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Keeping Children Safe When Their Parents are Arrested: Local Approaches That Work

*By Ginny Puddefoot, MPH, MPP
Lisa K. Foster, MSW, MPA*

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C A L I F O R N I A R E S E A R C H B U R E A U

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EXECUTIVE SUMMARY

It is unlikely that anyone would disagree that children need to be kept safe and well cared for when their parents are arrested. Yet research by the California Research Bureau (CRB) and others has confirmed that children are often overlooked at an arrest scene.¹ In extreme cases, children have been left unsupervised and alone to fend for themselves and their siblings.² They are traumatized not only by the parental arrest but also by the impact on their immediate circumstances and long-term care.

A coordinated response involving law enforcement and child welfare services is an effective way to ensure that children are kept safe when their parents are arrested. Yet numerous professional, organizational, financial and legal challenges make developing such a coordinated response difficult. Nevertheless, several jurisdictions in California have initiated formal protocols* and working agreements that not only benefit children but also make the work of law enforcement easier and may reduce costs to child welfare services. Recent legislation (Assembly Bill 1942, Nava; Chapter 729, Statutes of 2006) encourages these agencies to cooperate—via formal protocols—to keep children safe when their parents are arrested.

San Francisco has been at the forefront in recognizing the importance of addressing the needs of children at the time of parental arrest. For the past several years, a collaboration of local law enforcement, child welfare services and community agencies, called the San Francisco Children of Incarcerated Parents Partnership (SFCIPP), has been meeting regularly to develop a joint protocol. San Francisco is one of only two jurisdictions in California to have adopted a formal, citywide protocol encompassing *all* arrests in which children are present or live in the household where a person is arrested (see Appendix 4). This protocol is designed to “minimize the disruption to children by providing the most supportive environment possible after an arrest, to minimize unnecessary trauma to the children of arrestees, and to determine the best alternative care for the children.” One explicit goal is to avoid unnecessary placement of children in formal Child Protective Services (CPS) custody.

Los Angeles has also been a leader in recognizing the importance of addressing children’s needs when parents are arrested. In partnership with city and county law enforcement agencies, the county Department of Children and Family Services (DCFS) has established a liaison position responsible for (1) establishing a cooperative working relationship with all law enforcement agencies, (2) educating law enforcement personnel about the effects of parental arrest on children, and (3) coordinating prompt child welfare services responses when law enforcement officers request assistance with children present at the arrest scene or living in the household. A social worker is located in each of 19 city police stations and is available for consultation and assistance when requested (see Appendix 5).

* In this report, the term “protocol” is used to indicate a standard and consistent set of procedures guiding the conduct of law enforcement, child welfare services and other partners at the time of parental arrest.

The city of San Jose and Santa Clara County have also been visionary in their development of a Joint Response protocol for all parental arrests (see Appendix 6). The Joint Response process includes the following:

- A requirement that police officers check a box on the police report, responding either “Yes, kids were present at the scene” or “No, no kids were present.” If the officers check “Yes,” they must then check whether they called for Department of Family and Children’s Services (DFCS) assistance or not.
- A requirement, with some exceptions, that DFCS staff respond to a request to go to the scene of an arrest *within 30 minutes* of receiving the call from law enforcement officers.
- A requirement, with some exceptions, that police officers consult with DFCS staff before transporting any child to the Children’s Shelter. Children’s Shelter staff must then document who brought the child and if appropriate consultation with DFCS staff occurred.

One of the key outcomes of the San Jose/Santa Clara County Joint Response process has been a reduction in the number of children transported to the Santa Clara County Children’s Shelter. Between May 2004 and March 2007, there were about 1,200 arrests, involving about 2,200 children, to which the Joint Response DFCS staff responded. Over 50 percent of these children were not transported to the Children’s Shelter; instead, they were “diverted” and placed with family members or other appropriate caregivers without ever entering formal child welfare custody. Another 40 percent were transported to the Children’s Shelter by DFCS staff rather than by a police officer, a considerable savings in both time and resources for law enforcement and less traumatic for the children.

“Diversion” (from the Children’s Shelter) represents a major savings to the county since the cost of housing children in the shelter are considerable. As one social worker states, “Joint Response benefits all the parties involved, especially the children we’re working with.”

Several factors significantly increase the success of a joint approach to keeping children safe when their parents are arrested, including:

- Timely response by child welfare services staff to law enforcement requests for consultation or assistance at an arrest scene;
- Co-location (if possible) of child welfare services staff at law enforcement agency offices;
- Cross-training on roles and responsibilities of each participating agency, and education on the effects of parental arrest on children; and
- Designated liaison officer to review cases, handle questions and complaints, problem-solve and facilitate ongoing collaboration.

The benefits of these approaches, as identified by participating law enforcement and child welfare services agencies, include:

- Reduction in traumatic effects of parental arrest on children;
- Reduction in law enforcement officer time at arrest scene (less time supervising children until caregivers or child welfare services staff arrive);
- Increase in goodwill between law enforcement agencies, parents, and the community at large;
- Reduction in number of children taken into formal child welfare services custody, and reductions in costs associated with formal placement; and
- Enhanced relationship between law enforcement and child welfare services that has benefits in other areas, such as a greater exchange of information relevant to open investigations by either agency.

Finally, there is broad consensus that commitment and leadership by all partnering agencies – especially law enforcement and child welfare services – is crucial to the success of these approaches.³

INTRODUCTION

BACKGROUND

An estimated 842,000 children in California have a parent in jail, prison, or on parole or probation at any one time.⁴ Many more experience the arrest of a parent. In March 2000, a California Research Bureau (CRB) report, *Children of Incarcerated Parents*,⁵ focused the state policy spotlight on this largely invisible group of children who experience tremendous difficulty and upheaval when their parents are arrested and incarcerated. These children appear in many state-funded systems such as foster care and the juvenile justice system.

A seven-year research and education project at the CRB has resulted in a total of five reports, a number of policy seminars, and a conference. One of these reports, *In Danger of Falling Through the Cracks: Children of Arrested Parents*,⁶ surveyed all California local police departments, county sheriff's departments, and county child welfare agencies. Of the many important findings, perhaps the most significant was that two-thirds of the responding law enforcement departments reported that they had no written policy outlining their officers' responsibilities for minor children at the time of a parent's arrest. In addition, nearly half of the responding child welfare offices reported that they did not have any written policies on how to respond to an arrest situation, or consistent policies on how to place children of arrestees in temporary care.⁷

Officers in a majority of law enforcement agencies don't ask about an arrestee's children when making an arrest. If an arrestee offers information about children, less than half of the agencies say their officers will get involved.

A series of policy roundtables, convened by the CRB in 2003 through 2005, documented the compelling stories of children left alone when a parent was arrested, and the children's experiences in trying to navigate a world that seemed unaware of their existence. We found that for children with two parents* living in the household, the arrest of a parent is traumatic, but there is still a parent left to care for them. When a single parent is arrested, however, providing for the children's care becomes critical.⁸ They may be left unattended, resulting in immediate threats to their safety and well-being. We heard that some children actually stayed in their homes without the presence of an adult until noticed by neighbors after their parent was arrested. Many were taken to shelters until more permanent arrangements could be made. Some of these children, transported in police cars, felt they had also done something wrong, and experienced tremendous fear and guilt. Their mental health, physical health, school performance, and sense of overall safety and well-being suffered significantly, with long-term consequences for their lives.

* *Note:* The term "parent" throughout this report refers to the primary caregiver for the minor children; this may be a biological parent, another family member, a foster parent, a legal guardian, or another designated adult responsible for the children's safety and well-being.

What became clear is that while many law enforcement officers on many arrests take the needs of children and families into account, there is little systematic training and support for this approach. At times, children fall painfully through the cracks. In the most extreme and tragic example, a pre-schooler, Megan Mendez, was murdered after being informally left with neighbors in Modesto after her mother's arrest.⁹

In all of the policy roundtable discussions, the most frequently suggested solution to ensure a child's immediate safety and well-being following a parent's arrest was a coordinated response involving both law enforcement and child welfare services. Yet the very real professional, organizational, financial and legal challenges in developing such a coordinated response may be why there are so few comprehensive examples in California.

LOCAL LAW ENFORCEMENT—CHILD WELFARE CONFERENCE

In April 2006, the CRB convened a daylong discussion, *Keeping Children Safe When Parents are Arrested: Local Law Enforcement Approaches That Work*. The conference brought together over 150 participants, including local law enforcement and child welfare agency representatives from more than 40 local jurisdictions and 20 counties in the state, and state-level policy and program staff. Although from diverse backgrounds, all of these participants shared a common concern about the risk to children of being left alone, or without appropriate adult supervision and guidance, after the arrest of a parent.

Conference participants considered "a child's eye view of arrest," and learned how severely that process affects children. They also learned about informal and formal strategies that can provide an effective response and protect the safety and well-being of all children whose parents are arrested. These strategies include law enforcement—child welfare joint protocols (such as those initiated in San Francisco, Los Angeles and Santa Clara), and partnerships and memorandums of understanding with local nonprofit organizations (such as the New Haven, Connecticut Police Department/Yale Child Study Center partnership). We will discuss these collaborative approaches in more detail later in the paper.

LAW ENFORCEMENT—CHILD WELFARE PROTOCOL LEGISLATION

In September 2006, Governor Schwarzenegger signed Assembly Bill 1942 (Nava; Chapter 729, Statutes of 2006), which expresses the legislature's intent that law enforcement and county child welfare agencies develop joint protocols to ensure a child's safety and well-being at the time of a parent's arrest. This bill also directs the state Commission on Peace Officer Standards and Training (POST) to develop guidelines and training for use by state and local law enforcement officers that address issues concerning child safety when a caretaker parent or guardian is arrested. (See Appendix 2 for a copy of the legislation.)

PURPOSE OF REPORT

The purpose of this report is to support the intent of AB 1942 (Nava). Specifically, the report:

- Explores the short- and long-term effect on children when a parent is arrested, and identifies some recommended law enforcement responses;
- Describes the roles of local law enforcement and child welfare services during the arrest process and discusses how to build bridges between the two;
- Highlights approaches for ensuring child safety and well-being at the time of parental arrest and provides guidelines for developing protocols;
- Presents a model protocol that can be adapted for use by local jurisdictions; and
- Provides suggestions for the POST guidelines and training.

Appendices to the report provide sample protocols, memorandums of understanding, and tools for developing a local approach that takes into account the specific circumstances of a particular jurisdiction.

**EXCERPT OF CONFERENCE PRESENTATION
BY SHERIFF BOB BROOKS, VENTURA COUNTY**

In law enforcement, we have a legal obligation to children when we make an arrest. But we often get caught up in the practical dynamics of officer safety, the elements of a crime, the chain of evidence, warrants and all the other things that we have to do. Too often the kids are a complication.

We also have a moral obligation beyond that. We have an obligation to understand what it's like for a child to go through that kind of a situation. We have an obligation to understand what it might have been like to live in that home and what kind of problems they had even before the arrest. We have an obligation to be a source of security for them and not another source of fear. We have an obligation to work together in an interdisciplinary approach and that's one of the reasons we are here and one of the benefits of this kind of a gathering.

My folks were never arrested, thankfully, but I do recall that my grandfather was living with us, in kind of a hospice situation. He was dying of cancer. And when he died, because he wasn't under a doctor's immediate care, the police responded and came to the house. I was twelve at the time, and this grizzled old major crime sergeant took about five minutes to just talk to me and explain what was happening. And ten years later, he recommended that I take the test for deputy sheriff. And because he made such a positive impression on me in that few minutes he spent with me, which could have been very traumatic—I was really close to my grandfather—I never forgot that impact. And that's always affected how I feel about kids at a crime scene and the way I want my deputy sheriffs to respond to them as well.

We need to think like parents. We need to realize that very often they're "hurting kids" even before we get to the situation. We need to think about how traumatic it is to see a parent taken off in cuffs. We need to realize that officers can be a source of support for children by simply taking them into account and spending a few minutes with them at the arrest scene.

EXCERPT OF 2006 CONFERENCE PRESENTATION BY NELL BERNSTEIN
AUTHOR OF ALL ALONE IN THE WORLD: CHILDREN OF THE INCARCERATED

For many children, a parent's arrest is the moment when their invisibility is made visible; when it is made clear to them just how easily they may be overlooked within the systems and institutions that come to claim their parents. With appalling regularity, young people have described to me being left to fend for themselves in empty apartments for weeks or even months in the wake of a parent's arrest. In most cases, these children were not present when their parent was arrested; they simply came home from school to find their parent gone and were left to draw their own conclusions. But some told me of watching police handcuff and remove a parent—the only adult in the house—and simply leave them behind.

The first time I heard such a story was from a young man named Ricky. Like a third of all incarcerated mothers, Ricky's mother was living alone with her children when she was arrested. Ricky was nine years old, and his brother under a year, when the police came to his house and took away his mother.

"I guess they thought someone else was in the house," Ricky said, when I asked him how the police had come to leave him by himself. "But no one else was in the house. I was trying to ask them what happened and they wouldn't say. Everything went so fast. They just rushed in the house and got her and left."

After the police left with his mother, Ricky did what he could. He cooked for himself and his brother, and changed the baby's diapers. He burned himself trying to make toast, and got a blister on his hand, but he felt he was managing. He remembered that each day, his mother would take him and his brother out for a walk. So he kept to the family routine, pushing the baby down the sidewalk in a stroller every day for two weeks, until a neighbor took notice and called Child Protective Services.

The police department where Ricky lived, like most, had no written protocol for dealing with children at the scene of an arrest. When Marcus Nieto of the California Research Bureau surveyed California police and sheriff's departments about their approach to the children of arrested parents, he found what he called a "de facto 'don't ask and don't tell' policy"—children were generally not considered a police responsibility unless they were perceived to be in imminent danger. Earlier research by the American Bar Association found a similar absence of protocols nationwide.

In the absence of protocols or planning, 70 percent of children who are present at a parent's arrest watch that parent being handcuffed. Nearly 30 percent are confronted with drawn weapons. Many go on to demonstrate the symptoms of post-traumatic stress syndrome. Smaller children may respond by becoming unable to eat or to sleep, losing the ability to speak, or even reverting from walking to crawling.

Teenagers, though, are the most vulnerable to being left alone when a parent is arrested. Among police departments that said they had a written policy outlining officers' responsibility for minor children of an arrested caretaker, only 55 percent defined "minor" as all children under 18. The rest offered definitions that ranged from 16 and under to ten and under. In other words, children who would not be permitted to sign a lease, get a job or enroll themselves in school because of their age were, as a matter of explicit policy, deemed old enough to be left behind in empty apartments.

EXCERPT FROM NELL BERNSTEIN, cont'd

Terrence fell into this category. He was 15 the day police broke down his door and took away his mother, who had a problem with drugs. “Call somebody to come watch you,” he remembers an officer advising him on the way out. But Terrence had no one to call. For a few weeks, he got by on what was left of the family’s food stamps. When they ran out, he cracked open his piggy bank, netting 56 dollars. When that was gone, he washed cars in the neighborhood and sold newspapers door-to-door. At 15, he was old enough to be left alone, but too young to get a real job.

Terrence bought groceries with his odd job earnings, but he couldn’t keep up with the bills. First the electricity got cut off, then the water and gas. Once his apartment went dark, then cold, Terrence began spending more and more time with friends from school who lived together in a foster home nearby. When he began spending the night there, the foster father took notice. Terrence explained his situation, and the man arranged for Terrence to be placed with him on an emergency basis. Five months had passed since his mother’s arrest before Terrence’s abandonment registered as an “emergency” with anyone.

Researchers have found that children who are present at the time of a parent’s arrest often suffer symptoms of post-traumatic stress syndrome—they can’t sleep or concentrate—and may have flashbacks to the moment of arrest. But one thing that became clear to me from talking to the children is that whether or not they are present at a parent’s arrest, they are affected by that event in profound ways.

Some children’s own experience during or after their parent’s arrest may leave them feeling that they themselves have done something wrong, and are being punished—even incarcerated. One young woman described coming home from science camp one afternoon to find police in her home. One squad car had just left with her mother; now another took her to the children’s shelter. She felt, she told me, “that my life was over. That I would never see my family again. I thought I had done something wrong because I had to go away too. But my family says I didn’t.” This young woman was 27 years old when she told me this story—and she still didn’t sound convinced.

I heard many more stories like these—children who were in a few cases literally left behind when a parent was arrested, most often because they were at school or otherwise not at home when the arrest took place, and no one had asked whether there were children who needed care; children who were taken to the children’s shelter when there may well have been a relative nearby who could care for them in a home that was familiar, among people they knew and loved; children who were left more frightened and isolated by the way an arrest took place than perhaps they needed to be.

But I heard another kind of story too, that left me more hopeful—stories where they were seen, and heard, at the time of an arrest; where someone took the time to look out for them, talk to them, perhaps find a relative to care for them. And when this is what happened, they told me, it colored all their future interactions with authority—colored them in a way that made it much more likely that they would respond positively to authority, to law, in the future.

EXCERPT OF 2006 CONFERENCE PRESENTATION
BY CHIEF GEORGE GASCON
FORMER ASSISTANT CHIEF AND DIRECTOR OF OPERATIONS
LOS ANGELES POLICE DEPARTMENT

We handle roughly three million calls for service here in LA every year. In 2004, we arrested about 138,000 people. Many of those involved situations where there were kids in the house, there were young people being affected by that arrest. And unfortunately, many times, we didn't handle it very well.

There are two reasons why I believe working with the Department of Children and Family Services is very important and why we need to be concerned about kids in an arrest situation. One, the altruistic one, or perhaps the practical one, is that we need to take care of our customers. Now who are the customers here? Clearly, the young people who are affected are one of our customers. And someone who is very sensitive to that can have a very brief contact with one of these young people and have an impact on the rest of their life. Many times, quite frankly, our people are rushing from case to case, and they don't see it as their job, they don't even understand the impact their transaction has on the young people, and on the family involved.

The second reason we need to be concerned is purely an economic one. There are not enough police officers out there and there probably never will be enough police officers out there. So we have to use force multipliers, we have to look for ways to extend the work of the police, use partners to extend our work, and do so in a way that is sensitive and works for everyone we are working with. When we have two officers tied up for two or four or six hours, which is not uncommon, by the way, to go out and place one or two children somewhere—and it could be anywhere in the county, not just in the city—it's a terribly expensive proposition and it's certainly not good for the young person. It's bad for the police officers and it really impacts everybody.

Short-term it's really affecting the life of the young people, and it's tying up resources that should be used for something other than shuttling kids all over the county. Having a partner, having DCFS there with us immediately, allows our police officers to extricate themselves from the situation and go back to doing what they are trained to do, most of the time. But more importantly, we know we're going to have the right level of service, and the right level of sensitivity, given to the problem right away.

WHY CONSIDERING CHILDREN WHEN PARENTS ARE ARRESTED IS IMPORTANT

BENEFITS TO LAW ENFORCEMENT

Children grow up quickly to become the adults of the communities that law enforcement officers serve. Building and maintaining positive relationships with children is a good crime prevention strategy. Early intervention in children's lives not only supports their individual development, it can also help break the cycle of crime and disorder within their community.¹⁰

Children can make law enforcement officers' work easier or harder depending on the degree of trust that is developed between them. For example, developing positive relationships with children can provide officers with important information. And children who trust the police are more likely to cooperate with them and turn to them for help both as children and adults.

Children are often present when law enforcement officers are performing an arrest. *One on One: Connecting Cops & Kids*, a training curriculum produced in association with three Connecticut police departments,* stresses that keeping children safe and promoting positive interactions improves officer safety and helps officers achieve their goals.¹¹

*A police lieutenant shares how a neighborhood girl who knew him may have saved his life when he and his officers came to her house to "roust her brothers," in one law enforcement training video.**

THE IMPACT OF PARENTAL ARREST ON CHILDREN

Children who are exposed to the stressful experience of parental arrest require immediate and effective intervention. Without this support, they may suffer negative consequences at school, in their friendships, and in their home life. In addition, the way in which they are treated at the time of parental arrest, or upon being told about it, can significantly affect the long-term impact the trauma has on their lives.¹²

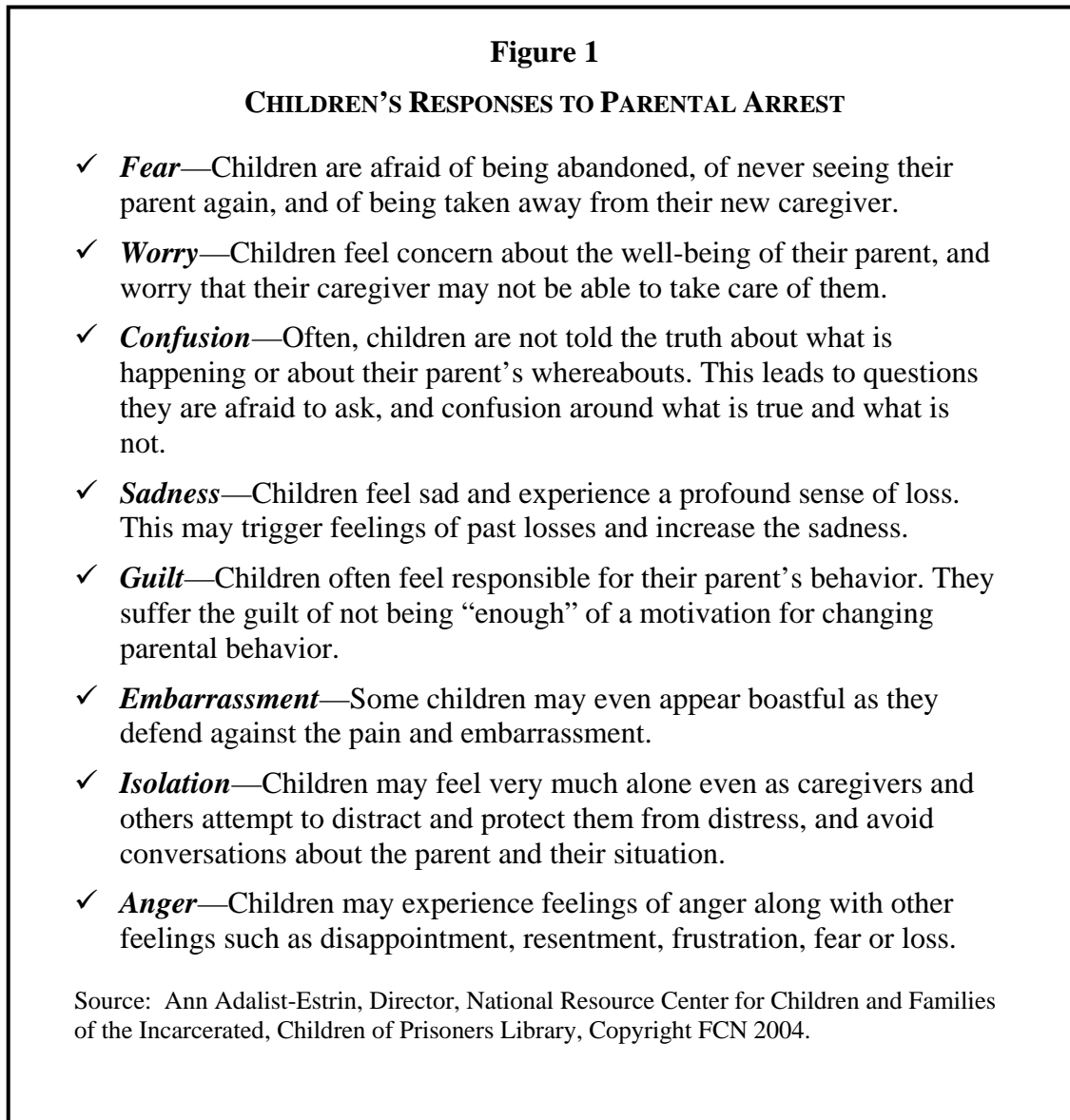
Feelings of loss, hurt and anger are often accompanied by self-blame, stigma and shame, loyalty conflicts, and sometimes frustration at a "conspiracy of silence" about the arrested parent. The impact varies depending on a child's age and stage of development. Most significantly,

For children, the loss of a parent is always experienced as traumatic.

* *One on One: Connecting Cops & Kids: Increasing Police Officer Safety and Effectiveness through Positive Interactions with Children and Teenagers* is a training curriculum produced by Family Communications, Inc. in association with The National Center for Children Exposed to Violence, The Child Witness to Violence Project, the New Haven Department of Police Services, the Boston Police Department, and the Pittsburgh Bureau of Police; it is funded by the Heinz Endowments and Educate America Act funds provided by the Pennsylvania Department of Education.

however, children experience trauma, both short- and long-term, even if they are well cared for at the time of arrest.*¹³

Figure 1 below summarizes the variety of emotions children may feel when they witness the arrest of their parent, or are told of that arrest after the fact.



* Trauma is defined as a threat against life, physical well-being or personal security.

The National Center for Children Exposed to Violence at the Yale Child Study Center describes additional common reactions of children to traumatic experiences, including parental arrest.¹⁴ These reactions are summarized in Figure 2 below.

Figure 2

COMMON REACTIONS OF CHILDREN TO TRAUMA

- ✓ ***Sleep disturbances***—frequent nightmares, waking in the night, bedwetting
- ✓ ***Separation anxiety***—refusing to go to school, upset when left with babysitter or childcare provider
- ✓ ***Hyper-vigilance***—worried, fearful, easily startled
- ✓ ***Physical complaints***—headaches, stomach-aches, other aches and pains with no clear medical cause
- ✓ ***Irritability***—increased aggressive behavior, angry outbursts, difficult to soothe
- ✓ ***Emotional upset***—tearfulness, sadness, talking about scared feelings or scary ideas
- ✓ ***Regression***—loss of skills learned at an earlier age, “babyish” behavior
- ✓ ***Withdrawal***—loss of interest in friends, school or activities child used to enjoy
- ✓ ***Blunted emotions***—shows no feelings at all, not bothered by anything, dissociation
- ✓ ***Distractibility***—trouble concentrating at school or home, daydreaming
- ✓ ***Changes in play***—repeatedly acting out violent events in play, less able to play spontaneously and creatively

Source: National Center for Children Exposed to Violence.

What do children of arrested parents need from the adults interacting with them at the time of parental arrest and in the days or weeks following the arrest? Figure 3 below adapts information from the Oregon Department of Corrections' *Children of Incarcerated Parents Project*.¹⁵ This material is targeted to caregivers of children whose parents are incarcerated and is also relevant for law enforcement officers, child welfare services workers, and anyone interacting with children at the time of, or shortly after, a parent's arrest. Understanding a child's needs can help make a traumatic situation easier.

Figure 3

WHAT CHILDREN NEED WHEN THEIR PARENTS ARE ARRESTED

- ✓ To know the parent's arrest is not their fault
- ✓ To know what is happening to their parent
- ✓ To know if they can have contact with their parent, and if so, when and how
- ✓ To know where and with whom they will be staying and where they will go to school
- ✓ To know what will stay the same and what will be different while their parent is under arrest
- ✓ To know it is OK to still love their parent, and it is OK to be angry sometimes too
- ✓ To be encouraged to express, in safe and healthy ways, their feelings about their parents and their parent's arrest
- ✓ To visit and maintain contact with the arrested parent as much as possible, when permitted and appropriate
- ✓ To have stability and consistency in their living situations and daily routines
- ✓ To feel safe
- ✓ To have fun
- ✓ To realize that people make choices in life that lead to different consequences

Source: Adapted from Oregon Department of Corrections, *How to Explain...Jails and Prisons...to Children, A Caregiver's Guide*, 2003.

LAW ENFORCEMENT RESPONSES TO CHILDREN

It is unrealistic to expect law enforcement to intervene effectively with children without proper training and significant support, including from their department, supportive community-oriented philosophies and services, and reliable community partners.¹⁶ Unfortunately most California law enforcement officers do not receive such training and support. And often, child welfare services is slow to respond to a request for assistance, leaving officers stranded at the arrest scene until their arrival, or forced to make a temporary placement decision themselves on behalf of the children present at the scene.

Figure 4 below summarizes how law enforcement officers might best respond to children, taking into account a child's age and developmental stage.¹⁷ It is especially important to remember that children who are traumatized do not process information as rapidly as when they are calm.¹⁸ As Assemblymember Pedro Nava noted at the April 2006 conference, with support and access to community resources, particularly appropriate tools and training, law enforcement officers can become "a source of security rather than fear" to children at the time of parental arrest.¹⁹ Effective partnerships and quick responses from child welfare services can assist law enforcement and provide support and stability to children already traumatized by their parent's arrest.

Ventura County Sheriff Bob Brooks acknowledges that children can be forgotten as officers focus on the procedures required in an arrest situation. The traumatic impact of seeing a parent taken off in handcuffs may not be recognized. He suggests that officers can be a source of support for children by simply taking them into account and spending a few minutes with them at the arrest scene.

Figure 4

CHILDHOOD STAGES AND RECOMMENDED LAW ENFORCEMENT RESPONSES

Babies and Toddlers

What Child Development Experts Say

Babies and toddlers are entirely dependent on their caregivers for their sense of safety and security.

- Separation from a parent can be terrifying.
- A child's sense of safety and security can be affected by witnessing violence.

What Law Enforcement Officers Can Do

- ✓ Acknowledge the importance of the parent to the child.
- ✓ Treat the parent with respect.
- ✓ Show concern for children's safety with words and actions.

(Continued on next page)

Preschool Children

What Child Development Experts Say

Preschool children often believe in the magical power of their thoughts and feelings.

- When there is an arrest, children may believe that they have caused the bad event to happen.
- Children may believe that their bad behavior or wishes are the cause of a parent's arrest or removal.
- In their imagination, preschoolers may view a law enforcement officer as an action figure who can help, hurt, or take them away.

What Law Enforcement Officers Can Do

- ✓ Listen to children's ideas and concerns about what is happening.
- ✓ Clarify in simple language basic facts about law enforcement presence and response.
- ✓ Verbally recognize that young children may have strong feelings about the events that are occurring.
- ✓ Reassure the child it is not their fault.

School-age Children

What Child Development Experts Say

School-age children are susceptible to the influence of older children and adults as role models.

- This is a time when children listen to peers and teachers as well as parental figures at home.
- School-age children are especially concerned with issues of right and wrong, fairness and justice.

What Law Enforcement Officers Can Do

- ✓ Deal with children honestly, fairly, and calmly.
- ✓ Engage them by recognizing their presence and responding to questions and concerns.

(Continued on next page)

- ✓ Emphasize that the child did nothing wrong.
- ✓ Take advantage of opportunities to offer a positive role model for children.

Teenagers

What Child Development Experts Say

Teenagers are developing a sense of themselves as individuals who are distinct and independent.

- Teenagers use relationships with authority figures to test limits and independence.
- Teenagers are probably police officers' most challenging age group.
- Teenagers are especially vulnerable to humiliation and can go to extremes to save face.
- Teenagers can be very good at drawing police into their struggles about authority.

What Law Enforcement Officers Can Do

- ✓ Set firm and clear limits and expectations for your interactions.
- ✓ Make one request or give one command at a time.
- ✓ Use consequences (including graduated force) judiciously and in accord with the level of infraction.
- ✓ Isolate troublemakers; provocative posturing can increase in front of peer groups.
- ✓ Don't take teens' rude or obnoxious behavior personally.
- ✓ Don't stereotype teenagers; treat them as individuals and be mindful of their normal struggles to become independent.
- ✓ Understand that teens need rules and limits in order to feel safe.

Source: Adapted from *One on One: Connecting Cops & Kids*, Family Communication, Inc., 2004.

LAW ENFORCEMENT AND CHILD WELFARE RESPONSIBILITIES FOR CHILDREN AT THE TIME OF PARENTAL ARREST

Professionals working in child welfare services are often well versed about the short- and long-term negative effects of trauma—such as parental arrest—on children of various ages. But they often do not understand the challenges faced by law enforcement officers at an arrest scene. Just as it benefits law enforcement officers to understand something about the effect of parental arrest on children,²⁰ child welfare professionals can benefit from a better understanding of how law enforcement agencies operate and the constraints under which they work.

In order to become effective partners to better serve the needs of children when a parent is arrested, both agencies and professions need to understand and appreciate the challenges faced by each other at the time of, as well as prior to and following, an arrest.

The following two sections provide an overview of the responsibilities of each agency. The material for these sections, and a more in-depth discussion of statutory requirements, can be found in the CRB report, *California Law and the Children of Prisoners*.²¹

LAW ENFORCEMENT RESPONSIBILITIES FOR CHILDREN WHEN PARENTS ARE ARRESTED

At the time of an arrest, law enforcement officers are primarily concerned with maintaining the integrity of the arrest process. This means accomplishing the arrest in a safe manner, securing the crime scene, detaining suspects and following established policies and procedures.²²

In most jurisdictions, law enforcement policies and procedures do not directly address how to respond to the children of arrestees. In addition, California law does not clearly define an arresting officer's responsibility for a child at the time of parental arrest.

- The legal standards for law enforcement involvement are found in California Welfare and Institutions Code (WIC) Sections 300-305. WIC §300 clarifies the meaning of “abuse and neglect” and defines when a child can be subject to the Juvenile Court’s jurisdiction; it also identifies a series of actions by law enforcement, child welfare, and the courts, and the timeframes for their implementation. WIC §305 describes the circumstances under which a police officer **may** take temporary custody of a child without a warrant: the child meets the definition of WIC §300 and the officer has a reasonable suspicion that the fact the child is left unattended poses an immediate threat to the child’s health and safety.
- If a child is left unattended and the officer takes temporary custody of the child, WIC §305 requires that the officer attempt to contact a parent or guardian. The statute charges the officer with notifying child welfare services only if the child

Dealing with children is not part of a law enforcement officer’s primary duty, nor are most officers trained as to an appropriate response.

meets the definition of WIC §300, is in immediate danger, and the parent or guardian cannot be contacted. In cases of parental arrest, this notification requirement often does not apply, as the parent is present. In addition, even if the child falls under WIC §300, and needs care and supervision, the officer is not required by statute to take the child into custody.

- Mandated reporting of child abuse and neglect (under Penal Code §11165.6 and 11165.7) by law enforcement officers is triggered only when there is a reasonable suspicion that abuse or neglect has occurred. A determination that a child could be at risk (due to parental arrest) is not enough to trigger the reporting requirement. California law also does not require an arresting officer to ask whether an arrestee is a custodial parent.

In summary, an arresting officer's action or inaction determines what happens to a child at the time of parental arrest. However, an arresting officer is not required to question an arrestee about children or to make sure that those children have care. There is no official responsibility to assist an arrested parent to make arrangements for a child's care, arrange transport for the child to a caregivers' residence, or investigate the suitability of a caregiver. As a result, children may be cared for by relatives or neighbors, taken along to the police station, placed through child welfare services, or left alone in the home.

LAW ENFORCEMENT LIABILITY

In extreme cases, officers are already liable if harm comes to a child as a result of an officer's inaction. For example, in an Illinois case, *White v. Rochford*, a police officer arrested an adult caretaker, leaving a young child alone at night in a car on a freeway, resulting in harm to the child. The officer was found to have violated the child's civil rights under federal law (42 U.S.C. §1983) by placing the child in danger and demonstrating deliberate indifference to the child's risky situation.

Under the California Torts Claims Act, police officers and departments are civilly liable if they fail to comply with a mandatory statutory duty and that failure causes harm. For example, Penal Code §11166 requires officers to investigate any reported incidents of child abuse and to take further action when an objectively reasonable person in the same situation would do so. There could be special circumstances in which an arresting officer has a duty to protect a minor child under this statute. Facts such as the child's age, location, and whether adults are present would be part of the analysis.

Since California peace officers are not now required to take custody of an arrested parent's child, they are not generally liable for failure to do so. In addition, officers are immune from liability for failure to enforce a law, for failure to arrest, and for discretionary acts generally.

Charlene Wear Simmons, *California Law and the Children of Prisoners*,
California Research Bureau, 2003

CHILD WELFARE SERVICES RESPONSIBILITIES FOR CHILDREN WHEN PARENTS ARE ARRESTED

Under California law, when a law enforcement officer takes a child into temporary custody under WIC §305, the officer must notify child welfare services. The statute requires that a parent, guardian, or relative be immediately notified, and that a child welfare services worker immediately investigate the circumstances. Whenever possible, the child is released to the custody of the parent, guardian or responsible relative.

Child welfare services (also known as Child Protective Services or CPS) and the Juvenile Court are charged with intervening in a family and providing specialized services in order to protect and treat “neglected, abused, exploited, or rejected” children. When child welfare services receives an allegation of abuse or neglect, an assessment of the allegation occurs, and a social worker determines if an investigation is required. If the allegation is substantiated upon investigation, the agency may seek legal custody through the Juvenile Court and a service plan is developed for the child and caregiver(s).

Children of arrestees usually fall outside the definition of abused and/or neglected children or children in need of services, since parental arrest does not imply parental abuse or neglect. Therefore, there is no legal requirement that child welfare services respond to a request from law enforcement officers to provide assistance or supervise the temporary placement of children when parents are arrested.

BRIDGING BETWEEN TWO DIFFERENT PROFESSIONAL CULTURES

One of the most challenging aspects of developing a successful local partnership for keeping children safe when their parents are arrested is bridging the gap between law enforcement and child welfare services. Law enforcement officers are not social workers and are not trained to assume that role in the arrest situation. Similarly, social workers often are not well informed about law enforcement practices and priorities and may not consistently respond to requests for assistance when a parent has been arrested. Often the result is an “informal” placement by law enforcement—children are placed with the nearest relative, friend or neighbor, with no follow-up to ensure their safety. Conversely, they may be transported unnecessarily to a children’s shelter or temporary care, increasing the trauma of parental arrest. Without a coordinated approach, law enforcement, child welfare services and other public and private agencies may neglect these children once an arrest is made. There is a general lack of understanding on both sides about how their roles are interdependent, and how children can best be served by bridging the gap—even in the absence of legal requirements to do so.

First, both law enforcement and child welfare representatives must consider these children as their “clients,” in need of services and protection...

Nonetheless, in some jurisdictions the two agencies have established working partnerships, collaborations that often include other public agencies and community organizations, to help the children and families in their areas. As a result, they have gained respect and appreciation for each other’s roles and responsibilities and the value they each bring to

keeping their communities safe and secure. The legislation authored by Assemblymember Pedro Nava (Assembly Bill 1942; Chapter 729, Statutes of 2006) also encourages these agencies to cooperate—via formal protocols—in order to keep children safe when their parents are arrested.

FORMULATING AN EFFECTIVE RESPONSE: A CHECKLIST FOR LOCAL AGENCIES

“Leaving no child alone” must be the foundation of an integrated, community-based response to children of arrestees. Such a response should clearly define the roles and responsibilities of law enforcement, child welfare, and other community-based agencies; it should recognize that the process of developing a community-based response requires careful planning and a commitment to collaborative efforts among agencies; and it should emphasize the importance of training for the practitioners (law enforcement officers and child welfare service providers) who first encounter these children...”

--Anna T. Laszlo²³

DEVELOPING A LOCAL RESPONSE

An effective local response must be sensitive to local circumstances while ensuring a consistent level of care for children when their parents are arrested. “Cookie cutter” approaches are not effective; instead, the challenge is to craft a response that is custom-made for each local jurisdiction.²⁴ For this reason, AB 1942 (Nava) does not mandate a single statewide approach but rather encourages local agencies to collaborate to best meet local needs.

Most local jurisdictions in California have law enforcement—child welfare joint response protocols in place outlining responses to children in specific kinds of arrest situations—domestic violence, drug-related arrests, and situations where child abuse/neglect are suspected. These existing protocols and processes can be utilized to implement an approach to ensure the safety of *all* children when their parents are arrested, whatever the crime.

Presenters at the April 2006 conference representing successful local partnerships repeatedly stressed the importance of commitment and leadership by all partnering agencies—especially law enforcement and child welfare services—to success.²⁵ The collaborating partners necessary to formulate an effective response will vary in each jurisdiction. Possible partner agencies may include community organizations working with families and children, mental health providers, and representatives of the court. Often, these partners have resources and expertise beyond

SOME SUGGESTIONS FOR COLLABORATING

Collaboration is always difficult as agencies are already fully engaged in their own missions.

- Don’t shortcut the planning process
- Base relationships on common goals, trust, and respect
- Learn all you can about the other agencies involved
- Establish clear, concise goals
- Share information, resources, and authority
- Communicate frequently and clearly
- Have clear expectations of all partners
- Encourage creativity and allow risk-taking

Jan Moore, *Collaborations of Schools and Social Service Agencies*, 2005.

the capacity of either law enforcement or child welfare services.

The right people must be at the table, flexible in searching for solutions, willing to understand the agencies involved, and committed to do “whatever it takes”...

At the outset, it is important to bring potential partners together to determine the roles and responsibilities of each and assure that all will be cooperating. It is much easier to implement an effective approach if all the key players have been involved from the beginning of the process.

At the conference, members* of the San Francisco Children of Incarcerated Parents Partnership (SFCIPP) discussed the barriers they encountered and shared what they had learned during their process of developing a comprehensive local protocol to address the needs of children when their parents are arrested.²⁶

- ✓ *Be patient.* It takes time—even several years—to develop the relationships, leadership and willingness to make this happen. It is a new way of thinking and working. People have to be brought along and shown why it is important.
- ✓ *Be willing to engage in painful discussions.* Recognize that certain issues must be put aside and not all disagreements and differences in perspective have to be resolved in order to agree on this issue. History between departments can be acknowledged, but remember the goal: to keep children safe, given the need for police officer safety and the integrity of the arrest.
- ✓ *Be persistent.* Changes in staff, competing priorities, local politics, workload issues...these all make progress slow and frustrating at times. It takes a small cadre of committed individuals to track the issue and keep attention focused on the goal.

The *Checklist* on the following pages is designed to assist partners in developing a local approach to keeping children safe when their parents are arrested. It highlights key questions to consider and answer so that the collaboration can be successful. In addition, worksheets for developing a new initiative, such as a joint response protocol, are provided in Appendix 3 as a resource.²⁷

* Agencies participating in the SFCIPP are listed on page 30 of this report.

A CHECKLIST FOR DEVELOPING A LOCAL APPROACH

PROCESS QUESTIONS TO CONSIDER:

- ❑ Who needs to be at the table?
- ❑ Where will the leadership come from?
- ❑ What process will we use for making decisions?
- ❑ What are the current challenges and opportunities?
- ❑ What new systems (tracking, reporting etc.), if any, are needed?

PROTOCOL QUESTIONS TO CONSIDER:

Overarching Questions

- ❑ What specific actions should law enforcement take in order to ensure the safety and well-being of children of arrestees?
- ❑ What specific actions should child welfare services take in order to ensure the safety and well-being of children of arrestees?
- ❑ What specific actions should other partnering agencies take in order to ensure the safety and well-being of children of arrestees?
- ❑ How can we minimize the trauma of arrest on affected children?

Identifying the Children of an Arrestee

- ❑ How should knowledge that children may be present affect the execution of arrest warrants?
- ❑ How can we determine if an arrestee has children? Can we find out ahead of time? How? What if the arrest takes place in the arrestee's home? What if it takes place away from the arrestee's home?
- ❑ Should all arrestees be asked if they have children?
- ❑ How can arrested parents be encouraged to identify their children? (Arrested parents may be concerned about a variety of repercussions, particularly foster care and potential termination of parental rights, that could result from identifying their children.)

(Continued on next page)

CHECKLIST, cont.

Responding to Children Present at the Time of Arrest

- ❑ Who should interact with children present at the time of arrest? (A designated officer? Someone else?)
- ❑ How can we determine what relationship any children present at the scene of an arrest have with the arrestee?
- ❑ How are the issues different when there are children present vs. when the arrestee's children are not present at the time of arrest?
- ❑ What if the child is at school—should the school be notified? Who should do this?

Designating an Appropriate Temporary Caregiver

- ❑ Who should make the decision about temporary placement of children of arrestees? Under what circumstances should the arrestee designate a temporary caregiver (a family member, relative, friend or trusted neighbor)?
- ❑ Does the nature of the crime bear on the arrestee's right to designate a temporary caregiver?
- ❑ Should the arrestee be required to sign a release form assigning temporary care?
- ❑ If the arrestee is unable or refuses to designate a temporary caregiver, when and how should child welfare services be called in?

Agency Notification and Coordination

- ❑ How should the existence and/or presence of children be recorded?
- ❑ How should a child's placement be recorded? (Recording placement in a report that is public information could jeopardize the privacy and safety of both the child and the temporary caregiver.)
- ❑ Who should be responsible for following-up on any children placed temporarily when a parent is arrested?
- ❑ What are the legal and practical barriers to coordination between law enforcement and child welfare services agencies? How might these barriers be overcome?

JOINT PROTOCOLS FOR KEEPING CHILDREN SAFE WHEN PARENTS ARE ARRESTED

As noted in the previous section, most local jurisdictions in California have already adopted law enforcement-child welfare joint response protocols for defined circumstances. These protocols outline the treatment of children in specific kinds of arrest situations, including domestic violence, drug-related arrests, and cases where child abuse and/or neglect is suspected.

San Francisco is one of only two jurisdictions in California to have adopted a formal, citywide protocol encompassing *all* arrests in which children are present or live in the household where a person is arrested. San Jose/Santa Clara County is the other jurisdiction to adopt a formal protocol for *all* arrests where children are present; their “Joint Response” includes educating law enforcement and child welfare services staff about their respective roles and provides a prompt response whenever children are present at an arrest scene. The city and county of Los Angeles have developed a working agreement that creates a liaison between law enforcement agencies and the county child welfare services agency; this agreement locates a social worker in each police station who is available for consultation and assistance when requested. The approaches adopted by these three jurisdictions are described below.

SAN FRANCISCO

San Francisco has been at the forefront in recognizing the importance of addressing the needs of children at the time of parental arrest. For the past several years, a collaboration of local law enforcement, child welfare services and community agencies, called the San Francisco Children of Incarcerated Parents Partnership (SFCIPP), has been meeting regularly to develop a joint protocol.

Building on relationships and protocols developed for cases involving domestic violence and child abuse and/or neglect, the SFCIPP initially developed a pilot program to test a joint protocol in two police districts. However, as awareness of the issue increased, the partners decided to go citywide with the protocol they had negotiated. One influential member supported the citywide approach after personally encountering a child whose father had just been arrested—the boy was sent across the street unsupervised and unescorted to a neighborhood barbershop.

As a result, San Francisco recently adopted a citywide joint protocol addressing the safety and well-being of children at the time of *all* arrests. This protocol is designed to “*minimize the disruption to children by providing the most supportive environment possible after an arrest, to minimize unnecessary trauma to the children of arrestees, and to determine the best alternative care for the children.*” One

“My priority, as a police officer, is to make sure that whoever crosses that threshold is safe... We (police officers) assume too much responsibility—we are not the solution, we are part of the solution.”

Captain Marsha Ashe, SFPD
& Member of SFCIPP

SFCIPP MEMBERS include:

- ❑ *All of Us or None*
- ❑ *Centerforce*
- ❑ *Center for Young Women's Development*
- ❑ *Child Welfare League of America*
- ❑ *Community Works*
- ❑ *Families with a Future*
- ❑ *Friends Outside*
- ❑ *Homeless Prenatal Program*
- ❑ *Legal Services for Prisoners with Children*
- ❑ *National Council on Crime and Delinquency*
- ❑ *Northern California Service League*
- ❑ *San Francisco Human Services Agency*
- ❑ *San Francisco Office of the Public Defender*
- ❑ *San Francisco Sheriff's Department*
- ❑ *San Francisco State University*
- ❑ *UC Davis Extension*
- ❑ *Zellerbach Family Foundation*

explicit goal of the San Francisco protocol is to avoid unnecessary placement of children in formal Child Protective Services (CPS) custody. (The San Francisco protocol is attached as Appendix 4.) Parental rights are also acknowledged:

“Nothing in this protocol negates parental rights to choose appropriate placement for their children. Unless there is compelling evidence to the contrary (obvious drug use, weapons or other indications of an unsafe environment) parental discretion shall be respected. CPS maintains the ultimate responsibility for determining placement in the event the parent does not designate placement.”²⁸

After being signed by Chief of Police Heather Fong in January 2007, the protocol was issued as an “A-list Departmental Order” (top priority). The National Council on Crime and Delinquency will be working with the San Francisco Police Department and the Human Services Agency to evaluate the protocol during its two-year pilot period. After that time, it will be refined and improved based on feedback from police officers, social services workers, arrested parents, caregivers, and when possible, children themselves. The SFCIPP continues to meet regularly to discuss implementation and evaluation, and to explore additional ways to support the children of arrestees in San Francisco.

LOS ANGELES CITY AND COUNTY

Los Angeles has also been a leader in recognizing the importance of addressing children's needs when parents are arrested. Rather than starting with the development of a formal protocol, however, leaders from both city and county law enforcement agencies and the county Department of Child and Family Services (DCFS) established a working agreement to designate a child welfare services—law enforcement liaison who is responsible for (1) establishing a cooperative working relationship with all the law enforcement agencies within the city and county, (2) educating law enforcement personnel about the effects of parental arrest on children, and (3) coordinating child welfare services responses to requests from law enforcement officers for assistance in handling children present at an arrest and/or living in the household of an arrested parent.

In Los Angeles, the needs vary from neighborhood to neighborhood and from police station to police station; a city- or county-wide approach would not have been effective. Instead, the responsiveness and flexibility this working agreement provides has been key to its successful implementation. In addition, leadership from the top has been critical to its success. While the specific focus of these agreements was initially on cases of suspected gang-involvement and/or drug-related arrests, the impact of this agreement has been far-reaching throughout the city and county. Law enforcement officers are now likely to request assistance from DCFS whenever a child is present at the time of parental arrest.

“The importance of this is a no-brainer; the question is how we make it work.”

Chief Gascon
LAPD

Over time, Xiomara Flores-Holguin, the DCFS liaison, has established trusting relationships with key local law enforcement personnel, and has developed an understanding of the challenges faced by these law enforcement agencies. In essence, she has “learned their language.” Ms. Flores-Holguin describes the unique role of social workers in law enforcement-related positions as follows: *“the trick is to co-exist without being absorbed into the law enforcement culture—to be independent but partners. Our expertise is key.”*²⁹

In addition to the city- and county-wide DCFS law enforcement liaison, the city of Los Angeles has taken the ambitious step of placing a social worker in every one of its 19 police stations. This action provides on-site assistance to officers requesting it, and has gone a long way toward bridging between the two cultures. This arrangement allows DCFS workers to respond quickly and effectively to requests for assistance, and to raise awareness among law enforcement officers about the impact of their presence and behavior on children. (The Memorandum of Understanding and Operational Agreement are attached as Appendix 5.)

“We had to create a policy and force officers to call – and require DCFS to show up within one hour of receiving a call. That way, everyone was being held accountable.”

Commander Amico,
LA Sheriff’s Dept.

All this has not been an easy transition, and social workers’ presence in police stations has not always been welcomed initially. One of the ongoing challenges has been finding office and parking space, as well as access to computers and other resources, for the social worker in each station. However, as the benefits of having DCFS on-site have become apparent, this initial resistance has diminished.

SAN JOSE/SANTA CLARA COUNTY

San Jose/Santa Clara County is the only other jurisdiction in California that has adopted a formal protocol for *all* arrests where children are present—called Joint Response. The Joint Response process includes cross-training for both law enforcement officers and child welfare services staff. This training has become the cornerstone of their approach to responding to children who are present at the time of parental arrest. However, the specific focus is limited to cases in which child endangerment is suspected (not all parental arrests). Nonetheless, the Joint Response developed by San Jose/Santa Clara County has influenced the broader cultures of both law enforcement and child welfare services agencies.

An important component of the joint training is a short DVD produced by the county. This DVD describes the specific procedures for Joint Response and highlights the benefits to law enforcement provided by the county Department of Family and Children's Services (DFCS). Using this training format ensures that consistent information and common procedures are communicated throughout the county. It also minimizes the amount of time and duplication of effort required to train staff in implementing the Joint Response.

The Joint Response includes the following:

- A requirement that police officers check a box on the police report, responding either "Yes, kids were present at the scene," or "No, no kids were present." If the officers check "Yes," they must then check whether they called for DFCS assistance or not.
- A requirement, with some exceptions, that DFCS staff respond to a request to go to the scene of an arrest *within 30 minutes* of receiving the call from law enforcement officers.
- A requirement, with some exceptions, that police officers consult with DFCS staff before transporting any child to the Children's Shelter. Children's Shelter staff must document who brought the child and that appropriate consultation was done.

One of the key outcomes of the Joint Response process has been a reduction in the number of children transported to the county Children's Shelter. Prior to Joint Response, arresting officers transported most children to the Children's Shelter when their parents were arrested. Between May 2004 and March 2007, there were about 1,200 arrests, involving about 2,200 children, to which the Joint Response DFCS staff responded. Over 50 percent of these children were not transported to the Children's Shelter; instead, they were "diverted" to alternative care (such as other family members or known caretakers) after DFCS staff were called to the scene. Another 40 percent were transported to the Children's Shelter by DFCS staff rather than by a police officer, a considerable savings in both time and resources for law enforcement. "Diversion" (from the Children's Shelter) represents a major savings to the county since the costs of housing children in the shelter are considerable. As one social worker states, "*Joint Response benefits all the parties involved, especially the children we're working with.*"

One police officer comments, "I had a chance to use the process with a 13-year-old girl...I called for a Joint Response Social Worker, they came out in 30 minutes, it was great. I had a chance to do my paperwork...It was very streamlined and very easy for me, and the problem was solved."

Like San Francisco, the San Jose/Santa Clara County protocol explicitly acknowledges parental rights regarding placement of their child:

*The Police Department recognizes that these [arrest] situations involving minor children are stressful and disruptive for the children involved. To that end, officers should strive to handle these situations in a manner that respects the parent's judgment regarding arrangements for the child's care, thereby allowing the child to remain in a familiar environment with relatives and family friends, whom they know and trust.*³⁰

In cases where law enforcement officers (in collaboration with child welfare services through Joint Response, if needed) determine that the parent is capable of making the decision regarding care of their children, a form is attached to the police report. This form, called the Parent/Legal Guardian Child Care Arrangement Documentation, specifies the names and ages of the children, the designated caregiver, and includes both the signature of the parent and the name of the officer.

Another distinguishing feature of the Joint Response protocol is a standing order issued by the Superior Court of Santa Clara County regarding information to be shared between law enforcement agencies and the DFCS, and authorizing joint investigations. The purpose of this order is to protect law enforcement and county personnel from being prosecuted for violating privacy protections that otherwise might hinder their cooperative relationships in the interests of protecting children.

The Memorandums issued by the San Jose Police Department to implement Joint Response (including the Parent/Legal Guardian Child Care Arrangement Documentation), and the Standing Order issued by the Santa Clara Superior Court, are attached as Appendix 6.

A BROADER VISION OF KEEPING CHILDREN SAFE: THE NEW HAVEN CHILD DEVELOPMENT- COMMUNITY POLICING PROGRAM

NATIONAL MODEL OF COLLABORATION

No discussion of effective responses to children whose parents have been arrested would be complete without highlighting the New Haven, Connecticut, Child Development-Community-Policing (CD-CP) Program. Established in 1991 as a partnership between the City of New Haven, the New Haven Department of Police Services and the Yale Child Study Center, the CD-CP Program's goal is to break the cycle of violence and help heal the emotional wounds that chronic exposure to violence inflicts on children and families. By promoting a better understanding of the relationship between a child's exposure to violence and traumatic stress symptoms, as well as developing prompt and effective ways to assist children and families exposed to violence, the program is changing the way that police and service providers do their jobs.³¹

The CD-CP Program is a nationally recognized model of collaboration among law enforcement, juvenile justice, domestic violence, medical and mental health professionals, child welfare, schools and other community agencies. At the outset of this collaboration, meetings were spent overcoming old stereotypes and learning what each agency does. Activities included clinical observations for police officers and ride-alongs for mental health clinicians. Time was also spent developing a shared language. The program has been, and continues to be, replicated in communities across the country.

As one police supervisor summed up the New Haven approach: "It is important for police to recognize that a child's direct exposure to violence provokes feelings of helplessness and that this collaborative program [CD-CP] serves as a catalyst for police to depart from traditional practices. It has allowed police officers to redefine their skills of observation, which enables them to broker services effectively at a grass roots level on behalf of children and families exposed to violence."

CROSS-TRAINING

Although the scope of the CD-CP Program is clearly broader than the targeted interventions previously discussed, many of its components are relevant to California's efforts to keep children safe at the time of parental arrest. For example, the program provides law enforcement officers with the tools and training to recognize and respond to a child's psychological injury.

The CD-CP Program also provides mental health professionals with basic knowledge of the concerns and practices of police officers that in turn fosters trust and collegial relationships. These cross-training opportunities assist police officers in understanding the influence of their own actions on the emotional development of children, and expand clinicians' understanding of the role law enforcement plays in the lives of children, their families, and their communities.

CONSULTING AND SHARING INFORMATION

The CD-CP Program provides 24-hour consultation services to police officers needing information, guidance and an immediate clinical response when a child is traumatized by violence. A team of experienced clinicians and trained officers provide guidance to the police officers on the scene. In addition, clinicians provide an immediate response in the

clinic, or at the police station, as well as on-going clinical services, upon the request of the police officer or the family involved. Officers routinely include information about children's presence at an arrest scene through a simple reporting procedure: a checked box on the arrest report.

These cases, and other situations of concern to participating agencies, are discussed at weekly meetings attended by police supervisors and officers, probation officers, medical and mental health workers, school representatives, child welfare caseworkers, and others. This weekly review and evaluation of cases has led to greater sharing of information between agencies, and to an increase in the number of referrals police make to clinicians. It has also increased officers' sense of effectiveness and expanded the resources available to them.

CASE STUDY

A woman was stabbed to death by her estranged boyfriend in the presence of her eight children. CD-CP clinicians responded to the scene, provided acute clinical assessments of the children, and consulted with relatives and police as to how to tell the children their mother was dead. Police conducted follow-up visits to the family, providing practical recommendations for the security of the home and information regarding the status of the prosecution. The efforts of the police, mental health, child welfare, and home-based professionals coordinated by the CD-CP team, allowed the children to remain together rather than be dispersed to multiple foster homes. As a result of the CD-CP Program intervention, several children and family members were engaged in long-term psychotherapy.

Steven Marans, PhD
Miriam Berkman, J.D., M.S.W.
National Center for Children Exposed to Violence

CONCLUSION

Collaborative approaches between law enforcement agencies, child welfare services and other public and community-based agencies can contribute significantly to keeping children safe and ensuring their well-being when their parents are arrested. Local jurisdictions in California and elsewhere have learned much that can inform other local jurisdictions looking to develop their own joint protocols.

These jurisdictions identify several factors that significantly increase the success of a joint approach to keeping children safe when their parents are arrested, including:

- Timely response by child welfare services staff to law enforcement requests for consultation or assistance at an arrest scene;
- Co-location (if possible) of child welfare services staff at law enforcement agency offices;
- Cross-training on roles and responsibilities of each participating agency, and education on the effects of parental arrest on children; and
- Designated liaison officer to review cases, handle questions and complaints, problem-solve and facilitate ongoing collaboration.

The benefits of these approaches, as identified by participating law enforcement and child welfare services agencies, include:

- Reduction in traumatic effects of parental arrest on children;
- Reduction in law enforcement officer time at arrest scene (less time supervising children until caregivers or child welfare services staff arrive);
- Increase in goodwill between law enforcement agencies, parents, and the community at large;
- Reduction in number of children taken into formal child welfare services custody, and reductions in costs associated with formal placement; and
- Enhanced relationship between law enforcement and child welfare services that has benefits in other areas, such as a greater exchange of information relevant to open investigations by either agency.

Finally, there is broad consensus that commitment and leadership by all partnering agencies—especially law enforcement and child welfare services—is crucial to the success of these approaches.³²

APPENDIX 1: A MODEL PROTOCOL

Many of the local joint protocols we reviewed for this project were lengthy and complex. Our goal in developing a Model Protocol was to distill the essential elements of these protocols to their simplest and most concise form. In combination with the “Checklist for Developing a Local Approach” (see pages 27 and 28 of this report), this Model Protocol ensures that all the essential elements are considered in ensuring children’s safety and well-being when a parent is arrested.

Clearly, any jurisdiction adopting this Memorandum of Understanding (MOU) would tailor it to fit the specific circumstances and participating agencies. In its simplest form, this MOU would be an agreement between local law enforcement agencies and child welfare services. However, in many local jurisdictions, there will be additional partners such as mental health services who need to be included.

Ideally, this Model Protocol would supersede the more limited joint response protocols adopted by jurisdictions for specific kinds of arrest situations (such as domestic violence and suspected child abuse and/or neglect). We recognize, however, that there will continue to be a need for specific procedures in certain arrest situations.

In addition to this model protocol, the San Francisco protocol (attached as Appendix 4) in particular offers a comprehensive and concise set of guidelines for keeping children safe at the time of parental arrest.

A MEMORANDUM OF UNDERSTANDING CONCERNING CHILDREN’S SAFETY AND WELL-BEING WHEN A PARENT IS ARRESTED

PURPOSE

This protocol documents the agreement between the [*local jurisdiction name*] [*list Child Welfare Services Agency, local Law Enforcement Agencies, mental health and other local agencies, and other community partners as appropriate*] to develop and implement a coordinated response to all arrests where children are present and/or are living in the household of the arrestee. It establishes a consistent approach to keeping children safe and well cared for whenever they are present at an arrest and/or live in the household of the arrestee.

Nothing in this protocol shall be construed as negating or minimizing the right of the parent or responsible adult to designate the caregiver for their children, unless there is compelling evidence to the contrary (such as obvious drug use, weapons or other indicators of an unsafe environment).

GOALS

The goals of this protocol are to:

1. Allow child welfare services, law enforcement, and partnering agencies to work together to make timely and appropriate decisions on behalf of children present at an arrest and/or living in the household of the arrestee.
2. Relieve law enforcement of the burden of making placement decisions and arrangements for children present at arrests and/or living in the household of the arrestee.
3. Improve the safety and well-being of children affected by arrest by establishing clear procedures for their care and placement, if needed.
4. Recognize that witnessing an arrest can traumatize children, and that it is the responsibility of all participating partners to minimize the negative impacts of arrest on children.

SCOPE

This protocol is binding on all employees and representatives who may be involved in an arrest affecting children, including but not limited to police officers, sheriff’s department personnel, parole officers, social workers, mental health professionals, and other law enforcement and child welfare services personnel.

TRAINING

All employees and representatives who may be involved in an arrest affecting children (including but not limited to police officers, sheriff's department personnel, parole officers, social workers, mental health professionals, and other law enforcement and child welfare services personnel) shall receive appropriate training on effective approaches to keeping children safe and well cared for when they are present at an arrest and/or live in the household of the arrestee.

PROCEDURES FOR LAW ENFORCEMENT REPRESENTATIVES

Prior to the arrest warrant being issued

Law enforcement personnel from the agency initiating the arrest process will take steps to determine if children may be present in the household, including but not limited to:

1. Contacting child welfare services and inquiring if they have had any contact with the household.
2. Recording any visible evidence of children if observations of the household are done prior to the request for an arrest warrant.

At the time of arrest

All arrestees are to be asked if there are children presently living in the household. Arresting officers will also observe all rooms and exterior yard areas for signs that children may be living in the household.

Whenever possible, if children are known to be present in the household, the timing of the arrest will be when these children are not physically present.

When children are physically present during the arrest, the arrest is to be made away from of the children, if possible. One officer will be designated to provide a consistent presence to these children, offering reassurance and an explanation of what will happen to them, as appropriate.

Arrangements will be made at the time of arrest for the most appropriate way to care for the children. These arrangements may include:

1. Allowing the arrestee to contact a family member, friend or trusted neighbor to make arrangements for the children.
2. Contacting child welfare services or an agency participating in this partnership and requesting their assistance in finding an appropriate temporary caregiver.

3. Contacting child welfare services or an agency participating in this partnership and requesting their presence at the arrest scene, so that the children may be taken into protective custody.

Under no circumstances will the arresting officer designated to stay with the children leave the household until appropriate temporary care arrangements have been made for them, and the physical transfer to their temporary caregiver (including child welfare services, when appropriate) has been completed.

If children are at school or at a known location outside the household at the time of arrest, the arresting officers will contact the school or other known location and advise the principal or appropriate responsible adult of the parent's arrest and arrangements being made for the care of the arrestee's children.

Only when all other options have been exhausted are children to be transported to the police station, transported in a patrol car, taken into formal child protective custody, or otherwise subjected to situations that may cause fear, confusion or additional trauma.

After an arrest

The police report will include information about whether children were present at the arrest and/or are currently living in the household. For all arrests where children were present and/or are living in the household, the report will include pertinent information about these children, including their names, gender and ages, and how they were placed. This information is to be kept confidential and only released to authorized representatives of the arrestee or agencies partnering on this protocol. The contact information of the person and agency designated to follow up with the temporary caregiver as appropriate will also be listed.

Police reports of all arrests where children were present and/or are currently living in the household will be regularly reviewed by designated members of this partnership to evaluate how the safety and well-being of these children was ensured at the time of arrest, and to discuss any challenges or changes needed to improve the treatment of children affected by arrest. This will require consistent inclusion of appropriate information on the arrest report.

PROCEDURES FOR CHILD WELFARE SERVICES REPRESENTATIVES (AND OTHER PARTNERING AGENCIES)

Prior to the arrest warrant being issued

If contacted by law enforcement representatives prior to their initiating an arrest, child welfare services personnel will respond by:

1. Promptly providing as much relevant information as possible about any contact they have had with the household.
2. Making arrangements for a designated person from child welfare services or another agency participating in this partnership to be available or on call at the time of an arrest in which children are likely to be present, in order to provide assistance to the officer designated to stay with these children until arrangements are made for their care.

At the time of arrest

If contacted by law enforcement at the time of arrest, the designated person from child welfare services or the partnering agency will assist the officer designated to stay with children present at the arrest to make arrangements for their care. This assistance will include any or all of the following:

1. Consulting by phone with the designated officer as she/he determines whether to allow the arrestee to contact a family member, friend or trusted neighbor to make arrangements for the children.
2. Contacting appropriate temporary caregivers on behalf of the children and making arrangements for their transfer and care from the arrest scene, school, or other known location.
3. Going to the arrest scene, staying with the children, transporting them directly to their temporary caregiver, or taking the children into temporary protective custody if necessary.
4. Going to the school or other known location and transporting the children to their temporary caregiver or taking them into protective custody if necessary.

Under no circumstances will the child welfare services representative or alternative partnering agency, contacted by an officer at an arrest scene, refuse to provide assistance.

Assistance is to be provided in a timely and cooperative manner, and unless there are mitigating circumstances, it is to be provided within one hour of contact by the designated officer.

Only when all other options have been exhausted are children to be transported to the police station, transported in a patrol car, taken into formal child protective custody, or otherwise subjected to situations that may cause fear, confusion or other trauma.

After an arrest

The designated person from child welfare services or another agency participating in this partnership is responsible for assessing the need for following up with the temporary caregiver and coordinating any needed care with the appropriate agencies. The person who responded to the request for assistance from law enforcement officers will prepare a report, which is to be reviewed periodically by the designated representative within the agency. This report will include, at a minimum, pertinent information about the children, including their names, gender and ages, and how they were placed. This information is to be kept confidential and only released to authorized representatives of the arrestee or agencies participating in this partnership.

AUTHORIZATION

The department and agency heads listed below have authorized this protocol. It will remain in place until further notice.

[List all participating agencies and departments, with signatories of each, and date signed.]

APPENDIX 2 – LEGISLATION

Assembly Bill No. 1942

CHAPTER 729

An act to add Sections 833.2 and 13517.7 to the Penal Code, relating to arrests.

[Approved by Governor September 29, 2006. Filed with
Secretary of State September 29, 2006.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1942, Nava. Arrests.

Existing law generally regulates the conditions of arrest.

This bill would express the intent of the Legislature regarding the development of protocols by law enforcement and other entities, pertaining to arresting caretaker parents or guardians of minors, to ensure the safety and well-being of the minor. The bill would also state that the Legislature encourages the Department of Justice to apply for a federal grant to train local law enforcement agencies and assist them in developing protocols pertaining to child safety when a caretaker parent or guardian is arrested.

Existing law establishes the Commission on Peace Officer Standards and Training and charges it with various responsibilities.

This bill would require the commission to develop guidelines and training for use by state and local law enforcement officers to address issues related to child safety when a caretaker parent or guardian is arrested, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 833.2 is added to the Penal Code, to read:

833.2. (a) It is the intent of the Legislature to encourage law enforcement and county child welfare agencies to develop protocols in collaboration with other local entities, which may include local educational, judicial, correctional, and community-based organizations, when appropriate, regarding how to best cooperate in their response to the arrest of a caretaker parent or guardian of a minor child, to ensure the child's safety and well-being.

(b) The Legislature encourages the Department of Justice to apply to the federal government for a statewide training grant on behalf of California law enforcement agencies, with the purpose of enabling local jurisdictions to provide training for their law enforcement officers to assist them in developing protocols and adequately addressing issues related to

child safety when a caretaker parent or guardian is arrested.

SEC. 2. Section 13517.7 is added to the Penal Code, to read:

13517.7. (a) The commission shall develop guidelines and training for use by state and local law enforcement officers to address issues related to child safety when a caretaker parent or guardian is arrested.

(b) The guidelines and training shall, at a minimum, address the following subjects:

(1) Procedures to ensure that officers and custodial employees inquire whether an arrestee has minor dependent children without appropriate supervision.

(2) Authorizing additional telephone calls by arrestees so that they may arrange for the care of minor dependent children.

(3) Use of county child welfare services, as appropriate, and other similar service providers to assist in the placement of dependent children when the parent or guardian is unable or unwilling to arrange suitable care for the child or children.

(4) Identification of local government or nongovernmental agencies able to provide appropriate custodial services.

(5) Temporary supervision of minor children to ensure their safety and well-being.

(6) Sample procedures to assist state and local law enforcement agencies to develop ways to ensure the safety and well-being of children when the parent or guardian has been arrested.

(c) The commission shall use appropriate subject matter experts, including representatives of law enforcement and county child welfare agencies, in developing the guidelines and training required by this section.

**APPENDIX 3 – PLANNING PROCESS WORKSHEETS FOR LOCAL
COLLABORATIONS**

LEAVING NO CHILD ALONE

**A TRAINING AND PLANNING GUIDE FOR THE EMERGENCY RESPONSE
TO CHILDREN OF ARRESTEES, 1998**

Training Material Prepared for the Boston Police Department and the Coalition of
Service Providers

Prepared by:

Circle Solutions, Inc., and

The American Bar Association, Center on Children and the Law

WORKSHEET #1
PRINCIPAL PARTICIPANTS

Principal participants are individuals, groups, and organizations that share an interest in the initiative; i.e., all parties – internal or external – that will be affected by or will affect these strategies. List (in order of priority) the participants who are most likely to be supportive of the effort.

PRINCIPAL PARTICIPANTS' EXPECTATIONS	
WHO WILL SUPPORT	THEIR EXPECTATIONS

WORKSHEET #2

ARTICULATING A SHARED VISION AND MISSION STATEMENT

The mission statement should include the values and beliefs that guide the initiative as well as its purpose.

VALUES	MISSION STATEMENT/PURPOSE

WORKSHEET #3

ORGANIZATIONAL/COMMUNITY ASSESSMENT

List the specific organizational and community developments and trends that you believe will have impact on this initiative, including economic, social, political, demographic factors, and/or government regulations.

1.	(Example) Impact of larger caseload on child welfare services.	6.	
2.		7.	
3.		8.	
4.		9.	
5.		10.	

WORKSHEET #4

ORGANIZATIONAL ASSESSMENT CRITICAL ISSUES

Critical issues are anticipated or actual conditions or difficulties that will have a significant impact on the initiative. List the critical issues that you must manage within your organization, and the strategy to address the issue.

1.	<p><i>(Child Welfare Agency Example)</i></p> <p>Issue: Do not have sufficient staff to provide 24-hour response to law enforcement.</p> <p>Strategy: (1) Add request for additional staff to next years' budget. (2) Re-examine current staff assignments with an eye toward reorganization.</p>	2.	<p>Issue:</p> <p>Strategy:</p>
3.	<p>Issue:</p> <p>Strategy:</p>	4.	<p>Issue:</p> <p>Strategy:</p>

ORGANIZATIONAL ASSESSMENT CRITICAL ISSUES, page 2

5.	Issue: Strategy:	6.	Issue: Strategy:
7.	Issue: Strategy:	8.	Issue: Strategy:

WORKSHEET #5

ORGANIZATIONAL ASSESSMENT - STRENGTHS, WEAKNESSES, OPPORTUNITIES, AND THREATS

List the *strengths* (skills, talents, advantages, resources, etc.) that the initiative can use to accomplish its objectives, the *weaknesses* (lack of one or more skills, talents, advantages, resources, etc.) that the initiative needs to manage or avoid; the *opportunities* for interagency cooperation; and the *threats* to the overall initiative.

ORGANIZATIONAL ASSESSMENT				
AGENCY	STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS

ORGANIZATIONAL ASSESSMENT, page 2				
AGENCY	STRENGTHS	WEAKNESSES	OPPORTUNITIES	THREATS

WORKSHEET #6

PROGRAM RESULTS

Program results are areas in which you must be successful in order to accomplish your mission. List the results that will indicate success for the initiative. List the results you wish to achieve and the data you will need to collect to assess results.

1.	<p>Results:</p> <p>Data:</p>	2.	<p>Results:</p> <p>Data:</p>
3.	<p>Results:</p> <p>Data:</p>	4.	<p>Results:</p> <p>Data:</p>

PROGRAM RESULTS, page 2			
5.	Results: Data:	6.	Results: Data:
7.	Results: Data:	8.	Results: Data:

WORKSHEET #7
ACTION PLANS

OBJECTIVE #1:	
ACTIVITIES	WHO/WHAT AGENCY IS RESPONSIBLE? WHEN WILL IT BE ACCOMPLISHED?

WORKSHEET #8

IDENTIFYING RESOURCES AND OPTIONS

PROGRAM COMPONENT	HOW CURRENTLY FUNDED	FUNDING GAP	RESOURCES/OPTIONS	CONTACT

WORKSHEET #9

POLICIES AND PROCEDURES

This sample worksheet is designed to assist you to (1) identify the existing statutes, policies, and procedures that may affect the initiative; and (2) identify new policies and procedures which need to be developed for the *specific* purposes of the effort.

EXISTING/NEW POLICIES AND PROCEDURES		
COMPONENT	EXISTING STATUTES, POLICIES/ PROCEDURES	NEW STATUTES, POLICIES/ PROCEDURES
RATIONALE FOR NEW POLICY		

EXISTING/NEW POLICIES AND PROCEDURES, page 2

IMPLEMENTATION STRATEGY FOR NEW POLICY

WORKSHEET #10

THE COMMUNICATION STRATEGY

AUDIENCES	COMMUNICATION/ MESSAGE	DELIVERY MECHANISM	TIMING

WORKSHEET #11

THE TRAINING PLAN

A training plan should be designed for each organization participating in the initiative (law enforcement, child welfare, shelters, juvenile and family court, etc.). If interdisciplinary training is planned (i.e., each of the principal agencies participates in a single training event), the training plan should encompass the goals of the interdisciplinary training.

AUDIENCE	CONTENT	TIMING	COST	RESOURCES NEEDED

APPENDIX 4 – SAN FRANCISCO PROTOCOL

SAN FRANCISCO POLICE DEPARTMENT PROTOCOL

CHILDREN OF ARRESTED PARENTS

12/26/06

Numerous studies have documented the negative effect of children witnessing violence and witnessing parental arrests. There have been a number of situations nationally and locally in which young children were left without adult care in the aftermath of parental arrests. The goal of responding officers and the Child Protective Service worker shall be to minimize the disruption to children by providing the most supportive environment possible after an arrest, to minimize unnecessary trauma to the children of arrestees, and to determine the best alternative care for the children. The purpose of this protocol is to determine the best methods of working with CPS and first responding officers.

Nothing in this protocol negates parental rights to choose appropriate placement for their children. Unless there is compelling evidence to the contrary (obvious drug use, weapons or other indicators of an unsafe environment) parental discretion shall be respected. CPS maintains the ultimate responsibility for determining placement in the event the parent does not designate placement. Responding officers shall assist CPS by adhering to the following procedures.

1. When officers make an arrest, they shall inquire about the presence of children for whom the arrested adult has responsibility. If the arrest is made in a home environment, the officer should be aware of items which suggest the presence of children such as toys, clothing, formula, bunk bed, diapers, etc.
2. Whenever it is safe to do so, make the arrest away from the children or at a time when the children are not present.
3. Whenever it is safe to do so, allow the parent to assure his or her children that they will be provided care. If this is not safe or if the demeanor of the in-custody parent suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurances to the children that both parent and children will be taken care of.
4. When an arrest or search warrant is planned, the ages and likely location of the children shall be considered when determining the time, place and logistics of the arrest. Whenever possible, notice should be

provided to CPS if such information will not compromise the investigation. In ideal situations, CPS will provide on site support

5. If children are present, and the other parent is not available, officers shall attempt to locate an adult relative who is willing to take responsibility for the children. Preliminary criminal background checks of the relative shall be completed. Any history of sexual crimes, 290 registration status, or violence against children shall make the adult ineligible to assume custodial care. This does not apply, however, to the parent not in custody, unless there is a court order limiting contact with the children. In any event, this information shall be given to the CPS worker.
6. Officers shall include the names and contact information for any family members they have identified whether or not the children are placed with them. This information is crucial for CPS workers if future placement becomes necessary.
7. Child Protective Services shall be contacted prior to placing any child with an adult other than the non-arrested parent. Placement for the child shall be done only after consulting with CPS. CPS workers shall provide the officers with any child abuse history and authorize temporary placement. Officers shall call 558-2650, identify themselves and the nature of their call and ask for an expedited response or call back from CPS. CPS workers have been advised to expedite these calls to officers and/or supervisors in the field.
8. If the children are currently in school, the responding officer shall contact the School Resource Officer (SRO) of that school. If an SRO is not available for that school, the officer shall advise the school principal or the principal's designee of the parent's arrest and his/her stated preference for placement.
9. Reporting officers shall include the names and contact information for the adults with whom a child is left. Officers shall also include the name of the CPS worker or school personnel contacted in their reports.

APPENDIX 5 – LOS ANGELES CO-LOCATION AGREEMENT

MEMORANDUM OF UNDERSTANDING

Agreement by and between

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Hereinafter referred to as "DCFS"

and

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
Hereinafter referred to as "LASD"

Whereas DCFS and LASD have jointly determined that a reciprocal agreement, in which DCFS and LASD partner and participate in a program that will co-locate Children's Social Workers in various Sheriff's stations to support our mutual efforts to maximize child safety;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

A. LOS ANGELES COUNTY SHERIFF DEPARTMENT RESPONSIBILITIES

1. The LASD agrees to provide, without charge, the use of an office at each of the stations indicated in Attachment A to this MOU, space approximately (8x8, 64-72 sq. ft.) for each Children's Social Worker (hereinafter referred to as "CSW") located on site.
1. The LASD agrees to provide access to photocopier, electricity AND telephone lines to accommodate a personal computer, telephone and fax line.
2. The LASD will provide access to work space for a regular five-day work schedule.
3. The LASD will ensure that their staff are made aware that the CSW on site will provide consultation on cases and provide services as deemed necessary to ensure the safety of the referred child.
4. The LASD will adhere to mandated reporter protocol.
6. The LASD shall monitor its performance of the duties set forth in this memorandum of understanding, and its monitoring functions shall be performed by the LASD captain of the LASD station in which CSWs have been co-located.

7. The LASD shall notify DCFS of any changes in its Policy of Equality, and this notice shall be given not less than ninety days prior to the effective date of the change in the Policy of Equality. Notice shall be given to: Teri Gillams, Department of Children and Family Services, Bureau of Administration, 425 Shatto Place, Los Angeles, CA 90020, or to such other person as DCFS may hereafter designate.

B. DCFS RESPONSIBILITIES

1. DCFS will assign a Regional Offices CSW to be on site at the LASD's location to work during the hours of 8:00a.m-4:30p.m. Monday through Friday except County holidays to provide consultation on any child and case management for those children under DCFS supervision.
2. DCFS will provide program oversight of the activities of the CSW(s) and provide the basic materials and supplies necessary for the CSW to conduct daily business: photocopy paper, pens, stapler and staples and paper clips.
 - 2.1 DCFS oversight of the program activities of their co-located CSWs will be provided by the Regional Administrator of the DCFS office from which the co-located CSW(s) have been drawn.
3. DCFS will provide a telephone, computer and Child Welfare Services/Case Management System (hereinafter referred to as "CWS/CMS") equipment. These items shall remain the property of DCFS. Notwithstanding any other provision of this Operational Agreement, access to computer equipment and CWS/CMS provided by DCFS shall be limited to authorized DCFS personnel and shall be granted only to the extent permitted by applicable laws. DCFS will also, at County expense:
 - Install a T-1 communication line
 - Pay for any charges associated with its use
4. DCFS will provide training for the LASD's staff regarding mandated reporting protocols, confidentiality, release of information and various other subjects related to child welfare.
5. DCFS will arrange within thirty (30) working days upon termination of this Agreement, to remove all DCFS property, cancel service and remove all communication lines installed by DCFS from the premises located at the LASD'S site.

6. Co-located Children's Social Workers will be drawn from one of three programs: Multi-Disciplinary Response Teams (MART); Emergency Response Command Post (ERCP); and Regional Offices. Their duties are listed below and will vary depending on which program they are drawn from.

6.1 MART CSWs shall:

- Participate in special operations with law enforcement on gang and/or narcotics related issues;
- Conduct concurrent investigations when possible to assure the quality of both the preliminary criminal investigations conducted by law enforcement and the child abuse investigations conducted by the CSW;
- Provide consultation to Sheriff's Deputies and Administrators on child abuse reporting issues;
- Provide training to law enforcement staff when needed;
- Provide an expedited response to Sheriff's Deputies when children are detained at Sheriff's stations (this includes foster care children, who are run aways and/or missing DCFS children picked up by Sheriff's deputies);
- Refer families to community based services when appropriate.

6.2 ERCP CSWs shall:

- Conduct after-hours child abuse investigations (after 5 p.m., Monday through Friday, and on weekends, and holidays);
- Conduct concurrent investigations when possible to assure the quality of both the preliminary criminal investigations conducted by law enforcement and the child abuse investigations conducted by the CSW;
- Provide consultations to Sheriff's Deputies and Administrators on child abuse reporting issues;
- Provide training to law enforcement staff when needed;
- Provide an expedited response to Sheriff's Deputies when children are detained at Sheriff's stations (this includes foster care children, who are run aways and/or missing DCFS children picked up by Sheriff's deputies);

6.3 Regional Offices CSWs shall:

- Conduct child abuse investigations during regular business hours;
- Conduct concurrent investigations when possible to assure the quality of both the preliminary criminal investigations conducted by law enforcement and the child abuse investigations conducted by the CSW;
- Provide consultations to Sheriff's Deputies and Administrators on child abuse reporting issues;
- Provide training to law enforcement staff when needed;
- Provide an expedited response to Sheriff's Deputies when children are detained at Sheriff's stations (this includes foster care children, who are run aways and/or missing DCFS children picked up by Sheriff's deputies;

7.0 DCFS CSWs(s) assigned to LASD locations will abide by the prohibitions against discrimination and harassment set forth in the LASD Policy of Equality. Notwithstanding any other provision of this memorandum of understanding, each Department will remain responsible for the discipline of its own employees pursuant to its internal disciplinary policies.

C. MUTUAL RESPONSIBILITIES

1. DCFS and the LASD will establish mutually satisfactory methods for the exchange of information in accordance with applicable State and Federal laws and regulations and specific procedures as may be necessary in order to enable each party to perform its duties and functions as required by law and under this agreement.
2. Except as provided by law, DCFS and LASD shall keep confidential all reports, information and data received, prepared or assembled pursuant to performance hereunder. The above information includes but is not limited to any information regarding DCFS clients that becomes known to the LASD during the course of the assessment/investigation.
3. DCFS and the LASD shall agree to follow the County standard arbitration procedures for any fiscal disputes.

D. GENERAL TERMS

1. This agreement shall take effect immediately upon the signatures of both parties and shall remain in effect for five years thereafter.

Either party may terminate this agreement by giving ninety-day (90-day) prior written notice to the other party.

2. It is mutually agreed that this agreement may be modified or amended upon the written mutual consent of the parties hereto.

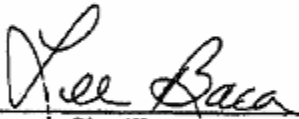
E. CONFIDENTIALITY

1. LASD shall maintain the confidentiality of all records including, but not limited to, DCFS records and client records in accordance with all applicable federal, state and local laws, regulations, ordinances and directives regarding confidentiality. LASD shall inform all of its officers, employees and agents providing services hereunder of the confidentiality provisions of this Agreement.
2. LASD shall comply with all applicable laws pertaining to confidentiality. This shall include, but is not limited to, the confidentiality provisions of Section 827 and Section 10850 of the California Welfare and Institutions Code and California Department of Social Services Manual of Policies and Procedures Division 19.

IN WITNESS THEREOF, the parties have caused their duly authorized representative to execute this agreement.

Executed this 29th day of MARCH, 2005 in Los Angeles, California.

LOS ANGELES COUNTY
SHERIFF'S DEPARTMENT



Sheriff

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN
AND FAMILY SERVICES

 3-29-05

Director

OPERATIONAL AGREEMENT

Agreement by and between

THE LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Hereinafter referred to as "DCFS"
and
THE LOS ANGELES POLICE DEPARTMENT
Hereinafter referred to as "LAPD"

Whereas DCFS and LAPD have jointly determined that a reciprocal agreement, in which DCFS and LAPD partner and participate in a program that will co-locate Children's Social Workers in various police stations to support our mutual efforts to maximize child safety;

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

A. LOS ANGELES POLICE DEPARTMENT RESPONSIBILITIES

1. The LAPD agrees to provide, without charge, the use of an office at each of the area police stations, (space approximately 8x8, 64-72 sq. ft.) or if an office is not available a desk, workstation, cubicle or some alternative area dedicated for use by a Children's Social Worker (hereinafter referred to as "CSW") located on site.
2. The LAPD agrees to provide access to photocopier, electricity and telephone lines to accommodate a personal computer, telephone and fax line, although access to such amenities may not necessarily be located at or adjacent to the dedicated work space described in paragraph 1.
3. The LAPD will ensure that their staff are made aware that the CSW on site will provide consultation on cases and that the CSW will provide services as deemed necessary to ensure the safety of the referred child.
4. The LAPD shall provide cross-training to DCFS staff whenever pertinent training issues arise.
5. LAPD shall cooperate with DCFS on all child abuse investigations and attempt to conduct joint investigations when possible.

6. The Captain of the LAPD station in which CSWs have been co-located shall monitor the LAPD responsibilities as set forth in this operational agreement.

B. DCFS RESPONSIBILITIES

1. DCFS will assign a CSW to be on site at each of the LAPD area station locations to work during the hours of 8:00a.m - 4:30p.m. Monday through Friday, except County holidays, to provide consultation on any child and to provide case management for those children under DCFS supervision.
2. DCFS oversight of the program activities of co-located CSWs will be provided by the Regional Administrator of the DCFS operation from which the CSW was drawn.
3. DCFS will provide the basic materials and supplies necessary for the CSW to conduct daily business: including, but not limited to, photocopy paper, pens, stapler and staples and paper clips.
4. DCFS will provide training for the LAPD's staff regarding confidentiality, release of information and various other subjects related to child welfare.
5. Co-located CSWs will be drawn from one of three programs: Multi-Disciplinary Response Teams (MART); Emergency Response Command Post (ERCP); and Regional Offices. Their duties are listed below and will vary depending on which program they are drawn from.

6.1 MART CSWs shall:

- Participate in special operations with law enforcement on gang and/or narcotics related issues as deemed necessary and/or appropriate by LAPD;
- Conduct concurrent investigations when possible to ensure the quality of both the preliminary criminal investigations conducted by law enforcement and the child abuse investigations conducted by the CSW as deemed necessary and/or appropriate by LAPD;
- Provide consultation to LAPD officers and Administrators on child abuse reporting issues as deemed necessary and/or appropriate by LAPD;

- Provide training to law enforcement staff when needed as deemed necessary and/or appropriate by LAPD;
- Provide an expedited response to LAPD officers when children are detained at police stations (this includes foster care children who are runaways and/or missing DCFS children who are picked up by LAPD officer);
- Refer families to community-based services when appropriate.

6.2 ERCP CSWs shall:

- Conduct after-hours child abuse investigations (after 5:00 p.m., Monday through Friday, and on weekends and holidays);
- Conduct concurrent investigations when possible, to ensure the quality of both the preliminary criminal investigations conducted by law enforcement and the child abuse investigations conducted by the CSW as deemed necessary and/or appropriate by LAPD;
- Provide consultations to LAPD officers and Administrators on child abuse reporting issues;
- Provide training to law enforcement staff when needed as deemed necessary and/or appropriate by LAPD;
- Provide an expedited response to LAPD officers when children are detained at police stations (this includes foster care children, who are run aways and/or missing DCFS children who are picked up by LAPD officers).

6.3 Regional Offices CSWs shall:

- Conduct child abuse investigations during regular business hours;
- Conduct concurrent investigations when possible to ensure the quality of both the preliminary criminal investigations conducted by law enforcement and the child abuse investigations conducted by the CSW as deemed necessary and/or appropriate by LAPD;
- Provide consultations to LAPD officers and Administrators on child abuse reporting issues;

- Provide training to law enforcement staff when needed;
- Provide an expedited response to LAPD officers when children are detained at LAPD stations (this includes foster care children who are run aways and/or missing DCFS children picked up by LAPD officers).

C. MUTUAL RESPONSIBILITIES

1. DCFS and the LAPD will establish mutually satisfactory methods for the exchange of information in accordance with applicable State and federal laws and regulations and specific procedures as may be necessary in order to enable each party to perform its duties and functions as required by law and under this agreement.
2. Except as provided by law, DCFS and LAPD shall keep confidential all reports, information and data received, prepared or assembled pursuant to performance hereunder. The above information includes but is not limited to any information regarding DCFS clients that becomes known to the LAPD during the course of the assessment/investigation.
3. DCFS and the LAPD shall agree to follow the County standard arbitration procedures for any fiscal disputes with County Arbitrators.

D. GENERAL TERMS

1. This agreement shall take effect immediately upon the signatures of both parties and shall remain in effect for three years thereafter.
2. Either party may terminate this agreement by giving thirty (30) days prior written notice to the other party. In the case of such a termination, DCFS will arrange within thirty (30) working days after termination of this Agreement, to remove all DCFS property, and cancel all service used by DCFS.
3. It is mutually agreed that this agreement may be modified or amended upon the written mutual consent of the parties hereto.

E. CONFIDENTIALITY

1. LAPD shall maintain the confidentiality of all records including, but not limited to, DCFS records and client records in accordance with all

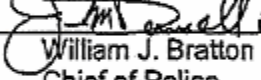
applicable federal, State and local laws, regulations, ordinances and directives regarding confidentiality. LAPD shall inform all of its officers, employees and agents providing services hereunder of the confidentiality provisions of this Agreement.

2. LAPD shall comply with all applicable laws pertaining to confidentiality. This shall include, but is not limited to, the confidentiality provisions of Section 827 and Section 10850 of the California Welfare and Institutions Code and California Department of Social Services Manual of Policies and Procedures Division 19.

IN WITNESS THEREOF, the parties have caused their duly authorized representative to execute this agreement.

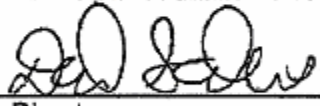
LOS ANGELES POLICE DEPARTMENT
WILLIAM J. BRATTON
CHIEF OF POLICE

Dated: 5-19-06

By  _____
William J. Bratton
Chief of Police

LOS ANGELES COUNTY DEPARTMENT
CHILDREN AND FAMILY SERVICES

Dated: 5-24-06

By  _____
Director

LICENSE AGREEMENT (FOR DONATED SPACE)

This License and Agreement (Agreement) is made and entered into this _____ day of _____, 2006, by and between the Los Angeles Police Department, hereinafter referred to as "Licensor", and the County of Los Angeles, a body politic and corporate, hereinafter referred to as "Licensee", without regard to number or gender.

In consideration of the agreements herein contained, the Los Angeles Police Department hereby grants to County rent-free use of those certain premises described herein. The County shall use the premises subject to the following terms, conditions and restrictions:

The aforementioned parties, concurrently with this License Agreement, entered into an agreement whereby the Department of Children Services and the Los Angeles Police Department have agreed to co-locate Children's Social Workers in area police stations to jointly participate in a Child Safety Program (Operational Agreement). The Operational Agreement is incorporated herein by this reference.

1. **PREMISES:**

Office/Work space located at each of the area police stations of the Los Angeles Police Department.

2. **TERM:**

This agreement shall continue for a term not to exceed three (3) years, but may be terminated by either party at will. The canceling party will endeavor to give the other party thirty (30) days written notice prior to cancellation.

3. **USE / PURPOSE:**

Department of Children and Family Services (DCFS), to use the premises during normal business hours, evenings, weekends, and/or holidays.

4. **MAINTENANCE:**

Licensor shall supply and/or repair, maintain and provide janitorial supplies and services to said premises.

5. **UTILITIES:**

Licensor shall be responsible for all charges for utilities supplied to said premises, including telephones.

6. INDEMNIFICATION:

Licensee shall indemnify and save harmless Licensor, its officers, agents, and employees, from and against any and all claims, demands, losses, or liabilities of any kind or nature which Licensor, its officers, agents, and employees may sustain or incur or which may be imposed upon them for injury to or death of persons, or damage to property as a result of, or arising out of, the negligence or willful misconduct of Licensee, its officers, agents, employees, subtenants, or invitees, in connection with the occupancy or use of the premises by Licensee.

Likewise, Licensor shall indemnify and save harmless Licensee, its officers, agents, and employees from and against any and all claims, demands, losses, or liabilities of any kind or nature which Licensee, its officers, agents, and employees may sustain or incur or which may be imposed upon them for injury to or death of persons, or damage to property as a result of, or arising out of, the negligence or willful misconduct of Licensor, its officers, agents, employees, or invitees, in connection with the ownership, maintenance, or use of the premises by Licensor.

7. NOTICES:

Notices desired or required to be given by this License or by any law now or hereinafter in effect shall be given by enclosing the same in a sealed envelope with postage prepaid, certified or registered mail, return receipt requested, with the United States Postal Service.

Any such notice and the envelope containing the same shall be addressed to the Licensor as follows:

Commanding Officer of Juvenile Division
Los Angeles Police Department
150 North Los Angeles Street
Los Angeles, California 90012
(213) 485-2801

The notices and envelopes containing the same shall be addressed to the Licensee as follows:

Chief Administrative Office
Real Estate Division
222 South Hill Street, 3rd floor
Los Angeles, CA 90012
Attention: William L. Dawson
Deputy Director of Real Estate

or such other place as may hereinafter be designated in writing by the Licensor or Licensee except that Licensor shall at all times maintain a mailing address in California.

8. CONFIDENTIALITY:

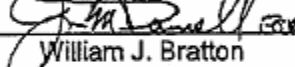
Licensor and Licensee shall comply with all applicable laws and regulations pertaining to confidentiality of information and access to electronic data processing systems. This shall include, but is not limited to, the confidentiality provisions of section 827 and Section 10850 of the California Welfare and Institutions Code and MPP Division 19.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

LICENSOR

LOS ANGELES POLICE DEPARTMENT
WILLIAM J. BRATTON
CHIEF OF POLICE

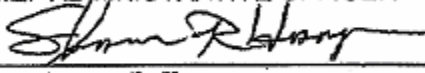
Dated: 5-19-06

By 
William J. Bratton
Chief of Police

LICENSEE

COUNTY OF LOS ANGELES
DAVID E. JANSSEN
CHIEF ADMINISTRATIVE OFFICER


Dated: 7/12/06

By 
Sharon R. Harper
Chief Deputy

COUNTY DEPARTMENT

CHILDREN AND FAMILY SERVICES

Dated: 5-21-06

By 
Director
APPROVED AS TO FORM
RAYMOND G. FORTNER, JR., County Counsel

Page 3 of 3

By 

APPENDIX 6 – SAN JOSE-SANTA CLARA MATERIALS

Attachment A

Memorandum



TO:All Department Personnel

FROM: Robert L. Davis
Chief of Police

SUBJECT: Joint Police - Social Worker Child
Abuse and Neglect Response Protocol

DATE: May 3, 2003

APPROVED:

DATE:

BACKGROUND

Since 2002 the San Jose Police Department and Santa Clara County Department of Family and Children's Services (DFCS) have participated in two pilot projects that have demonstrated the value of social workers and police officers responding in a team approach to child abuse and neglect cases. The initial pilot project took place in District M, and was later expanded in a second phase to the Foothill Division. A new joint response program will be expanded to Citywide operations effective **May 10, 2004**. This new protocol will be in effect seven days per week, 24 hours per day. The program's new procedures will not change the Child Abuse Protocol for Santa Clara County Law Enforcement, but will expand upon a limited number of its existing provisions.

It is the goal of both agencies to place or maintain children in environments that are safe, offer permanency, and are the least restrictive, meaning the child still has access to schools, friends, and family members. The DFCS has moved in this direction over the last year by increasing community housing resources for dependent children. As a result, the daily census in the Children's Shelter has been reduced on average from 120 to 30 children. With the assistance of social workers responding to specified calls for service, officers will have additional access to housing alternatives outside of the Children's Shelter for children taken into protective custody. A secondary goal is that children in protective custody will be transported by social workers in unmarked vehicles when safe and practical.

ANALYSIS

The following protocol will primarily impact personnel from the Patrol and Communications Divisions, as well as the Bureau of Investigations. Adherence to the following procedures should be considered a Department priority.

1. At the time a call is received of an allegation that involves child abuse (physical or sexual) or child neglect, the Complaint Taker will incorporate the phrase "Joint Response" into the event details (for CADMine tracking purposes). Channel Dispatchers will create a "Call Back Command" and a "Bridge" Senior or Supervisor will notify the DFCS Child Abuse and Neglect (CAN) Center on Monday – Friday from 0800 –1600 at 529-0308, and request that the Joint Response Social Worker (JRSW) respond to the specified location. From 1600 to 0800 and weekends, the bridge should call the on-call DFCS supervisor at the cell phone number indicated in the Bridge "Call-Out Book" and/or CAD "scratchpad." Communications will provide available name, location, event details information. If the Complaint Taker or Dispatcher is unsure if a joint response is necessary, the District Sergeant and/or Family Violence Unit (X3700) should be consulted. If Communications knows the police

- response will be extensively delayed, this information should be conveyed to the CAN Center/DFCS Supervisor.
2. CAN Center personnel or the on-call DFCS supervisor will then notify the designated JRSW and in turn provide the JRSW's cell phone number to Communications. DFCS will also provide Communications with a monthly calendar of on-call JRSWs and Supervisors, and will update the list with "Bridge" supervisors (277-8995) as needed.
 3. As the JRSW responds, CAN Center staff will conduct DFCS background checks on the involved parties, and the information will be conveyed to the JRSW upon their arrival.
 4. The CAN Center or DFCS supervisor may also be called at any time for a phone consultation for non-custodial situations where advice is needed or the need for family intervention resources is deemed appropriate.
 5. If an officer in the field encounters one of the following situations, the officer will request the Dispatcher to contact the CAN Center or DFCS supervisor for the immediate response of a JRSW:
 - Child abuse (physical or sexual),
 - Child neglect.
 - Any call for service or on-view event that may result in a protective-custody action.
 6. The JRSW will respond to the scene within 30 minutes. If the response time is anticipated to be longer than 30 minutes, the DFCS will notify Police Communications supervisors at 277-8995, who will in-turn advise the District Sergeant, who will determine how to proceed.
 7. If the response by the JRSW exceeds 30 minutes, and the assigned officer has completed the preliminary investigation, the officer may elect to transport the child to the Children's Shelter's Assessment Center, where the social worker can respond to assess the circumstances.
 8. The CAN Center/DFCS supervisor can arrange to have a child-friendly Children's Shelter van transport the child or children to an agreed upon location if the following circumstances exist:
 - More than three children must be transported, or
 - The JRSW's ETA is extended, or
 - The JRSW is unavailable, and
 - A phone consultation with an on-call DFCS supervisor determines that protective custody is appropriate.
 9. Officers will not permit the JRSW or Children's Shelter van driver – a Shelter Counselor - to enter a scene unless the circumstances are stable. If the state of the scene changes from stable to unstable while the JRSW/Counselor is enroute, Communications will, if practical, call the JRSW's/Counselor's cell phone to provide direction to stand-by until they are notified that the scene is safe to enter.
 10. An officer waiting for the JRSW's or transport van Counselor's arrival, who feels officer safety or the child's safety could be jeopardized by remaining on scene, may elect to transport the child to a intermediary site such as a Community Policing Center, Child Interview Center, or Children's Shelter Assessment Center, pending the JRSW's response.
 11. Upon arrival at the scene, the JRSW/transport van Counselor will call the "Bridge" Senior/Supervisor at 277-8995 to determine the safety/stability of the scene, officer's ETA, or any other update information. The Senior/Supervisor will record the JRSW's/transport van Counselor's arrival time into the event details.
 12. If the JRSW arrives at a school or other safe/stable institutional setting before the officer, they may begin their preliminary investigation, but will refrain from conducting victim/suspect interviews prior to the officer's arrival - to ensure the integrity of a potential criminal investigation.
 13. If officers are planning an operation where it is anticipated that children will be taken into protective custody, the CAN Center or DFCS Supervisor should be given advanced notice and a request made for a JRSW's presence.

14. The officer and JRSW will confer and make joint decisions concerning protective custody options. JRSWs will have the benefit of knowing and being able to assess:
 - The family's history of interactions with the DFCS.
 - Appropriate sources of housing within the immediate and extended family, availability of community housing such as emergency foster homes, or whether the child can safely remain in the home and still comport with DFCS safety standards.
15. If a resolution cannot be reached between the JRSW and officer, their supervisors should be called to mediate. Experience has shown in other jurisdictions that such disagreements are uncommon. However, in those situations in which state law dictates that law enforcement officers have "sole legal authority" to take a child into protective custody, law enforcement officers shall make the ultimate decision. Officers generally have sole legal authority, except the following cases wherein social workers can independently make the assessment:
 - 300 (b) W&I (Failure to Provide and Protect)
 - 300 (g) W&I (Caretaker Absence and Abandonment)
16. JRSW's will have vehicles equipped to transport three children, and will transport children unless the child:
 - Is under the influence of alcohol or drugs.
 - Is uncooperative, violent, assaults the social worker, or a family member threatens the worker.
 - Has assaulted DFCS staff in the past.
 - Has serious health problems or is incapacitated, and medical transport is warranted.
 - In the social worker's judgment such transport would present unnecessary risk.
17. Officers will not leave the scene without first conferring with the on-scene social worker or transport van Counselor.
18. Officers will complete a Juvenile Contact Report and provide it to the social worker or transport van Counselor prior to clearing the event, and before the JRSW transports the child.
19. Once the completed Juvenile Contact Report is accepted by the Social Worker or transport van Counselor, the child is in the protective custody of the DFCS, equivalent to placing the child in the Children's Shelter.
20. In cases where a child is placed into protective custody and has sustained an injury requiring medical attention, the officer must provide a Juvenile Contact Report and follow the JRSW or transport van Counselor to a medical facility. Once at the hospital, barring the need for evidence collection, serious injury, or other exigent circumstances, the officer may leave the child in the custody of the JRSW or Counselor at the hospital.

ORDER

The adoption of this new protocol by the San Jose Police Department and Santa Clara County Department of Family and Children's Services represents a substantial shift in operations for both agencies. The changes will serve to improve services for one of our community's most vulnerable constituencies – our children. Effective May 10, 2004 Department personnel will utilize the above procedures when responding to and investigating incidents of child abuse and neglect.

ROBERT L. DAVIS
Chief of Police

RLD/DKK

Memorandum

TO: All Department Personnel

FROM: William M. Lansdowne

SUBJECT: Disposition of Minor Children of
Severely Ill or Arrested Parent

DATE: 3/12/2003

Approved:

Date: 2003-017

BACKGROUND

Police Department members sometimes encounter field situations in which a custodial parent is unable to continue to care for his/her child due to the custodial parent's arrest or severe illness requiring emergency medical care. The Police Department recognizes that these situations involving minor children are stressful and disruptive for the children involved. To that end, officers should strive to handle these situations in a manner that respects the parent's judgment regarding arrangements for the child's care, thereby allowing the child to remain in a familiar environment with relatives and family friends, whom they know and trust. If the custodial parent is able either to make arrangements for the care of the child or to articulate what the arrangements should be, the officers at the scene should take reasonable steps to facilitate those arrangements. The goal of new policy is to create a simple process in which officers can take direction from the custodial parent to place the child in a suitable environment without the officer taking custody of the child. This memorandum was coordinated with the City Attorney's Office.

ANALYSIS

In cases where the following takes place, officers will adhere to guidelines (1) – (6).


- the custodial parent cannot continue to care for his/her child because that parent is being arrested, or
- the custodial parent is so severely ill as to require emergency medical care,
- and the officer does not know or reasonably suspect that the child has been the victim of child abuse or neglect perpetrated by the parent(s) or a legal guardian.

1. The officer shall ascertain the parent's preferences concerning arrangements for the care of the child. The officer may take reasonable steps to facilitate the custodial parent's decision to leave the child with a relative or family friend. Criminal record checks are not required on prospective caregivers, unless a criminal investigation involving the prospective caregiver arises. Criminal record searches on potential caregivers for non-criminal purposes in such circumstances may require submitting fingerprints to the State Department of Justice on the subjects of the records checks. In the event that the parent's expressed choice of care arrangements cannot be fulfilled for any of the reasons given in Paragraph 5, below, then the officer shall take reasonable steps to facilitate a secondary choice.

2. Officers will document the parent's childcare arrangement on a Supplementary Offense Report (Form 3) report from the original event. If there is no law violation that requires a Form 2 (such as a parental illness situation), a Form 2 entitled "Parent's Child Care Arrangements" will be completed. The documentation on the Form 2 or Form 3 shall include basic identification and residence information of the minor child. The report will also document the person accepting custody of the minor at the request of the custodial parent in those situations where the parent's child care arrangements involve having another adult act as caretaker for the minor child.
3. Whenever circumstances allow, officers will attempt to obtain the signature of the custodial parent on the new Parent/Legal Guardian Child Care Arrangement Documentation Form 204-18 (see attachment), which will document the parent's chosen child care arrangement.
4. The District Sergeant will review and approve the parent's child care arrangements prior to the officer leaving the scene.
5. If the circumstances dictate that the parent's requests(s) for placement cannot or should not be fulfilled because the proposed care taker cannot be located or is unwilling to take custody of the child, the caretaker is obviously intoxicated or otherwise incapable of caring for a minor, or other circumstances known to the officer indicate that the parent's child care arrangements would pose an **immediate threat to the child's health or safety**, then the minor(s) will be transported and admitted into the Children's Shelter.
6. If officers at the scene determine that there is reasonable cause to believe that the minor is, or that there is a substantial risk that the child will become, a victim of child abuse or neglect perpetrated by the parent(s) or a legal guardian, **and, in addition**, there is an immediate danger of physical or sexual abuse to the child or other immediate threat to the child's health or safety, the child should be taken to the Children's Shelter, in accordance with the SJPD Memorandum 99-53/Investigation of Child Abuse and the Countywide Child Abuse Protocol. In these instances, the officers at the scene shall not allow the parent to release the minor children to relatives friends or other persons suggested bby the parent or guardian who is the sub-ject of the investi ag ti.

ORDER

Effective immediately, all Department members will follow the above guidelines when (1) the custodial parent is unable to continue to care for his/her child due to the parent's arrest or severe illness requiring emergency medical care and (2) the a parent or legal guardian arranges for a relative or family friend to care for and take custody of his/her minor child.


WILLIAM M. LANSDOWNE
Chief of Police

WML/MR/DK

**PARENT/LEGAL GUARDIAN CHILD CARE ARRANGEMENT
DOCUMENTATION**
(Must be attached to form 2 or 3)

I, (parent/legal guardian) _____, am the parent/legal guardian of the minor
(minor) _____, who is _____ years of age. I have arranged for
(minor) _____ to be cared for by
(family friend or relative) _____.

Signature: (parent/legal guardian) _____

Case Number: _____ Date: _____ Time: _____

Officer: _____ Badge: _____

204-18 (03/03)

**PARENT/LEGAL GUARDIAN CHILD CARE ARRANGEMENT
DOCUMENTATION**
(Must be attached to form 2 or 3)

I, (parent/legal guardian) _____, am the parent/legal guardian of the minor
(minor) _____, who is _____ years of age. I have arranged for
(minor) _____ to be cared for by
(family friend or relative) _____.

Signature: (parent/legal guardian) _____

Case Number: _____ Date: _____ Time: _____

Officer: _____ Badge: _____

204-18 (03/03)

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CHIEF CLERK
SANTA CLARA COUNTY
[Signature]

**THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA CLARA
JUVENILE COURT
STANDING ORDER**

This order addresses the exchange of information between the District Attorney authorized to prosecute criminal or juvenile cases under state law (District Attorney), law enforcement officers who are actively participating in criminal or juvenile proceedings involving a minor (Law Enforcement), the Department of Family and Children's Services (DFCS), and the Juvenile Court.

The Court finds Santa Clara County is committed to increasing collaboration among courts, child protective services, law enforcement, and others in the community to devise better service delivery systems for families experiencing child maltreatment. This commitment is evidenced by programs like the Greenbook Project and the Family-to-Family Initiative.

The community and its institutions encourage joint responses to child maltreatment. Joint responses provide more meaningful help to families, including protection for all victims from physical and emotional harm; adequate social and economic support for families; and access to services that are respectful, culturally relevant, and responsive to the unique strengths and concerns of families. Simultaneously, the community must hold perpetrators

1 responsible for abusive or neglectful behavior and provide a variety of legal interventions and
2 social services to stop child abuse and neglect.

3 Pursuant to Welfare and Institutions Code section 827 and California Rule of Court
4 1423, the District Attorney and Law Enforcement may inspect juvenile case files without
5 authorization from the Court.
6

7 The Court finds that the interests of children and victims appearing before the
8 Juvenile and Criminal Courts are best served by permitting the investigating agencies to share
9 relevant written information. Further, the Court finds that there is a public interest in
10 coordinating and expediting investigations and avoiding duplication of effort by the Courts
11 and by the investigative and supervisory agencies serving the child, Court or court-serving
12 agency. These interests constitute good cause for authorizing the investigating agencies to
13 share relevant written information. Therefore, The Court makes the following Order:
14
15

16 The District Attorney, Law Enforcement, and DFCS may provide relevant documents
17 to each other. These documents may include but are not limited to relevant portions of
18 investigation notes or reports, progress notes and summaries, and court reports pertinent to
19 the investigation of child abuse or neglect. This standing order does not extend to court-
20 ordered psychological evaluations, copies of which can be obtained only by a petition for
21 disclosures under Welfare and Institutions Code section 827.
22

23 Pursuant to Welfare and Institutions Code Section 827, the District Attorney shall be
24 given access to all records relating to a minor which are held by the County Clerk. The
25 District Attorney shall also have the right to secure copies of such records.
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Copies of written documents or records obtained pursuant to this Order shall not be disseminated by the receiving agencies except as proved by Welfare and Institutions Code section 827(a)(4) and California Rule of Court 1423.

DATED: 1/14/03


LEONARD P. EDWARDS
Supervising Judge
Juvenile Dependency Court

THE FOREGOING INSTRUMENT IS
A CORRECT COPY OF THE ORIGINAL
ON FILE IN THIS OFFICE
ATTEST: KIRI TORRE
JAN 14 2003

KIRI TORRE, CLERK
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN
DEPUTY



LE/trz

RESOURCES

REPORTS

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- Jaycox, Lisa H. *How Schools Can Help Students Recover from Traumatic Experiences: A Tool Kit for Supporting Long-Term Recovery*. Rand Technical Report. Santa Monica: Rand Gulf States Policy Institute, 2006.
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- Leary, Carolyn. *Police Liability for Harm to Unattended Minors Following Parental Arrest*. PLRI: Issue Brief. San Francisco: Public Law Research Institute, UC Hastings College of the Law, 2002.
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TRAINING MATERIAL

Center for Children of Incarcerated Parents, at www.e-ccip.org.

Child Witness to Violence Project, at www.childwitnessstoviolence.org.

National Center for Children Exposed to Violence, Yale Child Study Center, Yale University School of Medicine, www.nccev.org.

- To request a copy of the “*Child Development-Community-Policing Program Overview*” DVD, please contact Glen Oliwa at 203-737-5582 or 877-49-NCCEV (6-2238).

National Child Traumatic Stress Network, National Center for Child Traumatic Stress, University of California, Los Angeles, at www.NCTSN.org.

- To request a copy of the “*Cops, Kids and Domestic Violence*” DVD and other training materials, please visit the website.

National Resource Center on Children and Families of the Incarcerated, Family and Corrections Network, at www.fcnetwork.org.

Santa Clara County Department of Family and Children’s Services and the San Jose Police Department, San Jose, CA.

- To request a copy of the “*Joint Response*” DVD, please contact Coleen Kohtz at coleen.kohtz@sanjoseca.gov or 408-277-3700.

NOTES

¹ Marcus Nieto, *In Danger of Falling Through the Cracks: Children of Arrested Parents* (Sacramento: California Research Bureau, California State Library, April 2002). Available at <http://www.library.ca.gov/HTML/statseg2a.cfm>.

² Charlene Wear Simmons, *California Law and the Children of Prisoners*, (Sacramento: California Research Bureau, California State Library, February 2003) Available at <http://www.library.ca.gov/HTML/statseg2a.cfm>.

³ Participants at the *Keeping Children Safe When Parents are Arrested: Local Law Enforcement Approaches That Work Conference*, April 2006, and Anna T. Laszlo and others, *Leaving No Child Alone: A Training and Planning Guide for the Emergency Response to Children of Arrestees*, (Vienna, Virginia: Circle Solutions, Inc., and The American Bar Association Center on Children and the Law, May 1998), page 4.

⁴ Charlene Wear Simmons, *Children of Incarcerated Parents* (Sacramento, CA: California Research Bureau, California State Library, March 2000), page 2. Available at <http://www.library.ca.gov/HTML/statseg2a.cfm>. Updated using US Census Bureau, America Community Survey 2003 data.

⁵ Charlene Wear Simmons, *Children of Incarcerated Parents*.

⁶ Marcus Nieto, *In Danger of Falling Through the Cracks*.

⁷ Marcus Nieto, *In Danger of Falling Through the Cracks*, page 11.

⁸ Anna T. Laszlo and others, *Leaving No Child Alone: A Training and Planning Guide for the Emergency Response to Children of Arrestees*, (Vienna, Virginia: Circle Solutions, Inc., and The American Bar Association Center on Children and the Law, May 1998), page 2.

⁹ Michael G. Mooney, "A Little Girl's Death: What Went Wrong?" *Modesto Bee*, February 3, 2002, page A7.

¹⁰ National Center for Children Exposed to Violence, *A Commitment to Finding Solutions* (New Haven, CT: Yale University, School of Medicine, Child Study Center, 1999), page 4.

¹¹ Family Communications, "Introduction and Preparation," *One on One: Connecting Cops and Kids Training Program*, 2004, page 23.

¹² Anna T. Laszlo and others, *Leaving No Child Alone*, page 10.

¹³ Ann Adalist-Estrin, Director, National Resource Center of Children and Families of the Incarcerated, *A Child's Eye View of Arrest*, presented at *Keeping Children Safe When Parents are Arrested: Local Law Enforcement Approaches That Work Conference*, April 2006.

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- ¹³ National Center for Children Exposed to Violence, *A Commitment to Finding Solutions*, page 3.
- ¹⁴ National Center for Children Exposed to Violence, *A Commitment to Finding Solutions*, page 3.
- ¹⁵ Elizabeth Sazie and others, *How to Explain...Jails and Prisons...to Children, A Caregiver's Guide* (Salem: Oregon Department of Corrections, 2003), page 13.
- ¹⁶ Family Communications, *One on One*, page 7.
- ¹⁷ Family Communications, "Introduction and Preparation," *One on One: Connecting Cops and Kids Training Program*, 2004, page 27.
- ¹⁸ Craig Pierini, written communication, March 23, 2007.
- ¹⁹ Assemblymember Pedro Nava, Speaker, *Keeping Children Safe When Parents are Arrested: Local Law Enforcement Approaches That Work Conference*, April 2006.
- ²⁰ Family Communications, *One on One*, page 7.
- ²¹ Charlene Wear Simmons, *California Law and Children of Prisoners* (Sacramento, California: California Research Bureau, California State Library, February 2003). Available at <http://www.library.ca.gov/HTML/statseg2a.cfm>.
- ²² Ann Adalist-Estrin, presenter, *Keeping Children Safe When Parents are Arrested: Local Law Enforcement Approaches That Work Conference*, April 2006.
- ²³ Anna T. Laszlo and others, *Leaving No Child Alone*, page 2.
- ²⁴ Assemblymember Pedro Nava, Speaker, *Keeping Children Safe When Parents are Arrested: Local Law Enforcement Approaches That Work Conference*, April 2006.
- ²⁵ Participants at *the Keeping Children Safe When Parents are Arrested: Local Law Enforcement Approaches That Work Conference*, April 2006, and Anna T. Laszlo and others, *Leaving No Child Alone*, page 4.
- ²⁶ San Francisco panel presentation at *the Keeping Children Safe When Parents are Arrested: Local Law Enforcement Approaches That Work Conference*, April 2006.
- ²⁷ Worksheets developed for the Boston Police Department and the Coalition of Service Providers. Anna T. Laszlo and others, *Leaving No Child Alone*.
- ²⁸ San Francisco Police Department Protocol, *Children of Arrested Parents*, December 26, 2006, page 1.
- ²⁹ Xiomara Flores-Holguin, Speaker, *Keeping Children Safe When Parents are Arrested: Local Law Enforcement Approaches That Work Conference*, April 2006.
- ³⁰ *Memorandum* dated March 12, 2003, from San Jose Chief of Police William M. Lansdowne to all department personnel, regarding disposition of minor children of severely ill or arrested parent, page 1.

³¹ The description of the CD-CP Program in this chapter comes from *Child Development-Community Policing Program: A Commitment to Finding Solutions* (Yale University, School of Medicine, Child Study Center), pages 1-5.

³² Participants at the *Keeping Children Safe When Parents are Arrested: Local Law Enforcement Approaches That Work Conference*, April 2006, and Anna T. Laszlo and others, *Leaving No Child Alone*, page 4.