



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



540.01 PROTECTIVE CUSTODY 07-24-17

PURPOSE

The purpose of this order is to establish procedures to ensure the safety and welfare of minors when there is a need to place a minor into protective custody.

POLICY

It shall be the policy of the Sacramento Police Department to ensure the safety and welfare of minors.

PROCEDURE

A. GENERAL

1. When officers place an adult under arrest, they shall be responsible for the safety and welfare of any minors present with the arrested adult.
2. Officers shall ensure that either an Information Report or a General Offense report and a Department of Health and Human Services Protective Custody Report (CS 6723) is completed after placing a child into protective custody.
3. Officers shall release minor(s) to responsible adults designated by the parent(s).
4. If the parent or person accepting custody of the child refuses to sign or is unwilling to sign the Child Authorization Release Form (SPD 152), the minor(s) shall be placed into protective custody.
5. When a community youth service agency requests that a child be placed into protective custody, officers shall follow the procedures outline in this order.
6. Before releasing the minor to the adult(s) designated by the parent(s), officers shall assess the adult's ability to care for the minor(s) and determine if there are any safety hazards that exist at the home of a friend or family member.
7. When an officer places a minor into protective custody, the officer shall complete the CS 673 and forward the original copy to the Records Division. The remaining copies shall be left with the Intake Officer at the Children's Receiving Home.
8. When a minor(s) is released to another person at the parent or legal guardian's request, the officer shall
 - a. Request that the parent or legal guardian relinquish custody of the minor by signing a Child Release Authorization Form (SPD 152).
 - b. Request that the person accepting custody of the minor sign the SPD 152.

B. INJURY

1. When an adult is involved in an incident that results in his/her hospitalization, officers shall
 - a. Ensure that any minors(s) present are properly supervised.
 - b. Release any minor(s) to the non-hospitalized parent, if applicable.
 - c. If both parents are hospitalized and unable to care for their children, the officer shall release the minor(s) to a responsible adult after that person signs the custody acceptance portion of the SPD 152.

C. ARREST

1. When a minor(s) is present upon the arrest of an adult and has not been designated as the victim of a crime, the minor(s) shall be placed with the spouse or with a responsible party designated by the arrested parent who is deemed suitable by the officer to care for the minor. An SPD 152 shall be completed.
2. When one parent is arrested for a crime involving the other parent or minor children as victims, the minor children shall be released to the other parent if hospitalization is not required by any



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victim.

- a. The investigation must reveal that the parent receiving custody is uninvolved in the crime and is suitable to care for the minor(s).
 - b. If the minor children or spouse require medical treatment, it may be necessary to place the children into protective custody.
3. When both parents are arrested for a crime and the children are the victims, the minor(s) shall be placed into protective custody.

D. PROTECTIVE CUSTODY

1. A minor shall be placed into protective custody if the officer has reasonable suspicion that the minor has met the criteria for Welfare and Institution Code (W&IC) 300 AND when the officer has obtained either parental consent, a court order (i.e. warrant) or exigent circumstances exist.
2. Law enforcement has broad authority if exigency exists to place a minor into protective custody under W&I Code Sections 300 (a) through (j).
3. Exigency exists if the minor is at imminent risk of serious physical harm and there is no time to obtain a court order.
4. If it is determined that the minor is at risk of abuse and/or neglect, but exigent circumstances are not present, and parents have not consented to the removal of the minor, a protective custody warrant shall be obtained. The SPD shall notify Sacramento County Child Protective Services (CPS) of the facts and circumstances giving rise to the need for removal. **NOTE: CPS is the only agency authorized by law to file a petition or warrant.**
5. Before placing the child into protective custody, the officer shall take reasonable steps to deliver the child to another qualified parent or legal guardian unless it reasonably appears that the release of the child would endanger the minor or result in a possible abduction.
6. Before taking any minor into protective custody, the officer should make reasonable attempts to contact CPS to ascertain any applicable history or current information concerning the minor(s).
7. Pursuant to W&I Code 305, an officer may, without a warrant, take a minor into temporary custody
 - a. When the officer has reasonable cause to believe that the minor fits the criteria for Section 300 W&I AND that the minor has an immediate need for medical care, or is in immediate danger of physical or sexual abuse, or the physical environment or the fact that the child is left unattended poses an immediate threat to the child's safety or health.
 - b. When the child is in the hospital and the release of the minor to a parent poses an immediate danger to the minor's health and safety.
 - c. When the child is a dependent of the Juvenile Court or concerning whom an order has been made under W&I Section 319 AND when the officer has reasonable cause for believing that the minor has violated an order of the juvenile court or has left any placement ordered by the Juvenile Court.
 - d. When the child is found on any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization, or other remedial care.
8. When an officer is dispatched to assist CPS in removing a minor(s) from a home and the officer's opinion is that a W&I 300 situation does not amount to an "exigency," but CPS intends to remove the minor(s), officers should not participate in the removal. Officers shall stand by upon request to ensure the safety of the parties and keep the peace and document their opinion in an information report.

E. MINORS REQUIRING MEDICAL TREATMENT

1. Officers shall ensure that the minor(s) that requires urgent or lifesaving medical care is transported to the nearest hospital for treatment.
2. If the minor appears sick or has a non-urgent health condition, the officer shall make an



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advisement to the responding transportation worker.

3. In either case, officers shall fill out the Protective Custody Report (CS 673) and have the CPS representative sign to accept custody of the minor(s).

F. TRANSPORTATION OF MINORS PLACED IN PROTECTIVE CUSTODY

1. CPS has the primary responsibility of providing and/or arranging for the transportation of a minor who has been taken into protective custody whenever a CPS social worker is directly involved in the removal of a child from a home.
2. In the event that a CPS social worker is not able to transport a minor, CPS may request an SPD patrol officer to provide transportation that is limited to the following situations:
 - a. The minor does not require a child safety seat.
 - b. There are no other means of transportation available.
 - c. Immediate transportation is necessary for the minor or if the minor is likely to become violent or run away.
 - d. Officers shall request the CPS Emergency Response Team to transport the minor(s) to the Children's Receiving Home whenever they place a minor into protective custody without the involvement of CPS. If for some reason they are not available, officers will perform the transportation.
3. In cases where, as the result of an arrest, officers are involved in the custodial placement of a child, they shall document all circumstances in their report. Officers shall indicate the location from which the child was removed and which party authorized the protective custody hold (i.e. police, parent, guardian, etc.). Officers in doubt as to which action to take should contact their supervisor.
4. When an officer encounters a situation in which the parental custody of a minor(s) is in question, or where there are conflicting court orders, the officer shall place the minor(s) into protective custody. Officers should take measures to resolve all parental issues before placing any minor(s) in protective custody.

G. JUVENILE EMERGENCY PROTECTIVE ORDERS

1. Officers may obtain an *ex parte* emergency protective order (EPO) following the guidelines provided in General Order 533.04 (Domestic Violence) for minors when they reasonably believe that a child is in immediate and present danger of
 - a. Abuse by a family member or a member of the household.
 - b. Abduction by a parent or relative.
2. EXAMPLE: EPO's should only be used if a parent or guardian is willing to protect the minor(s), otherwise a protective custody hold would be appropriate.