

MONTCLAIR POLICE DEPARTMENT

POLICY & PROCEDURES



SUBJECT: ALTERNATE CARE FOR ARRESTEE DEPENDENTS

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BY THE ORDER OF:
Chief of Police Todd M. Conforti

PURPOSE The purpose of this policy is to maintain compliance with the N.J. Attorney General's model policy on *Alternate Care for Arrestee's Dependents*.

POLICY It is the policy of the Montclair Police Department to provide persons taken into custody by this department a reasonable opportunity to arrange for the care of children or persons dependent upon the arrestee for their care, sustenance and supervision. When the arrestee is unable to arrange for the care of dependent persons, this department will notify the appropriate municipal, county or state agencies of the need for alternate care for the arrestee's dependents. This department will not take direct responsibility for providing alternate care for any arrestee's dependents.

PROCEDURES

I. DEFINITIONS

- A. Alternate care means someone, other than the arrestee/detainee, who will care for the arrestee/detainee's dependent(s) while the arrestee/detainee under arrest or is detained for a period exceeding two hours. A family member, appropriate adult friend, or municipal, county, or state agency can provide alternate care.
- B. Appropriate adult shall mean a competent adult or competent emancipated minor to whom an arrestee is comfortable with entrusting their dependent.
- C. Arrestee/detainee is an individual that is in the custody of this department as required by law, public safety, or the safety of the individual.
- D. Dependent is an individual, who resides with and/or is dependent on the arrestee for their primary care, sustenance, or supervision. Dependent individuals may be a child, handicapped person of any age, elderly person, or a person in need of continued medical care.

II. GENERAL

- A. The existence of arrestee dependents should not be the determining factor as to whether the arrestee is held in custody or released.
- B. Whenever a person is subjected to custodial arrest, or is likely to be detained for investigation for more than two (2) hours, and is accompanied by a child or other person dependent upon the person for care, sustenance or supervision, the following procedures must be followed:
 - 1. If another appropriate adult is present with the person arrested or detained, the arrestee or detainee will be permitted to place the dependent in the care of that person.
 - 2. If another appropriate adult refuses custody or is not present:
 - a. The officer may remain at the scene with the arrestee for a reasonable time to arrange for an appropriate adult or the dependent will be transported to headquarters. The dependent may be transported with the arrestee or in a separate vehicle as dictated by the circumstances of the arrest.
 - b. If the dependent person must remain at the scene, a patrol supervisor shall ensure that an officer or other appropriate adult temporarily remains at the scene with the dependent person while the arrestee concurrently makes arrangements from police headquarters for the alternate care of the dependent
 - 3. The arrestee/detainee shall be permitted a reasonable opportunity to make arrangements by telephone for alternate care for the dependent. If contact cannot be made by telephone, an officer should be assigned to make the necessary notification in person. If the appropriate adult resides outside of Montclair, the police department with jurisdiction should be contacted to make the notification.

4. If the arrestee is unable to arrange for alternate care for the dependent(s), the officer shall cause notification to the appropriate social service organization of the arrest and the need for alternate care.
 - a. [New Jersey Department of Children & Families](#) (1-877-652-2873) or the [Division of Child Protection & Permanency](#) (1-800-392-2735) may be helpful with dependent minors.
 - b. The [Essex County Division of Senior Services](#) may be helpful with dependent adults. (1-877-222-3737)
 5. The agency assuming care of the dependent must be included in the incident report. Minimally, the following information should be included:
 - a. Name of the agency;
 - b. Name of the contact person;
 - c. Telephone number of the contact person.
 6. The arrestee/detainee must also be provided with this information and must be provided with information on how to reclaim custody of their dependent(s) upon release.
 7. When setting bail, the on-call judge shall be notified that the arrestee has dependent(s) requiring the arrestee's care and what arrangements had been made for the care of the dependents.
 8. The arresting officer will assist the arrestee in completing the Montclair Police Department *Alternate Care for Dependents of Persons Detained in Custody* part of the cellblock sheet. The arresting officer is responsible for ensuring it is completely filled out and signed.
 - a. The supervisor signing the cellblock sheet must ensure that the *Alternate Care for Dependents of Persons Detained in Custody* section is completely filled out and signed as directed on the form and will indicate so by initialing where required.
 - b. If the arrestee refuses to provide information to complete the form and/or refuses to sign it, then this should be so noted at the signature site on the form.
- C. Whenever a person is arrested or taken into custody and likely to be detained for more than two (2) hours, that person must be questioned as to whether or not there is any child or other person solely dependent upon the arrestee for care, sustenance or supervision. If the arrestee answers in the affirmative, the above procedures also apply.