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April 28, 2021
Assemblymember Rudy Salas, Chair
Joint Legislative Audit Committee
Legislative Office Building, Room 104
Sacramento, CA 95814

RECEIVED
04/28/2021

Dear Chairman Salas,

This letter is to request the Joint Legislative Audit Committee (JLAC) authorize an audit of the Child Abuse Central Index (CACI); specifically, we the undersigned legislators want to know if the database is in compliance with law.

The California Department of Justice (DOJ) began a central registry of suspected abuse and neglect in 1965, two years after compelling mandatory reporting from physicians. This early iteration of the index was used solely for investigatory purposes.

In the 1980s, the Child Abuse and Neglect Reporting Act (CANRA) created what is now the CACI. It required law enforcement and other agencies to investigate allegations of child abuse and report 'not unfounded' cases to DOJ for recording in the CACI. At that time, state agencies began to consult the index for decision-making purposes.

Regrettably, CANRA did not provide an avenue for individuals to challenge their listings. This led to the U.S. Court of Appeals' holding in *Humphries v. County of Los Angeles*, that California's maintenance of the CACI violates due process rights because individuals are not given a fair opportunity to challenge the allegations against them.

Prior to this 2009 *Humphries* decision, the California Department of Social Services (DSS) in 2007 had reached a settlement in a state court action (*Gomez v. Saenz*). Pursuant to that settlement, DSS constructed a grievance process whereby persons reported by county social services agencies for listing in the CACI may have those listings reviewed by designated officials within the reporting agencies.

In response to litigation, AB 717 (2011) changed the CACI listing standard to require that "Only information from reports that are reported as substantiated shall be filed and all other determinations shall be removed". The legislation provides maintenance-related requirements for the database and states that, after January 1, 2012 law enforcement shall no longer forward reports of suspected child abuse or severe neglect to the DOJ for entry in the CACI.

While there have been periodic inquiries into the CACI, we do not have a holistic view of how the index has been managed after 2012. We know from previous reviews that inaccurate and incomplete information hinders investigations.

The utility of this database is largely contingent on the integrity of its information. It is of the utmost importance that personnel making decisions that will affect the permanence of families are equipped with accurate and up-to-date information.

I respectfully ask that JLAC approve this request to include the following determinations:

1. How many records are currently maintained in the CACI? Please categorize this information detailing submissions temporally: how many records were received prior to 01/01/1998, 01/01/2005 and 01/01/2012; we would also like to see their geographic origin detailing the number of records maintained from each individual county.
2. How many individuals are currently listed in the CACI as “suspects”, “victims” and “others”? Please apply the same temporal considerations for submissions.
3. How many existing CACI records are based on information submitted on any reporting form that DOJ issued prior to January 1, 2005?
4. How many existing CACI records are based on reports marked “substantiated” that were submitted to DOJ at any time from January 1991 through December 2004? This determination should specify the number, total percentage of both victims and suspects.
5. What are the separate demographic breakdowns of individuals listed as “suspects” and “victims” on the CACI, by age, race, and gender?
6. What is the percentage breakdown of records in the CACI by types of alleged abuse or neglect?
7. Are there reports in CACI not deemed ‘substantiated’ older than 10 years, if no subsequent report concerning the suspected child abuser has been made within the same 10-year span?
8. Are there reports in CACI that remain even though the removal request was granted by the submitting agency?
9. Are there individuals listed in the CACI who have reached 100 years of age?
10. Are there reports maintained marked “abuse suspected”? If so, how many reports and individuals are associated with this designation?
11. Is the database a credible tool for investigatory purposes? It would be appreciated if this determination includes analysis of the credibility and completeness of agency reports.
12. Are there legislative suggestions for constitutional compliance in the grievance process?
13. What actions has DOJ completed to comply with the CANRA mandate to remove reports below the substantiated standard?

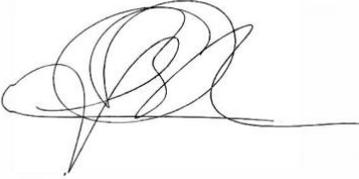
It is critical that we protect innocent children. Especially, during this unprecedented time when children are distanced from those who safeguard their protection. This audit will ensure that decision-makers are working with reliable information while making assessments of safety and security.

Sincerely,



Assemblyman Tom Lackey

District 36



Senator Rosilicie Ochoa Bogh

District 23



Assemblyman Mike Gipson

District 64



Senator Melissa Hurtado

District 14



Assemblyman Bill Quirk

District 20



Assemblyman Phillip Chen

District 55



Assemblywoman Janet Nguyen

District 72

Thank you for your consideration of this request. Should you have any questions or would like additional information, please contact Andrew Mendoza at (916)-319-2036 or Andrew.Mendoza@asm.ca.gov.