



<b>SAFEGAURDING CHILDREN OF ARRESTED PARENT(S)/GAURDIAN(S)</b>			
✓ <b>new:</b> rescinds: amends: <b>All previous</b>		<b>cross-reference:</b>  <b>accreditation standards:</b> NYSLEAP Standard(s): 44.4	
<b>effective date:</b> March 2024	<b>amend date:</b>		

**I. PURPOSE**

The purpose of this policy is to highlight existing collaborations between this agency, our local Child Protective Services, and other key partner organizations 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 other involved individuals.

**II. POLICY**

It is the policy of this office that officers will be trained to identify and respond effectively to a child, present or not present, whose parent is arrested to help minimize potential trauma and support a child’s physical safety and well-being following an arrest.

**III. 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 unemancipated person under the age of 18, or as otherwise defined by state law, 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):* A public service agency, or its contractee, 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.

*Parent Organization:* A group or agency with interests aligned with this department with 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 founded cases of child abuse, sexual crimes, domestic violence, recent arrests for drug use or possession, or other violent felony violations.

*Trauma:* Individual trauma results from 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.

#### IV. PROCEDURES

##### A. Chief Executive Responsibilities

###### 1. Agency Coordination

- a. This agency shall maintain a cooperative relationship with CPS and partner organizations that can provide on-site and other assistance to law enforcement requests for assistance when a child's parent is arrested.
- b. Meetings shall be held involving all partner organizations to review and evaluate the effectiveness of joint operational protocols and to make improvements when necessary.

##### B. Pre-Arrest Planning

###### 1. When service of an arrest or search warrant is planned:

- a. When possible, officers shall determine whether any child is likely to be present at the location.
- b. When reasonably possible, officers may delay an arrest until the child is not likely to be present (e.g., at school or daycare), or consider another time and place for making the arrest. If delay is not possible, arrangements should be made in advance to have representatives from CPS on standby and/or
- c. When reasonably possible, officers shall determine if the arrestee and other family members are English-language proficient. If not, arrangements should be made to provide a translator. A parent should not be allowed to interpret for a child and a child should not be allowed to interpret for a parent.

## C. Making an arrest

### 1. General Procedures

- a. 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.
- b. 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.
- c. If a parent is responsible for a child, whether or not the child is present, a determination regarding appropriate placement shall be made.

### 2. If a Child is Present, the Officer shall:

- a. Take custody of the child in accordance with state law when the officer reasonably believes there is a threat of imminent danger to the child.
- b. Make the arrest, whenever reasonable and prudent, including handcuffing and questioning, in a location away from the child's sight and hearing.
- c. Determine whether the arrestee will be permitted to speak with the child prior to being removed after the arrest.
- d. Not leave the scene of the arrest until the child is in the care of a caregiver.

### 3. When a Child is Not Present:

- a. The arresting officer shall ask the arrestee if he or she is responsible for a child.
- b. If so, the officer shall ensure that appropriate arrangements are made, either through this agency, CPS, or a partner organization, to place the child with a caregiver.
- c. If the arrest occurs while the child is not present (e.g., 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.
- d. If the arrest creates an interruption in a child's supervision and care, the arrestee shall be given reasonable opportunities to make alternative arrangements for such care if appropriate arrangements have not already been ensured by the arresting officer, other components of this department or through partner organizations.
- e. The name, address, and phone number of the caregiver shall be entered into the police report.

#### D. Determining Appropriate Placement of a Child

1. The child should be placed with another parent if this individual can assume responsibility for and care for the child. If questions should arise concerning the capability or competency of the second parent, the officer should request assistance from a supervisor.
2. If another parent is not available, the arrested parent should 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, when possible, check of CPS case files shall be conducted on the caregiver chosen by the parent as soon as reasonably possible. 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.
4. If possible, a secondary caregiver should also be identified.
5. If the parent is unable or unwilling to identify a caregiver, and other suitable arrangements cannot be secured within a reasonable period, the child shall be taken into the custody of CPS or another authorized partner organization.

#### E. Interacting with a Child

1. Where appropriate and safe, the parent should be given an opportunity to reassure the child and explain what is happening.
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. 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 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.

#### F. Follow-Up

1. Follow-up should be performed wherever possible to ensure the continued safety and well-being of the child. The arresting officer shall work with partner organizations to determine the responsibility for and scope of follow-up if needed.

#### G. Documentation

1. Whenever an arrest is made, the existence of a child, present or not, shall be noted in

the police report and documentation shall include, at a minimum;

- a. The identity and biographical information of the child involved, whether or not he or she was present at the arrest;
- b. any of the child's special needs such as medical or mental health conditions, physical impairments or limitations, allergies, or developmental disorders;
- c. the identities, addresses, and contact information for any actual or potential caregivers;
- d. names and contact information of any representatives from partner organizations involved;
- e. names and contact information of any adult contacted for notification purposes, such as school officials;
- f. the final placement determination for the child; and
- g. 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.

By Order Of



Derek Osborne  
*Sheriff*