



Tulsa Police Department

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Policy # 121F

Effective Date 06/21/2018

Policy Name Emergency Placement of Children in Protective Custody

Approved Date 06/21/2018

Approved by *Wendell Franklin, Chief of Police*

Previous Date 09/24/2009

PURPOSE OF CHANGE:

Update the Exploitation Unit is now the Sex & Violent Offender Registration Unit (SVOR).

POLICY:

The Tulsa Police Department responds to various calls in which circumstances may require placing children in emergency or protective custody. When officers encounter situations where reasonable suspicion that an imminent safety threat to a child exists due to abuse and/or neglect and protective custody of the child has been assumed, officers shall make every good faith effort to partner and coordinate with DHS in decisions regarding whether the child can be protected through placement with relatives or others without the need for a court order placing the child in the emergency custody of DHS. All decisions to take children into emergency or protective custody will be made in accordance with provisions of this policy, 10A O.S. § 1-4-201 and 10A O.S. § 1-4-202.

SUMMARY: Procedures for placement of children in emergency or protective custody.

APPLIES TO: All sworn personnel

DEFINITIONS:

RISK – the likelihood that an incident of child abuse or neglect will occur in the future.

SAFETY THREAT – the threat of serious harm due to child abuse or neglect occurring in the present or in the very near future and without the intervention of another person, a child would likely sustain severe or permanent disability or injury.

IMMINENT SAFETY THREAT – a safety threat threshold considered for removing a child from his or her home due to impending abuse or neglect.

PROTECTIVE CUSTODY – the custody of a child taken by a law enforcement officer without a court order due to reasonable suspicion of an imminent safety threat.

EMERGENCY CUSTODY – custody by DHS of a child prior to adjudication of the child following issuance of a written or verbal order of the district court pursuant to Title 10A O.S. § 1-4-201 or following issuance of an order of the district court pursuant to an emergency custody hearing, as specified by Title 10A O.S. § 1-4-202.

PROCEDURES:

1. A child may be taken into protective custody by an officer without a court order if the officer has reasonable suspicion that:
 - a. The child is in need of immediate protection due to an imminent safety threat, or
 - b. The circumstances or surroundings of the child are such that continuation in the child's home or in the care or custody of the parent, legal guardian, or custodian would present an imminent safety threat to the child.

2. The risk to each child in the household must be evaluated on an individual basis to determine if that child should be taken into protective custody.
3. When officers encounter a situation where children may need to be removed from an unsafe environment that reaches the threshold of an imminent safety threat they will:
 - a. Remove the children from the area immediately if the environment is imminently dangerous or the situation is volatile enough to present an immediate hazard to the children or the officer.
 - b. Contact DHS' emergency response team to request a "joint response" at [REDACTED] or through the service dispatcher as soon as a safe environment or stable situation is established.
 - c. Contact the appropriate on-call detective, for example, Child Crisis, Sex Crimes or SVOR, via dispatch.
 - d. Unless a safety issue prevents officers from doing so, they will remain at the scene and confer with DHS emergency response personnel upon their arrival as to the best placement alternative for the children.
 - e. Officers who take a child or children into their protective custody will be responsible for those children until DHS finds alternate placement or the state assumes custody.
4. Officers and DHS personnel shall make an effort to locate, notify and place the child with a safe and protecting non-custodial parent, relative or kinship adult. DHS will determine the suitability of a person identified as possible placement options for the children according to their current protocols. When necessary, DHS will contact the on-call Assistant District Attorney and the on-call judge to obtain a written or verbal order placing emergency custody of the child with either a suitable adult or DHS pending the emergency custody hearing.
 - a. State statute does not define the force authorized to enforce a written or verbal emergency custody order. Judges of the juvenile court can be contacted by DHS via the on-call phone to authorize "reasonable" force on a case by case basis. Officers need not place the child in danger of physical harm to enforce the order. Unless exigent circumstances exist, forced entry will not be made to enforce such orders.
 - b. Under no circumstances, shall a child be placed with or in the custody of an individual subject to the Oklahoma Sex Offenders Registration Act or an individual who is married to or living with an individual subject to the Oklahoma Sex Offenders Registration Act.
5. DHS and law enforcement will jointly determine how to handle the arrangements for children to be transported to an alternative placement.
6. If the safety evaluation performed by DHS indicates the child does not face an imminent safety threat, DHS shall restore the child to the custody and control of the parent, legal guardian, or custodian of the child.
7. The on-call judge will be contacted by DHS to resolve any dispute between DHS and officers regarding emergency custody or placement of a child taken into protective custody.
8. Officers shall assist DHS when a written or verbal order from a judge is issued to take children into emergency custody.
9. Any parent who has been arrested for a matter unrelated to child abuse or neglect of their child shall be allowed to consent in writing to allow another person to assume physical custody of the child.
 - a. Officers will complete a "Consent for Physical Custody of Children" waiver which will be signed by the parent and the person assuming custody of the child. The waiver will be submitted with any reports related to the arrest. (The "*Consent for Physical Custody of Children*" waiver is available in the doc library in the investigative folder).
 - b. If the officer has reason to believe that the child would be at risk with the person designated by the parent, the officer may proceed by contacting the DHS emergency response team to obtain verbal consent of the on-call Juvenile Court Judge to place the child in emergency custody with DHS.

REGULATIONS:

1. When officers encounter a situation where children may need to be removed from an unsafe environment, they will ensure that a stable situation or safe environment is established and contact DHS' emergency response team.
2. Officers shall make a good faith effort to partner and coordinate with DHS in decisions regarding the placement of children into protective custody.
3. Any parent arrested for a matter unrelated to child abuse or neglect of their child shall be allowed to consent, by signing a written waiver, for another person to assume physical custody of the child. (The "*Consent for Physical Custody of Children*" waiver is available in the doc library in the investigative folder).
4. Any dispute between DHS and officers regarding protective custody or placement of a child taken into protective custody by officers shall be resolved by the on-call judge.
5. Officers shall assist DHS when a written or verbal order from a judge is issued to take children into emergency custody.

REFERENCES:

10A O.S. §1-1-105
10A O.S. § 1-4-201
10A O.S. §1-4-202
10A O.S. § 1-4-501
122A, *Missing Persons/Runaways*
TOG 2014