

Ensuring Child Safety Upon Parental Arrest

NEW MEXICO LAW ENFORCEMENT ACADEMY

NMDPS Accreditation: NM180076

INSTRUCTIONAL GOALS:

To provide law enforcement personnel with information regarding their responsibilities as they pertain to the identification of dependent children when the parents are arrested.

INSTRUCTIONAL OBJECTIVES:

Upon completion of this course, the participants will be able to:

- 1) Identify the elements of the statute (31-1-8)
- 2) Identify the procedures required to meet statute to include making arrangements for the temporary care of a child
- 3) Discuss how the arrest and specific actions made by officers can be traumatic to children and how officers can assist in mitigating any long-term effects.

INTRODUCTION

Since 1991, the number of children with parents in prison has increased by more than 50%. 1.1 million incarcerated persons are parents to an estimated 2.3 million children.

INTRODUCTION

More than 7 million children have a parent under some form of correctional supervision.

In a recent study in California, 70% of children who were present at a parental arrest saw their parents being handcuffed. Connect for Kids/Child Advocacy

30% of children who witnessed an arrest were confronted with drawn weapons.

The Statute, 31-1-8

- Officers are required to ask if the person being arrested is the parent of a minor/dependent child.
- Officers shall make reasonable efforts to ensure the safety of those children
- DPS shall establish guidelines and a training program to include:
 - Procedures to ensure officers inquire about dependent children
 - Procedures for the arrangements of care for those children
 - Education as to the effects of witnessing violent crime or other events that can cause emotional harm and how to mitigate

Procedures

The goal of responding officers:

- Minimize the disruption to children
- Provide the most supportive environment possible
- Minimize trauma of the arrest to children
- Determine the best alternative care

Procedures

- Baring drug use, weapons or criminal behavior, parents wishes shall be respected
- Whenever safe, arrest shall be made away from children
- Ask if there is anyone in the home who depends on their care
- The parent may risk being charged with abuse and neglect, if information is withheld regarding their children.

Things to look for

- Upon arrest, take note of:
 - Car seats
 - Toys
 - Clothing
 - Bottles
 - Indoor swings/chairs
 - Outdoor childrens furniture
- Ask "Do you have any children that depend on you to take care of them?"
- "Are there any children in the house?"
- "Where are they?"

Procedures

- When safe, parent shall be allowed to explain to the children
- If it's not safe, the officer will explain
 - Age appropriate language
 - Ensure parent and children will be taken care of

Procedures

- When planning arrest/search warrant, consider age and location of children
- If children present, officer shall determine if other parent is available, if not?
- Other adult relative or fictive kin willing to take the child
- Adults with criminal history of sexual crimes or crimes against children are ineligible

Procedures

- If placed with other than non-arrested parent, officers shall check with CYFD State Centralized Intake (SCI) regarding history of child abuse or neglect
- 1-800-797-3260 (statewide)
- 505-841-6100 (Albuquerque)

Procedures

- SCI will ask to verify your identity
- If no one is available, SCI will provide numbers to local shelters
- If officer believes protective custody necessary:
 - SCI will notify CYFD
 - Officer will be asked for “Statement of Reasonable Grounds for Emergency Custody”

Procedures

- If children are in school, officer shall contact the school
 - Notify principal, school resource officer or parent's preference for placement

Procedures

- Officer shall include in his report:
 - Names and contact info where child is left
 - Names of CYFD and school workers contacted
 - Names of family members mentioned even though children are not placed with them
 - Important for possible future placement

Trauma caused by arrest/separation

Separation from a parent is a traumatic event for children.

- Separation Impact:
 - Anger
 - Rejection
 - Depression

Trauma caused by arrest/separation

Separation Impact Continued:

- Low self-esteem
- Poor school performance
- Developmental delays
- Inadequate social skills
- Lasting effect



Trauma caused by arrest/separation

Children of incarcerated parents spend an average of 6 years 8 months separated from them. 10% of children with incarcerated mothers will be placed in foster care. More than 60% of parents in prison are held more than 100 miles from home.

How Law Enforcement Can Mitigate The Long-term Effects

The Impact of Trauma

- a. Developmental trauma sets the course and direction of a person's life.
- b. Traumatized children are more likely to be substance abusers.
- c. Children of incarcerated parents are 6 to 10 times more likely to end up in prison

How Law Enforcement Can Mitigate The Long-term Effects

Stress-Trauma Continuum

a. ACTIVITY

- Identify a trauma that you have experienced. Think about what your body's reaction was.
- Can you still describe the details of the trauma today?

How Law Enforcement Can Mitigate The Long-term Effects

- How old were you?
- Does the memory of this trauma ever “pop” into your mind?
- Has the trauma changed your life in any way?
- Childhood Trauma Matters

How Law Enforcement Can Mitigate The Long-term Effects

The Role of Law Enforcement

- Mitigating the Trauma
- Do not arrest parents in front of children.
- Avoid sirens and lights in a non-emergency situation and where the use is discretionary.

How Law Enforcement Can Mitigate The Long-term Effects

If you need to communicate with the child

- Use the child's name
- Use simple language
- Sit at the child's physical level
- Explain your role as a police officer is to keep the child safe

How Law Enforcement Can Mitigate The Long-term Effects

- Acknowledge the child's right to not say anything
- Recognize the child's loyalty to the parent
- Answer any questions the child may have
- Ask one question at a time
- Avoid "why" questions
- Ensure that the child understands the question

How Law Enforcement Can Mitigate The Long-term Effects

- Ask open ended questions and use simple reflection to make sure there is clarity
- Make no assumptions about the child's abilities based on age
- Allow the child to hold onto a stuffed animal or other object for comfort
- Avoid rushing the child; let them have time to process thoughts and feelings

How Law Enforcement Can Mitigate The Long-term Effects

- Observe non-verbal communication
- REMEMBER
- The child's body is responding and this may effect his/her ability to listen, reason and retain information.
- This may also effect the child's emotional and physical responses to what is happening.
- The way this incident is handled will impact this child's future.

How Law Enforcement Can Mitigate The Long-term Effects

- As long as investigation isn't compromised, tell caregiver what happened to the parent, how long they may be in jail and if/how they may be reached.
- Be sure caregiver knows as much as possible about children - bedtime, medical issues, school info, and special needs.

Potential Long Term Effects

CHILDREN IN FOSTER CARE

- High risk for physical health problems
- High risk for mental health problems
- High risk for behavioral problems
- Lower educational achievement
- High risk to enter the juvenile justice system

Parental Arrest And The Impact On Children

Bruce Perry

- a. Males tend to “externalize”
- b. ADHD, Oppositional Defiant Disorder, Conduct Disorder
- c. More likely to be perpetrators
- d. Females tend to “internalize”
- e. Depression, Anxiety, and Dissociative disorders
- f. More likely to be victims

Parental Arrest And The Impact On Children

Post-Traumatic Stress Disorder/ Child Traumatic Stress
Trauma Affects Behavior

- Children exposed to violence within the family and/or community exhibited symptoms such as:
 - An inability to manage emotions
 - Aggressive behavior
 - Destructive behavior

Parental Arrest And The Impact On Children

- Suicidal behavior
- PTSD
- Developmental challenges
- Isolation and loneliness
- Problems at school, home, in the community
- Violent behavior

The Resulting Emotional Response

Parental Arrest And The Impact On Children

- Fear
- Confusion
- Helplessness
- Embarrassment and/or shame
- Disempowerment
- Anger
- Vulnerable

Parental Arrest And The Impact On Children

The Resulting Physical Response

- Sleep Disturbances
- Hyperactivity
- Nervousness
- Appetite Changes
- Changes in Play

Parental Arrest And The Impact On Children

A child's age and developmental level affects their response to witnessing parental arrest

Reducing Childhood Trauma

- In a national survey of 9-16 year olds, 25% had experienced at least one traumatic event
- Incarcerated Youth 90% of juvenile detainees have experienced at least one traumatic event
- Incarcerated youth have experienced 4-8 times more physical trauma than other youth.

PARENTAL ARREST AND THE IMPACT ON CHILDREN

PTSD- 8x higher

McNally, 1999; National Center for Mental Health and Juvenile Justice, 07 reducing child trauma ultimately reduces crime

Conclusion/Questions???

What is it worth to reduce the traumatic effects an arrest can have on children?