

Working with the **police** to **safeguard children** with a parent in conflict with the law



Children of Prisoners Europe (COPE) is a pan-European network of non-profit organisations working with and on behalf of children separated from an imprisoned parent. The network encourages innovative perspectives and practices to ensure that children with an imprisoned parent fully enjoy their rights under the United Nations Convention on the Rights of the Child and the Charter of Fundamental Rights of the European Union, and that action is taken to enable their well-being and development.

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Children of Prisoners Europe (COPE)

contact@networkcope.eu

<http://childrenofprisoners.eu/>

SIRET: 437 527 013 00019

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Cover image by Lois, 12 years old, England

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Executive Summary

For many children, the arrest of a parent may mark their first encounter with the police, the criminal justice system and ‘authority’ at large. From the eyes of a child, witnessing the unexpected arrival of the police, the removal of a parent in what might be a disruptive, chaotic or violent manner, and the stigma and shame that may follow an arrest can be a profoundly traumatic experience. While each child reacts differently, some of the varying emotions felt when a parent is arrested are fear, shock, confusion, stress, upset, guilt and anger.¹ The event can have harmful consequences on children’s physical, mental and social well-being, whether they are physically present during the arrest or not. Children who have experienced the arrest of a parent are 73% more likely to have elevated post-traumatic stress symptoms than their peers who have not.²

This traumatic impact, however, is not inevitable. The actions that police officers take before, during and after an arrest, search or warrant have the potential to vastly reduce harm to children. As ‘first responders’ to social issues the police have both an opportunity and obligation to play an active role in protecting and supporting children’s rights and needs. This can be done in **three key ways**; engaging in **trauma-informed training**, enacting **child-centred policies and arrest procedures**, and collaborating with partners across the sector in a **coordinated response**.

This toolkit is intended to assist practitioners across the sector when engaging with the police to safeguard children of parents in conflict with the law. It will provide the following:

- ❖ An overview of the potential impact of a parent’s arrest on children;
- ❖ Recommended changes to policy and practice, following the example of existing initiatives;
- ❖ Guidelines on how to form and maintain lasting relationships with the police.

COPE strives to ensure that every child is guaranteed fair, unbiased treatment, protection of his or her rights, and equal opportunities regardless of social, economic or cultural heritage. This vision is applied here to the realm of policing.

¹ Ann Adalist-Estrin, National Resource Center for Children and Families of the Incarcerated, Children of Prisoners Library, Copyright FCN 2004. See Appendix I for a more complete overview of the potential responses to parental arrest.

² Phillips, S. D., & Zhao J. (2010). The relationship between witnessing arrests and elevated symptoms of post-traumatic stress: Findings from a national study of children involved in the child welfare system. *Children and Youth Services Review*, 32 (10), 1246-1254. <https://doi.org/10.1007/s10826-013-9717-2>

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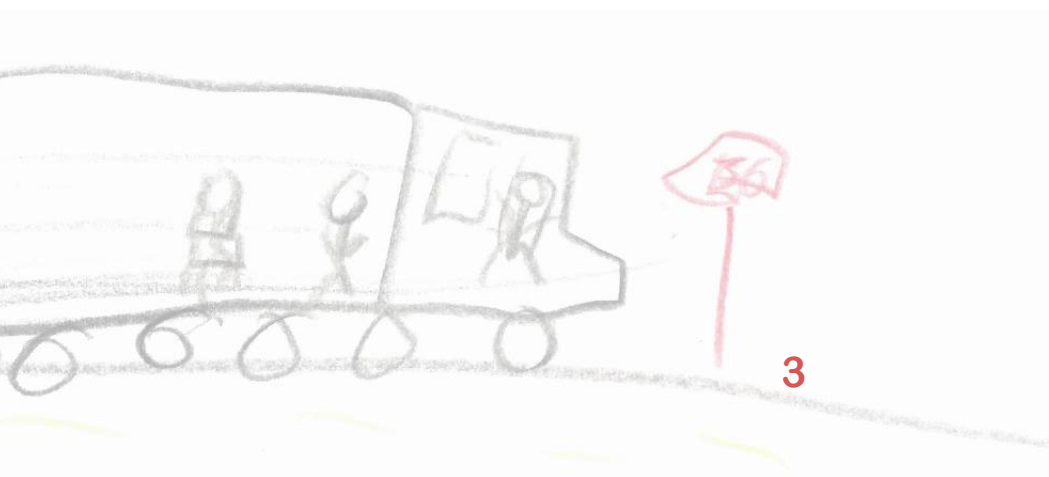
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Chapter 1

Background

"Suddenly there was a grenade explosion and my dad was arrested. My mum said I was upstairs. My dad was handcuffed and he was lying on the floor. Then the police went upstairs and I was in my room. I opened the door because I didn't know what was going on. One policeman pointed a gun at me with a laser and I got scared. I remember I closed the door and just collapsed on the floor. Then I realised that they are taking my dad away, and everything was slowly ending.

*My dad will not be around and it will be just worse."*³



- Daria, 13 years old

³ Probacja. (2021, November). *Not my crime, still my sentence*. [Video] https://www.youtube.com/watch?v=psVf_3kOQw8&t=33s

1.1. Who is this toolkit for?

This toolkit is intended for practitioners across the criminal justice sector looking to establish a working relationship with the police in their community to safeguard children of parents in conflict with the law. An effective approach to protecting this group of children must be **collaborative** in nature. As such, this toolkit is intended to be used by the following;

- ❖ Non-governmental child's rights advocates and practitioners
- ❖ Representatives from social services and/or child welfare services
- ❖ Representatives from mental health services
- ❖ Representatives from schools
- ❖ Police academies and/or police educators

1.2. Goals and principles

Goals:

This toolkit intends to...

- ❖ Outline the impact that witnessing an arrest can have on children.
- ❖ Provide practitioners with a step-by-step pragmatic guide to changing police practice and policy.
- ❖ Draw on existing practice to illustrate the most successful schemes and initiatives whilst providing resources to be used across different regional contexts as a starting point to initiating change.
- ❖ Assist in creating the cross-sectoral links necessary for establishing lasting and impactful relationships between partners.

Principles:

The suggested changes to police practice and policy outlined in this toolkit are underpinned by the **United Nations Convention of the Rights of the Child**, 1989, (UNCRC) the most widely ratified legally-binding treaty recognising, promoting and protecting the rights of the child. The UNCRC considers the child not as a thing, possession or extension of their parents but as a person with unique rights obtained from birth, enshrined in the landmark convention. All

police activity that impacts children – whether directly or indirectly – should be dictated by the principle of **the best interests of the child, as outlined in Article 3.1** of the UNCRC:

- *In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, **the best interests of the child shall be a primary consideration.***

As such, police activity should be active in preserving a child's 'basic interests, for example to physical, emotional and intellectual care; developmental interests, to enter adulthood as far as possible without disadvantage; autonomy interests, especially the freedom to choose a lifestyle of their own.'⁴ Among others, further articles of the UNCRC relevant to police practice are the following:

- **Article 2.1** *States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction **without discrimination of any kind** [...].*
- **Article 9.1** *States Parties shall ensure that a child **shall not be separated from his or her parents against their will**, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child [...].*
- **Article 12.1** *States Parties shall assure to the child who is capable of forming his or her own **views the right to express those views freely** in all matters affecting the child [...].*

Council of Europe Recommendation CM/Rec(2018)5 of the Committee of Ministers to Member States concerning children with imprisoned parents was adopted on 4 April 2018. This toolkit is in line with the Recommendation's assertion that '*additional ethical and professional standards need to be developed in order to guide the national authorities, in particular judges, prosecutors, prison administrations, probation services, **police** and child welfare and other support agencies in respecting the rights and needs of children and their imprisoned parents.*'

Some articles of relevance to this discussion are:

- **Article 8:** *Due consideration should be given by the police to the **impact that arrest of a parent may have on any children present.** In such cases, where possible, arrest should be carried out in the absence of the child or, at a minimum, in a child-sensitive manner.*
- **Article 49:** *The relevant national authorities should adopt a **multi-agency and cross-sectoral approach**...This involves co-operation with probation services, local communities, schools, health and child welfare services, **the police**, the children's ombudsperson or other officials with responsibility for protecting children's rights, as*

⁴ Eeklaar, J. (1992). The importance of thinking that children have rights. *International Journal of Law and the Family*, 6, 230-23. <https://doi.org/10.1093/lawfam/6.1.221>

*well as other relevant agencies, including civil society organisations offering support to children and their families.*⁵

Relevant Jurisprudence:

The **European Court of Human Rights** has directly considered the police's treatment of children at the time of parental arrest in several cases:

- ❖ The case of **A v. Russia, Nov. 2019** saw the violent arrest of the applicant's father in her presence, outside the gates of her school. The court found that police officers exposed the child to a 'scene of violence against her father [...]'.⁶ This was a violation of the State's positive substantive obligation under Article 3 (prohibition of torture or inhuman or degrading treatment) and of its procedural limb as no effective investigation had been carried out.
- ❖ Prior to that in 2014 the case of **Gustanovi v. Bulgaria** saw the arrest of Mr Borislav Gustanovi in the early hours of the morning, involving masked special agents who forced their way into the home where his wife and young children were present.⁷ The Court found the treatment to which they had been subjected exceeded the threshold of severity required for Article 3, amounting to degrading treatment.



⁵ Council of Europe Committee of Ministers, Recommendation CM/Rec(2018)5 of the Committee of Ministers to Member States concerning children with imprisoned parents (Adopted by the Committee of Ministers on 4 April 2018 the 1312th meeting of the Ministers' Deputies).

⁶ A v Russia, no. 37735/09, ECHR, 2019, accessed at: [https://hudoc.echr.coe.int/eng- {"itemid":\["001-198385"\]}](https://hudoc.echr.coe.int/eng-{)

⁷ Gustanovi v. Bulgaria, no. 34529/10, ECHR, 2014, accessed at: <https://policehumanrightsresources.org/gustanovi-v-bulgaria-application-no-34529-10-extracts>

1.3. The importance of safeguarding children with a parent in conflict with the law.

*"It was about 6/7 in the morning and the doorbell rang. The gates were thrown open and the police came barging in. I was asleep. They threw the duvet off my bed and told me to stand up. I was confused. I was scared. So many thoughts were working through my mind - why were they here? What were they doing here? Have I done something wrong? I was unsure what was happening."*⁸

- M, 12 years old

It is estimated that 2.1 million children are separated from a parent in prison across Council of Europe states.⁹ Behind that figure lies an unknown but far greater number of children who are affected by the arrest of a parent. Whether a parent goes on to imprisonment or not, it is widely agreed amongst child psychologists, social services, researchers and other practitioners that the arrest of a parent, in what can be a forceful, unexpected and sometimes violent manner, can be a profoundly traumatic event for a child. In addition to experiencing the removal of a parent and the ensuing separation, the arrest of a parent may leave children uprooted from the familiarity of their homes and usual caregivers, lacking information about their parent's location and safety, and facing the shame and stigma that can follow the arrest of a parent. Chapter 1 of this toolkit will outline the potential long- and short-term impacts that an arrest may have on children and the significance of the police's role in mitigating this impact.

The circumstances of an arrest vary greatly depending on whether it is a spontaneous, 'dynamic' arrest (for example a traffic-related incident on the side of a road) or a pre-planned arrest (e.g., a 'dawn raid' involving the unexpected entry into a home, usually at night). Across all scenarios, police officers are tasked with the challenge of balancing multiple different exigencies; the integrity of the arrest, the retrieval of evidence and the safety of everyone present at the scene. Arrests can be unpredictable, chaotic and sometimes violent. When officers lack the relevant training and a procedural framework centred around the safety and wellbeing of children, their needs may indeed slip through the cracks.

⁸ Tilley-Riley, J. (2016) *Collateral Damage: An inquiry into the impact of witnessing a home raid by the police, on the children and the siblings of offenders in England*, 10. <https://www.nicco.org.uk › 845 - Collateral Damage>

⁹ Figure based on calculations made by Children of Prisoners Europe, from an extrapolation of a 1999 INSEE study to prison population figures supplied by the International Centre for Prison Studies. For more information see: Ayre, L., Philbrick, K., & Lynn, H., Eds. (2014). *Children of Imprisoned Parents: European Perspectives on Good Practice*, 2nd ed., p.15.

What are some of the factors that may impact children during the arrest of a parent?

- ❖ Unexpected arrival of police
- ❖ Noise of officers shouting and dogs barking
- ❖ Witnessing violence and/or seeing a parent handcuffed
- ❖ Search of a home environment
- ❖ Lack of an explanation to children
- ❖ Children being used to translate between police and an arrested parent
- ❖ Witnessing a parent treated without dignity or respect
- ❖ Shame and stigma surrounding the arrest
- ❖ Unfamiliarity of alternative care solutions if the arrested parent is the sole caregiver
- ❖ Exposure to danger if, in extreme cases, children are left alone after the arrest of a parent.



How might children respond to the arrest of a parent?

How a child may react to the arrest of a parent depends greatly on their age, their relationship to the parent and the manner in which the arrest is carried out. Whilst each child responds differently, some common reactions may be...

- ❖ **Fear** that they are being abandoned and may never see a parent again
- ❖ **Confusion** over the unexpected arrival of the police and the lack of an explanation
- ❖ **Sadness** and **loss** at being separated from a parent
- ❖ **Embarrassment** as they may experience shame and stigma that can follow the arrest of a parent
- ❖ **Anger**, frustration or resentment directed towards the arrested parent or at the police for the removal of the parent.¹⁰

¹⁰ Taken from the National Resource Centre for Children and Families of the Incarcerated, Children of Prisoners Library, 2004, Ann Adalist-Estrin. See Appendix 1 for full list of 'Children's Responses to Parental Arrest'.

While the experience of parental incarceration is widely recognised as an Adverse Childhood Experience (ACE), less attention has been devoted to the moment of a parent’s arrest. However, a growing body of research is beginning to emerge assessing the traumatic impact of witnessing a parent’s arrest.¹¹ In 2021, a study examining the link between witnessing a father’s arrest and children’s stress processes offered concrete evidence that children had higher cumulative stress hormone concentrations after witnessing their father’s arrest.¹² Children who are exposed to an arrest are significantly more likely to have also been exposed to and victims of a wider range of violent and non-violent crimes in their homes (e.g. physical abuse and drug dealing).¹³ Multiple exposure to potentially traumatic events is known to significantly increase longer term physical and mental health outcomes.

“Children are always anxious, regardless of whether it is a calm or violent arrest. You can always see the anxiety in their eyes.”¹⁴

- Police officer, Denmark

The exposure to this trauma can leave children at risk of disruption to healthy development, behavioural issues – both externalised or internalised, attachment disorders, and lasting emotional distress.¹⁵ Further to the impact an arrest may have on children’s wellbeing,

witnessing a parent’s arrest may negatively taint a child’s association with police and ‘authority’ at large. Feelings of anger, shame or hostility may be displaced onto the police officers carrying out the arrest of a parent, which may later translate into wider hostility towards the police. Officers are in a unique position to reverse this, protect children from the potential harm of a parent’s arrest, demonstrate legitimacy, and build trust between police, children and communities at large.

A Danish Institute of Human Rights questionnaire found: **53% of police officers had experienced children who behaved as if they did not understand what was happening; 47% had experienced children who cried; and 32% had experienced children who clung to their mother or father.**¹⁶

¹¹ Phillips, S. D., & Zhao J. (2010). The relationship between witnessing arrests and elevated symptoms of post traumatic stress. *Children and Youth Services Review*, 32 (10), 1246-1254. doi:10.1016/j.childyouth.2010.04.015.

¹² Getting Under the Skin: Physiological Stress and Witnessing Paternal Arrest in Young Children with Incarcerated Fathers, Luke Muentner, Amita Kapoor, Lindsay Weymouth, *Dev Psychobiol.* 2021 July; 63(5): 1568–1582. doi:10.1002/dev.22113. p. 1.

¹³ Roberts, Y. H., Snyder, F. J., Kaufman, J. S., Finley, J. S., Griffin, M. K., Anderson, A., Marshall, J., Radway, T., & Stack, S. (2013). Children Exposed to the Arrest of a Family Member: Associations with Mental Health. *Journal of Child and Family Studies*, 23(2), 214–224. <https://doi.org/10.1007/s10826-013-9717-2>

¹⁴ Scharff Smith, P., & Jakobsen, J. (Eds.). (2014). The Arrest of Parents through the Eyes of Children, Police and Social Services. In *When the innocent are punished, The Children of Imprisoned Parent* (119). Palgrave Macmillan

¹⁵ Roberts et al. (2013), 214.

¹⁶ Scharff Smith, P. & Jakobsen, J. (2014), 119.

1.4. Working with the police: from ‘warrior’ to ‘guardian’

A central tenet of the police’s role as ‘first responder’ to social issues is the duty to protect vulnerable children. The European Code of Police Ethics asserts that all police activity, including arrests, should be carried out in a manner that is ‘objective and fair. They shall be sensitive and adaptable to the special needs of persons, such as children, juveniles, women, minorities, including ethnic minorities and vulnerable persons.’¹⁷

As such, most European police guidelines assert that arrest procedures should follow something similar to a ‘principle of proportionality’ and at all times arrests should be carried out ‘as gently as circumstances allow’, as is stated in the Danish Administration of Justice Act.¹⁸ Notably, the Polish Code of Criminal Procedure states that searches ‘should be conducted in a way that respects the dignity of persons who are present, and without causing unnecessary material losses or unnecessary inconvenience’.¹⁹ The Polish Police Guidelines offers generic guidance on engaging with children. It specifies that police should:

- use easily comprehensible and age-appropriate vocabulary;
- should ‘refrain from any actions which would be stressful for the child, for instance trying to rush the child’;
- should avoid any behaviour that would be ‘demeaning’ to the child, and
- conduct any questioning in a ‘sensitive manner’, formulating simple and easy to understand questions.²⁰

The response to a Freedom of Information request submitted to the UK’s College of Policing in October 2021 confirmed that it does “not hold a specific protocol regarding the presence of children at any arrest scene.”²¹

While in line with the best interests of children and geared towards minimising harm, there lacks an explicit procedural reference to the presence of children during arrest scenes. Until action is taken to directly address children’s presence during a parent’s arrest, their needs will continue to be met only sporadically, depending largely on the goodwill of officers rather than routine practice and a culturally embedded awareness of the impact of police practice on children. Prioritising children’s needs during arrest procedures is of direct benefit not only to children themselves, but to the wider long-term goal of police-community engagement, crime reduction and adherence to the law. When police officers engage with children in a positive,

¹⁷ Council of Europe Committee of Ministers, Recommendation Rec(2001)10 of the Committee of Ministers to member states on the European Code of Police Ethics. *Adopted by the Committee of Ministers on 19 September 2001 at the 765th meeting of the Ministers’ Deputies.*

¹⁸ Danish Administration of Justice Act, §758.

¹⁹ Martynowicz, A., Holden, K., & Gauders, N. (2011). The Polish Case Study. In P. Scharff-Smith & L. Gampell (Eds.), *Children of Imprisoned Parents* (192). The Danish Institute for Human Rights, European Network for Children of Imprisoned Parents, University of Ulster and Bambinisenzasbarre.

²⁰ Ibid, 193.

²¹ Freedom of Information Request Submitted to UK College of Policing under reference ‘FOIA-2021-116’, submitted 13/10/21.

caring and attentive manner, children are more likely to view them as symbols of safety and protection as opposed to 'those who removed my parent'. Instilling children and families with faith, security and a sense of protection will consequently encourage respect and willing cooperation with the police at large, crucial to maintaining social order in a community.

To ensure that children's needs and rights are met during interactions with the police, changes to policy and procedure need to take place alongside a wider recalibration of the cultural understanding of precisely who the police are and their role in relation to social issues, both internally and externally. The outdated stereotype of the 'warrior' style police officer whose primary operational goal of crime detection is achieved through force alone is not in line with this goal of harm reduction and inspiring trust amongst families. As explained by Stephen Rice and Sue Rahr: **'The behaviour of the warrior cop ... leads to the perception of an occupying force, detached and separated from the community, missing opportunities to build trust and confidence based on positive interactions.'**²² By contrast, it is the role of police officer as 'guardian' of safety and security that should be championed. The guardian **'operates as part of the community, demonstrating empathy and employing procedural justice principles during interactions.'**²³ Changes to policy and arrest procedures should be made against this framework of the 'guardian' police officer where it becomes a regular and routine part of police practice to place children at the very forefront of decisions and actions.

3 ways in which the police can help:

- 1. Train officers in a trauma-informed approach**, allowing them to recognise the signs of childhood trauma and respond accordingly.
- 2. Change arrest procedures/policies to child-sensitive methods** that take into consideration the impact of an arrest on children and acknowledge procedural changes that officers can take to reduce harm to children.
- 3. Engage in a co-ordinated response** between social services, child protection services, mental health professionals, schools, NGOs and any other practitioner involved in supporting children.

The remaining two chapters of this Toolkit outline **pragmatic** methods and guidelines on **how** to do this.

²² Rahr, S., & Rice, S. K. (2015). Warriors to Guardians: Recommitting American Police Culture to Democratic Ideals]. *New Perspectives in Policing*, 4. Available at: <https://nij.ojp.gov/library/publications/warriors-guardians-recommitting-american-police-culture-democratic-ideals>

²³ Ibid.

Chapter 2

Creating change: what, how and with whom?

“[The arrest] developed and it all ended very unfortunately by us having to get her to lie down with two officers almost sitting on top of her out in the stairwell.... [The] husband wouldn’t go away with the boy; he didn’t even have a proper hold on him. Suddenly, the boy attacked me and beat furiously on my back while shouting, “Get away from my mother! Get away from my mother!” I will never forget the boy’s eyes and I often wonder where he is today, how it has affected him and what he thinks about the police and about the episode. It’s almost 28 years ago, so he is an adult man now.”²⁴

- Account from a Danish police officer reflecting on an arrest.

Chapter 2 will highlight the following:

What change is required, i.e., at what ‘stages’ can the police alter policy and procedure to ensure children are considered.

How to initiate and navigate a functioning and productive relationship with the police to engender change.

Who should be involved in this process; the collaborative nature of a new approach is critical.

²⁴ Scharff Smith, P., & Jakobsen, J. (2014), 4.

Before any changes in policy and arrest procedures can be effectively implemented, primary efforts should be focused on encouraging a cultural shift that locates the needs of children at the forefront of police activity. To establish this shift, officers need to be trained from recruitment onwards, not only with procedural guidance on how to safeguard children but additionally with a trauma-informed understanding of **why** this is beneficial both to children and to the police's operational goal of reducing harm. Presenting the wider purpose of the training will increase engagement and officer 'buy in'.

*"No two arrests are the same and therefore, you cannot teach according to a clear-cut model. Police training is **about equipping the students well** so they can generally make sensible decisions in the many different situations they find themselves in as police officers."*²⁵

What police training may involve

A 'cookie cut' model of training will not cater to the specificities of arrest scenarios and different regional jurisdictions. Most importantly training curricula should be underpinned by a **trauma-informed approach**. The 'Substance Abuse and Mental Health Services Administration' (SAMHSA) defines such an approach as a...

'programme, organization, or system that...

- ❖ **realizes the widespread impact of trauma** and understands potential paths for recovery;
- ❖ **recognizes the signs and symptoms** of trauma in clients, families, staff and others involved with the system;
- ❖ **responds** by fully integrating knowledge about trauma into **policies, procedures and practices**; and seeks to actively **resist re-traumatization**'.²⁶

As such, training curricula should give officers the following information:

- The ability to recognise the **signs and symptoms** of trauma in children of all ages (0-18).

²⁵ Scharff-Smith, P., & Gampell, L. (2011). *Children of imprisoned parents*. The Danish Institute for Human Rights, European Network for Children of Imprisoned Parents, University of Ulster and Bambinisenzasbarre, 64.

²⁶ Substance Abuse and Mental Health Services Administration. (2014). *SAMHSA's Concept of Trauma and Guidance for a Trauma-Informed Approach*. HHS Publication No. (SMA) 14-4884. Rockville, MD: Substance Abuse and Mental Health Services Administration, 9.

- An understanding of the **impact of trauma** on a child's development, mental, physical and social health, school performance, and overall well-being in the short and long term.
- An understanding how the arrest of a parent, and how the police at large, may be **perceived from the perspective of the child**.
- How to alter **body language** to appear non-threatening to children, e.g., lowering one's body to the same level as a child.
- **Language and communication skills** to best explain a parent's arrest to children in developmentally appropriate language.

How to encourage a change in police training

Practical considerations:



- When encouraging changes to police training curricula, it is advisable to locate someone from within a police academy, and/or the wider force, to **'champion'** this cause. Some officers may perceive this demand to be coming from external agents across the sector or as something outside the parameters of their role. **Peer-to-peer** training will have a greater chance of encouraging acceptance and enthusiasm amongst officers.
- **Present the success** of other training initiatives, notably those mentioned in the subsequent pages of this chapter; Strategies for Youth, IACP and The New Haven Child Development - Community Policing Program. The details of their training initiatives can be found in the Appendices of this toolkit.
- The police should be **positively encouraged** to play an active role in harm reduction amongst children. Altering training curricula should be presented as an opportunity to increase the positive impact of the police and the language used should reflect this. The tone of suggested change should be forward looking and positive.
- Presenting the **purpose** of training to the police is critical. The chance of successful uptake and high engagement will be increased if the wider operational benefit to police forces themselves is presented; harm reduction, community engagement and officer safety are all positively impacted when police officers demonstrate compassion and care towards children and families. As such, it is advised to know well the operational priorities of the police force in question and demonstrate how the proposed changes in training assist in the overall achievement of the police's wider goals.
- **Involve partners** from across the sector to create an element of **cross-training** between police, mental health services, child-welfare services and others who can share expertise

on the subject. This is an excellent opportunity for cross-sectoral collaboration. Chapter 2.2 expands on this.

Examples of training curricula and initiatives

1. Strategies for Youth, USA

US-based non-profit organisation 'Strategies for Youth' (SFY) has created a user-friendly package of resources and materials to be used by law enforcement agencies to train officers on how to safeguard children of a parent who is arrested. Included is the resource 'How to Explain a Parent's Arrest to a Child', an excerpt of which follows:

How To Explain A Parent's Arrest To A Child	
PRESCHOOL—AGES 4 TO 5	
<p>CHILD'S PERCEPTION OF ARREST</p> <p>Fear of separation and loss of parent protection:</p> <ul style="list-style-type: none"> • Unable to psychologically separate harm to parent from harm to self. • May cling to parent to avoid separation. <p>Very anxious that parent will be hurt:</p> <ul style="list-style-type: none"> • May view a police officer as an action figure who can help, hurt, or take them away. • May believe his/her behavior or wishes caused a parent's arrest. 	<p>WHAT TO SAY</p> <p>Speak to the child so that your eyes are level with the child's.</p> <p>Clarify basic facts in simple language:</p> <ul style="list-style-type: none"> • Why the police are there. • What the police are going to do: <p><i>"I have to take your parent to the police station to talk about some things."</i> <i>"I've called your grandmother and she's on the way over to be with you."</i></p> <ul style="list-style-type: none"> • Reassure children it is not their fault. • Do not make promises you cannot keep (i.e. "I will come back to check on you" unless you know you will).
<p>HOW CHILDREN MIGHT REACT & HOW YOU SHOULD RESPOND</p> <ul style="list-style-type: none"> • Where possible, avoid use of force on parents in presence of child and avoid cuffing the parents in the presence of child. • Avoid pointing guns at child. • Try to distract the child. <ul style="list-style-type: none"> – Offer a stuffed animal or a sweater/scarf of the parent to comfort the child. • Anticipate that if you do use force, the child's reaction will be extreme: <ul style="list-style-type: none"> – Try to protect parent or hit officer. – Zone out or be non-reactive. 	<p>WHEN ARREST IS RAID OR DV</p> <p>RAID</p> <ul style="list-style-type: none"> • Element of surprise may be necessary for effective law enforcement, but will escalate children's reactions. • Try to ascertain ahead of time if children are present. If possible, have them removed to a safe place prior to raid. <p>DV</p> <ul style="list-style-type: none"> • While you may perceive yourself as the rescuer of the abused parent, the child may only perceive you as someone using force as the abuser did and not see the difference. • If the child had any positive connection to the batterer parent, the child may view you as harming their batterer parent.

The full campaign of resources is entitled *In the Presence of Children* and includes the following:

- ❖ *Checklist of Officer Protocol*
- ❖ *How to Explain a Parent's Arrest to a Child*
- ❖ *Posters for the Booking Room*
- ❖ *A Card for Parents*
- ❖ *A Leave-behind Token of Compassion for Small Children*

See Appendices 2-4 for more information or their [website](#).

2. Project for Combatting Violence against children, Moldova

The Council of Europe project *Combatting Violence against children* was launched in Moldova in 2021. Included is an online course on child-friendly justice intended for students at the **Stefan cel Mare Police Academy** in Moldova and police officers nominated by the **General Inspectorate of Police**. This cross-sectoral project is based on the **Guidelines of the Committee of Ministers on child-friendly justice**, adopted in 2010. The course aims to translate these standards into practice.

Giulia Re, the Deputy Head of the Council of Europe Office in Chisinau, stated: *'I hope the course will help police officers to look at the criminal justice system from the perspective of the child: what can be done to ensure that the principles of the best interests of the child, participation, equal treatment and the rule of law are upheld.'*²⁷

3. International Association of Chiefs of Police, USA

The International Association of Chiefs of Police (IACP) in 2014 developed a national model of policy and practice to protect children when a parent is arrested. This large-scale and thorough project includes excellent resources and COPE strongly encourages its use as an overarching model for change.

The project includes a variety of training resources available online to assist implementation of the IACP's policy, including:

- ❖ *A police executive briefing paper*
- ❖ *Officer training guides*
- ❖ *Roll call training videos*
- ❖ *Roll call training keys*
- ❖ *Webinars*

See IACP's [website](#) for further details.

²⁷ Council of Europe. "HELP Course on Child-Friendly Justice Launched for Police in the Republic of Moldova." *Council of Europe*, 23 Apr. 2021, <http://www.coe.int/en/web/chisinau/-/help-course-on-child-friendly-justice-launched-for-police-in-the-republic-of-moldova>.

4. The New Haven Child Development - Community Policing Program, USA

Established in 1991 as a partnership between the City of New Haven, the New Haven Department of Police Services and the Yale Child Study Center, the CD-CP Program is dedicated to supporting children and families exposed to violence. A key element of the programme is **cross-training** with police, child welfare services, mental health professionals and other practitioners. It is recognised that partners can benefit greatly from exposure to other partners' work; clinicians can partake in 'ride-alongs' with patrol officers and police officers may undergo training in Human Behaviour, Trauma and Community Policing Procedures.

*'These cross-training opportunities assist police officers in understanding the influence of their own actions on the emotional development of children, and expand clinicians' understanding of the role law enforcement plays in the lives of children, their families, and their communities.'*²⁸

More information about CD-CP's Program can be found on their [website](#).



²⁸ Puddefoot, G., Foster, L. (2007). Keeping Children Safe when their parents are arrested: Local Approaches that Work, California Research Bureau, 35. <https://lawcat.berkeley.edu/record/209376>

2.2. Cross-sectoral collaboration

*'It must be recognized that issues surrounding children of arrested parents are not just a law enforcement, but a **community responsibility** that can have far-reaching, negative consequences for children as they mature.'*²⁹

*'For success to be achieved, law enforcement agencies and partner organizations must be willing to understand and respect the importance of different ways of thinking, recognize different agency goals, mandates, and responsibilities, and share a commitment to persist in a collaborative effort for the benefit of the common good.'*³⁰

Developing practice and policies that serve the needs of children cannot be done without the shared expertise and resources of **mental health professionals, child welfare services, schools, NGOs** and other practitioners that may offer support to children and families of those in conflict with the law. Co-ordinated action encourages the exchange of expertise, improved practice, faster identification of vulnerable children and more immediate provision of care and support.

First and foremost, this collaboration requires **'information-sharing, mutual trust and a commitment to the best interests of children.'**³¹

How to establish links across the sector

Practical considerations:

- Establish clear, concise, **common goals** that a wider co-ordinated response will become based upon.
- Mutually agree upon the **precise responsibilities** of each partner, making this as clear as possible.

²⁹ International Association of Chiefs of Police. (2014), *Safeguarding Children of Arrested Parents*. 10. www.theiacp.org/sites/default/files/pdf/Safeguarding-Children-of-Arrested-Parents-Final_Web_v3.pdf.

³⁰ Ibid. 11.

³¹ Thureau, Esq., L. H. (2015). First, Do No Harm: Model Practices for Law Enforcement Agencies When Arresting Parents in the Presence of Children. *Strategies for Youth*, 5. https://strategiesforyouth.org/sitefiles/wp-content/uploads/2012/09/First_Do_No_Harm_Report.pdf

- Regular and clear **communication** between partners should be ensured through either an individual liaison or an ‘interagency team’ with representatives from each partner organisation. Meetings to evaluate the efficacy of joint operations and identification of operational problems should occur regularly.
- **Share information**, resources, expertise and innovative new approaches.
- Where possible, **co-location** should be facilitated: e.g. having representatives from child welfare services present in the same space as the police.
- Mutual **receptivity to learning**: all partners should be made aware of the pressures, responsibilities, challenges and operational goals of each partner involved. Trust and respect across the sector will increase with shared awareness and co-learning.

Examples of cross sectoral initiatives

1. Office of the Ombudsman for Children, Croatia

The verbal account of a cross-agency initiative in Croatia highlights the benefits of the police working in conjunction with schools and social services. Before the arrest of a mother and father, the police identified that *“there were two children of preschool age...that went to kindergarten every morning. The police decided to arrest the parents when the children were at kindergarten and asked the teacher (in collaboration with the social welfare centre) to accompany the children later that day to the police station where the parents were detained.*³²

Arresting a parent in the absence of children should be a number one consideration but this can be logistically challenging without the collaboration between police, schools and social services. This example in Croatia highlights how open and functioning lines of communication across the sector are critical to ensuring children are protected from witnessing the arrest of a parent.

³² Office of the Ombudsman for Children, Croatia. Accessed at: <https://dijete.hr/en/homepage-ombudsman-for-children/>

2. Keeping Children Safe When Parents are Arrested: Local Law Enforcement Approaches That Work, USA

The California Research Bureau convened a conference in 2006 involving over 150 participants, including advisors, presenters, individuals and organisations from law enforcement and child welfare agency representatives.

The conference was followed by a report, published in 2007, which lists extensive advice and information on developing a collaborative approach to protecting children with arrested parents.³³ The **'Checklist for Developing a Local Approach'** is an excellent starting point to developing lasting relationships between agents across the sector.

See Appendix 5 for further details.

3. Operation Encompass, United Kingdom

Operation Encompass is a cross-sectoral initiative connecting police forces with schools to ensure the safety of children experiencing domestic abuse. When police officers are made aware of a domestic abuse incident where children are involved, Operation Encompass provides a line of communication between the police and the child's school prior to 9am of the following school day. The simple premise of the scheme allows for **immediate** support to a child when they may need it the most. Whilst specific to domestic abuse cases, elements of the initiative could be applied to incidents where a child experiences the arrest of a parent.

More information can be found on their [website](#).

³³ Puddefoot, G., Foster, L. (2007).

2.3. Pre-Arrest Planning

When it is possible to plan an arrest ahead of time, top priority should be given to avoiding arrest in the **presence of children**. This may be done by observing school times or favouring locations where children are not likely to be present. Children should not be used as an operational tactic to increase the likelihood of locating a suspect. Determining the presence of children should be included in **pre-arrest checklists**. It may not always be logistically possible to identify whether children will be present at the scene of an arrest but including this on a pre-arrest checklist will increase the likelihood of its happening and keep the potential presence of children in the minds of officers.

The **language** spoken by the arrested parent and the family should, when possible, be identified in advance. Where the language differs from that spoken by the police, translation solutions should be sourced in advance. Translators should be provided with trauma-informed training to ensure they are aware of how an arrest scene might impact a child and how to communicate in a sensitive and developmentally appropriate manner. Children should never be required to translate between police officers and arrested parents.

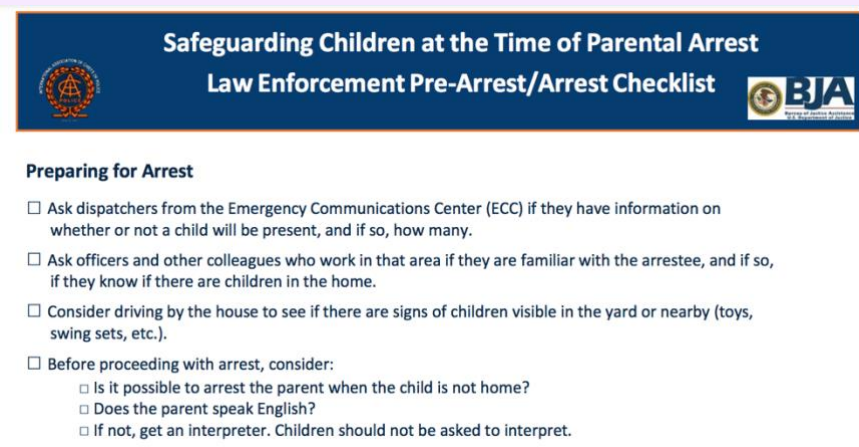
How to establish Pre-Arrest Planning

- Keeping the realities of many arrest scenarios in mind when approaching this stage is important; certain scenarios do allow for pre-arrest planning but spontaneous arrests, for example, will not. Approaching the police with an understanding of the limitations of some circumstances is important.

Examples of cross sectoral initiatives

1. IACP's Pre-Arrest Checklist

The checklist included in the pack of resources from the IACP can be used as a starting point for developing pre-arrest procedures. See Appendix 6 for the full list.



2.4. Mid-Arrest Procedures

The actions taken and decisions made by officers during an arrest are critical to reducing exposure to violence and minimising harm to children. When carrying out an arrest, the following practice should become routine and standardised...

- Officers should ask all arrested individuals, as early during an arrest as possible, if they are a parent or guardian and if there are currently children present at the scene. This should become part of a **routine set of questions**.
- Officers should be aware that many people may be hesitant to disclose information about children due to a deep **mistrust of social services**. Looking for signs of children (e.g., toys or children's clothes) will offer insight as to whether children may indeed be implicated by the arrest.

"You know very well that the social authorities must not get past your door because you'll never get them out again."³⁴
- Relative of a prisoner in Denmark

- **Violence reduction and de-escalation should be top priorities**. If children are present at the scene, **one officer** should be designated to remove children from ear/eyeshot of the arrest, reassure them and explain what is happening in developmentally appropriate language. Giving **words and explanations** to children during the arrest of a parent is key to preventing children from assuming blame or misinterpreting the arrest in any way.

- Consider using **objects of distraction** to give to children. Giving an age-appropriate toy, e.g., a teddy bear, for children to hold onto can distract and reassure them while signifying in the child's mind that the police are there to protect them. **Strategies for Youth** provide a **small teddy bear** as part of their 'In the Presence of Children' training package for law enforcement departments.



- **Dignity and Respect** for children, the parent and the bond between them. When it is appropriate, priority should be given to a parent to explain to their children what is happening during an arrest.

- **Alternative Care arrangements** need time to be made to ensure the best interests of the child are met. When possible and appropriate officers should allow a parent time to make the necessary phone calls and arrangements to establish an appropriate care solution for the child. Officers should assess if the child seems content and in agreement with the arrangement and if the caregiver is in a suitable position to care

³⁴ Scharff Smith, P., & Jakobsen, J. (2014), 131.

for the child. Ideally, a child should remain in the care of family or someone close to the child. State custody should always remain a final option if no other suitable solution can be found.

- If children are to be removed from the home environment for alternative care solutions, where possible allow them **time** to gather toys and familiar items.
- **Leave family and those caring for children with adequate information** about the next stages of the process; where the arrested parent will be, when and how they can be contacted and visited. Additional information should be provided about existing services to support families and children following a parent's arrest.
- Arresting officers should record relevant **information** about children including; children's names, ages, school contact information, caregiver's name and contact details. This **collection of data** is a key step to be able to move forward with any follow-up procedures, to be listed in Section 2.4.

Examples of mid-arrest planning procedure

1. San Francisco Police Department, Order (DGO) 7.04

In 2014, San Francisco Police Department adopted the Department General Order 7.04, a policy created with the aim of *'providing the most supportive environment possible after an arrest, minimizing unnecessary trauma to the children of an arrestee, and determining the best alternative care for the children that is safe.'*³⁵

The full details of this policy can be found in Appendix 7.

³⁵ San Francisco Police Department. (2014) General Order Children of Arrested Parents, DGO 7.04, Policies and Procedures for Juvenile Detention, Arrest and Custody. https://www.sanfranciscopolice.org/sites/default/files/201811/DGO7.04_Children_of_Arrested_Parents.pdf

2. Czech Republic, Department of Crime Prevention.

The webinar '**Forgotten Kids**' hosted by **Czech Prison Fellowship** in Nov. 2021 included a discussion of how the police conduct an arrest when children are present. If the arrest is planned, police ensure that a representative from **social services is present** and if it is an unplanned arrest, then a **phone call** is made to social services. Avoiding arrests in front of children is a top priority.

The webinar was streamed to the [Facebook](#) and [Youtube](#) pages of Prison Fellowship Czech Republic.



2.5. Post Arrest Follow-Up

Once the arrest of a parent has taken place, the role of the police in supporting children is far from over. The potential harm that children may face in the immediate aftermath of an arrest can be mitigated if children are rapidly identified and offered adequate support.

- ❖ **Data sharing:** When in line with data sharing regulation, the data that police record during an arrest can be shared with partnering agencies to rapidly identify children and connect families with available support.
- ❖ A **follow-up visit** from police – and where possible a representative from child welfare services – will allow authorities to confirm that a child is indeed in hands of adequate care, if the arrested parent was the sole caregiver, and that families are aware of support that may be available to them. The stage following an arrest can be fraught with uncertainty and lack of communication.

Examples of post-arrest support

1. Children Heard and Seen / Thames Valley Police Operation Paramount

The Thames Valley Violence Reduction Unit, working in conjunction with the Thames Valley Police and COPE member Children Heard & Seen, piloted in November 2021 a scheme to **rapidly identify** children of a parent who has been sent to prison. Data from the **Prisons Service database** is used by the police to directly support those potentially vulnerable family members following the point of imprisonment.

A Police Community Support Officer (PSCO) contacts the family and offers a referral to support provided by Children Heard & Seen.

It is anticipated that 200-300 children across the three counties of Oxfordshire will be identified yearly by this scheme. The trial is expected to be scaled up and extended across the country.

The following chapter of this toolkit features a discussion with Sgt Russ Massie, of the Thames Valley Violence Reduction Unit who, drawing on Operation Paramount, offers invaluable advice on fostering productive relationships with the police to support children of a parent in conflict with the law.

Chapter 3

*Question and Answer with Sgt Russell Massie,
Thames Valley Violence Reduction Unit*



1. How was this link between Children Heard and Seen and the Thames Valley Police first initiated?

I first became aware of Children Heard and Seen as a Schools Officer in Oxford. I was in discussion with a school who mentioned that they had supported a student of theirs whose father had gone to prison. When I looked them up online it inspired me to make contact and see if there were ways I could support them in their work. On first meeting Sarah Burrows **I was amazed to discover that there is no statutory framework to identify children affected by parental imprisonment.** The idea that a **family could be turned upside down following an arrest or conviction and yet we didn't necessarily know that a child was so fundamentally affected and potentially traumatised** seemed impossible with the volume of data available to statutory agencies.

In 2019 the Thames Valley was one of eighteen policing areas in England and Wales to establish a Violence Reduction Unit, applying public health approaches to serious violence amongst young people. I was given the opportunity to assess the harms caused by trauma in childhood and identify ways in which we could address and mitigate trauma through policing approaches. I was working alongside some excellent colleagues who were developing cutting-edge data visualisation and multi-agency data sharing techniques and saw the opportunity to try and identify children at the point at which their parent or carer was imprisoned. Op Paramount's [editor's note: data sharing technique] was developed from this point as a **practical way to use existing prison data, compare it to police and partnership data, identify children likely to be affected by an adult's prison sentence and offer their families the support of a proven charity at the point of imprisonment.**

2. Did you face any internal challenges within the police when introducing the initiative and the wider discussion of the police's role in protecting children with imprisoned parents?

The popular narrative can be that police officers are often seen as contributing to societal ills, but this just doesn't fit the policing that I'm proud to be a part of. Whilst we have to acknowledge individual failings and examples where police officers have caused harm, *the overwhelming majority [editor's note: of police officers] care deeply about supporting people when they are in crisis, especially when it comes to children.*

One of the main issues for policing in relation to children with parents in conflict with the law is that we usually tend to impact on children at or following a point of trauma, whether that is during the execution of a warrant at their address, arresting a parent in the family home or dealing with a child in the community either as a victim or witness to an offence or on the comparatively rare occasion a child commits a serious offence that is reported to the police.

Policing's core function is responding to crime. Our traditional toolkit comprises laws and powers, and we've always been able to rely on the support of other statutory agencies to support families and children around our crime response. In the UK, over the last decade we

have increasingly seen this responsibility falling on police forces who understand that our roles and responsibilities now comprise more than crime alone, and that successful safeguarding and problem-solving leads to reduced demand on our response services and better outcomes for all.

During the development of Op Paramount, I found **that officers, particularly senior, strategic officers were very positive about the opportunity to identify and support children affected by parental imprisonment.** There were necessary questions asked around secure and appropriate data handling and our capacity to resource welfare visits to families, but nobody was reluctant to take on the responsibility. A few commentators from outside of the police have voiced concerns about the role of police in supporting these children. This appears to be either a complaint about mission creep (i.e., what should and should not be within the remit of policing) or reservation as to whether the police are the appropriate agency to offer support. I believe that this is firmly within the necessary scope of policing, certainly for the time being as we find ourselves as the custodians of the partnership and police data required to accurately identify affected children.

3. What would your advice be on how to best introduce the wider topic of children with imprisoned parents to the police and how to systematically incorporate an awareness of this group of children, introducing a paradigm shift within police culture?

The majority of police officers, at all ranks, understand and support the need for us to be proactive in safeguarding children, including public health approaches in early intervention and prevention. **Police culture is famously stubborn but not impervious to change** and many aspects of traditional policing have evolved recently, as evidenced by the shifts towards health outcomes for possession of drugs and the inception of Violence Reduction Units in England and Wales.

If COPE members wish to engage police agencies in their work it is important to remember our core priorities of reducing crime. It is clear that children exposed to multiple traumas and toxic stresses are more likely to need additional support. Whilst it is important to acknowledge that a child having a parent go to prison isn't deterministic on their chances of entering the criminal justice system, statistically, there is an increased risk that they may end up in conflict with the law themselves. **I prefer to frame the support offered by COPE partners around the likely reductions in offending when a child is properly supported and the opportunity for police to be a part of the solution.** It is the ability for a child to be judged on their own merits, talent and hard work rather than on their circumstances or the actions of their parent that will secure police support more readily than them being framed as systemically part of the problem.

4. Do you see this topic being incorporated into training curricula for police academies, and if so, could you say a bit more about how you would suggest best ‘getting the foot into the door’ of police academies and incorporating this — e.g., NGO advocacy, peer-to-peer, roundtable discussions, etc.

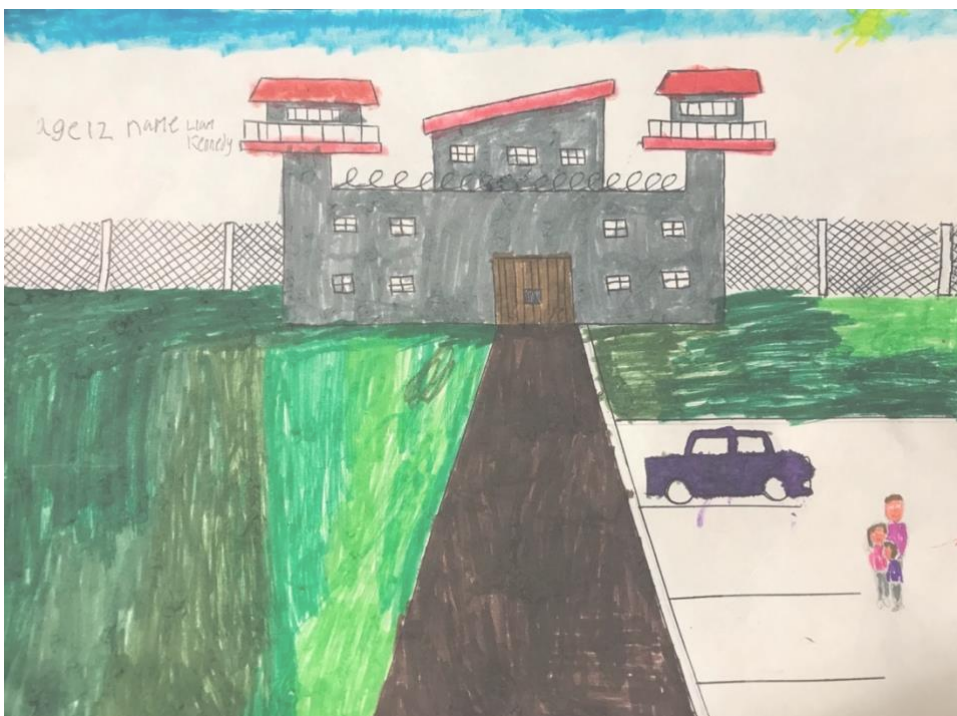
The issue of children with parents in conflict with the law is contained within a number of current policing priorities, namely the necessity to recognise and minimise the traumatic impact of police work on our communities, individuals and police officers themselves. Due to the operational nature of policing and the effect of our enforcement of laws and the powers required to do so, we recognise that most people only encounter us as a victim, witness or offender. Parental imprisonment is an Adverse Childhood Experience (ACE) and is currently at the forefront of most academic police strategy and is more regularly being addressed by police forces who are striving to become trauma informed or trauma aware. I believe that the best gains in advancing COPE’s work with police partners is the recognition of the issue in these terms and by offering to bring much needed nuance and guidance as to how the police can address the adversity that parental imprisonment causes as part of a wider response to trauma and securing better outcomes.

Police officers are very good at setting tasks and delivering on them. The success of Op Paramount lies in a simple process that can be replicated in different areas using already available data, albeit data that has never been used in this way before. **Police forces are under many pressures, so any plans to engage them in this vital area of work will benefit from offering a solution to a problem or an opportunity to thoroughly understand risk of future harm.**

Lastly, there is nothing quite so effective at fostering fruitful partnerships as a hot drink. We’ve been grateful to be invited to events hosted by Children Heard and Seen and a number of my senior colleagues have seen the amazing work they do firsthand, including the chance to speak to children and families themselves.

It is easy for anyone, police or not, to fail to understand the impact of lawful police activity on children and families. Stale rhetoric around offenders being responsible for any harms caused to their families can be challenged and redressed when we see the practical support offered to families by wonderful charities and partner agencies. Positive communications and inclusive language around your partnerships with the police will foster more effective joint-working, and ultimately lead to better support for families at the time that they need it the most.

Appendices



I. Children's Responses to Parental Arrest

Figure 1

CHILDREN'S RESPONSES TO PARENTAL ARREST

- ✓ **Fear**—Children are afraid of being abandoned, of never seeing their parent again, and of being taken away from their new caregiver.
- ✓ **Worry**—Children feel concern about the well-being of their parent, and worry that their caregiver may not be able to take care of them.
- ✓ **Confusion**—Often, children are not told the truth about what is happening or about their parent's whereabouts. This leads to questions they are afraid to ask, and confusion around what is true and what is not.
- ✓ **Sadness**—Children feel sad and experience a profound sense of loss. This may trigger feelings of past losses and increase the sadness.
- ✓ **Guilt**—Children often feel responsible for their parent's behavior. They suffer the guilt of not being "enough" of a motivation for changing parental behavior.
- ✓ **Embarrassment**—Some children may even appear boastful as they defend against the pain and embarrassment.
- ✓ **Isolation**—Children may feel very much alone even as caregivers and others attempt to distract and protect them from distress, and avoid conversations about the parent and their situation.
- ✓ **Anger**—Children may experience feelings of anger along with other feelings such as disappointment, resentment, frustration, fear or loss.

Source: Ann Adalist-Estrin, Director, National Resource Center for Children and Families of the Incarcerated, Children of Prisoners Library, Copyright FCN 2004.

II. SFY Keeping Children Safe at Arrest

Keeping CHILDREN SAFE at the Time of Parental Arrest





- Ask** whether children are present? Look for toys, clothing, diapers. Make sure all children are accounted for.
- Explain** to children what is happening to arrestee.
- Out of sight:** try not to handcuff/question parents in front of children.
- Work with arrestee to make arrangements** for children-if possible.
- Ask children** for input about where they want to go.
- Give time** for parent to reassure children—if appropriate.
- Conduct a background check** for sex offender registration or violence against children before releasing the child.
- If necessary**, make arrangements to transfer children to state custody.
- Explain** to children and caregiver what happens next.
- Document** children's names, gender, age; names and contact information for guardians/caregivers and others involved in placement or custody, name of schools attended.

III. SFY How to Explain a Parent’s Arrest to a Child

How To Explain A Parent’s Arrest To A Child

TODDLER—AGES 1 TO 4

CHILD’S PERCEPTION OF ARREST	WHAT TO SAY
<ul style="list-style-type: none"> Anxiety that parent will be hurt. Fear of separation and loss of parent’s protection. Unable to psychologically separate harm to parent from harm to self. Want to cling to parent to avoid separation. 	<ul style="list-style-type: none"> Acknowledge the importance of the parent to the child: <i>“I know you love your Mom/Dad.”</i> Speak slowly, in a low, comforting tone: <i>“I know you are scared, but no one is going to hurt you or your Mommy/Daddy.”</i>
HOW CHILDREN MIGHT REACT & HOW YOU SHOULD RESPOND	WHEN ARREST IS RAID OR DV
<ul style="list-style-type: none"> Where possible, avoid use of force on parents in presence of child. Anticipate that you may have to remove the child from the parent’s arms. 	<p>RAID</p> <ul style="list-style-type: none"> Element of surprise may be necessary for effective law enforcement, but will escalate children’s reactions. Try to ascertain ahead of time if children are present. If possible have them removed to a safe place.

How To Explain A Parent’s Arrest To A Child

PRESCHOOL—AGES 4 TO 5

CHILD’S PERCEPTION OF ARREST	WHAT TO SAY
<p>Fear of separation and loss of parent protection:</p> <ul style="list-style-type: none"> Unable to psychologically separate harm to parent from harm to self. May cling to parent to avoid separation. <p>Very anxious that parent will be hurt:</p> <ul style="list-style-type: none"> May view a police officer as an action figure who can help, hurt, or take them away. May believe his/her behavior or wishes caused a parent’s arrest. 	<p>Speak to the child so that your eyes are level with the child’s.</p> <p>Clarify basic facts in simple language:</p> <ul style="list-style-type: none"> Why the police are there. What the police are going to do: <i>“I have to take your parent to the police station to talk about some things.”</i> <i>“I’ve called your grandmother and she’s on the way over to be with you.”</i> Reassure children it is not their fault. Do not make promises you cannot keep (i.e. “I will come back to check on you” unless you know you will).
HOW CHILDREN MIGHT REACT & HOW YOU SHOULD RESPOND	WHEN ARREST IS RAID OR DV
<ul style="list-style-type: none"> Where possible, avoid use of force on parents in presence of child and avoid cuffing the parents in the presence of child. Avoid pointing guns at child. Try to distract the child. <ul style="list-style-type: none"> Offer a stuffed animal or a sweater/scarf of the parent to comfort the child. Anticipate that if you do use force, the child’s reaction will be extreme: <ul style="list-style-type: none"> Try to protect parent or hit officer. Zone out or be non-reactive. 	<p>RAID</p> <ul style="list-style-type: none"> Element of surprise may be necessary for effective law enforcement, but will escalate children’s reactions. Try to ascertain ahead of time if children are present. If possible, have them removed to a safe place prior to raid. <p>DV</p> <ul style="list-style-type: none"> While you may perceive yourself as the rescuer of the abused parent, the child may only perceive you as someone using force as the abuser did and not see the difference. If the child had any positive connection to the batterer parent, the child may view you as harming their batterer parent.


How To Explain A Parent's Arrest To A Child

SCHOOL AGE—AGES 6 TO 12

CHILD'S PERCEPTION OF ARREST	WHAT TO SAY
<ul style="list-style-type: none"> • Fear of separation and loss of parent protection. • Concerned with issues of right and wrong, fairness and justice. 	<ul style="list-style-type: none"> • Deal with child honestly, fairly, and calmly: <ul style="list-style-type: none"> • <i>"I have to take your parent to the police station to talk about some things. We'll let you know when you can see your parent. In the meantime, I've called your grandmother and she is on her way here to be with you."</i> • Emphasize that the child did nothing wrong: <ul style="list-style-type: none"> • <i>"You did nothing wrong. I know you love your parent. This is not your fault."</i> • If you don't know the answer to the child's question, tell them you don't know but will find out.
HOW CHILDREN MIGHT REACT & HOW YOU SHOULD RESPOND	WHEN ARREST IS RAID OR DV
<ul style="list-style-type: none"> • Where possible, avoid use of force on parents in presence of child and avoid cuffing the parents in the presence of child. • Avoid pointing guns at child. • Anticipate that if you do use force, the child's reaction will be extreme: <ul style="list-style-type: none"> – Attack officer to protect parent, run, scream, cry. – Zone out: be unresponsive, hide, "self-soothe" by doing something repetitively (rocking back and forth). • Offer a stuffed animal or a sweater/scarf of the parent to comfort the child. 	<p>RAID</p> <ul style="list-style-type: none"> • Element of surprise may be necessary for effective law enforcement, but will escalate children's reactions. • Try to ascertain ahead of time if children are present. If possible, have them removed to a safe place. <p>DV</p> <ul style="list-style-type: none"> • The child may run and/or attack the officer/s making arrest to protect parent. • Child may agree with decision to arrest batterer but feel worried about repercussions of siding with officer in the presence of the batterer.

How To Explain A Parent's Arrest To A Child

ADOLESCENCE—AGES 13 TO 18

CHILD'S PERCEPTION OF ARREST	WHAT TO SAY
<ul style="list-style-type: none"> • Fear of separation and loss of parent's protection. • Especially fearful of parent being hurt. • May express anger toward parent and/or officer. • May try to stand up to officer to protect parent. 	<ul style="list-style-type: none"> • Do not respond to statements of teens expressing distaste for your presence. • De-escalate the situation by letting youth vent fear, feelings: <ul style="list-style-type: none"> • <i>"Hey, this is a tough situation. We're going to take your parent to the police station to talk about this situation."</i> • Maintain rules and structure to ensure teen feels secure: <ul style="list-style-type: none"> • <i>"This is the way we have to do it by law. What happens next is ___ and then we will let you know in ___ minutes what's going to happen to dad/mom."</i> • Ask teens to assist you with younger children: <ul style="list-style-type: none"> • <i>"What's the best way to get her to come out of the corner? Could you help me?"</i> • <i>"Is there anyone you'd like us to call now?"</i>
HOW CHILDREN MIGHT REACT & HOW YOU SHOULD RESPOND	WHEN ARREST IS RAID OR DV
<ul style="list-style-type: none"> • Don't take teens' rude or obnoxious behavior personally. • Avoid handcuffing parent in front of youth; attempt to block teens' vision of the arrest. • Anticipate youth may ignore or evade officers out of shame, rage. • Anticipate youth will: <ul style="list-style-type: none"> – Attack officer to protect parent, vent anger on you instead of parent, run, scream/cry/express rage, be hypersensitive to touch. – Zone out: be unresponsive verbally, hide, appear to be paralyzed and unable to move, "self-soothe" by doing something repetitively (rocking back and forth). • Engage teens in dealing with the arrangements for care; offer the opportunity to help them feel in control of their situation, to whatever degree is possible. 	<p>RAID</p> <ul style="list-style-type: none"> • Element of surprise may be necessary for effective law enforcement, but escalates the reactions of teens. • Anticipate that some teens will try to protect themselves. • Try to ascertain ahead of time if children/teens are present. If possible, have them removed to a safe place. • Be aware, that teens may run or strike back at officer/s making the arrest. <p>DV</p> <ul style="list-style-type: none"> • Anticipate that some teens will want to help assaulted parent and need guidance as to how. • Teen may agree with decision to arrest batterer but feel worried about repercussions of siding with officer.

IV. Booking Poster

Have you notified an officer that your **CHILD** may need to be cared for?

If not, tell us now and:

- We will locate a family member or friend
- Check on your child's safety
- Let you know where your child is

Strategies for Youth
CONNECTING COPS & KIDS

P.O. Box 390174 • Cambridge, MA 02139 • 617.714.3789 • www.strategiesforyouth.org

PHOTO: GETTY IMAGES

V. Checklist for Developing Cross-Sectoral Approach

A CHECKLIST FOR DEVELOPING A LOCAL APPROACH

PROCESS QUESTIONS TO CONSIDER:

- Who needs to be at the table?
- Where will the leadership come from?
- What process will we use for making decisions?
- What are the current challenges and opportunities?
- What new systems (tracking, reporting etc.), if any, are needed?

PROTOCOL QUESTIONS TO CONSIDER:

Overarching Questions

- What specific actions should law enforcement take in order to ensure the safety and well-being of children of arrestees?
- What specific actions should child welfare services take in order to ensure the safety and well-being of children of arrestees?
- What specific actions should other partnering agencies take in order to ensure the safety and well-being of children of arrestees?
- How can we minimize the trauma of arrest on affected children?

Identifying the Children of an Arrestee

- How should knowledge that children may be present affect the execution of arrest warrants?
- How can we determine if an arrestee has children? Can we find out ahead of time? How? What if the arrest takes place in the arrestee's home? What if it takes place away from the arrestee's home?
- Should all arrestees be asked if they have children?
- How can arrested parents be encouraged to identify their children?
(Arrested parents may be concerned about a variety of repercussions, particularly foster care and potential termination of parental rights, that could result from identifying their children.)

(Continued on next page)

CHECKLIST, cont.

Responding to Children Present at the Time of Arrest

- Who should interact with children present at the time of arrest? (A designated officer? Someone else?)
- How can we determine what relationship any children present at the scene of an arrest have with the arrestee?
- How are the issues different when there are children present vs. when the arrestee's children are not present at the time of arrest?
- What if the child is at school—should the school be notified? Who should do this?

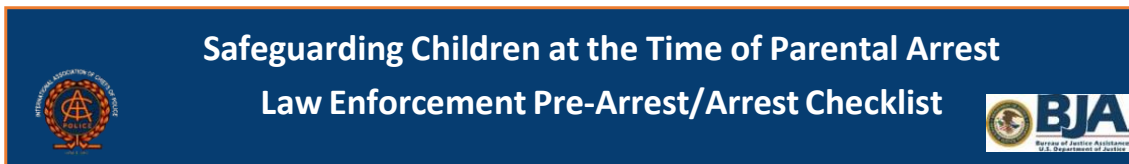
Designating an Appropriate Temporary Caregiver

- Who should make the decision about temporary placement of children of arrestees? Under what circumstances should the arrestee designate a temporary caregiver (a family member, relative, friend or trusted neighbor)?
- Does the nature of the crime bear on the arrestee's right to designate a temporary caregiver?
- Should the arrestee be required to sign a release form assigning temporary care?
- If the arrestee is unable or refuses to designate a temporary caregiver, when and how should child welfare services be called in?

Agency Notification and Coordination

- How should the existence and/or presence of children be recorded?
- How should a child's placement be recorded? (Recording placement in a report that is public information could jeopardize the privacy and safety of both the child and the temporary caregiver.)
- Who should be responsible for following-up on any children placed temporarily when a parent is arrested?
- What are the legal and practical barriers to coordination between law enforcement and child welfare services agencies? How might these barriers be overcome?

VI. Safeguarding Children at the Time of Parental Arrest Law Enforcement Pre-Arrest / Arrest Checklist



Preparing for Arrest

- Ask dispatchers from the Emergency Communications Center (ECC) if they have information on whether or not a child will be present, and if so, how many.
- Ask officers and other colleagues who work in that area if they are familiar with the arrestee, and if so, if they know if there are children in the home.
- Consider driving by the house to see if there are signs of children visible in the yard or nearby (toys, swing sets, etc.).
- Before proceeding with arrest, consider:
 - Is it possible to arrest the parent when the child is not home?
 - Does the parent speak English?
 - If not, get an interpreter. Children should not be asked to interpret.

Arresting a Parent with a Child Present

- Look for signs of a child (toys, coloring books, etc.) even if the parent denies presence of children.
- Task one adult with being 'assigned' to a child during arrest.
- Allow parent to explain/reassure the child, if safe and appropriate. If this is not possible, the assigned officer should provide an explanation to the child, in an age- and developmentally-appropriate manner.
 - If the child is small, kneel down to her/him eye level.
 - Explain and emphasize that s/he has done nothing wrong.
 - Reassure her/him that s/he will be safe.
- Inform parent as to whether s/he will be allowed to speak to child post-arrest.
- Conduct arrest out of sight/earshot of children.
- Discuss placement options with the parent and identify top three choices (i.e. other parent, trusted friends/family/caregiver/Child Welfare Services - CWS). A child's special needs may limit placement options.
- Get background from agencies (National Crime Information Center—NCIC and CWS) on selected caregivers. If the parent insists on caregivers who may be unsuitable/do not pass checks, contact your supervisor.
- Ask the parent or child about objects that may provide comfort to the child in placement (photos, books, stuffed animals, toys, clothing, food).
- Ask the parent and/or procure objects/items the child will need in placement (medications, hygiene items).
- Ask the parent about psychological, medical, or behavioral conditions, allergies, or any other information that would be important for a caregiver to know.
- Take custody of the child in accordance with state law if you reasonably believe there is a threat of imminent danger to the child.
- Do not leave the scene of the arrest until the child is in the care of an appropriate caregiver.

VII. San Francisco Police Department General Order 7.04

San Francisco Police Department

DGO7.04

General Order

03/12/14

CHILDREN OF ARRESTED PARENTS

I. POLICY

- A. The goal of responding officers and Family and Children's Services (FCS) workers is to minimize the disruption to the children of an arrested parent by providing the most supportive environment possible after an arrest, minimizing unnecessary trauma to the children of an arrestee, and determining the best alternative care for the children that is safe. The purpose of this policy is to establish the best methods for working with FCS and first responding officers.
- B. Nothing in this policy negates parental rights to choose *appropriate* placement for their children consistent with the procedures outlined below. Unless there is compelling evidence to the contrary (obvious drug use, weapons or other indicators of an unsafe environment) parental discretion shall be respected. However, FCS maintains the ultimate responsibility for determining placement in the event the parent does not designate placement.

II. DEFINITION

CHILD. Any person under the age of 18.

III. PROCEDURES

Responding officers shall assist FCS by adhering to the following procedures:

- A. When making an arrest, officers shall inquire about the presence of children for whom the arrested adult has responsibility. If the arrest is made in a home environment, officers should be aware of items which suggest the presence of children such as toys, clothing, formula, bunk bed, diapers, etc.
- B. If it is safe to do so, officers should attempt to make the arrest away from the children or at a time when the children are not present.
- C. If it is safe to do so, officers should allow the arrested parent to assure the children that they will be safe and provided for. If it is not safe or if the demeanor of the in-custody parent suggests this conversation would be non-productive, an officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurances to the children that both parent and children will be cared for.
- D. When planning an arrest or search warrant, officers shall consider the ages and likely location of the children when determining the time, place and logistics of executing the arrest and/or search warrant.

- E. If children are present, officers shall determine whether the non-arrested parent, an adult relative, or other responsible adult (i.e. godparent, adult neighbor) is willing to take responsibility for the children. Members shall conduct a preliminary criminal background check and contact FCS to determine if the person willing to take responsibility for the children has a history of child abuse. Any history of sexual crimes, 290 PC registration status or violence against children makes the adult ineligible to assume responsibility for the children. However, this does not apply to the non-arrested parent unless there is a court order limiting contact with the children. In any event, officers shall notify the FCS worker of the intended placement. *(Refer to DGO 7.01 III A. 1 through 6 for 300 W&I criteria)*
- F. To contact FCS, officers shall call 558-2650, identify themselves and the nature of their call, and ask for an expedited response or call back from FCS. FCS workers have been advised to expedite these calls to officers and/or supervisors in the field.
- G. If the arrested parent's children are at school at the time of the parent's arrest, in addition to contacting FCS, the responding officer shall contact the School Resource Officer (SRO) of that school. If the SRO is not available, the responding officer shall advise the school principal or the principal's designee of the parent's arrest and provide placement information if it is available.
- H. The reporting officer shall include the following in the incident report:
- the name and contact information of the adult with whom the children were left,
 - any contact information of other family members the officers identified to assist FCS in case future placement is necessary, and
 - the name and contact information of the FCS worker and school personnel contacted.

Reference:

DGO 7.01, Policies and Procedures for Juvenile Detention, Arrest and Custody

VII. Image credits

Thank you to the following children whose artworks have been included in this toolkit:

Cover: Lois, 12 years old, England
Page 1: Carl, 9 years old, Finland
Page 3: Frida, 10 years old, Norway
Page 4: Girl, 8 years old, Italy
Page 7: Frida, 10 years old, Norway
Page 9: Frida, 10 years old, Norway
Page 18: Leah, 10 years old, Norway
Page 25: Frida, 10 years old, Norway
Page 27: Boy, 7 years old, Italy
Page 31: Liam, 12 years old, Scotland