

# SPECIAL ORDER



Subject  
**Care of Minors in the Custody of  
Arrested/Hospitalized Persons**

Series	Number
<b>05</b>	<b>12</b>

Effective Date  
**March 2, 2006**

Related To  
**General Order 305.1 (Handling Juveniles)**

## DISTRICT OF COLUMBIA

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### I. PURPOSE

The purpose of this Special Order is to provide direction and guidance regarding handling minors [as defined in D.C. Official Code § 2-1552(5)], who have not committed a crime, but are in the care/custody of an adult parent/legal guardian who has been arrested, and/or hospitalized, regardless of whether the arrest occurred at the person's home or elsewhere.

Members are reminded of the importance of attending to the needs of an arrestee/hospitalized person's unattended minor, and assist in making temporary arrangements.

### II. DEFINITION

When used in this directive the following terms shall have the meanings designated:

1. Minor – An individual who is under the age of 17 years, to exclude a judicially emancipated minor, or a married minor. [D.C. Official Code § 2-1542(5)]
2. Legal Guardian – Any person who has the authority and duty or responsibility to care for a minor.

### III. REGULATION

Members will remand custody of a minor to another parent or legal guardian, or if none is present, the Child and Family Services Agency (CFSA) when, in accordance with D.C. Official Code § 16-2309(a)(3), the member has reasonable grounds to believe that the minor is in immediate danger from his/her surroundings, and that the removal of the minor from his/her surroundings is necessary.

### IV. PROCEDURAL GUIDELINES

- A. Minors are considered to be in immediate danger when the minor's parent/legal guardian has been arrested and taken into custody, and/or

hospitalized, and there is no other parent or legal guardian to take custody of the minor. (CALEA 44.2.2-6)

- B. The member shall:
1. Request a supervisor respond to the scene;
  2. Inquire to determine if a parent/legal guardian is available to take custody of, and responsibility for, the minor (CALEA 44.2.2.e.);
  3. If a parent/legal guardian is available, verify the identity of the individual, and document in the PD 252 (Supplemental Report) upon release of the minor to that parent/legal guardian. (CALEA 44.2.2.0.e.)
  4. Not allow any person, except a parent/legal guardian to take custody of the minor. Only the CFSA representative **on the scene** shall determine whether the minor will be released to someone other than the parent/legal guardian.
  5. When unable to locate a parent/legal guardian to take custody of the minor, complete a PD 379-B (Child Abuse and Neglect Complaint). Place a check in the box marked "Otherwise Endangered" for classification. (CALEA 82.2.1.a-c)
  6. The PD 379-B shall contain the following information related to the minor: (CALEA 82.2.a-c)
    - a. Name of minor;
    - b. Date of birth and sex of the minor;
    - c. Address and phone number of minor;
    - d. Description of clothing, and emotional and physical condition of the minor;
    - e. Name, address, and phone number of parent/legal guardian of the minor; and
    - f. Date, time, location, and circumstances of the incident in which the minor was left unattended;

(1) Based on maturity and physical attributes, some minors may look older, and may be reluctant to identify themselves as a minor. Members must use discretion when determining if additional questions should be asked to identify age.

- (2) Appropriate questions may include: “When were you born? Do you have a school identification card? What school do you attend?”
7. Conduct a Washington Area Law Enforcement System (WALES) record check of the minor, and of the parent/legal guardian taking custody of the minor. Members shall handle an outstanding Custody Order, missing person report, etc., in accordance with General Orders 702.2 (Juvenile Custody Orders), 305.1 (Handling Juveniles), 702.1 (Arrest and Bench Warrants) and GO-OPS-304.03 (Missing Person Reports), as applicable. (CALEA 81.2.9.)
8. Contact CFSA via the dispatcher, or by calling directly (See Attachment A of this directive).
  - a. Obtain and record on the PD 252 the name of the CFSA worker and CFSA supervisor notified, and the date and time of the notification.
  - b. Provide the results of the WALES record check to the CFSA representative.
  - c. Arrange to have a CFSA worker respond to the scene to take custody of the minor, or if necessary, arrange to have the minor transported to CFSA.
    - (1) **Under no circumstance is a minor to be left unattended, or in the care of any person other than a parent, or court-appointed legal guardian.**
    - (2) **The CFSA is the “custodian of record” for all unattended minors in the District of Columbia. Only the CFSA representative on the scene shall determine whether the minor will be released to someone other than the parent/legal guardian.**
  - d. If MPD is able to transport the minor to CFSA, ensure the minor is NOT transported in the vehicle with the arrested parent/legal guardian, in accordance with General Order 305.1.
  - e. Transport the minor in a child restraint seat in accordance with D.C. Official Code § 50-1703. (CALEA 41.3.3.)
    - (1) If the minor is less than three years of age, he/she shall be properly restrained in a child restraint seat.
    - (2) If the minor is under 16 years of age, he/she shall be properly restrained in an approved child safety

restraint system, or restrained in a seat belt. Children under eight years of age shall be properly restrained in an installed infant, convertible (toddler) or booster child safety seat according to the manufacturer's instructions. A booster seat shall only be used with both a lap and shoulder belt.

9. The name of the person taking custody of the minor, and the CFSA member approving custody, shall be documented in the PD 252.
  10. Ensure the following persons/elements are notified, and documented in the PD 252:
    - a. District Watch Commander;
    - b. Youth Investigations Branch (YIB); and
    - c. Synchronized Operations Command Center (SOCC)
      - (1) The name of the minor involved shall not be provided to the SOCC, or included in the SOCC report.
      - (2) All inquires shall be referred to the YIB.
- C. In the event an arrestee/hospitalized person is:
1. Unwilling or unable to properly identify the minor in his/her care, and the minor is too young to identify himself/herself, or does not have the ability to do so, or
  2. Arrested for charges related to the abuse of the minor, the member **MUST** remand custody of the minor to CFSA, and shall contact YIB for assistance and guidance regarding the processing of the arrest. Ensure the PD 251, 379-B, and any other applicable forms are completed, and contain:
    - a. A detailed physical description of the minor, to include the clothing, emotional and physical condition of the minor. This information shall be shared with CFSA to ensure a concerted, comprehensive effort can be undertaken to identify proper caretakers.
    - b. The circumstances that necessitated the need for intervention by CFSA. (CALEA 82.2.1.a-c)
- D. If a member is notified at the scene of an arrest or hospitalization that a minor is at the home and is unattended, or is at some other location within the District of Columbia and unattended, the member must respond, or have a

unit respond to that location to ensure the safety of the minor, and remand custody of the minor to CFSA in accordance with this directive.

- E. If the parent/legal guardian and the minor live in another jurisdiction, the member must release the minor to a parent/legal guardian, or remand custody of the minor to CFSA in accordance with this directive. Members shall not transport minors to any jurisdiction outside the District of Columbia.
  - 1. The member shall ensure he/she informs the parent/legal guardian of the minor's location, and provide that person with the CFSA phone number and address.
  - 2. This notification shall take place at the scene of the arrest, or hospitalization, or as soon as practicable.
  - 3. The member shall notify the local law enforcement authorities of the involved jurisdiction, provide them with the CFSA phone number and all other applicable information, and document in the PD 379, 251, and 252 the name and phone number of the person notified, to include the time and date of notification, and the agency at which the person works.

## **V. ROLES AND RESPONSIBILITIES**

- A. The Commanding Officer, YIB, shall:
  - 1. Ensure that all members of YIB are familiar with the contents of this directive so that appropriate assistance is provided to members requesting guidance.
  - 3. In conjunction with the Institute of Police Science, develop Roll Call and In-Service training regarding the proper handling of unattended minors.
- B. District Commanders shall ensure members:
  - 1. Are familiar with the contents of this directive; and
  - 2. Attend Roll Call and In-Service training regarding the proper handling of unattended minors as the training becomes available.
- C. Commander, Institute of Police Science, shall ensure that the training is developed and conducted regarding the proper handling of unattended minors in conjunction with the Commanding Officer, YIB.

## **VI. CROSS REFERENCES**

- A. General Order 701.2 (Arrest and Bench Warrants)
- B. General Order 702.2 (Juvenile Custody Orders)

- C. General Order 305.1 (Handling Juveniles)
- D. GO-OPS-304.03 (Missing Person Reports)
- E. Circular 99-14 (Juvenile Curfew Act of 1995)

**VII. ATTACHMENT**

Attachment A: Telephone and Address Directory for CFSA

//SIGNED//  
Charles H. Ramsey  
Chief of Police

CHR:MJF:SOA:DAH:JAH:mck