

CITY OF BUFFALO
DEPARTMENT OF POLICE



General Order

General Order Number: 2021-019	Date Posted: 7/27/21	Effective Date: 7/28/21
Subject: Addition of Ch 2 Sect 17 (Safeguarding Children) to the MOP	Effective Time: 0600	

The Buffalo Police Department Manual of Procedures has been updated to include Chapter 2 Section 17 (Safeguarding Children). The new section reads as follows:

17.0 SAFEGUARDING CHILDREN

17.1 POLICY

It is the policy of the Buffalo Police Department (hereinafter “Department” or “BPD”) to establish child-sensitive policing protocols to minimize trauma experienced by a child, present or not present, whose parent is arrested or who is present during execution of a search warrant; and that officers are trained to identify and respond effectively to the child, and support the child’s physical safety and well-being. The primary goal of this policy is to minimize trauma experienced by the child while maintaining the integrity of police operations and the safety of officers, suspects, and other involved individuals. Whenever possible, a child should be diverted from official custody and be placed with a responsible caregiver. Recognizing that this is a shared responsibility, it is the intention of the Department to establish new and enhance existing collaborations between the Buffalo Police Department and other key partner organizations to fully implement this policy.

This policy provides helpful guidance to officers to minimize trauma to a child they encounter while carrying out their duties in responding calls for service or performing search or high-risk arrest warrants.

17.2 DEFINITIONS

A. Caregiver

A responsible adult selected to temporarily care for the child in situations where an 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, if they are willing and able.

B. Child

Any unemancipated person under the age of 18, or as otherwise defined by state law, whether or not he or she is present at the arrest (As used herein, “child” refers to both an individual child and multiple children.)

C. Child Protective Services (CPS)

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.

D. Parent

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.

E. Partner Organization

An agency or non-profit organization with interests aligned with the Department with regard to safeguarding a child from trauma when his or her parent is arrested or who is present when a search warrant is executed and which has the capacity to provide trauma-informed services to a child at the time of, or shortly following the event.

F. Responsible Adult

An individual over 18 years of age who has an existing positive relationship with a child and volunteers to temporarily care for a child in a situation where the parent is unavailable.

G. 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.

17.3 PROCEDURES

A. The Commissioner of the Buffalo Police Department shall designate a high level liaison that is responsible for ensuring that this policy is implemented throughout the department.

B. The Department will enter into data sharing agreements to the extent authorized by law, to enable partner agencies to provide services to a child following the arrest of a parent or performance of a search or high-risk arrest warrant.

C. This Department shall have a cooperative agreement with Children's Services/ CPS and other partner organizations that will aid law enforcement when a child's parent is arrested in an effort to ensure that trauma-informed services are provided to the child during or shortly following the arrest of a parent.

D. The Department or a designated community partner shall convene regular meetings involving all partner organizations to review and evaluate the effectiveness of joint operational protocols, make improvements where necessary, and develop plans to expand services for a child after a parent is arrested.

E. Officers shall be provided with a list of agencies that have partnered under the cooperative agreement, along with contact information for each. These agencies may be contacted by the

arresting officer, or another component of this department, when officers need assistance during the arrest of a parent.

17.4 TRAINING

- A. The Department will work with a partner organization to provide training to all officers on this policy, which shall include training on trauma and trauma-informed responses by law enforcement officers, child development and the effects of trauma on children so that officers can effectively support the well-being of a child. Officers shall be trained to effectively communicate with the child using developmentally appropriate language during a parental arrest or while performing a search warrant.
- B. Training will be made available to partner organizations and Children's Services/CPS staff on the role, responsibilities, and protocols of BPD officers under this policy. Cross training will be made available to officers of this department by Children's Services/CPS staff and representatives of other partner organizations on their roles, responsibilities, and policies for supporting a child affected by parental arrest or execution of a search warrant.
- C. Video training materials will be available for call takers at the emergency communications center (hereinafter "ECC") and dispatch personnel to increase awareness of the trauma experienced by children who are present at the arrest of a parent, or during other police enforcement activities. Where possible, call takers and dispatch personnel shall report when a child is present at the scene of a reported incident to inform responding officers.

17.5 SAFEGUARDING CHILDREN WHEN PERFORMING A SEARCH WARRANT

- A. When performing a search warrant, officers should review and familiarize themselves with this policy.
- B. When officers have reason to believe that a child may be present, officers should take particular care to:
 - 1. Include in the pre-plan for the search warrant, measures to minimize potential trauma on the child;
 - 2. When reasonably possible, delay the search until the child is not likely to be present (e.g., at school or daycare), or consider another time and place for performing the search warrant;
 - 3. Whenever reasonably possible, avoid handcuffing or questioning persons present, or displaying a firearm in the presence of a child; and

4. Make arrangements for a translator (via current BPD policy- see General Order 2016-001) if persons present are not English-language proficient. A parent should not be allowed to interpret for a child and a child should not be allowed to interpret for a parent.

17.6 MAKING AN ARREST

A. General Procedures:

1. The officer shall make a reasonable attempt to inquire whether the person arrested is a parent of a child who would need arrangements for their care because of the arrest, including 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.
2. Adults may be reluctant to disclose the presence of, or responsibility for, a child for fear that they may lose custody. Therefore, when making an arrest, and when safe to do so, the officer shall be aware of any items in plain view that may indicate the presence of a child, such as toys, diapers, and similar items.
3. If a parent is responsible for a child, whether or not the child is present, a determination regarding appropriate placement shall be made to the extent reasonably possible, as laid out in this Policy.

B. When a Child is Present, the officer shall:

1. Take custody of the child in accordance with state law when the officer reasonably believes there is a threat of imminent danger to the child.
2. In making the arrest, whenever reasonably possible, avoid handcuffing, questioning, or displaying a firearm in the presence of a child.
3. Reasonably avoid the use of force including use of force to physically separate a child from the arrested parent.
4. When possible, permit the parent being arrested to speak with the child prior to being removed from the premises.
5. Designate an officer to remain with and be responsible for a child until the child is in the care of an authorized community partner or responsible adult.

C. When a Child is Not Present:

1. If the arrest occurs while the child is not present (e.g., at school or daycare), the officer should discuss designating a caretaker with the parent and arrangements about how the child will be picked up and by whom. If the parent is not available to designate a caregiver for the child,

ensure that appropriate arrangements are made through the department, a partner organization or CPS to place the child with a responsible adult.

17.7 DETERMINING APPROPRIATE PLACEMENT OF A CHILD

- A. When child abuse or child neglect is suspected, refer to BPD Manual of Procedures Chapter 2 Section 16.
- B. The child should be placed with the other parent if this individual is capable of assuming responsibility for and care of the child.
- C. 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.
- D. In accordance with the BPD Body Worn Camera agreement, the officers shall record the designation on the officer's body-worn camera.
- E. If the parent is not willing or able to identify a caregiver, the officer shall take reasonable measures to locate a relative or other responsible adult for the child.
- F. The parent has the right to designate a caregiver for his or her child. When the potential caregiver is not designated by a parent, the officer should, to the extent feasible, conduct further inquiry. These inquiries shall include an NCIC check or access to other sources to identify any arrests/convictions for child abuse, sexual crimes, domestic violence, recent arrests for serious drug offenses, or other recent violent felony violations which would disqualify the individual from taking custody of the child. Officers shall also inquire as to any court ordered custodial arrangements and/or orders of protection.
- G. If questions should arise concerning the capability or competency of the second or another caregiver, the officer should request assistance from a supervisor.
- H. The officer should examine photo identification to confirm the caregiver's identity and record the details in the applicable record management system.
- I. While waiting for the arrival of a caregiver, the officer shall remain at the premises or take the child to a District Headquarters with child- friendly space or to a designated community-based partner site to wait for the caregiver.
- J. If it is not reasonably possible to identify a caregiver, and alternative arrangements cannot be made through partnering agencies, the officer shall notify CPS of the need for emergency placement of the child.

17.8 INTERACTING WITH A CHILD

- A. Where appropriate and safe, the parent should be given an opportunity to reassure the child and explain what is happening.
- B. 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 and cared for.
- C. When reasonably possible, the officer shall ask the parent about items or objects that provide comfort to the child, such as toys, clothing, blankets, photographs or food that can be taken with the child.
- D. The officer shall ask the parent about any medical, behavioral, or psychological conditions and/or required medications or treatments of the child that would become the responsibility of a caregiver.

BYRON C. LOCKWOOD / COMMISSIONER OF POLICE