

An Overview of Time of Arrest Policy and Practice



Dee Ann Newell, Director, Arkansas
Voices for the Children, Former
National Justice Fellow for the Bill of
Rights for Children of Incarcerated,
deeannlr@yahoo.com

Yali Lincroft, Consultant to the Annie E.
Casey Foundation,
yalilincroft@yahoo.com,
www.f2f.ca.gov

National Resources

Jessica Nickel, Crystal Garland, and Leah Kane, Children of Incarcerated Parents: An Action Plan for Federal Policymakers (2009), Justice Center - The Council of State Government

http://reentrypolicy.org/jc_publications/federal_action_plan/Children_Incarcerated_Parents_v8.pdf

Steve Christian, Children of Incarcerated Parents (March 2009), National Conference of State Legislature

<http://www.ncsl.org/documents/cyf/childrenofincarceratedparents.pdf>

Ginny Puddefoot and Lisa Foster, Keeping Children Safe When Their Parents Are Arrested: Local Approaches that Work, California Research Bureau (July 2007), <http://www.library.ca.gov/crb/CRBSearch.aspx>

Summary of CSG Report

The PROBLEM:

- Children face both immediate and long term risk when a parent is arrested.
- Most law enforcement agencies have no policies to guide officers responding when children are present at the scene of an arrest not involving abuse or neglect.
- Most law enforcement agencies have only formal protocols to coordinate with CPS in case of abuse and neglect to respond to the needs of children affected by parent's arrest.

PROMISING PRACTICES:

- Several state and local governments have developed a variety of programs, commissions, training and policies to better serve children at the time of a parent's arrest.

Recommendations from CSG Report

1. Support a review of law enforcement policies
2. Encourage the development of policy standards at the local or state level in cooperation with law enforcement
3. Collect and disseminate program and policy examples from law enforcement agencies
4. Share widely best practices on developing formal partnership
5. Develop systems to collect data
6. Support the implementation of training and protocols to minimize trauma to children
7. Encourage local jurisdictions to adopt identified best practice
8. Conduct additional research on the impact of parental arrest

Summary of CA Research Bureau Report

Several factors increase success of joint approach to keeping children safe when their parents are arrested including:

- Timely response by child welfare staff to law enforcement requests
- Co-location (if possible) of child welfare service staff at law enforcement agency offices
- Cross-training on roles and responsibilities of each participating agency
- Designated liaison officer to review cases, handle questions and complaints, problem solve and facilitate ongoing collaboration

The benefits of these approaches include:

- Reduction in trauma to children
- Reduction in law enforcement officer time at arrest scene
- Increase goodwill between all parties (child, parent, police, community at will)
- Reduction in number of children taken into formal child welfare services custody
- Enhanced relationship between law enforcement and child welfare, in other areas, such as information exchange

“Lessons Learned” from the OSI Fellowship

- **TYPES OF CALLS:** When officers are arresting a parent and there is a child present, there may be a need to discriminate between drug arrests and other felony arrests, when to contact CPS in the former, and documenting the caregiver who comes for the latter, sharing the caregiver names and info with CPS if they feel any concern.
- **REGIONAL DIFFERENCE:** In Arkansas, CPS calls were not welcomed by community since they were unlikely to be placed with relatives, separated from siblings. However, In Maine, CPS was a desirable and helpful outcome for children in their state, with many relative caregivers and an array of services that her relative caregivers did not want to be without. A regional policy would attempt to incorporate these variations, or a policy component could focus on differential responses.
- **PLANNING GROUPS:** Who is invited to the planning process is very important. Our Drug-Endangered Children Alliance is very active here in Arkansas, and in other places, and will have the same response as Arkansas’s CPS does about drug arrests, and also have a motif of hostility about the parent and their relatives, lumping all together. The educational training of the officers and CPS about CIPS may need to be the first step, with the implementation of policies coming out of the training.

National Policies/Legislation

- Yale University Child Study Center
- California
- New Mexico
- Pittsburgh, PA
- Others?

Summary of the Yale University Child Study Center/National Center for Children Exposed to Violence - Child Development – Community Policing Acute Response and Consultation Services

Staffed 24-hours a day by a team of experienced clinicians, the Child Development – Community Policing (CD CP) program is a collaboration between the New Haven Department of Police Services and the Yale Child Study Center. The program was conceived in the early 1990s to help traumatized children at the scene of arrests by providing clinicians who can come to the scene of the crime or an arrest, to offer counseling and support. New Haven police refer children to the Yale Child study Center for treatment and counseling in the wake of parental arrest and other traumas. At weekly case conferences, police, probation officers, mental health workers, school representatives, and child welfare workers meet with clinicians to review cases involving children and police. CD CP also provide training in child development for New Haven police officers and police supervisors are eligible for fellowship at the Yale Child Study Center.

<http://www.nccev.org/initiatives/cdcp/acuteresp.html>

California Statutes

Chapter 635, Statutes of 2005 (AB760, Nava) –

http://www.leginfo.ca.gov/pub/0506/bill/asm/ab_07510800/ab_760_bill_20051007_chaptered.pdf This law provides that when, during booking, an arrested person is determined to be a custodial parent of a minor child or children, the person is entitled to make two (2) telephone calls at no expense, for the purpose of arranging for the care of the minor child or children.

Chapter 729, Statutes of 2006 (AB 1942 (Nava) -

http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_1901_1950/ab_1942_bill_20060929_chaptered.html

This law expresses the intent of the Legislature to encourage law enforcement and county child welfare agencies to develop arrest protocols for a caretaker parent or guardian of a minor child, to ensure the child's safety and well-being. This law also directs the state Commission on Peace Officers Standards and Training (POST) to develop guidelines and training for use by state and local law enforcement officers that address issues concerning child safety when a caretaker parent or guardian is arrested. *Note: As a result of this law, POST developed a 2-hour training DVD on Keeping Children Safe at the Time of Parental Arrest. This training DVD has been distributed to all law enforcement agencies in the state and is supposed to be shown to all police officers.*

CA POST DVD

POST stands for Police Officer's
Standardized Training

The DVD is deliberately developed in 15
minute segments for the “roll call”
training format

Copies of the DVD must be requested via
the police department's training liaison.

Santa Clara, CA

- Requirements that police officers check a box on the police report, responding either “Yes, kids were present at the scene” or “No, no kids were present.” If the officers check “Yes,” they must then check whether they called Dept of Family and Children’s Services (DFCS) assistance or not.
- A requirement, with some exceptions, that DFCS staff respond to a request to go to the scene of an arrest WITHIN 30 MINUTES of receiving the call from law enforcement officers.
- A requirement, with some exceptions, that police officers consult with DFCS staff before transporting any child to the Children’s Shelter. Children’s Shelter staff must then document who brought the child and if appropriate consultation with DFCS staff occurred.
- Once the hand-over has occurred between child welfare and enforcement, usually in the field, it is now child welfare’s responsibility to secure an adequate immediate placement and continue with the child welfare dependency investigation.
- As a result of the adoption of the joint protocol, there was 50% reduction in the number of children transported to the Children’s Shelter who were instead diverted to family or other appropriate caregivers. Approximately 40% of the children were taken to the Children’s Shelters by social workers instead of police officers, a substantial savings in both time and resources for law enforcement and less traumatic for the children.

New Mexico

In 2006, Governor Richardson issued executive order establishing a Blue Ribbon commission to review impact of existing law enforcement and correction policies on children whose parents are arrested and incarcerated. Report had four major recommendations, including creating statewide standard for law enforcement to identify children on parental arrest and ensure their needs were addressed.

New Mexico

ARRESTING ADULTS WITH MINOR OR DEPENDENT CHILDREN A PROTOCOL FOR LAW ENFORCEMENT PERSONNEL

<http://www.dps.nm.org/training/safePursuitAct/docs/Children%20of%20Arrested%20Parents%20Protocol.pdf>

[Ensuring Child Safety Upon Parental Arrest” – ppt presentation \(2008\)](#)

Created by the Policy, Training and Federal Programs Bureau Protective Services for New Mexico Children, Youth and Families, this 77-page PowerPoint provides an overview of key issues for law enforcement and child welfare to consider at the time of arrest.

<http://www.f2f.ca.gov/res/pdf/EnsuringSafetyOfChildren.pdf>

Pittsburgh, PA

http://foundationcenter.org/grantmaker/childguidance/linked_files/pcgf_report2.pdf (Second Report to the Community, 2006)

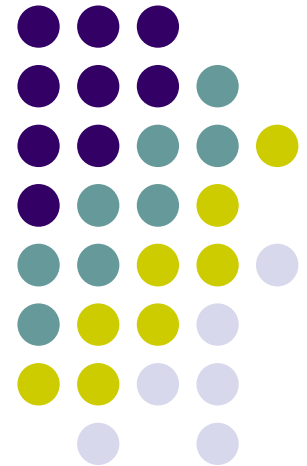
Care for children when their parents are arrested

- Pittsburgh Child Guidance Center's study revealed that children can become "invisible" – and sometimes are left alone and put in dangerous situations – at the time of their parents' arrests. In July 2006 Judge Kim Clark convened members of the law enforcement, child welfare, health, and judicial communities and charged them with developing protocols for the County's 118 local police departments, training for officers, and community resources to assist children, parents, and police officers at the time of arrest. This task group, cochaired by the head of the County Office of Children, Youth and Families and the new Systems Advocate for Children & Families of Prisoners, will complete its design phase in January 2007.
- TO DO _ ASK DEE ANN UPDATE

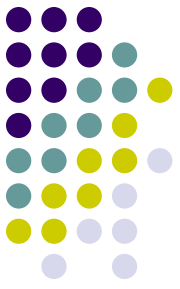
Arrest Protocols: Related Research and Implications

Susan D. Phillips, PhD
Jane Addams College of Social
Work

suephi@uic.edu



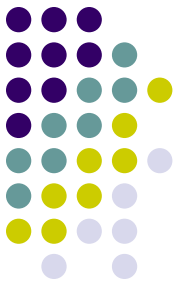
Suggested citation: Phillips, S.D., Arrest protocols: Related research and implications. Presentation to Incarcerated Parents Webinar, January 2010.



Background

- *The Bill of Rights for Children of Incarcerated Parents:* “I have the right to be kept safe and informed when my parent is arrested.”[1]
- Claims made in support of arrest protocols:
 - *Parental arrest leads to children becoming involved with child welfare and entry into foster care.*
 - *Children may be left without supervision.*
 - *Parental arrest is traumatizing for children.*

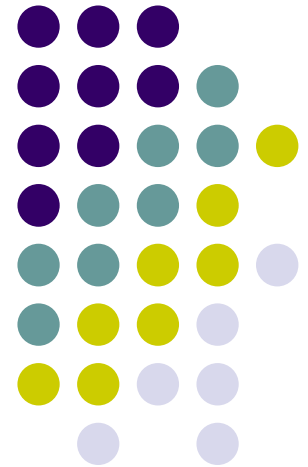
Questions



- What *empirical* evidence is there to support these claims?
- What are the implications of current research for protocol development?
- What are the research needs going forward?

Claim 1

Parental arrest leads to children becoming involved with the child welfare system and to placement in foster care.





Contact with CW

- Nationally ~12% of children who are subjects of allegations of abuse have recently arrested parents.[2]
 - Parent's arrest not the main reason for contact in all of these cases (e.g., 27% victims of alleged physical abuse, 9% victims of alleged sexual abuse).
- Review of case records of children *in OOH placements only* in Texas: [3]
 - Contact with CW was bc mother/father/both, or a relative caregiver were arrested in 12% of cases.
 - Includes cases in which police are required to contact CW such as child abuse and neglect, drug arrests, domestic violence.



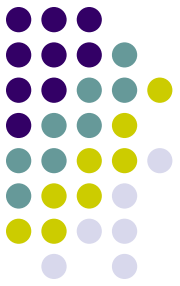
- Contact with CW resulted in parental arrest in 6% of cases
- CW contact and parental arrest were serendipitous in 2% of cases
- Limitation: doesn't provide information about cases in which children were not removed from their parent's care.

Removal



- Nationally, recent parental arrest is only modestly associated with placement in OOH care (includes relative placements)[2]
- Texas case records of children in OOH placements [3]
 - Mothers' and fathers' arrest *histories* were considered in removal decision in 33% of cases

Placement in Non-relative Foster care



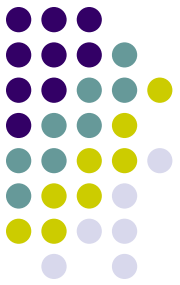
- Nationally, once children are removed, placement in non-relative foster care is predicted by: [2]
 - Severity of child emotional and behavioral problems
 - # of different problems family is experiencing
 - Not by recent parental arrest
- Texas case records of children in OOH placements: [3]
 - Grandmothers'/fathers' and other relatives arrest *histories* were factor in decision to place children in foster care in 25% of cases

Conclusions



- Parental arrest is the main reason children come in contact with CW in less than 12% of cases
- Contact with CW can be triggered by the arrest of mothers, fathers, or relative caregivers
- Officers are working under a variety of protocols and mandates
- Outcome of contact is affected by factors other than parent's current arrest
 - Parents' and relatives' arrest histories
 - Child emotional and behavioral problems
 - # of different problems

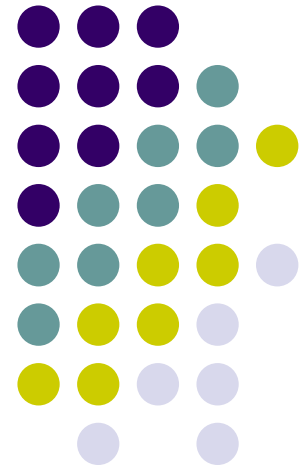
Implications



- We do not have a clear baseline upon which to judge whether arrest protocols make a difference in terms of significantly reducing CW involvement
- Arrest protocols will not always prevent CW contact bc officers are working under a variety of protocols
- Arrest protocols will not always prevent foster care placement

Claim 2

Children left without supervision





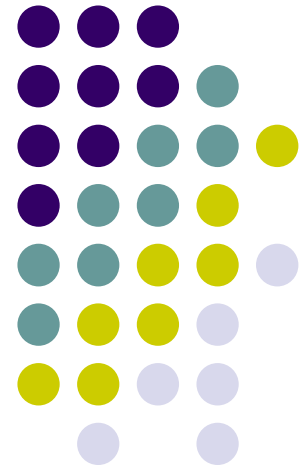
- Probably a rare event (but still important!)
 - Texas case records: [3] 1%
 - parent was in prison,
 - children living alone,
 - relatives paying the rent

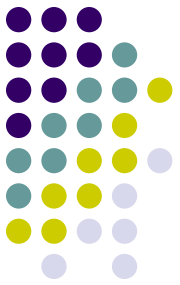


- American Bar Association Study [4] and, more recently, CRB [5], examined law enforcement policies and practices:
 - CRB found officers inquire about children at risk of being left unattended when parents are arrested:
 - 42% of time if children are present
 - 39% when arrestee volunteers info about children
 - 12% when there is evidence of a child (e.g., car seat)

Claim 3

Children are traumatized by
parental arrest



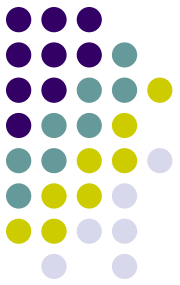


- Extremely limited empirical research. Researchers are catching up with the field on this issue.
- Most of what we know is anecdotal [5,6,7]:
 - Children are frightened
 - Feel like they, too, are under arrest
 - Anxious bc they don't know what will happen to them or their parents
- No info on frequency

How often are children present?



- Info based on arrests: millions of arrests each year, but don't know what proportion involve parents or in how many instances children are present.
- Info obtained from parents
 - Mothers in jail in California [8]: ~20% had a child present when arrested
 - New Mexico [info from director of PB&J cited in (5)]: 32% of mothers in state prison and 26% of fathers indicated children witnessed their arrest



- Arkansas [9]: mothers and fathers in jail, a community corrections facility, and in a residential drug treatment program who had history of arrest
 - 40% reported their children witnessed *at least one of their arrests*
 - Circumstances of arrest vary
 - 27%: officers' weapons were drawn (more common when fathers were arrested)
 - Some parents reported police screaming at their children, and interrogating and searching children



- Others described police as sensitive and concerned
 - helped them arrange for someone to come get their children
 - Gave parent a chance to explain what was happening
 - Officers explained what was happening
 - 30% of mothers and 3% of fathers said officers waited until they were out of sight of their children to handcuff them

Are children traumatized?



- Kampfner [10]:
 - Interviews with 36 children in child visitation program
 - No standardized measure of trauma symptoms
 - “even though many of the children...had been separated from their mothers for 2 to 3 years, each child could still vividly remember his or her mother’s arrest and *his or her experience in the courtroom* [emphasis added]”
 - “75% of children had symptoms consistent with PTS including depression, difficulty sleeping, concentration problems, and flashbacks about their *mother’s crimes* and arrest [emphasis added]”.



- Bocknek, Sanderson, & Britner [11]
 - 35 children in mentoring program
 - Standardized measure
 - 77% scored in the clinical range for symptoms of PTSD
 - *This specific group of children* was more likely to have elevated PTS symptoms than were the children upon whom the norms were based
 - Generalizability beyond the study is unclear
 - Doesn't rule out other possible explanations for symptoms (e.g., child abuse, community violence)



- NSCAW [12]
 - Children ages 8+ who were subjects of reports of maltreatment
 - 38% ever witnessed arrest of a household member
 - 12% had recently arrested parent
 - 6% had both



Children 8 and up who were subjects of reports of maltreatment

Ever witnessed the arrest of a household member	Parent was recently arrested	Sample <i>n</i>	Estimated Pop. Frequency <i>N</i> =	Estimated Pop. Proportion %(SE)	Elevated PTS Symptoms Est. Pop. Proportion (% of subgroup) (SE)
Yes	Yes	122	46,144	5.7 (1.0)	27.4 (8.8)
Yes	No	519	268,285	33.0 (2.4)	15.7 (2.9)
No	Yes	118	47,759	5.9 (1.2)	3.9 (1.4)
No	No	803	451,791	55.5 (2.7)	10.3 (2.1)



- Children who witnessed the arrest *of a member of their household* (not just a parent)
 - Compared to children who never witnessed arrests
 - Witnessed more acts of violence in their homes (including shootings, stabbings)
 - Were victims of more acts of violence in their homes (including being threatened with knives and guns)
 - More likely to witness people in their homes deal drugs or steal

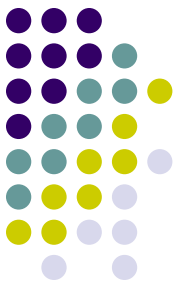


- Controlling for the above differences, type of maltreatment and other factor that might predict PTS, witnessing the arrest of a household member is a significant predictor of PTS
- Highest rates of elevated PTS symptoms were among children who witnessed an arrest and whose parent was also recently arrested
- The recent arrest of a parent alone was not associated with PTS



Conclusions

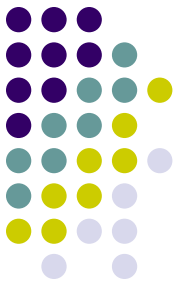
- Not just parental arrest, but witnessing the arrest of any household member may be traumatic for children
 - Needs to be replicated with younger children and with children who are involved with CW
- Some children have seen multiple arrests. Symptoms may be present when officers make arrest.



- We don't know how variations in arrests influence trauma symptoms (e.g., use of force, shelter placements, post-arrest contact with parent, arrest outcomes, trial-related events)
- Making arrest less frightening and anxiety-provoking for children is a great idea, but to claim that arrest protocols make arrest less traumatic, we must know if children had symptoms to begin.



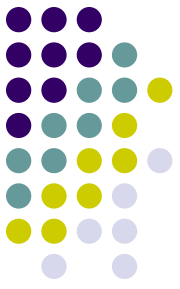
- Child mental health needs to be included in protocol development
- Mental health professionals need training to understand potential significance of screening for trauma



What works?

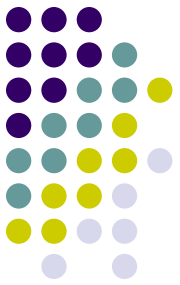
- Most evaluated model is Yale's CP-CD
 - A response to community violence
 - Cross training social workers and police
- What to evaluate?
 - What exactly is being implemented?
 - What intensity, duration, and follow-up training is needed to change officers knowledge, attitudes, and *behaviors*?
 - Do changes in police behavior lead to better *child outcomes*?
 - *Safety*
 - *Permanency*
 - *Well-being*

How to we begin to build a knowledge base?



- Who's collecting what data?
- How can it be made available?
- Are there opportunities for cross-jurisdictional evaluations?

References



- San Francisco Children of Incarcerated Parents Partnership. (2003). *Children of incarcerated parents, A bill of rights*. Available from <http://www.sfcipp.org/>. San Francisco: Author.
- Phillips, S. D., Burns, B. J., Wagner, H. R., & Barth, R. P. (2004). Parental arrest and children in child welfare services agencies. *American Journal of Orthopsychiatry*, 2, 174-186.
- Phillips, S. D., Dettlaff, A. J., & Baldwin, M. J. (Online First). An exploratory study of the range of implications of families' criminal justice system involvement in child welfare cases. *Children and Youth Services Review*.
- Smith, B. E., & Elstein, S. G. (1994). *Children on hold: improving the response to children whose parents are arrested and incarcerated*. Washington DC: American Bar Association Center on Children and the Law.
- Nieto, M. (2002). *In danger of falling through the cracks: Children of arrested parents*. Sacramento: California Research Bureau, California State Library. Available from <http://www.library.ca.gov/crb/02/09/02-009.pdf>.



- Bernstein, N. (2005). *All alone in the world: Children of the incarcerated*. NY: The New Press.
- Puddefoot, G., & Foster, L. K. (2007). *Keeping children safe when their parents are arrested: Local approaches that work*. Sacramento: California Research Bureau, California State Library. Available from <http://www.library.ca.gov/crb/07/07-006.pdf>.
- Johnston, D., & Gabel, K. (1995). Jailed mothers. In K. Gabel & D. Johnston (Eds.), *Children of Incarcerated Parents* (pp. 41-56). NY: Free Press.
- Harm, N. J., & Phillips, S. D. (1998). Helping children cope with the trauma of parental arrest. *Interdisciplinary report on at-risk children and families*, 1, 35-36.
- Kampfner, C. J. (1995). Post-traumatic stress reactions of children of imprisoned mothers. In K. Gable & D. Johnston (Eds.), *Children of Incarcerated Parents*. NY: Lexington Books.



- Bocknek, E. L., Sanderson, J., & Britner, P. A. (2008). Ambiguous loss and posttraumatic stress in school-age children of prisoners *Journal of Child and Family Studies, 18*, 323-333.
- Phillips, S. D., & Zhao, J. (under review). The relationship between witnessing arrests and elevated symptoms of posttraumatic stress: Findings from a national study of children involved in the child welfare system.