

**Annual Report to the Legislature  
False Reports of Child Abuse, Neglect, or Abandonment  
Referred to Law Enforcement  
FY 2011-2012**

**I. BACKGROUND**

The Department of Children and Families is directed by Section 39.205(4), Florida Statutes (F.S.), to provide the legislature with an annual report on the number of suspected false child abuse reports referred to local law enforcement for criminal investigation by child protective investigators.

This report contains information from both the Department's investigative units and the six sheriff offices conducting child protective investigations in Florida.

**II. IMPACT OF NEW LEGISLATION**

Prior to 2012, child protective investigators were required to continue interviewing family members, neighbors, school personnel and other collateral sources despite knowing, or at least strongly suspecting, that the investigation was the result of false reporting. However, the newly amended language in s. 39.205 (8), F.S., directs the Department to discontinue all investigative activities upon determining that the investigation is a result of a false report. This reduces the inconvenience and stress on the family and allows the Department to re-direct personnel to legitimate cases requiring child protective interventions.

**III. DEPARTMENT INITIATIVES**

The Department has also initiated significant changes involving the transition of the Florida Abuse Hotline from a traditional call-in center to an integrated Command Center. There is now a heightened focus on stringent screening criteria to detect potential false reports before an investigation is even commenced. Most of this work involves real time access by Command Center staff to prior reports which have been denoted as suspected false reports received on a family. Additionally, extensive training is planned for counselors to improve interviewing skills in order to obtain complete and accurate information on the alleged incident and family prior to accepting a report.

#### IV. FALSE REPORTING DATA

In addition to the number of suspected false reports referred to law enforcement for criminal investigation (Table 1), the Department also collects information on the following data elements related to false reporting (Table 2):

- Percentage of all investigations “Verified” for child maltreatment
- Number of *suspected* false reports identified “in-house” by child protective investigators
- Number of suspected false reports staffed with child protection managers and legal counsel for consideration of further action
- Number of verbal and written warnings issued to individuals suspected of making a false report
- Number of false reports reviewed for administrative fines by the Department
- Number of criminal prosecutions and accompanying sanctions resulting from a criminal investigation

Further information is provided for each of these discrete data elements at the end of the report.

#### V. STATEWIDE ROLL-UP BY REGION AND CIRCUIT

Two tables are provided in this section to illustrate the statewide numbers and activities undertaken to respond to suspected false reports. The first table displays a six year timeline on the total number of suspected reports referred to law enforcement by the Department and from that number, how many referrals actually resulted in criminal prosecutions by the State Attorney’s Office.

**Table 1: False Reports Referred to Law Enforcement with Subsequent Criminal Prosecutions  
Six Year Trend**

	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12
<b>Reports Referred to Law Enforcement</b>	34	33	27	26	19	20
<b>Criminal Prosecutions</b>	2	3	6	13	6	6

The Department has been circumspect in referring suspected false reports to law enforcement for a criminal investigation as evidenced by the relatively low numbers each year. Over the past six years the Department has averaged 27 referrals per year to law enforcement. On the contrary, while the referral numbers have declined steadily since 2006, the prosecution rate has increased over that same time period. Prior to 2010 approximately only 12% of the reports referred to law enforcement were subsequently prosecuted by the State Attorney’s Office. Over the three most recent years the rate has tripled to nearly 38%.

During the past fiscal year (FY 2011-2012) a total of six individuals were prosecuted for filing a false report. As indicated by the information provided in the statewide chart below, five of these six individuals were convicted and were incarcerated for various lengths of time. Two of the individuals were sentenced to 45 days in jail, one received 60 days, and one received 90 days (no information available on the remaining fifth individual).

**Table 2: False Reports - July 1, 2011 through June 30, 2012  
Statewide Roll-Up**

Region / Circuit	Investigative Findings (1)		Suspected False Reports (2)		Administrative/Legal Staffings (3)		Warnings Issued (4)		Administrative Fines (5)		Criminal Investigation and Prosecution (6)	
	% Verified	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	23.0%	13	13	10	7						
	2	20.4%	1	1	1	1						
	14	13.6%	4	1	1				1	(pending)		
NE	3	22.6%	15	12	10	6			2			
	4	20.5%	11	9	5	2			6	2/2 (45/45 DAYS)		
	7	20.3%	10		1							
	8	24.9%	9	8	4	1			1			
Central	5	20.2%	9	8	1				1	1/1		
	9	21.3%	2	1								
	10	16.1%	7	5								
	18	17.2%	5		1				2			
	19	22.7%	6	1								
SE	15	19.4%	12	12		8						
	17	28.9%	2									
Southern	11	19.7%	14	7	7							
	16	22.8%	2	2	2							
Suncoast	6	27.0%	3									
	12	22.5%	5	4	1				4	3/2 (60/90 DAYS)		
	13	19.5%	2	1								
	20	16.9%	4	4					3			
<b>Totals</b>	<b>21.2%</b>	<b>136</b>	<b>89</b>	<b>44</b>	<b>1</b>	<b>25</b>			<b>20</b>	<b>6/5</b>		

These prosecution numbers may be somewhat under-represented as the Department relies on informal processes to track these numbers from year to year. This informal feedback loop means that the investigator is rarely aware of the final outcome of his or her referral to law enforcement. Part of the problem, if not the most salient aspect, is the fact that by the time the criminal investigation is conducted and a successful prosecution is completed, one or two years may have lapsed since the investigator made the initial referral to law enforcement.

## 2012 Annual Report

In addition, a review of the summary section in any annual report submitted over the past ten years will reveal a very low criminal prosecution rate for persons suspected of filing false reports with the Department's Abuse Hotline. The two most cited challenges to aggressively pursuing these cases include the difficulty of proving malicious intent on the part of the individual making a false report, and the reluctance of all agencies involved (Department, local law enforcement, and State Attorney's Office) to divert critical human resources to address the issue in light of other more pressing priorities and the workload demands within the current staffing structure.

### VI. SUMMARY

The Department has been providing information on false reporting to the legislature 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 extremely low. For the current reporting period (FY 2011-2012) the Abuse Hotline accepted 165,993 reports of abuse or neglect. From that total, 136 investigations (1 out of every 1,221 reports) were denoted by child protective investigators as potentially made with malicious intent.

#### Statewide Chart: Data Elements

##### **(1) The percentage of investigations containing "Verified" findings for child maltreatments.**

The first data element, "Investigative Findings," reflects the percentage of investigations closed with "Verified" findings relative to all investigations completed from July 1, 2011 through June 30, 2012. A verified finding indicates that the investigator determined that a child victim had been abused or neglected as a result of a parent or other caregiver responsible for the child's welfare as alleged in the hotline report. This data was extracted from the Child Protective Investigator Trend Report (Spinner Reports) in the Florida Safe Family 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" identified by child protective investigators.**

Data element (2) reflects when a child protective investigator suspects the investigation was the result of false allegations (for example, making a false report to the Abuse Hotline) and the investigator documents this preliminary determination in FSFN. A specific dropdown box – "Referral to State Attorney as Possible False Report" – is checked by the investigator on the "Recommended Disposition" tab of the child safety assessment instrument to earmark this report for additional discussion regarding the investigator's concerns. This data field was specifically designed to denote potentially false reports. This marker 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 misusing the Abuse Hotline. By "tagging" these investigations as *suspected* false reports, investigators in subsequent reports are alerted early to the consideration of a pattern of on-going harassment of the family. Data for Column 2 is obtained from an ad hoc report compiling data from the "Disposition Tab" of the FSFN investigative case file for all investigation conducted from July 1, 2011 through June 30, 2012.

**(3) Number of administrative or legal staffings to review suspected false reports.**

Data element (3) is subdivided into two columns with the first half (left side) of the column indicating how many of the *suspected* false reports tagged by child protective investigators are subsequently staffed with their child protection manager for additional direction on how to proceed with the suspected false report. The right side of the column indicates how many suspected reports are staffed with legal counsel for additional guidance on how to proceed. Based on the result of these staffings, a determination is made to:

- take no additional action because the investigator's initial suspicion, while valid, is not supported by the level of evidence available
- 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 Children and Families Operating Procedure 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
- refer to law enforcement for criminal investigation

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

Data element (4) is subdivided into two columns with the first half (left side) indicating how many verbal warnings were given to individuals suspected of filing a false report. According to input from field staff, a written warning (right side column 4) serves as a strong deterrent to on-going reporting violations in most cases. 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.**

Data element (5) is subdivided between the number of suspected false reports referred to the regional managing director for consideration of levying an administrative fine, and the actual amount of the fine levied.

**(6) The number of suspected false reports referred to law enforcement for criminal investigation and number of false reports resulting in criminal prosecution.**

The first half of data element (6) indicates the number of suspected false reports which were referred to law enforcement for a criminal investigation by the Department. The second half of this column (right side) indicates how many individuals were eventually criminally prosecuted as a result of the criminal investigation and any sanctions imposed by the court.