

## **SAFEGUARDING CHILDREN OF ARRESTED PARENTS**

### **7.04.01 PURPOSE**

This DGO establishes policies and procedures for instances when a parent, who has responsibility for a child, is arrested. Specifically, this policy outlines our collaboration and partnership with Family and Children Services (FCS) and details procedures for the proper placement of children of arrested parents, notification requirements to FCS, and guidelines for the preparation of incident reports in these instances.

The goal of responding officers is to minimize trauma experienced by the child who witnesses a parent's arrest and the separation caused by the arrest and to determine the safest alternative care for the children.

### **7.04.02 DEFINITIONS**

- A. **CHILD:** An unemancipated person under the age of 18. (As used herein, "child" refers to both an individual child or multiple children.)
- B. **PARENT:** Any adult who is legally responsible for the well-being, supervision, and care of a child. This individual is generally a biological or adoptive parent or guardian.
- C. **FAMILY AND CHILDREN SERVICES (FCS):** services provided by Child Protective Services (CPS), which is a division of San Francisco's Human Services Agency (HSA)  
<https://www.sfhsa.org/services/protection-safety/child-protective-services>
- D. **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 willing and able adult.
- E. **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 the individual has no arrests for founded cases of child abuse, sexual crimes, domestic violence, recent arrests for drug use or possession, or other violent felony violations.

### **7.04.03 POLICY**

- A. **Officers shall contact FCS as soon as practical in all instances where a parent who has responsibility for a child is arrested, regardless of whether a second parent is present.**

- B.** Parents retain the right to designate appropriate placement for their child, provided the designation is consistent with the procedures outlined below. There is no compelling evidence to demonstrate that the parent’s right to designate placement should be denied (e.g., identifiable drug use, domestic violence, child abuse or neglect, exploitation, sexual crimes, weapons). Whenever possible, the child should be diverted from official custody and placed with a responsible caregiver. However, FCS maintains the ultimate responsibility for designating placement in the event the parent does not designate placement or that no responsible caregiver exists.

#### **7.04.04 PROCEDURES**

Responding officers shall ensure children are protected and assist FCS by adhering to the following procedures:

##### **A. Making an Arrest or Executing a Search Warrant**

1. When making an arrest or executing a search warrant, officers shall inquire about the presence of a child for whom the arrested adult has responsibility. If the arrest is made in a home environment, officers should be aware of items that suggest the presence of a child, such as toys, clothing, formula, bunk bed, diapers, etc.
2. When reasonably possible, officers should attempt to make the arrest away from the child or at a time when the child is not present. If delaying the arrest is not possible, arrangements should be made in advance to have representatives from FCS at the scene or on call
3. When reasonably possible, officers shall determine if the arrestee and other family members are English-language proficient.
  - a. If the arrestee and/or other family members are not English-language proficient, arrangements should be made to provide an interpreter. A parent should not be allowed to interpret for a child, and a child should not be allowed to interpret for a parent.
4. If a parent is responsible for a child, whether or not the child is present, a determination regarding appropriate placement shall be made.
5. When a Child is Present

If a child is present during an arrest, the responding officers shall:

- i. 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.
- ii. Make the arrest, whenever reasonable and prudent, including handcuffing and questioning, in a location away from the child’s sight and hearing.
- iii. Determine whether the arrestee will be permitted to speak with the child prior to being removed subsequent to the arrest.
- iv. Determine whether the non-arrested parent, an adult relative, or a responsible caregiver is willing to take responsibility for the child.
- v. Remain at the scene until the child is in the care of a caregiver or FCS.

6. When a Child is Not Present

When a child is not present, the officer shall:

- i. Ensure that appropriate arrangements are made, either through SFPD or FCS, to place the child with a caregiver.
- ii. If the arrest occurs while the child is not present (e.g., at school, daycare, etc.), the officer should be prepared to discuss with the arrested person how the child will be picked up and by whom.

**B. Placement**

1. The child should be placed with another parent if the individual is capable of assuming responsibility for and caring for the child. If questions arise concerning the capability or competency of the second parent, the officer shall request assistance from a supervisor.
2. If another parent is unavailable, 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. Members shall conduct a preliminary criminal background check and contact FCS to determine if the person willing to take responsibility for the child has a history of abuse. Any history of sexual crimes, 290 PC registration status, or violence against children disqualifies the adult from assuming responsibility for the child. However, this does not apply to the non-arrested parent unless a court order limits contact with the children. In any event, officers shall notify the FCS worker of the intended placement. (Refer to DGO 7.01 III A. 1 through 6 for 300 W&I criteria)
  - a. To contact FCS, officers shall call 558-2650, identify themselves and the nature of their call, and ask for an expedited response or call back from FCS. FCS workers have been advised to expedite these calls to officers and/or supervisors in the field.
  - b. If the arrested parent's children are at school at the time of the parent's arrest, in addition to contacting FCS, the responding officer shall contact the School Resource Officer (SRO) of that school. If the SRO is not available, the responding officer shall advise the school principal or the principal's designee of the parent's arrest and provide placement information if it is available.
  - c. The reporting officer shall include the following in the incident report:
    - i. the identity and biographical information of the child involved;
    - ii. whether or not he or she was present at the arrest;
    - iii. any of the child's special needs, such as medical or mental health conditions, physical impairments or limitations, allergies, or developmental disorders;
    - iv. the identities, addresses, and contact information of the adult with whom the child was left;

- v. any contact information of other family members the officers identified to assist FCS in case future placement is necessary;
  - vi. the name and contact information of the FCS worker and school personnel contacted for notification purposes.
4. If possible, a secondary caregiver should also be identified.
5. If the arrested 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 FCS

### **C. 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 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.

### **D. Booking**

1. The booking officer shall ask the arrestee if the arrestee is responsible for a child.
2. 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 or FCS.
3. The caregiver's name, address, and phone number shall be entered into the booking record.

Reference: DGO 7.01, Policies and Procedures for Juvenile Detention, Arrest and Custody