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Chief of Police

**ALBANY, NEW YORK**  
**POLICE DEPARTMENT**  
165 HENRY JOHNSON BOULEVARD  
ALBANY, NEW YORK 12210



1789

**SAFEGUARDING CHILDREN OF ARRESTED PARENTS**  
**GENERAL ORDER NO: 3.8.25**

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**PURPOSE:** The purpose of this policy is to establish new and enhanced existing collaborations between the Albany Police Department, Child Protective Services (CPS), and other key partner organizations in order to minimize the potential trauma experienced by a child who witnesses a parent's arrest and the separation caused by the arrest, while maintaining the integrity of the arrest and the safety of officers, suspects, and other involved individuals.

**POLICY:** It is the policy of the Albany Police Department to train officers to identify and respond effectively to a child, present or not present, whose parent is arrested; in order to help minimize potential trauma and support a child's physical safety and well-being following an arrest.

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

**Child** – A child is any un-emancipated person under the age of eighteen (18), or as otherwise defined by State law; whether or not he/she is present at the arrest (as used herein, "child" refers to both an individual child and multiple children).

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

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

**Partner Organization** – A partner organization is a group or agency with interests aligned with this department with regards to safeguarding a child from trauma when his/her parent is arrested. This may include, but is not limited to victim advocates, corrections, medical/mental health services, schools, youth servicing organizations, and faith-based programs.

**Youth Aide** – A youth aide is a non-sworn employee, assigned to the Prevention Services Unit (PSU), tasked with a full range of client/case management activities. The youth aide routinely conducts field reviews of home conditions, socio-economic status, and other factors with regard to clients, as well as recommends programs/agencies to assist in interpersonal and family communications and development of a child to assist in early intervention services.

**Responsible Adult** – A responsible adult is an individual who is over eighteen (18) years of age and who can pass a preliminary check of RMS and NCIC to ensure that he/she does not have any arrests for founded cases of child abuse, sexual crimes, and/or domestic violence offenses, as well as any necessary screenings from Albany County Child Protective Services.

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

## **I. PROCEDURES**

### **A. Responsibilities of the Chief of Police:**

#### **1. Agency Coordination:**

- a. Regular meetings shall be held, involving all partner organizations, to review and evaluate the effectiveness of joint operational protocols and to make improvements, where necessary.
- b. The Albany Police Department's Chief of Police shall designate a liaison that is responsible for ensuring that follow-up is conducted to support the well-being of the child of an arrested parent.

#### **2. Training:**

- a. Cross training shall be provided to officers of the Albany Police Department by CPS staff and representatives of other partner organizations on their roles, responsibilities, and policies for a child when his/her parent is arrested.
  - i. During the training, officers shall be trained to effectively communicate with the child using developmentally appropriate language during a parental arrest.
    - a) The Albany Police Department shall provide routine training through PowerDMS on child development and the effects of trauma on the child so that officers can effectively support the well-being of a child of an arrested parent.

### **B. Pre-Arrest Planning:**

1. When service of an arrest or search warrant is planned:
  - a. Where possible, officers shall determine whether any child is likely to be present at the location; and
  - b. When reasonably possible, officers may delay an arrest until the child is not likely to be present (e.g., at school or daycare), or consider another time and place for making the arrest.
    - i. If delay is not possible, arrangements should be made to have representatives from CPS and/or another appropriate partner organization at the scene or on call.
2. When reasonably possible, officers shall determine if the arrestee and other family members are English-language proficient.
  - a. If the arrestee or members of their family are not English-language proficient, arrangements should be made to provide a translator.
  - b. A parent should not be allowed to interpret for a child and a child should not be allowed to interpret for a parent.

**C. Making the Arrest:**

1. General procedures:
  - a. Officers shall inquire whether the arrestee is a parent of a child who would need arrangements for supervision because of the arrest.
    - i. The inquiry shall include any child who may not be present at the time, but who is expected to return home from school, a babysitter, a friend's home, or other location or activity.
  - b. If the arrest is made in a home environment, the officer should be aware of items which suggest the presence of a child (toys, clothing, formula, bunk beds, diapers, etc.), as some adults may be reluctant to disclose the presence of a child for fear that they may lose custody.
  - c. If a parent is responsible for a child, whether or not the child is present, a determination regarding appropriate placement shall be made.
2. When a child is present officers shall:
  - a. Take custody of the child, when the officer reasonably believes there is a threat of imminent danger to the child, in accordance with State law and department policies and procedures.
  - b. Make the arrest, whenever possible and prudent (including handcuffing and questioning), in a location away from the child's sight and hearing;
  - c. Determine whether the arrestee shall be permitted to speak with the child prior to being removed subsequent to the arrest; and

- d. Stay with the child until appropriate temporary care arrangements have been made, and the physical transfer to their temporary caregiver (including Child Protective Services, when appropriate) has been completed.

3. When a child is not present officers shall:

- a. Ensure that appropriate arrangements are made, either through the Albany Police Department, CPS, or a partner organization, to place the child with a caregiver and detail how the transfer will take place.

**D. Determining Appropriate Placement of a Child:**

1. The child should be placed with another parent, if this individual is capable of assuming responsibility for and care of the child.
  - a. If questions should arise concerning the capability or competency of the second parent, the officer should request assistance from a supervisor.
2. If another parent is not available, the arrested parent should be given a reasonable opportunity to select and contact a caregiver; unless there is a compelling reason not to do so or the arrest is for child abuse or neglect.
  - a. A preliminary RMS and NCIC check shall be conducted on the caregiver chosen by the parent, as soon as reasonably possible.
  - b. Any arrest for child abuse, sexual crimes, and/or domestic violence offense, shall disqualify the individual from taking custody of the child.
  - c. CPS should be contacted as well, so that they may conduct a preliminary screening of the proposed caretaker.
3. If possible, a second caregiver should also be identified.
4. If the arrested parent is unwilling to identify a caregiver, and other suitable arrangements cannot be secured within a reasonable period of time, the child shall be taken into the custody of CPS or another authorized partner organization.

**E. Interacting with a child:**

1. Where appropriate and safe, the parent should be given an opportunity to reassure the child and give an explanation of what is happening.
2. If the parent is unable to provide reassurance to the child, the officer shall provide an explanation to the child, in an age- and developmentally-appropriate manner. It should be emphasized that the child has done nothing wrong and will be safe.
3. When reasonably possible, the officer shall ask the parent about items or objects that provide particular comfort the child (e.g., toys, clothing, blankets, photographs, or food that can be taken with the child).
4. The officer shall ask the parent about any medical, behavioral, or physiological conditions and/or required treatments of the child that would

become the responsibility of the caregiver.

**F. Processing the Arrest:**

1. The arresting officer shall ask the arrestee if he/she is responsible for a child.
2. If a parents arrest creates an interruption in a child's supervision and care, the arrestee shall be given reasonable opportunities to make alternative arrangements for such care; if appropriate arrangements have not already been ensured by the arresting officer, other personnel of the Albany Police Department, or through partner organizations.
3. The Central Booking supervisor shall ensure that questions listed on the Children of Arrested Parents Form are asked of every prisoner being processed in Central Booking.
4. The Central Booking supervisor shall ensure that the Children of Arrested Parents Form is completed when criteria listed herein is met.
5. A "Where are your kids?" poster shall be conspicuously affixed to the wall in Central Booking near the prisoner-use telephone.

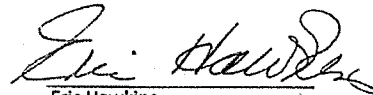
**G. Follow-Up:**

1. Follow-ups shall be performed by the youth-aide wherever possible to ensure the continued safety and well-being of the child.
2. The Albany Police Department liaison and/or arresting officer shall work with partner organizations to determine the responsibility for and scope of follow-up.

**H. Documentation:**

1. Officers shall complete an Albany Police Department Children of Arrested Parents Form, APD Form # [REDACTED] shown on page 7 of this order, when an arrest is made and the below criteria is met:
  - a. A parents arrest may cause a child to be left unattended; or
  - b. A parents arrest causes a child to be displaced from their primary residence.
  - i. Completed Children of Arrested Parents Forms shall be emailed to the department's youth-aide at [REDACTED]
2. Additional documentation may be noted on the Children of Arrested Parents Form, which may include, but is not limited to:
  - a. The identity and biographical information of the child involved, whether or not he/she was present at the arrest;
  - b. Any of the child's special needs (e.g., medical or mental health conditions, physical impairments or limitations, allergies, or developmental disorders);
  - c. The identities, addresses, and contact information for any actual or potential caregivers;

- d. Names and contact information of any representatives from partner organizations involved;
- e. Names and contact information of any adult contacted for notification purposes (e.g., School Resource Officer, school officials);
- f. The final placement determination for the child; and
- g. Any information or observations that suggest the need for further investigation into the child's living conditions and general well-being (e.g., indications of a household crisis).



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**CHILDREN OF ARRESTED PARENTS**

Date \_\_\_\_\_ Incident # \_\_\_\_\_

Name of Arrested Parent \_\_\_\_\_ Charges \_\_\_\_\_

CPS Notified  No  Yes: CPSCaseNumber \_\_\_\_\_

1. Are you responsible for any child under the age of 18 that will require care in your absence?

No  Yes, listed as follows:

- ✓ Name(s): \_\_\_\_\_
- ✓ Age(s): \_\_\_\_\_
- ✓ Relationship: \_\_\_\_\_
- ✓ Current Location: \_\_\_\_\_

2. Does your child or children suffer from any known medical condition that may require special treatment or medication?

No  Yes, listed as follows:

- ✓ Child's Name: \_\_\_\_\_
- ✓ Medical Condition: \_\_\_\_\_
- ✓ Treatment Required: \_\_\_\_\_

3. Who cares for your child or children if you are unable to? Are they there now?  No  Yes

- ✓ Name: \_\_\_\_\_
- ✓ Address: \_\_\_\_\_
- ✓ Phone Number: \_\_\_\_\_
- ✓ Relationship: \_\_\_\_\_
- ✓ Name: \_\_\_\_\_
- ✓ Address: \_\_\_\_\_
- ✓ Phone Number: \_\_\_\_\_
- ✓ Relationship: \_\_\_\_\_

4. Final placement of the child or children: **THIS SECTION IS COMPLETED BY OFFICERS ONLY**

- ✓ Name: \_\_\_\_\_
- ✓ Address: \_\_\_\_\_
- ✓ Phone Number: \_\_\_\_\_
- ✓ Relationship: \_\_\_\_\_

Officer's Name, PIN \_\_\_\_\_ Supervisor's Signature, PIN \_\_\_\_\_

**INSTRUCTIONS:** Officers shall complete this form during the booking process. This form is intended for continued care of minors that are dependent on guardians who become incarcerated. Completed forms shall be emailed to the Albany Police Department Youth-Aide @ [youthaide@albany-ny.org](mailto:youthaide@albany-ny.org)

APD Form # 150 (7/15)