

DGO 7.04 Public Comment Responses

#	Public Comment	Date Received	Joint response	Explanation
R1	"Officers should not be able to contact FCS if one parent is arrested and there is another parent present"	3/14/23	Recommendation will not be included in Draft DGO	Both SFPD and DPA agree that the child of an arrested parent should be placed with another parent if that parent can legally assume responsibility for the child and is capable of doing so as the DGO explicitly states in Section 7.04.04.B. The reason behind contacting FCS is not to separate the child from the parent who has not been arrested. Rather, it is to verify that that parent is legally allowed to have contact with the child. Contacting FCS for this limited purpose maintains the goal of safeguarding the child of the arrested parent.
R2	"FCS should not automatically be on scene when arresting a parent. They can be on call if the detainee does not have another parent in the picture or a caregiver"	3/14/23	Recommendation will not be included in Draft DGO	This DGO does not mandate that FCS be called to the scene in every instance. It simply requires officers contact FCS when a parent is arrested and the other parent (or caregiver designated by the arrested parent) is safe to assume care of the child. Section 7.04.04(A)2 states, "When reasonably possible, officers should attempt to make the arrest away from the child or at a time when the child is not present. If delaying the arrest is not possible, arrangements should be made in advance to have representatives from FCS at the scene or on call."
R3	"If a child is not present during the time of arrest with the parent, there should not be a determination regarding appropriate placement"	3/14/23	Recommendation will not be included in Draft DGO	The purpose statement of the Draft DGO 7.04 (7.04.01) and policy section (7.04.03) discuss this issue. Whether or not the child is present during the arrest is irrelevant to whether the child needs safeguarding. The goal is the welfare of the child, and determining safe placement is paramount especially if, as the policy states, "in the event the parent does not designate placement, or no responsible caregiver exists."
R4	"The term "child" is in direct conflict with the draft of DGO 7.01. The term and definition, as used in 7.01 is based on the legal requirement to treat "children" and "youth" differently when arrested for 602 offenses."	3/18/23	Recommendation will not be included in Draft DGO	DPA and SFPD disagree with this suggestion and have determined that "child" and "children" will be used throughout DGO 7.04. We do not believe this will create confusion for officers as DGO 7.01 addresses punitive measures relating to youth offenders, where the need to delineate between a 17 year old and an 11 year old is necessary for the enforcement of such punitive measures. In contrast this DGO discusses children of arrested parents and may be victims of the circumstance. This does not require a delineation and applies to anyone under the age of 18. As such, DPA and SFPD agree that the term "child" should not be changed to "youth" in DGO 7.04.
R5	"The definition of "responsible adult" needs to mirror the definition that is used in the current draft of DGO 7.01 which is based upon the SF Admin Code."	3/18/23	Recommendation will not be included in Draft DGO	The "Responsible Adult" definition in DGO 7.01 is based upon SF Administrative Code 96C, a local ordinance, which deals with Police interrogations of Youth and as such expanded this definition to allow detained youth broader options for adults to be present during custodial interrogations. The definition of "Responsible Adult" in Draft DGO 7.04 is specific to those who can assume care and who can pass a preliminary National Crime Information Center (NCIC) check and clear a child protection registry background check. This definition is more narrow than the definition in SF Administrative Code 96A to ensure heightened safeguards are in place. In any case, the term "responsible adult" does not appear anywhere other than the definition so the Department and DPA have agreed to change this term to "caregiver".

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R6	Not all search warrants results in an arrest so section A title is a little misleading. Prior Notification to FCS regarding an arrest could compromise officer safety, so additional language should be added to address this.	4/21/23	Recommendation has been included in draft DGO	DPA and SFPD do not believe that the Section 7.04.04(A) title (Making an Arrest or Executing a Search Warrant) is misleading. However, we do agree with the commenter that clarifying language should be added. Changes were made to incorporate this recommendation. See 7.04.01(A)(2)(a) "Due to the confidential nature of search warrants, officers shall not disclose information relating to a search warrant to any member of FCS prior to the execution of the search warrant."

DPA Recommendation and Department Response

#	DGO 7.04 Recommendations	Date recommendation received	SFPD response	SFPD explanation	Open/Closed
R1	<p>The 7.04.01 Purpose Statement should state as follows: " This DGO establishes policies and procedures for instances when a parent, who has responsibility for a child, is arrested. Specifically, this policy outlines our collaboration and partnership with Family and Children Services (FCS), and details procedures for the proper placement of children of arrested parents, notification requirements to FCS, and guidelines for the preparation of incident reports in these instances.</p> <p>The goal of responding officers is to minimize trauma experienced by the child who witnesses a parent’s arrest and the separation caused by the arrest, and to determine the safest alternative care for the children."</p>	7/11/22	Recommendation has been included in draft DGO		
R2	DPA recommends adding recommendations for Parent, Caregiver, and Responsible adult as defined in DPA's draft dated July 11, 2022	7/11/22	Recommendation has been included in draft DGO		
R3	<p>The 7.04.03, Policy section should read as follows:</p> <p>"A. Officers shall contact FCS as soon as practical in all instances where a parent who has responsibility for a child, is arrested, regardless of whether a second parent is present.</p> <p>B. Parents retain the right to designate appropriate placement for their child, provided the designation is consistent with the procedures outlined below, and there is no compelling evidence to demonstrate that the parent’s right to designate placement should be denied (e.g. identifiable drug use, domestic violence, child abuse or neglect, exploitation, sexual crimes, weapons). Whenever possible, the child should be diverted from official custody and be placed with a responsible caregiver. However, FCS maintains the ultimate responsibility for designating placement in the event the parent does not designate placement, or that no responsible caregiver exists. "</p>	7/11/22	Recommendation has been included in draft DGO		
R4	<p>7.04.04 Procedures, Section A. 1-4 should read:</p> <p>"Responding officers shall ensure children are protected and assist FCS by adhering to the following procedures:</p> <p>A. Making an Arrest or Executing a Search Warrant</p> <ol style="list-style-type: none"> 1. When making an arrest or executing a search warrant, officers shall inquire about the presence of a child for whom the arrested adult has responsibility. If the arrest is made in a home environment, officers should be aware of items which suggest the presence of a child such as toys, clothing, formula, bunk bed, diapers, etc. 2. When reasonably possible, officers should attempt to make the arrest away from the child or at a time when the child is not present. If delaying the arrest is not possible, arrangements should be made in advance to have representatives from FCS at the scene or on call 3. When reasonably possible, officers shall determine if the arrestee and other family members are English-language proficient. <ol style="list-style-type: none"> a. If the arrestee and/or other family members are not English-language proficient, arrangements should be made to provide an interpreter. A parent should not be allowed to interpret for a child, and a child should not be allowed to interpret for a parent. 	7/11/22	Recommendation has been included in draft DGO		

DPA Recommendation and Department Response

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R5	<p>7.04.04 Procedures, Section A. 5 should read: <input type="checkbox"/></p> <p>"5. <i>When a Child is Present</i></p> <p>If a child is present during an arrest, the responding officers shall:</p> <p>i. <input type="checkbox"/> 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.</p> <p>ii. <input type="checkbox"/> Make the arrest, whenever reasonable and prudent, including handcuffing and questioning, in a location away from the child's sight and hearing.</p> <p>iii. <input type="checkbox"/> Determine whether the arrestee will be permitted to speak with the child prior to being removed subsequent to the arrest.</p> <p>iv. <input type="checkbox"/> Determine whether the non-arrested parent, an adult relative or a responsible caregiver is willing to take responsibility for the child.</p> <p>v. <input type="checkbox"/> Remain at the scene until the child is in the care of a caregiver or FCS.</p>	7/11/22	Recommendation has been included in draft DGO		
R6	<p>7.04.04 Procedures, Section A. 6 should read:</p> <p>"6. <input type="checkbox"/> When a Child is Not Present</p> <p>When a child is not present, the officer shall:</p> <p>i. <input type="checkbox"/> Ensure that appropriate arrangements are made, either through SFPD or FCS, to place the child with a caregiver.</p> <p>ii. <input type="checkbox"/> If the arrest occurs while the child is not present (e.g. at school, daycare, etc), the officer should be prepared to discuss with the arrested person how the child will be picked up and by whom."</p>	7/11/22	Recommendation has been included in draft DGO		
R7	<p>DPA recommends adding a section called "Placement" as section B under 7.04.04. (See DPA redlined version) Add the following language: " B. Placement Designation</p> <p>1. The child should be placed with another parent if the individual is capable of assuming responsibility for and care of the child. If questions arise concerning the capability or competency of the second parent, the officer shall request assistance from a supervisor.</p> <p>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.</p>	7/11/22	Recommendation has been included in draft DGO		

DPA Recommendation and Department Response

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R8	<p>The following language should be added "Placement" section 7.04.04.B.3:</p> <p>3. Members shall conduct a preliminary criminal background check and contact FCS to determine if the person willing to take responsibility for the child has a history of child abuse. Any history of sexual crimes, 290 PC registration status, or violence against children disqualifies the adult from assuming responsibility for the child. However, this does not apply to the non-arrested parent unless there is a court order limiting contact with the children. In any event, officers shall notify the FCS worker of the intended placement. (Refer to DGO 7.01 III A. 1 through 6 for 300 W&I criteria)</p> <p>a. To contact FCS, officers shall call 558-2650, identify themselves and the nature of their call, and ask for an expedited response or call back from FCS. FCS workers have been advised to expedite these calls to officers and/or supervisors in the field.</p> <p>b. If the arrested parent's children are at school at the time of the parent's arrest, in addition to contacting FCS, the responding officer shall contact the School Resource Officer (SRO) of that school. If the SRO is not available, the responding officer shall advise the school principal or the principal's designee of the parent's arrest and provide placement information if it is available.</p> <p>c. The reporting officer shall include the following in the incident report:</p> <p>i. The identity and biographical information of the child involved;</p> <p>ii. Whether or not he or she was present at the arrest;</p> <p>iii. Any of the child's special needs such as medical or mental health conditions, physical impairments or limitations, allergies, or developmental disorders;</p> <p>iv. The identities, addresses, and contact information of the adult with whom the child was left;</p> <p>v. Any contact information of other family members the officers identified to assist FCS, in case future placement is necessary;</p> <p>vi. The name and contact information of the FCS worker and school personnel contacted for notification purposes</p>	7/11/22	Recommendation has been included in draft DGO		
R9	<p>7.04.04.(Procedures) B. (Placement) 4-5 should read:</p> <p>4. If possible, a secondary caregiver should also be identified.</p> <p>5. If the arrested parent is unable or 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 FCS"</p>	7/11/22	Recommendation has been included in draft DGO		
R10	<p>7.04.04 (Procedures) C. Interacting with a Child should be added as follows:</p> <p>"C. Interacting with a Child</p> <p>1. Where appropriate and safe, the parent should be given an opportunity to reassure the child and explain what is happening.</p> <p>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.</p> <p>3. When reasonably possible, the officer shall ask the parent about items or objects that provide particular comfort to the child, such as toys, clothing, blankets, photographs or food that can be taken with the child.</p> <p>4. The officer shall ask the parent about any medical, behavioral, or psychological conditions and/or required treatments of the child that would become the responsibility of a caregiver."</p>	7/11/22	Recommendation has been included in draft DGO		

DPA Recommendation and Department Response

#	DGO 7.04 Recommendations	Date recommendation received	SFPD response	SFPD explanation	Open/Closed
R11	7.04.04 (Procedures) D. Booking should be added as follows: "D.Booking 1.The booking officer shall ask the arrestee if the arrestee is responsible for a child. 2.If the 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 or FCS. 3.The name, address, and phone number of the caregiver shall be entered into the booking record."	7/11/22	Recommendation has been included in draft DGO		
R12	DPA recommends changing DGO title to "Safeguarding Children of Arrested Parents"	7/11/22	Recommendation has been included in draft DGO		
R13	DPA recommends expanding this DGO to include dependent adults such as special needs.	7/11/22	Recommendation will not be included in draft DGO because not warranted or reasonable	It is recommended that a separate DGO be drafted that explicitly details the policies/procedures of the Department with regard to Dependent Adults and the arrest of their Caregiver, as that policy/procedure would most likely include input from several City agencies, including Adult Protective Services (APS)	

Informal Working Group Recommendation and Department Response

Jeff Ross – SF District Attorney’s Office
 Sarah Metz – UCSF Trauma Recovery Center
 Jessica Marques – Department of Public Health
 Gloria Samayoa – Department of Public Health
 Brad Allred – SF District Attorney’s Office
 Kimiko Burton – City Attorney’s Office
 Jessica Mateau-Newsome – Child Protective Services

As I stated in previous emails, this group has not provided me with any recommendations regarding updates and/or additions to the General Order, and all believe it is fine as written.

#	DGO 7.04 Working Group Recommendations	Date recommendation received	SFPD response	SFPD explanation	Open/Closed
R1	Family & Children Services (FCS) recommends including a timeframe on when officers are required to notify FCS that aligns with current mandated reporting laws. FCS recommends the policy state officers shall contact FCS from the scene if there are children present during an arrest of a parent.	10/19/21	Recommendation has been included in draft DGO	The draft DGO has been updated to include the following statement as it relates to the contact and notification of FCS: <i>"Members shall contact and notify Family & Children Services (FCS) from the scene and as soon as practical."</i>	