

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

**I. BACKGROUND:**

The Department of Children & Families is directed by Section 39.205(4), Florida Statutes, to provide the legislature with an annual accounting of the number of child abuse reports referred to local law enforcement as suspected false reports. Since 2008, the Department has submitted annual reports comprised of six discrete data elements as proposed in the Florida Senate *Interim Project Report 2008-105*. These data elements include:

- Percentage of all investigations ‘Verified’ for child maltreatment
- Number of *suspected* false reports (as initially identified by child protective investigators in the course of the investigation)
- Number of suspected false reports staffed with managers and legal counsel for consideration of further action
- Number of verbal and written warnings issued
- Number of false reports reviewed for administrative fines by the Department
- Number of false reports referred to law enforcement for criminal investigation

**II. DATA ELEMENTS**

A statewide roll-up (by circuit and region) of suspected false reports is presented on page 6 of this document. The table contains the following six data elements:

**(1) The percentage of investigations containing substantiated versus unfounded findings for child maltreatments.**

The first data column, “Investigative Findings,” reflects the percentage of investigations closed with ‘Verified’ findings relative to all investigations completed from July 1, 2010 through June 30, 2011. 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 Abuse 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.”**

When a child protective investigator suspects the investigation was the result of an individual making up allegations (i.e., making a false report to the Abuse Hotline) the investigator documents this preliminary determination in FSFN. A specific dropdown

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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 ongoing 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 investigations conducted from July 1, 2010 through June 30, 2011.

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

Columns 3 and 4 of the table indicate how many of the *suspected* false reports tagged by child protective investigators are subsequently referred to a manager and/or legal counsel for the consideration of further action. Based on the result of this staffing, 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.**

According to input from field staff, in most instances the issuance of a written warning letter, as reflected in column 4, 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.**

Column 5 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 amount of the fine levied.

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

The first half of Column 6 shows the number of suspected false reports which were referred to law enforcement for a criminal investigation. The second half of this column indicates how many individuals were eventually criminally prosecuted as a result of the criminal investigation.

### III. ANALYSIS

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 very low. For the current reporting period (FY 2010-2011) the Abuse Hotline accepted 165,905 reports of abuse or neglect. From that total, 141 investigations (less than 1 in 1,000) were denoted by child protective investigators as potentially being made with malicious intent.

The chart below provides the six most recent years trend line for the number of suspected reports referred to law enforcement for prosecution (top row) and the number of those reports in which individuals were actually charged with making a false report (bottom row)\*.

	FY 05-06	FY 06-07	FY 07-08	FY 08-09	FY 09-10	FY 10-11
Reports Referred to Law Enforcement	58	34	33	27	26	19
Criminal Prosecutions*	Not Available	2	3	6	13	6

\* The number of criminal prosecutions for false reporting may be under-represented as there is no central data base that tracks this information and the Department has to rely on supervisors, managers and legal counsel to provide anecdotal accounting of criminal proceedings.

As represented by the relatively low numbers, the above table clearly shows the difficulty of prosecuting individuals suspected of filing false reports with the Florida Abuse Hotline. The State's burden of having to prove "malicious intent" is a significant factor in the decision to move forward and prosecute individuals referred to law enforcement by the Department. It should be noted that while criminal prosecutions have increased over the past three years, the overall prosecution rate (less than 50%) of those individuals referred to law enforcement by the Department is still relatively low.

When child protection managers were asked what factors most likely contributed to the decreased referrals to law enforcement by investigators over the past six years the most frequently cited reason was the negative perception (by investigators) that any positive

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outcome would result from their efforts. Investigators who are already pressed for time are wary of committing additional time and work toward an effort that rarely results in an immediate impact on their current workload. Successful criminal prosecutions are viewed more as the exception than the rule so over time, investigators have initiated less and less referrals because generally, less than 50% of individuals referred to law enforcement go on to be criminally prosecuted (please refer to the table on page 6).

To effect positive change, Department managers suggested that law enforcement and the courts do a better job of providing direct feedback to investigators when successful prosecutions occur to reinforce the investigators for making the time to initiate the referral that led to the successful outcome.

An additional positive development is that House Bill 803 amended language to Section 39.205(5), Florida Statutes, that authorizes the Department to “discontinue all investigative activities” when it is determined the investigation is the result of a false report. In the past, the Department continued to complete all investigative activities despite the determination that the report was a false report which essentially forced the investigator to continue to waste both the family and his or her time. The change in statutory language should significantly improve referrals to law enforcement as now the investigator will have immediate gains for following through with the referral to law enforcement regardless of whether or not there is a criminal prosecution as the final outcome.

### IV. SUMMARY

In many respects, the Department, law enforcement and the courts continue to struggle with the problem of false reporting. A former Felony Bureau Chief of the Office of the State Attorney decried the improbability of conviction is what most strongly deters efforts at prosecution. The following is quoted in the Florida Senate *Interim Project Report 2008-105* (page 5) which echoes the sentiment of legal counsel across the state.

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

Despite this challenge, the Department has tried to reduce false reporting along several fronts. First, by automating a message denoting the penalties for false reporting at the beginning of every call received at the Abuse Hotline. Every caller is made aware of the potential consequences for intentionally filing a false report. The following is a transcript of the recording:

*“Thank you for calling the Abuse Hotline. If this is an emergency that requires an immediate response, please hang up and dial 911. Any person who knowingly and willfully makes a false report is guilty of a third degree felony. Violation of this law can result in imprisonment and/or department imposed fines up to \$10,000. Anyone making a report who is acting in good faith is immune from any liability. All calls to the Florida Abuse Hotline are recorded. The identity of the person making a report is confidential.”*

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Second, after the determination by Department managers and/or legal counsel that an investigation was likely the result of a false report but sufficient evidence to refer to law enforcement is lacking the issuance of a certified letter informing parties of the civil and criminal penalties for filing a false report is now standard practice.

Lastly, it appears that even limited prosecution of individuals making false reports has a significant deterrent in the community. The Citrus County Sheriff's Office reports that after the county 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 a simple civil citation) almost all the false reporting incidents in Citrus County stopped.

### **V. FALSE REPORTS BY CIRCUIT AND REGION:**

The table on the following page contains a statewide roll-up on 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, 2010 through June 30, 2011

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%	7	7	5						
	2	22% / 78%	1	1	1				1		
	14	13% / 87%	4	2	2				2		
NE	3	22% / 78%	22	9	6						
	4	21% / 79%	7	7	7				2	1	
	7	17% / 83%	16	6	1		4				
	8	29% / 71%	9	6	4				1		
Central	5	19% / 81%	2								
	9	22% / 78%	5								
	10	17% / 83%	6	6	6	1		6	\$500	1	
	18	17% / 83%	3	2	2				2		
	19	25% / 75%	4	2							
SE	15	18% / 82%	9	1	6		9		1		
	17	27% / 73%	9	9			1		1		
Southern	11	21% / 79%	0								
	16	29% / 71%	0								
Suncoast	6	25% / 75%	3	3							
	12	23% / 77%	7	5					6	3	
	13	19% / 81%	11	11		5		4	1	1	
	20	15% / 85%	16	16	16				1	1	
<b>Totals</b>	<b>21% / 79%</b>	<b>141</b>	<b>93</b>	<b>56</b>	<b>6</b>	<b>19</b>	<b>10</b>		<b>19</b>	<b>6</b>	