



SACRAMENTO POLICE DEPARTMENT GENERAL ORDERS



540.01 PROTECTIVE CUSTODY 02-02-2024

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, officers shall be responsible for the safety and welfare of any minors present with the arrested adult, unless there is another parent present who is not also under arrest.
2. If safe to do so and consistent with this order, officers should release minor(s) to responsible adults designated by the parent(s) or legal guardian(s) (parent or legal guardian will hereinafter be referred to as "parent" for the purposes of this General Order).
3. Before releasing the minor to the adult designated by the parent(s), officers shall assess the adult's ability to care for the minor and any safety hazards that exist at the designee's home.
4. When a minor is released to a parent's designee, the officer shall:
 - a. Request that the parent 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 form SPD 152.
5. If the parent or person accepting custody of the child will not sign form SPD 152, the minor shall be placed into protective custody.
6. When an officer places a minor into protective custody, the officer shall complete the Department of Health and Human Services Protective Custody Report (CS 673) and forward the original copy to the Records Division. The remaining copies shall be left with the Child Protective Services (CPS) employee.
7. When placing a child into protective custody, officers shall ensure that either an information report or a general offense report are completed with the report CS 673.
8. When CPS requests that a child be placed into protective custody, officers shall follow the procedures outlined in this order.

B. INJURY

1. When an adult is involved in an incident that results in their 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 form SPD 152.
 - d. If both parents cannot or will not name a designee, the officer shall place the minor(s) into protective custody.

C. ARREST

1. When a minor is present upon the arrest of an adult and the child has not been designated as the victim of a crime, the minor shall be placed with the other parent, or with a responsible party designated by the arrested parent who is deemed suitable by the officer to care for the minor. Form SPD 152 shall be completed prior to placement.



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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 victim.
 - a. Prior to release, an 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 child or other parent requires medical treatment, it may be necessary to place the child 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.
 - a. If one or both parents are cited and released pursuant to 853.6 PC, officers may exercise their discretion to release a minor back to one or both parents. When confronted with this situation an officer shall consider the type of crime the parent(s) are charged with, the criminal history of the parent(s), the likelihood of future harm to the child, along with any other relevant considerations. Under these circumstances, an officer shall receive Watch Commander approval prior to releasing the child to the parent(s).

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 of Welfare and Institutions Code § 300 AND the officer has obtained either parental consent, a warrant or court order issued by a judge, or exigent circumstances exist (as described in Welfare and Institutions Code § 305 below).
 - a. When the officer has reasonable cause to believe that the minor fits the criteria for Welfare and Institutions Code § 300 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 an order has been made concerning the child under Welfare and Institutions Code § 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.
2. Exigency exists if the minor is at imminent risk of serious physical harm and there is no time to obtain a court order.
3. When placing minors into protective custody, officers shall provide the parent or legal guardian with an information card and the main public line for CPS at 916-875-5437.
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 CPS of the facts and circumstances giving rise to the need for removal.
 - a. CPS is the only agency authorized by law to file a petition or warrant.
 - b. Officers shall confirm the warrant, court order, or exigency prior to becoming involved in the transfer of custody of the minor to CPS.
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. When an officer is dispatched to assist CPS in removing a minor from a home and the officer's



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opinion is that a Welfare and Institutions Code § 300 situation does not amount to an “exigency,” but CPS intends to remove the minor, 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.

a. When officers perform a standby for CPS, they shall advise the CPS workers that the officers on scene are there strictly to provide scene security.

E. MINORS REQUIRING MEDICAL TREATMENT

1. Officers shall ensure that the minor(s) who require(s) 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 advisement to the responding CPS employee.
3. In either case, officers shall fill out 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 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 designated facility whenever they place a minor into protective custody without the involvement of CPS. If for some reason they are not available, officers will provide 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 (e.g., police, parent guardian, court).
4. When an officer encounters a situation in which the parental custody of a minor is in question, or where there are conflicting court orders, the officer shall place the minor into protective custody. Officers should take measures to resolve all parental issues before placing any minor 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 either of the following:
 - a. Abuse by a family member or a member of the household.
 - b. Abduction by a parent or relative.
2. EPOs should only be used if the adult assigned care of the child is willing to protect the minor from the potential for further abuse, otherwise a protective custody hold would be appropriate.