

Best Practices Concerning the Arrest of an International Staff Member

Updated August 2011

*Developed by Richard Atkins, Esq.

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It is not uncommon for camps to disassociate themselves from international staff who are arrested during their employment at camp. Camps should not, however, abandon the individual entirely. To begin with, the person may indeed be innocent. Secondly, we all have an obligation to the health and welfare of everyone that we hire — whether from a foreign country or the United States. Furthermore, you want to minimize potentially serious negative repercussions for the employee and the camp.

Pre-Camp

Try to have a pre-arrangement with an assistance service that can give legal consultation (e.g., insurance company, attorney).

Upon Arrest

1. Provide as much support as practical – help the person who is charged determine what to do concerning defense counsel. For example, do they have the resources to hire an attorney, or is a public defender their only recourse? International staff are almost certain to be unfamiliar with the United States legal system. Start with local police, court officer or clerk who will direct you to the public defender's office number. Better yet have the number on hand in advance.
2. Find out all relevant information (e.g., the jurisdiction in which the arrest occurred) as procedures can differ widely by municipality, county, or state.
3. Contact your international placement agency right away. The agency may decide to consult with parents who may be able to help in providing private counsel and provide other support.
4. If you need to remove the participant from camp, assist in finding long-term accommodation. Look into the situation carefully, especially if the participant has plans to leave the jurisdiction. The participant should behave prudently, and no one wants to be accused of obstructing justice.
5. It is best to provide at least a minimal amount of support in conjunction with the family to ensure that the individual has a place to stay and enough resources until the trial date. In relatively minor situations there have been cases where local people associated with the camp, and friendly with the participant who is charged, have assisted with accommodation.
6. It is always best to try to deal with the problem in the most humane manner. Listen to the participant, and remember that they may not be guilty. It is perfectly fine to talk about the case without fear of subpoena or other legal exposure. Weigh everything carefully before making the decision to terminate the person.

Cases of Child Protection Allegations

1. Follow state laws and industry guidelines concerning reportable offenses.
2. Contact your placement agency immediately.
3. Immediately consult with your legal counsel. It may be worthwhile to consider referring immediate short-term legal assistance to the accused from an attorney that is not associated with the camp. The participant should not be left without counsel with any investigatory body.

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See reverse for the list of International Cultural Exchange Agencies participating in the development of document.

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