officer or investigating officer to cross-report the allegation immediately to the DCFS CPH.

3. The filing deputy will access and review E-SCARS in every case where a minor is a victim of child abuse, neglect, or endangerment and in some appropriate cases where a minor is a witness to a crime.

4. The filing deputy will review all available SCARs, including associated and historical SCARs, that are potentially related to the same incident or a prior incident for the same victim, witness, suspect, or victim’s address.

5. The filing deputy or their designee shall access E-SCARS and enter the court case number of all filed felony cases into E-SCARS.

B. E-SCARS AUDITOR

The E-SCARS auditor will do the following:

1. Monitor the consistency of handling and timeliness of opening SCARs by all LEAs.
2. Audit all 46 independent LEAs in Los Angeles County as well as the LASD, Los Angeles Police Department (LAPD), DCFS, and the DA for statutory compliance with Penal Code §§ 11166(j) and (k).

3. Review E-SCARS statistics for every LEA at least once a week for all categories (Unopened, Pending, Crime Suspected, No Crime Suspected, and No Investigation) to determine whether SCARs are being opened and handled in a timely and appropriate manner.

4. Monitor that SCARs are not being placed in the Pending category as a holding spot without further review.

5. Read and evaluate selected SCARs and associated SCARs for the purpose of viewing prior history involving a victim, sibling, perpetrator, and witnesses as a check and balance to ensure cases do not fall through the cracks.

6. Read every sensitive and fatality SCAR to ensure it is investigated in a timely manner and brought to the attention of the designated deputy district attorney (if appropriate).

7. Monitor all SCAR logs to ensure SCARs are being reviewed and updated by LEAs, DA, and social workers.

8. Ensure the court case numbers of all felony cases (and most misdemeanor cases) are updated by DA staff into E-SCARS.

9. Monitor both DCFS and LEAs to ensure their findings are included in E-SCARS.

10. Make telephonic contact or send emails or other correspondence to any agency that appears to have failed to perform any statutory duty or appears to have failed to comply with any portion of this signed MOU/OA.

11. Provide on-going training to law enforcement personnel, social workers, and DA staff related to E-SCARS.

12. Facilitate/liaise with any agency asking for support with E-SCARS.

VIII. CONFIDENTIALITY

The parties to this MOU agree that juvenile case files and the information contained therein, as well as records of Federally funded public social services, are confidential under applicable law, which includes, but is not necessarily limited to, California Welfare and Institutions Code §§ 827 and 10850 as well as the California Department of Social Services Manual of Policies and Procedures Division 19. The parties further agree that
confidential information shall be shared and further disseminated only in a manner which is consistent with the applicable law.

The E-SCARS is designated to comply with State law in the area of protecting children and preventing child abuse. By adopting the best practices set forth in this document and fulfilling all responsibilities herein, the parties act on behalf of the child of Los Angeles County to keep them safer through a commitment to act collectively and with commitment to assist one another in furthering the child protection mission of each agency.

IN WITNESS THEREOF, the parties hereto have executed this MOU for the Electronic Suspected Child Abuse Report System (E-SCARS).

JACKIE LACEY, District Attorney
Los Angeles County District Attorney's Office

JIM McDONNELL, Sheriff
Los Angeles County Sheriff's Department

PHILIP L. BROWNING, Director
Los Angeles County
Department of Children and Family Services
Los Angeles County
Electronic Suspected Child Abuse Report System
(E-SCARS)
Partner Agencies

District Attorney's Office (DA)

Los Angeles County Sheriff's Department (LASD)

Department of Children and Family Services (DCFS)

Law Enforcement Agencies (LEA):

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PARTICIPATION IN THE ELECTRONIC - SUSPECTED CHILD ABUSE REPORT SYSTEM (E-SCARS)

OPERATIONAL AGREEMENT
BETWEEN
LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
AND
LOS ANGELES POLICE DEPARTMENT

Los Angeles Police Department hereby continues to be an active participant in E-SCARS. Los Angeles Police Department acknowledges receipt of a copy of the 2015 Los Angeles County Electronic-Suspected Child Abuse Report System Memorandum of Understanding and Operational Agreement (MOU), which establishes defined policies and procedures for all participating agencies. Los Angeles Police Department agrees to remain a partner agency in Los Angeles County E-SCARS. Los Angeles Police Department understands that E-SCARS is an information sharing system and is the primary means by which statutorily mandated and authorized agencies cross-report allegations of child abuse in Los Angeles County.

The Child Abuse and Neglect Reporting Act (CANRA) requires that a mandated reporter notify Department of Child and Family Services (DCFS) or a law enforcement agency in every known or suspected instance of child abuse or neglect (Penal Code section 11164 et seq.). CANRA further requires that a suspected child abuse report (SCAR) be created and cross-reported between DCFS, law enforcement agencies and the Los Angeles County District Attorney's Office (Penal Code sections 11166(j) and (k)).

Los Angeles Police Department approves of the best practices set forth in the MOU. Los Angeles Police Department agrees to fulfill the responsibilities of receiving, investigating and responding to a SCAR, as noted in the MOU, Section V, subsection A-D, entitled “Law Enforcement Agency Responsibilities/Best Practices.” Los Angeles Police Department agrees to ensure that appropriate training is provided to all sworn personnel in recognizing when and how allegations of child abuse, neglect or endangerment should be cross-reported, pursuant to Section V, subsection E of the MOU, entitled “Training.”

Los Angeles Police Department joins in the E-SCARS partnership and understands that by realizing the duties established in the MOU, it will further the joint commitment to child safety.

CHARLES BECK, Chief
Los Angeles Police Department

Date

Michele Daniels, Head Deputy
Family Violence Division
Los Angeles County District Attorney’s Office

Date

11-18-15
OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 26  August 28, 2006

SUBJECT: PROCEDURES FOR SUSPECTED CHILD ABUSE INVESTIGATIONS - REVISED

EFFECTIVE: IMMEDIATELY

PURPOSE: The Department has established revised procedures for investigating Suspected Child Abuse Reports (SCAR), Department of Justice Form SS 8572, in order to provide more timely and effective investigations, and to ensure SCARs involving evidence of physical abuse or an endangered child are handled expeditiously.


PROCEDURE:

I. REPORTING SCAR INVESTIGATIONS. California law specifies that certain professionals, as well as employees of designated organizations, and agencies (mandated reporters), as specified in Penal Code Section 11165.7 (i.e., health care professionals, school officials), must 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]).

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

* Fax referral; or,

Note: SCARs received via fax 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 Detective Information Desk (DID), Detective Support Division (DSD).

* Direct verbal notification from DCFS; or,
* Direct verbal notification from a mandated reporter; or,
* Direct verbal notification from a concerned member of the public; or,
* SCAR mailed directly to the Department by DCFS or a mandated reporter.

Note: SCARs sent directly to the Department by DCFS or a mandated reporter shall be forwarded to the concerned Area SCAR Coordinator who will obtain a tracking number from ICU. The SCAR shall be logged and filed. When the Department is the first agency to receive a SCAR, it is required to provide the information to DCFS and vice versa (cross-report).

II. SCAR REVIEW PROCESS. The review process will include determination as to whether the SCAR requires law enforcement investigation, and if it does, whether the SCAR warrants an immediate Department response. If the immediate dispatch of a unit is required but there was a delay in reporting, or other circumstances indicate the call may have already been handled, staff from the receiving division (e.g., Juvenile Division or DSD) shall query the Department computer system using the alleged victim's name and address to determine if a report regarding the incident has already been completed. If a report has been completed, the DR number, type of report, and the date of the report shall be included in the SCAR. No further preliminary investigation is required.

III. SCAR INVESTIGATION RESPONSE PROTOCOL.

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

* An allegation of sexual abuse; or,
* Physical abuse with visible injury; or,

Note: The investigation of incidents involving visible injuries, in most cases, will require an immediate dispatch of a patrol unit, unless otherwise determined through considerable review and evaluation by ICU, and the approval of a supervisor.

Example: Injuries caused by children involved in mutual combat, minor injury caused during reasonable restraint (i.e., 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.

* Severe neglect requiring medical treatment; or,
* Hospitalization for internal injuries of a suspicious nature.

**Note:** School cars and juvenile cars will not automatically be assigned child abuse calls. Child abuse calls for service generated by Juvenile Division or DSD, must include in the comments, a request for the handling unit to contact their watch commander prior to handling the call. A copy of the SCAR with the time and date the call was created, and the incident number, will be immediately faxed to the watch commander's office of the handling division. This will ensure that the responding unit has all the necessary information regarding the investigation prior to handling the call. If the SCAR indicates DCF 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 required to complete a criminal investigation.

**B. Exceptions to Immediate Dispatch - Delayed Handling.**

The dispatch of a unit to investigate a SCAR may be delayed or handled in an alternate manner, if any of the following apply:

* The SCAR does not meet the criteria for immediate dispatch; or,
* The SCAR meets the criteria for immediate dispatch, but a supervisor from the handling Department entity approves delayed handling (A period not to exceed 24 hours in furtherance of the investigation, after giving due consideration to the risk factors involving the child and any siblings); or,

**Example:** A SCAR describing minor bruising to a 10-year-old child is received at 0200 hours. Since the dispatch of a unit would most likely require both the child and the parents to be awakened, the supervisor delays dispatch until the next morning when the child is in school, and can be interviewed in a neutral setting at a more convenient time.
* Alleged sexual abuse that occurred more than 72 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.

**Note:** 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. 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 15.80.0, 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 Terminal (MDT) 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 crime report or injury report.

**IV. REPORTING PROCEDURES.** An Injury Report, Form 3.15, 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 notification.

**A. Notification from DCFS.** Officers responding to a call from a DCFS notification do not need to complete a SCAR. DCFS 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 Injury Report then forward it to
the Area SCAR Coordinator. A tracking number shall be obtained from ICU and the SCAR shall be logged and filed.

B. Notification from a Mandated Reporter. If the mandated reporter has the SCAR available, officers shall have him/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 Injury Report, and forward it to the Area SCAR Coordinator.

If the mandated reporter has not yet completed a SCAR, officers shall advise him/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 report. If there is no DCFS referral number, officers must cross report to the DCFS Child Protection Hot Line, at (800) 540-4000. Upon completion of the report, officers will be provided with 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 Injury Report.

The Area SCAR Coordinator shall obtain a tracking number from ICU, write it on the white copy of the SCAR, Form SS8572, and file it accordingly.

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.

C. Notification from a Concerned Member of the Public.
Upon notification from a concerned member of the public, officers shall complete a SCAR and contact the DCFS Child Protection Hot Line at (800) 540-4000, for a referral number. The officer will be provided with 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. Officers shall then attach and forward the completed SCAR along with a copy of the crime or Injury Report to the Area SCAR Coordinator. A tracking number shall be obtained from ICU and the SCAR logged. The tracking number shall
be written on the white copy of the SCAR and filed accordingly.

D. Notification Received by Mail. If a SCAR received by mail does not have a DCFS referral number, officers must cross report to the DCFS Child Protection Hot Line, at (800) 540-4000. Officers shall then forward the SCAR, along with a copy of the crime or Injury Report, to the Area SCAR Coordinator. The SCAR Coordinator shall ensure a copy of the SCAR, and the associated report(s) are sent to ICU, Juvenile Division.

V. INVESTIGATIVE CONTROL UNIT (ICU), JUVENILE DIVISION, RESPONSIBILITIES. Investigative Control Unit shall track from inception to conclusion, all child abuse preliminary investigations resulting from a SCAR being faxed, mailed, or otherwise delivered to any Department entity. Investigative Control Unit is responsible for providing crime and Injury Reports, and other information related to SCAR investigations, to the City Attorney’s Office upon their request. All city attorney cases require copies of the SCARs and all associated reports mailed to ICU. Additionally, ICU will provide procedural advice to Department personnel upon request, and investigative advice when Juvenile Division is responsible for the follow-up investigations.

VI. AREA COMMANDING OFFICER’S RESPONSIBILITIES. The Area Commanding Officer is responsible for the overall management of SCAR investigations assigned to the Area. The Area Commanding Officer must also ensure that there be an individual assigned to assume responsibility in the event of the Area SCAR Coordinator’s absence. The Area Commanding Officer shall ensure newly assigned juvenile and school car officers complete Juvenile Procedures School within 60 days of their assignment.

VII. AREA SCAR COORDINATOR’S RESPONSIBILITIES. The Area Major Assault Crime (MAC) Coordinator is the Area SCAR Coordinator. The Area SCAR Coordinator is responsible for ensuring all SCAR investigations and related report processing are conducted within the guidelines of this Order and other Department directives. The Area SCAR Coordinator shall ensure all SCARs received (which pertain to the Area) are entered in a control log, and that at the conclusion of the preliminary investigation, are filed and organized by tracking number. The Area SCAR coordinator shall forward
completed SCARs or dispositions and any associated reports to ICU, Juvenile Division, by either regular mail or electronic mail (E-mail). The SCAR Coordinator shall cause all SCARs received directly from ICU, or incomplete SCARs received from the watch commander, to be further investigated by a school or juvenile car.

**Note:** When e-mailing dispositions to ICU, the tracking log number, victim’s name, type of report, and DR number shall be included.

**VIII. DETECTIVE INFORMATION DESK (DID), DETECTIVE SUPPORT DIVISION RESPONSIBILITIES.** When ICU is closed, the staff of DID shall assume the responsibilities for reviewing, organizing, and determining if the immediate dispatch of a unit is warranted on all incoming faxed SCARs. When an immediate dispatch is necessary, DID shall document required information regarding the call for service, and the disposition of the SCAR investigation.

**AMENDMENTS:** This Order adds Section 4/218.53 to the Department Manual.

**AUDIT RESPONSIBILITY.** The Commanding Officer, Detective Bureau, shall monitor compliance with this directive in accordance with Department Manual Section 0/080.30.

WILLIAM J. BRATTON
Chief of Police

DISTRIBUTION "D"