

Annual Report to the Legislature
False Reports of Child Abuse, Neglect or Abandonment
Referred to Law Enforcement
FY 2009-2010
(March 2011)

I. BACKGROUND:

The Department of Children & Families is directed by s. 39.205(4), F.S., to provide the legislature with an annual accounting of the number of child abuse reports referred to local law enforcement as suspected false reports. Prior to 2008, the annual reports submitted by the Department varied considerably in content and style. In October 2007, Florida Senate *'Interim Project Report 2008-105'* specifically recommended that seven (7) discrete data elements comprise the substance of the annual report. In 2008, SB 1044 contained language requiring the Department to routinely include these seven data elements in the annual report but the proposed legislation was not enacted. The Department has decided to include those data aspects in this, and subsequent reports, even though they are not statutorily required.

II. DATA ELEMENTS:

Data on suspected false reports by state, region and circuit breakouts is presented in a chart on page 4 of this document. The definitions for each data element are as follows:

(1) The percentage of investigations 'Verified' for child maltreatments versus 'No Indicator' (i.e., unfounded) findings.

After the circuit identifier, column one of the chart reflects closure percentages on all child protective investigations closed from July 1, 2009 through June 30, 2010. This data was extracted from the Child Protective Investigator Trend Report (Spinner Reports) in the Florida Safe Families Network (FSFN). FSFN is the Department's statewide automated child welfare information system (SACWIS) and is the file of record for all child protective investigations and case management functions conducted in the state of Florida.

(2) The number of 'Suspected False Reports'.

This number is the initial identification by the child protective investigator that the investigations may have been initiated as a result of a false report. This information is obtained from an ad hoc report using the 'Disposition Tab' of the FSFN investigative case file for all investigation conducted from July 1, 2009 through June 30, 2010. This initial data run is then forwarded to the respective circuits for review and validation.

When a child protective investigator suspects the investigation might have been the result of a false report to the Abuse Hotline the investigator documents their concern by checking a dropdown box – 'Referral to State Attorney as Possible False Report' – found on the "Recommended Disposition" tab of the Child Safety Assessment. This data field was specifically designed to denote potentially false reports. This marker

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represents the largest subset of *suspected* false reports and is only a preliminary assessment by the investigator that the report may have been made maliciously for the purpose of harassment, financial gain, acquiring custody of a child, or for the personal benefit of the party reporting. By "tagging" these investigations as *suspected* false reports investigators in subsequent reports are alerted early to the consideration of a pattern of ongoing harassment of the family.

(3) The number of suspected false reports staffed with managers.

Columns three and four indicate how many of the *suspected* false reports are determined by child protective investigators to warrant a higher level review by management and/or legal counsel for the consideration of further action. Based on the result of this staffing, a determination is made to:

- verbally advise the reporter of the potential administrative fines, civil and/or criminal penalties which may result from calling in a false report (as directed by CFOP 175-21 'Investigative Response');
- send a 'Warning Letter' via certified mail to the reporter detailing the above sanctions for intentionally filing a false report;
- refer the matter to the circuit administrator for consideration of levying an administrative fine; or
- refer to law enforcement for criminal investigation.

(4) The number of verbal and written warnings issued.

According to input from field staff, in most instances the issuance of a written warning letter serves as a strong deterrent to ongoing reporting violations. Documenting the suspected false reporting in writing and listing the potential administrative fines and criminal penalties clearly places the intentional misuse of the child protection system in a much more serious light. In some circuits, law enforcement requires a letter to be sent upon the initial instance of a suspected false report prior to conducting a criminal investigation for any subsequent suspected violations.

(5) The number of false reports reviewed for administrative fines.

This heading contains the number of suspected false reports referred to the circuit administrator for consideration of levying an administrative fine. The second column in this heading shows the monetary amount collected. There were no administrative fines levied for this reporting period.

(6) The number of suspected false reports referred for criminal prosecution.

The first column shows the number of suspected false reports which were referred to law enforcement for a criminal investigation. Approximately half of the cases referred to law enforcement were criminally prosecuted by the respective State Attorneys Office resulting in one pre-trial diversion and one conviction.

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III. ANALYSIS

The Department has been updating the legislature on false reports since 2003. Over that time period, the number of suspected false reports initially identified by child protective investigators in comparison to the overall number of investigations worked has remained very low. For the current reporting period (FY 2009-2010) the Abuse Hotline accepted 151,453 reports of abuse or neglect. From that total, 172 investigations (slightly over 1 in 1,000) were denoted by child protective investigators as potentially being made with malicious intent.

The chart below provides a five (5) year trendline for the number of suspected reports initially identified by investigators (top row) and the number of those reports subsequently referred to law enforcement for criminal investigation (bottom row).

	FY 09-10	FY 08-09	FY 07-08	FY 06-07	FY 05-06
Investigator Initially Suspects False Report	172	177	118	139	143
# Referred to Law Enforcement	24	27	33	34	58

Several negative perceptions by child protective investigators regarding the outcome of their efforts could be responsible for the declining number of suspected false reports (approximately 50%) referred to law enforcement over the past five years. When child protection managers were queried regarding what reasons might be contributing to the downward trend two primary negative factors were posited:

- Investigators rarely receive any direct feedback regarding the outcome of the process which would help justify the extra work required on their part to support the effort (e.g., additional documentation, paperwork and staffing with managers/legal counsel, etc.).
- Historically, there is a very low prosecution/conviction rate for filing false reports so child protection staff question whether the “juice is worth the squeeze”, especially when they are already struggling to keep pace with the existing workload and job requirements for standard investigations.

From a legal perspective, comments solicited from counsel contained in the Florida Senate ‘*Interim Project Report 2-8-105*’ echo the concerns mentioned by child protection staff. Attorneys representing the Department’s Children’s Legal Services and the Office of the State Attorney identified specific challenges to both administrative and criminal sanctions.

In regard to the overall low number of administrative fines pursued by the Department, the respondents stated the workload associated with preparation and pursuit of this

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effort consumes a substantial amount of attorney time (see footnote 51 in the report). Correspondingly, the Felony Bureau Chief of the Office of the State Attorney mentioned that the improbability of conviction (page 5 of the report) deterred efforts at prosecution.

“[The] improbability of conviction relates to the difficulty in meeting the evidentiary standards for proving that a report was not made ‘in good faith.’”

IV. SUMMARY:

In many instances, the issuance of a certified letter informing parties of the civil and criminal penalties for filing a false report is a sufficient deterrent to the child protection system being used for harassment purposes. When this is not the case however, the Department, law enforcement and judiciary have all struggled with diverting critical resources from the existing workload to successfully deal with the problem.

One very promising initiative has been the efforts of the Citrus County Sheriff's Office who several years ago instituted a process in which the criminal prosecution was held in abeyance if the individual charged paid a \$1,000 fine and successfully completed a 6 month “probationary” period. In essence, the arrest turned into a simple civil citation and according to Lt. Dave Wyllie, was very effective because offenders recognized they would likely end up paying more for legal counsel and potentially have a permanent criminal record if the case went to trial. Lt. Wyllie stated that after just two successful arrests “word got around” eliminating almost all the false reporting incidents in Citrus County.

V. CHART OF FALSE REPORTS BY CIRCUIT AND REGION:

The chart on the following page contains a statewide roll-up of the key data elements tracked for suspected false reporting. Overall, the numbers reflected under each heading have remained fairly stable over the past five years. Please refer to the body of the main report for comments relative to each column.

False Reports - July 1, 2009 through June 30, 2010

Statewide Roll-Up

		Investigative Findings (1)	Suspected False Reports (2)	Administrative/Legal Staffings (3)		Warnings Issued (4)		Administrative Fines (5)		Criminal Prosecution (6)	
Region / Circuit	Closure Type VER vs. UNF	Identified by CPI	Staffed w/ Managers	Staffed w/ Legal	Verbal Warning	Written Warning	Reviewed for Fine	Fine \$ Amount	Referred to Law Enforcement	SAO Charged/Convicted	
NW	1	22% / 78%	20	20	19		14		2	1 / 1*	
	2	21% / 79%	15	14	13	1	7				
	14	17% / 83%	9	1	1		1				
NE	3	24% / 76%	24	8					8	6	
	4	23% / 77%	14	12	9		7		4	2 / 1	
	7	16% / 84%	10	5	1				1	1 / 0	
	8	31% / 69%	7	6			1		7		
Central	5	21% / 79%	4	4	1						
	9	24% / 76%	1	1							
	10	18% / 82%	9	9	1						
	18	19% / 81%	2	1	1						
	19	28% / 72%	2	2							
SE	15	21% / 79%	13	8		8			1	1 / 0	
	17	27% / 73%	12	12		3					
Southern	11	29% / 71%	7	2							
	16	28% / 72%	0								
Suncoast	6	26% / 74%	6	1					1		
	12	23% / 77%	2								
	13	22% / 78%	8	8		4	2				
	20	17% / 83%	7	7	7		7				
Totals	22% / 78%	172	121	53	5	41	9	0	24	11 / 1	

* Pre-trial Diversion

NOTICE OF FILING

Reporting Agency:	Department of Children and Families
Recipient Agency:	Governor Speaker of the House of Representatives President of the Senate
Subject:	Annual Report to the Legislature on False Reports of Child Abuse, Neglect or Abandonment Referred to Law Enforcement
Report Due Date:	March 31, 2011
Statutory Requirement:	s. 39.205(4), F.S.
Abstract:	<p>This report provides information for State Fiscal Year 2009-2010 on the incidence of suspected false child abuse reports investigated by the Department of Children and Families and Sheriff Offices. The report provides data on:</p> <ul style="list-style-type: none">➤ Percentage of investigations closed with verified findings.➤ Percentage of investigations closed with 'No Indication' findings➤ Number of suspected false reports➤ Number of investigations staffed with managers and legal counsel➤ Number of verbal and written warnings issued➤ Number of investigations reviewed for administrative fines➤ Number of cases referred to law enforcement for criminal investigation➤ Number of cases criminally prosecuted by the State Attorney's Office <p>The Department's report provides a brief history of the report, describes the data elements that comprise the report, and provides state, region, and circuit data on false reporting.</p> <p>Copies of this report may be obtained by contacting: John Harper at (850) 922-3862. Lawful recipients will not be charged for copies. Charges for copies requested by others will conform to requirements of CFOP 15-9, Requests for Public Records.</p>

LEGISLATIVELY MANDATED REPORT – STATUTORY REQUIREMENT

REPORT TITLE	STATUTORY REFERENCE	SPECIFICATIONS
Annual Report to the Legislature on False Reports of Child Abuse, Neglect or Abandonment Referred to Law Enforcement	s. 39.205(4), F.S.	39.205 Penalties relating to reporting of child abuse, abandonment, or neglect.-- (4) The Department shall establish procedures for determining whether a false report of child abuse, abandonment, or neglect has been made and for submitting all identifying information relating to such a report to the appropriate law enforcement agency and shall report annually to the Legislature the number of reports referred.