

Safeguarding Children of Arrested Parents

The arrest of a parent can have a significant impact on a child whether or not the child is present at the time of the arrest.[[1]](#footnote-1) Depending on age and quality of the relationship with the parent, children may feel shock, immense fear, anxiety, or anger towards the arresting officers or law enforcement in general. Over the past two decades, increasing emphasis has been placed on examination of the effects of these events on children of various ages and the ways in which law enforcement can make sure that an involved child doesn’t “fall through the cracks.”[[2]](#footnote-2) Research clearly indicates that such events can and often do have a negative impact on a child’s immediate and long-term emotional, mental, social, and physical health.[[3]](#footnote-3) Symptoms such as sleep disruptions, separation anxiety, irritability, and even more serious disorders or post-traumatic reactions have been documented.4 In addition, later problems with authority figures in general and law enforcement in particular can arise if officers or other service providers do not take the time to address the needs of the child. Time taken with a child under these trauma producing circumstances is time well spent. The kindness and assistance of even one officer creates a lasting impression among very young children.

Treating a child with compassion and thoughtfulness is not only the proper thing to do, it is also a hallmark of good policing that can have long-term positive benefits for the child and the community.

When children are involved during the arrest of a parent, police officers are often confronted with many overlapping challenges and responsibilities. They must perform their duties in sometimes difficult or even chaotic situations, while also fulfilling their legal responsibility to protect the interests of an innocent child at the scene. Readily available alternatives, such as placing a child with a neighbor, relative, or family friend, often must be made with some urgency, but with minimal information on the capacity or suitability of those persons to provide adequate and safe care. Efforts to reduce the trauma on children created by the arrest cannot always be addressed in a coordinated or timely manner given exigencies associated with some arrests, particularly those involving greater risks to officers. For example, officers may unexpectedly encounter armed or violent suspects who must first be subdued before any additional action can be taken.

Similarly, child welfare services (CWS) often has limited resources to respond to these situations in a timely manner and all too often, its services may not be established with a complete understanding of law enforcement requirements, policies, and practices during arrest situations. In addition, involving CWS may not be necessary in all arrest situations or appropriate as defined by state law or agency policy. The same can be said of a lack of law enforcement understanding of CWS policies, procedures and responsibilities. Without cross-training and a procedure for the coordination of services between law enforcement and CWS, as well as other partner organizations, the needs of the child may be inadequately or only sporadically met. Fortunately, law enforcement is developing a greater understanding of the overall impact of violence and parental incarceration on children.

Efforts to keep families connected, even if a parent is incarcerated, are part of the overall movement championed by many correctional systems. Showing kindness and concern to a child whenever possible, but especially during a difficult time, will help influence his or her opinions towards law enforcement then and later in life. Helping to prevent or minimize a child’s exposure to potentially traumatic events is an operationally sound law enforcement strategy to promote public safety and reduce the likelihood of future misconduct, criminal behavior, and victimization. It is also consistent with law enforcement’s community service and assistance function and is a direct component of principles of community policing, problem solving, and conflict resolution.

Law enforcement officers and their agencies have long been attuned to the dangers of civil liability for failure to train. In the present context, failure to train officers to take reasonable measures to safeguard children at the time of their parent’s arrest and to ensure that appropriate actions are taken before, during and after the arrest, can have legal implications for officers and their employing jurisdictions. In addition to the legal consequences, protection of a child in these and related situations should also be viewed as an ethical, moral, and pragmatic responsibility that serves the short-term and long-term interests of both law enforcement, its justice partners and the communities they serve.

Developing a policy, working with community and governmental partners on specific procedures and protocols and training officers alongside Kansas Department of Children and Families workers better serves the community and the officers who are tasked with resolving these complicated domestic matters.

LLRMI model policy attached to this paper.

1. IACP BJA Safeguarding Children of Arrested Parents [↑](#footnote-ref-1)
2. See Marcus Nieto, In Danger of Falling Through the Cracks: Children of Arrested Parents (California Research Bureau, Sacramento, California, State Library, April 2002), https://www.library.ca.gov/crb/02/09/02-009. pdf (accessed March 10, 2014). [↑](#footnote-ref-2)
3. See the Report of the Attorney General’s National Task Force on Children Exposed to Violence (December 12, 2012), 29–35, http://www.justice.gov/ defending childhood /cev-rpt-full.pdf (accessed March 7, 2014). [↑](#footnote-ref-3)