

ELIZABETH POLICE DEPARTMENT GENERAL ORDERS



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SUBJECT: ALTERNATE CARE FOR ARRESTEE DEPENDENTS

EFFECTIVE DATE:

September 23, 2020

ACCREDITATION STANDARDS:

3.1.3

BY THE ORDER OF:

Chief Giacomo Sacca

BY AUTHORITY OF:

Police Director Earl J. Graves

SUPERSEDES ORDER #:

PURPOSE The purpose of this general order is to maintain compliance with the N.J. Attorney General's model policy for [Alternate Care for Arrestee's Dependents](#).

POLICY It is the policy of the Elizabeth 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 actual 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 is 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.
- E. Judicial officer means a judge, clerk, deputy clerk, authorized municipal court administrator, or authorized deputy municipal court administrator (R. 3:2-3)

II. GENERAL PROCEDURES

- A. While the need for alternate care for an arrestee's dependents must be determined, the existence of arrestee dependents should not be the determining factor as to whether the arrestee is held in custody or released.
- B. Where a summons in lieu of arrest is inappropriate or taking a person into custody is required by law, public safety, or safety of the arrestee, the individual should be held until released in accordance with law.
- C. 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:
 - 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
 - b. 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.
 - c. If the dependent is taken to headquarters and is a juvenile, enter the juvenile's name into the *Juvenile Admissions Log*.

3. The arresting officer shall permit the arrestee/detainee 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 the City of Elizabeth, the police department with jurisdiction should be contacted to make the notification.
 4. If the arrestee/detainee is unable to arrange for alternate care for the dependent(s), the officer shall cause notification to the appropriate agency of the arrest and the need for alternate care.
 - a. The [New Jersey Department of Children & Families](#) (1-877-652-2873) may be helpful with dependent minors.
 - b. The [Union County Division on Aging](#) may be helpful with dependent adults, 1-888-280-8226.
 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 arresting officer shall also provide the arrestee/detainee with this information and must provide him/her with information on how to reclaim custody of his/her dependent(s) upon release.
 7. When making a determination whether to charge the defendant on a complaint-warrant or complaint-summons, notify the assistant prosecutor or judicial officer that the arrestee has dependent(s) requiring the arrestee's care and what arrangements had been made for the care of the dependents
- D. Whenever a person is arrested or taken into custody and likely to be detained for more than two (2) hours, the arresting officer shall question the person 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 apply.