



## Policy 1204

Subject	
<b>SAFEGUARDING CHILDREN OF ARRESTED PARENTS</b>	
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*By Order of the Police Commissioner*

### POLICY

It is the policy of the Baltimore Police Department (BPD) to train its members to identify and respond effectively to a child, present or not present, whose parent is arrested in order to help minimize potential trauma and support a child's physical safety and well-being following an arrest.

### PURPOSE

The purpose of this policy is to establish new and enhance existing collaborations between the BPD, Child Protective Services (CPS), and other key partner organizations in order to minimize the potential trauma to a child whose parent is arrested. Whenever possible, the child should be diverted from official custody and be placed with a responsible caregiver. The primary goal of this policy is to minimize trauma experienced by the child who witnesses a parent's arrest and the separation caused by the arrest while maintaining the integrity of the arrest and the safety of officers, suspects, and others who are involved.

This policy makes no attempt to negate the parental right to choose appropriate placement for their children consistent with the procedures outlined below. Unless there is compelling evidence to the contrary such as drugs and/or weapons or any indication where the officer or prudent person would question the child/children's safety, parental discretion shall be respected. However, CPS maintains ultimate responsibility for determining placement in the event the parent does not designate placement.

### DEFINITIONS

**Caregiver** – A responsible adult selected to temporarily care for the child in situations where another individual with legal custody of the child is unavailable. In some cases, responsibility for the temporary care and supervision of a child may be delegated to a relative, neighbor, friend, or another adult, as they are willing and able.

**Child** – Any un-emancipated person under the age of 18, whether or not he or she is present at the arrest. (As used herein, "child" refers to both an individual child and multiple children.)

**Child Protective Services (CPS)** – The public service agency, or its contractors, that has authority to assume responsibility for the care, welfare, and temporary supervision of a child pursuant to law.

**Parent** – Any adult who is legally responsible for the well-being, supervision, and care of a child. In most cases, this individual is a biological or adoptive parent, or guardian.

**Legal Guardian** – Any adult who is legally responsible for the well-being, supervision, and care of a

child.

**Partner Organization** – A group or agency with interests aligned with the BPD in regards to safeguarding a child from trauma when his or her parent is arrested. This may include, but is not necessarily limited to, CPS, probation/pretrial entities, victim advocates, corrections, medical/mental health services, schools, youth-serving organizations, and faith-based programs.

**Responsible Adult** – An individual over 18 years of age who can pass a preliminary NCIC check and clear a child protection registry background check to ensure that he/she does not have any arrests for cases of child abuse, sexual crimes, domestic violence, recent arrests for drug use or possession, or other violent felony violations. See Policy 1301, *National Crime Information Center*.

**Trauma** – An event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or threatening and that has lasting adverse effects on the individual's functioning and physical, mental, social, emotional, or spiritual well-being.

## **REQUIRED ACTION**

### **Agency Coordination – Community Collaborations Division**

1. The BPD shall have a cooperative agreement with CPS and partner organizations that can provide on-site and other assistance to law enforcement upon request when a child's parent is arrested.
2. Regular meetings shall be held involving all partner organizations to review and evaluate the effectiveness of joint operational protocols and to make improvements, where necessary.
3. The BPD shall designate a liaison to ensure follow-up is conducted to support the well-being of the child of an arrested parent.
4. Members shall be provided a list of agencies that have partnered under the cooperative agreement, along with contact information for each. These agencies may be contacted by the arresting officer, or another member of the BPD, when officers need assistance during the arrest of a parent.

### **Professional Development and Training Academy (PDTA)**

1. Officers shall be trained to effectively communicate with the child using appropriate language during a parental arrest.
2. The BPD shall provide recruit training and in-service training on child development and the effects of trauma on the child so officers can effectively support the well-being of a child of an arrested parent.
3. Training will be available to CPS staff and other partner organizations on the role, responsibilities and protocols of law enforcement during arrest situations. PDTA staff will endeavor to schedule cross training for officers by CPS staff and representatives of other partner organizations on their roles, responsibilities, and policies for a child when his or her parent is arrested.

**Communications Unit**

1. 911 operators shall ask callers if a child is present at the scene.
2. If the Communications Unit determines that a child is present at the scene of a reported incident, responding officers shall be notified.

**Member**

**Pre-Arrest Planning** – See Policy 1007, *Search and Seizure Warrants* and Policy 1104, *Arrest Warrants*.

1. When service of an arrest or search warrant is planned:
  - 1.1. Where possible, officers shall determine whether any child is likely to be present at the location.
  - 1.2. When reasonably possible, officers may delay an arrest until the child is not likely to be present (e.g. school or daycare), or consider another time and place for making the arrest. If delay is not possible, arrangements should be made in advance, when practicable, to have representatives from CPS and/or appropriate partner organizations at the scene or on call.

**Making an Arrest**

1. The officer shall inquire whether the arrestee is a parent of a child who would need arrangements for supervision because of the arrest. The inquiry shall include any child who may not be present at the time but who is expected to return home from school, a babysitter, a friend's home, or other location or activity.
2. Adults may be reluctant to disclose the presence of or responsibility for a child for fear that they may lose custody. Therefore, when making an arrest, and when safe to do so, the officer shall be aware of any items in plain view that may indicate the presence of a child, such as toys, diapers, and similar items.
3. If a parent is responsible for a child, whether or not the child is present, a determination regarding appropriate placement shall be made.

**When a Child is Present**

1. Take custody of the child in accordance with Policy 1202, *Juveniles: Non-Custodial Contacts and Custody Procedures*, when the officer reasonably believes there is a threat of imminent danger to the child.
2. Make the arrest, whenever reasonable and prudent, including handcuffing and questioning, in a location away from the child's sight and hearing.
3. Determine whether the arrestee will be permitted to speak with the child prior to being removed subsequent to the arrest. (If the child is the victim, no communication is permitted between the child and the arrestee.)

4. Do not leave the scene of the arrest until the child is in the care of a caregiver.

#### **When a Child is Not Present**

1. The officer shall ensure that appropriate arrangements are made, either through the BPD, CPS or a partner organization, to place the child with a caregiver.
2. If the arrest occurs while the child is not present (for example, at school or daycare), the officer should be prepared to discuss with the arrested parent how the child will be picked up and by whom.

#### **Determining Appropriate Placement of a Child**

1. The child shall be placed with another parent if this individual is capable of assuming responsibility for and care of the child. If questions should arise concerning the capability or competency of the second parent, the officer shall request assistance from a supervisor.
2. If another parent is not available, the arrested parent shall be given a reasonable opportunity to select and contact a caregiver unless there is a compelling reason not to do so or the arrest is for child abuse or neglect.
3. A preliminary NCIC check and check of CPS case files shall be conducted on the caregiver chosen by the parent prior to relinquishing custody of the child to the selected caregiver. Any arrest for child abuse, sexual crimes, domestic violence, recent arrests for drug offenses, or other violent felonies shall disqualify the individual from taking custody of the child. See Policy 1301, *National Crime Information Center*.
4. A secondary caregiver should be identified as a contingency measure.
5. If the parent is unable or unwilling to identify a caregiver, and other suitable arrangements cannot be secured within a reasonable period of time, the child shall be taken into the custody of CPS or another authorized partner organization.
  - 5.1. During normal operating hours of 9:00 am – 3:30 pm, children may be transported to the CPS office at 1900 N. Howard St.
  - 5.2. Outside of normal operating hours, children may be transported to the after-hours location of 313 N. Gay St.
  - 5.3. Members are encouraged to call CPS if there are questions concerning suitable child placement at (410) 361-2235.

#### **Interacting with a Child**

1. When it is appropriate and safe, the parent should be given an opportunity to reassure the child and explain what is happening, unless the child is the victim.
2. If the parent is unable to provide reassurance to the child, the officer shall provide an explanation to the child, in an age and developmentally appropriate manner consistent with

training. It should be emphasized that the child has done nothing wrong and will be safe.

3. When reasonably possible, the officer shall ask the parent about items or objects that provide particular comfort to the child, such as toys, clothing, blankets, photographs or food that can be taken with the child.
4. The officer shall ask the parent about any medical, behavioral, or psychological conditions and/or required treatments of the child that would become the responsibility of a caregiver.

### **Reporting**

Whenever an arrest is made, the existence of a child, present or not, shall be noted in the Incident Report, Form 04/008 or Supplement Report, Form 04/007, and documentation shall include, at a minimum:

1. The identity and biographical information of the child involved, whether or not he or she was present at the arrest;
2. Any of the child's special needs such as medical or mental health conditions, physical impairments or limitations, allergies, or developmental disorders;
3. The identities, addresses, and contact information for any actual or potential caregivers;
4. Names and contact information of any representatives from partner organizations involved;
5. Names and contact information of any adult contacted for notification purposes, such as school officials;
6. The final placement determination for the child; and
7. Any information or observations that suggest the need for further investigation into the child's living conditions and general well-being, such as any indications of a household in crisis.

### **ASSOCIATED POLICIES**

Policy 503, *Transportation of Passengers in Departmental Vehicles*

Policy 1007, *Search and Seizure Warrants*

Policy 1104, *Arrest Warrants*

Policy 1202, *Juveniles: Consensual, Non-Custodial Contacts, and Custody Procedures*

Policy 1206, *Investigations Involving Children Who Have Witnessed a Domestic Violence Related Parental Homicide*

Policy 1301, *National Crime Information Center*

Policy 1735, *Communicating with Limited English Proficient Individuals*

### **COMMUNICATION OF POLICY**

This policy is effective on the date listed herein. Commanders are responsible for informing their subordinates of this policy and ensuring compliance.