



# Toolkit for Developing Parental Arrest Policies

## Children of Incarcerated Parents Project

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Through no fault of their own, millions of children have been exposed to and affected by the criminal justice system by witnessing their parent being arrested, by seeing their parent in court, or by visiting their parent in jail or prison. Indeed, many of the thousands of adult men and women who are arrested, prosecuted, and incarcerated each year leave behind minor children<sup>1</sup> who must grapple with their parent's absence for days, months, or years. Although such exposure does not always result in negative outcomes for children, the extant research does suggest that parental involvement in the criminal justice system can put children at risk of residential instability, economic strain and financial hardship, mental health problems, poor academic performance, and antisocial and delinquent behavior.<sup>2</sup> Parental involvement in the system can be traumatic for children and can hinder the quality of the relationship they have with their parent.

To aid in the field's understanding of the potential for policy and practice to mitigate this trauma and to improve parent-child relationships, the Urban Institute has collaborated with the National Institute of Corrections (NIC) to identify promising practices across the country and to highlight a few of those in three practitioner toolkits and a framework document. This toolkit and the strategies and experiences described herein are intended for people who are interested in developing parental arrest programs in their own jurisdictions, such as law enforcement officials, as well as community-based organizations and human services agencies working with law enforcement agencies. The other two toolkits are focused on [family-focused jail programs](#)<sup>3</sup> and [family impact statements](#),<sup>4</sup> while the [framework document](#)<sup>5</sup> offers context for the issue of parental criminal justice involvement. The framework document also provides information about a broader array of programs and practices for children of justice-involved individuals, and it discusses key challenges and recommendations for the field. Box 1 describes the methodology we used to develop the toolkits and framework document.

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## BOX 1

### **Methodology**

In collaboration with NIC, Urban’s methodology to determine which practices to highlight included a literature review and a scan of practice by leveraging professional networks,<sup>a</sup> culling publicly available information online, and conducting telephone interviews with program staff members in 40 organizations and agencies. Through this process, we worked with NIC to identify three locations: New York City; Allegheny County and Pittsburgh, Pennsylvania; and San Francisco, California.<sup>b</sup> Those locations had efforts that were focused on children of justice-involved parents and that seemed to be promising and worth disseminating to a larger audience through this project.

The three locations were selected because they had stakeholders from nonprofit organizations and government agencies working together for children of justice-involved individuals. Thus, selecting them offered us the opportunity to gain a diversity of perspectives and to learn about their public-private partnerships. Those jurisdictions also allowed us to gather information about how a single location can target parental involvement across each stage of the criminal justice continuum, including arrest, pretrial detention, and sentencing.

We visited the three locations and met with relevant stakeholders in government agencies and in nonprofit, community-based, and faith-based organizations. This project did not include an independent assessment or evaluation of any of the policies or practices discussed herein, though they appear to hold some promise for reducing trauma and improving the lives of the children who are experiencing parental justice involvement. Those practices also do not represent the full body of programs and services available to children. Remember that this toolkit and the other deliverables stemming from this project are not intended to be an endorsement of any particular practice. Rather, they are illustrative examples to guide your thinking and to help you incorporate the lessons learned in your own jurisdiction.

<sup>a</sup> Networks included those of the Urban Institute as well as the National Institute of Corrections and the US Department of Health and Human Services (HHS) and the Office of Faith-Based and Neighborhood Partnerships. HHS and the Office of Faith-Based and Neighborhood Partnerships are critical stakeholders in this effort and play an advisory role on the project.

<sup>b</sup> We also visited organizations in Oakland, but the majority were in San Francisco.

# Parental Arrest Policies

This toolkit and the strategies and experiences described herein are intended for individuals interested in developing parental arrest policies in their own jurisdictions, in particular law enforcement officials, as well as other stakeholders such as human services agencies, child-and-parent advocates, community-based organizations, and others who regularly collaborate with law enforcement agencies.

Children can complicate an already difficult situation for the police officers and others present during an arrest. Parental arrest policies prioritize the physical and emotional well-being of children by helping officers to think through how to handle the dynamic, unexpected scenarios they face when they arrest a parent or caregiver. Those policies help to minimize the deleterious effects on children who witness their parent’s arrest by instructing officers to take certain precautions, such as making the arrest away from the child and allowing the parent to reassure the child during the course of the arrest. However, even when children are not on the scene, they can still be affected by their parent’s arrest. For example, minors may be inadvertently left without care once the parent is taken into custody. Thus, parental arrest policies also help officers to determine whether the arrestee is a custodial parent and to figure out who should care for the child after the arrest.

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Many departments already have both formal and informal practices for how to deal with children during the time of a parental arrest. However, formalizing those practices can help to clarify an officer’s responsibilities, to prepare officers for parental arrest scenarios, and to ensure consistency in procedures across all officers in the field. In this toolkit, we focus on the parental arrest policies that have been developed and implemented in San Francisco and in Allegheny County and Pittsburgh, Pennsylvania. In San Francisco, the policy is under Department General Order 7.04, “Children of Arrested Parents.”<sup>6</sup> In Pittsburgh, the policy was originally drafted as guidelines by Allegheny County’s Arrest Protocol Committee in its report, “Keeping Children Safe When Parents Are Arrested: Methods for Allegheny County Police Officers.”<sup>7</sup> The City of Pittsburgh Bureau of Police piloted those guidelines in 2008 and, at the time of our field visit, was incorporating parental arrest policies into a training video for its officers. Appendix B provides language and excerpts from each of those policies.

# Considerations for Developing a Parental Arrest Policy

We identified several key considerations to keep in mind when developing and implementing a parental arrest policy:

- **Identify goals.** Think through objectives and what it would take to succeed. Laying out what you aim to achieve will inform the substance of your parental arrest policy. This section describes some goals to consider when defining the objectives of a parental arrest policy.
- **Make policy development collaborative.** Look for allies and potential partners, and then figure out how they can help. This section discusses potential partners whose objectives may align with your own and approaches to engage with them in developing the policy.
- **Write it down.** Once you have identified your goals and partners, you must fill in the content of the policy. This section breaks down the arrest policies in San Francisco and Allegheny County into the decisions that affect children before, during, and after their parents' arrest.
- **Implement the policy.** After you plan, write, and share the policy, it is time to implement it. We discuss the importance of developing training materials to ensure that the written policies translate into officer actions in the field. Further, letting staff members test the guidance in the field can help determine what works—or does not work—in the new policy. Policies then can be tweaked postimplementation on the basis of their initial rollout.

## Identify Goals

According to stakeholders in San Francisco and Allegheny County, it is important to articulate your goals when designing a parental arrest policy. During our interviews, police administrators and stakeholders in Pittsburgh and San Francisco listed a variety of objectives they believed their policies could help achieve, including the following:

- Protect the well-being of the arrestee's children
- Maintain officer safety in the field
- Allow the arrestee to make decisions on behalf of his or her children
- Build trust between children and police officers
- Improve coordination between public agencies

Remember that children are innocent bystanders at the scene of an arrest. Thus, a primary objective in parental arrest policies is to *protect the well-being of the arrestee's children*. That objective is in line with San Francisco's Children of Incarcerated Parents Bill of Rights, which states that children have the right to be kept safe and informed at the time of their parent's arrest (see box 2 for full Bill of Rights). In both Allegheny County and San Francisco, that goal is complemented by several similar objectives: selecting and vetting (i.e., conducting a background check on) an appropriate caregiver for

the child, decreasing youth involvement in foster care and child welfare systems, increasing the child's comfort level during and after arrests, and minimizing trauma to children.

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## BOX 2

### Children of Incarcerated Parents Bill of Rights

1. I have the right **to be kept safe and informed at the time of my parent's arrest.**
2. I have the right **to be heard when decisions are made about me.**
3. I have the right **to be considered when decisions are made about my parent.**
4. I have the right **to be well cared for in my parent's absence.**
5. I have the right **to speak with, see, and touch my parent.**
6. I have the right **to support as I face my parent's incarceration.**
7. I have the right **not to be judged, blamed, or labeled** because my parent is incarcerated.
8. I have the right **to a lifelong relationship with my parent.**

**Source:** San Francisco Children of Incarcerated Parents Partnership (2003).

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Another goal of police administrators in both cities was to *maintain officer safety in the field*. Given the importance of officer safety, parental arrest policies should be devised in such a way that they not only maintain, but also further that objective. The presence of a child at the time of an arrest may create circumstances that complicate an arrest situation if the child becomes audibly upset, asks questions, or tries to intervene while the officer attempts to apprehend the suspect. Thus, it is critical to develop a policy that improves the officer's preparedness before and during an arrest.

Remember that an arrestee's charge may not have any direct relation to his or her competency to care for his or her children. As such, another goal is to *allow the arrestee to make decisions on behalf of his or her children*. The policies in both Allegheny County and San Francisco encourage officers to allow arrestees to designate a caregiver for their children.

Parental arrest policies also have the potential to improve children's perceptions of police officers. The stakeholders we interviewed believed that if officers are trained to interact with children appropriately and to give parents the chance to make decisions, then children will be more likely to remember the officer as the person who respected their parent, not the person who arrested their parent. They hoped that this approach could benefit officer-civilian relations and could *build trust between children and police officers*.

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A final goal of a parental arrest policy may be to *improve coordination between public agencies*. The success of the arrest policies we learned about depend on police departments and other public agencies, such as child welfare and child protective services, fostering relationships with one another. The policies may also lead to coordination of services between police departments and other community-based organizations, such as those providing temporary custodial care to children after their parents are arrested or those providing other services.

## Make Policy Development Collaborative

Collaboration is instrumental in developing parental arrest policies. The policies in San Francisco and Allegheny County were developed through the efforts of a variety of public agencies and community-based organizations. Those partnerships brought multiple perspectives to bear when the policies were being written, a process that generated buy-in and that strengthened interagency and public–private coordination.

Although law enforcement officials seem to be the most obvious stakeholders for spearheading a parental arrest policy, a number of other organizations were involved in developing the parental arrest policies in San Francisco and Allegheny County. In light of their experience, this section covers the following:

- Whom should you engage?
- How should you involve them?

### WHOM SHOULD YOU ENGAGE?

Engaging representatives from a broad array of organizations and agencies creates an opportunity for participants to *contribute their unique perspectives, resources, and expertise to the matter*. For example, the San Francisco Police Department used the expertise of private and public partners—including a local child and family advocate and an external police oversight agency, the Office of Citizen Complaints—to draft and update its parental arrest policy. San Francisco police officials remarked on the value of hearing the children of justice-involved individuals talk about their experiences with parental arrest and give feedback about the policy. The officials believed those conversations instilled in them a better sense of the policy’s purpose.

In light of those experiences, we encourage you to *consider who should be at the table as you develop a parental arrest policy*. Consider which agencies share your goals for protecting the well-being

of officers as well as families and children of arrestees. Participants might include law enforcement administrators and field officers; family and juvenile court judges and staffs; district attorneys and prosecutors; child protective services; community-based organizations focused on child-and-family-related issues; human services agencies; and experts, such as child psychologists.

### HOW SHOULD YOU INVOLVE THEM?

A variety of avenues for involving stakeholders exists and ranges in intensity of collaboration and formality. One option is to collaborate with others from the start, by *building an interagency task force*. In Allegheny County, the Pittsburgh Child Guidance Foundation partnered with the Department of Human Services to establish the Arrest Protocol Committee. The committee broke into subcommittees to research and design elements of the parental arrest policy and eventually reached consensus on a set of goals and parental arrest practices that the committee subsequently shared in a report to the City of Pittsburgh's Bureau of Police.

Another approach is to *develop your policy internally* or with a few partners and subsequently to solicit feedback. The San Francisco Police Department, for example, initially worked with its own officers, a local children's advocate, and the city attorney's office to draft its parental arrest policy. When the department's policy came up for review, partners at the San Francisco Office of Citizen Complaints met with (1) a community-based and citywide coalition, the San Francisco Children of Incarcerated Parents Partnership (which is a collaborative body of several government agencies and community-based organizations that meet in San Francisco to discuss issues related to parents involved in the justice system), and (2) the San Francisco Youth Commission to gain input and buy-in before formalizing the bulletin. In this way, police officials believed that when the Police Commission voted to adopt the policy, it had already secured buy-in from community representatives *and* law enforcement officials.

## Write It Down

Once you have secured buy-in, objectives, and participants, you can move on to fleshing out your ideas into policies. Consider the following actions:

- Select a format and choose language
- Determine the content of the policy, including instructions for officers before, during, and after an arrest

### SELECT A FORMAT AND CHOOSE LANGUAGE

When writing your policy, be sure to choose the language of the policy carefully and to format the policy to best achieve your goals. You should keep the language in your policy brief, simple, and to the point; using bullet points helps to ensure that officers read the policy and carry the knowledge into the field.

Language in the policy should also differentiate between mandatory provisions and recommendations. For example, use the command "shall" to obligate officers to follow certain provisions and "may" to encourage them to follow certain others. Including voluntary provisions

encourages officers to follow certain steps that have the potential to reduce trauma to the arrestee’s child (e.g., making the arrest away from the child’s sight) while leaving room for officer discretion when safety is at stake. The policies in San Francisco and Allegheny County incorporated language to simultaneously serve the needs of the officer and the child. In particular, both policies included language such as “when feasible,” “if it is safe to do so,” and “once the scene is secure” to provide officers the necessary discretion to prioritize their safety.

The format of the policy may range from a formal department orders or mandates or a set of guidelines or instructions. For example, after issuing a department bulletin for several years, the San Francisco Police Commission voted to adopt its parental arrest policy in the police department’s formal vehicle: a department general order (DGO). Doing so meant San Francisco included the policy in the set of the most comprehensive and authoritative orders governing the agency; each officer is expected to learn the policy during academy training and to receive a copy of the guidance.

However, formal policies are not the only way to raise staff awareness about parental arrest. You might also structure your policy as a set of guidelines that officers are encouraged to follow. For example, the Arrest Protocol Committee in Allegheny County developed and shared a set of recommendations for the City of Pittsburgh Bureau of Police. The police bureau then disseminated the recommendations through a memorandum to staff members and through presentations by the co-chair of the committee during officer roll calls.

#### DETERMINE THE CONTENT OF THE POLICY

During our field interviews, one police officer characterized the parental arrest policy as a “to-do” list—when he arrives at the scene of a caregiver’s arrest, the policy helps him to think through each step he must take. This section walks through the provisions of the parental arrest policies in San Francisco and Allegheny County and provides sample language from each city’s policy.

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**Before the Arrest:** For planning purposes *before* reaching the scene, officers should consider establishing whether the arrestee has children. Accordingly, both San Francisco and Allegheny County instruct their officers, where feasible, to obtain information on the arrestee’s family and to consider the age and likely location of the arrestee’s children in preparation for when, where, and in what circumstances they make an arrest. The following are sample instructions from Allegheny County and San Francisco:



- Allegheny County recommends, “When feasible, the ages and likely location of the children should be considered when determining the time, place, and logistics of the arrest.”
- San Francisco mandates, “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.”

**On the Scene:** However, officers are not always able to receive enough notice or sufficient information about whether an arrestee has children before the officers arrive on the scene. Also, it may not be immediately, or even eventually, evident at the arrest scene that a child is present or that an arrestee has children. If they do not know the arrestee is a parent, officers may be limited in their ability to control a scene and to ensure that dependents are ultimately placed in appropriate and safe care.

Because of that possibility, officers should actively look for signs that point to a child’s presence and should inquire about whether the arrestee has children. This guidance could (1) serve to maintain officer safety by ensuring officers are cognizant of the child’s presence and are potentially able to consider how the child’s presence may hinder or affect the safe execution of the arrest, and (2) ensure a child’s presence is known and that the officer ultimately arranges for care once the scene is secure. Thus, both Allegheny County and San Francisco incorporate clear instructions into their policies:

- Allegheny County recommends that officers “inquire about the presence of all children in the home, and about those children for whom the arrested adult has responsibility but who may not be present.”
- San Francisco requires that “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.”

Moreover, policies should reduce the harm to children at the scene of the arrest. Both jurisdictions try to prevent the child from witnessing the arrest of his or her caregiver by encouraging officers to make the arrest away from the child’s view whenever possible:

- Allegheny County recommends, “Once the scene is secure, the officer should adhere to the following ... when feasible, the officer should make the arrest in an area away from the children or at a time when children are not present;”
- Similarly, San Francisco advises, “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.”

Both departments incorporated guidance aimed at helping officers to decide the extent to which they should inform the arrestee’s children about what is happening during the arrest. With the goal of mitigating trauma to children, both policies encourage officers to allow the arrestee to reassure and comfort the children:

- Allegheny County suggests, “If circumstances allow, the officer should allow a parent to reassure and comfort the children until police are about to transport the parent....if the situation is not safe or the demeanor of the parent suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurances to the child that both the parent and child will be safe.”
- Similarly, San Francisco recommends, “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 nonproductive, 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.”

**After the Arrest:** Even after officers apprehend the suspect/parent, outstanding issues have the potential to affect the well-being of the arresting officers, the children, and the arrestees. Both Allegheny County and San Francisco have incorporated clear guidance about the officer’s responsibilities after apprehending the caregiver. Those instructions aim to ensure that the child ends up in appropriate, safe care and, where possible, that the child’s trauma and system involvement are reduced.

If the child is present at the time of the arrest, police officers must determine who should look after the child after the parent is taken into custody. Both policies we learned about require officers to locate an adult relative or caregiver or, when that option is not feasible, to arrange alternative care for the child after the arrest. It is also important to protect the ability of arrestees to make decisions for their children. Thus, the policies include the following instructions:

- Allegheny County recommends that “officers should attempt to locate an adult relative or caregiver [who is] named by the arrested parent [and] who is willing to take responsibility for the child.”
- San Francisco advises, “If children are present, officers shall determine whether the nonarrested parent, an adult relative, or other responsible adult (i.e., godparent, adult neighbor) is willing to take responsibility for the children.” Further, the policy states, “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.”

Both policies require officers to take additional steps to protect the child’s well-being. They instruct officers to acquire more information about the named caregiver before placing the child in the selected adult’s care:

- Allegheny County recommends, “The officer will use his/her discretion to have a preliminary criminal background check performed.”

- San Francisco instructs, “Members shall conduct a preliminary criminal background check and contact [Family and Children’s Services] to determine if the person willing to take responsibility for the children has a history of child abuse. Any history of sexual crimes ... status or violence against children makes the adult ineligible to assume responsibility for the children. However, this does not apply to the nonarrested parent unless there is a court order limiting contact with the children.”

Officers also need to determine what to do if a caregiver is unavailable. Parental arrest policies must make clear that the officer’s duty is to ensure that the child is not left alone and must indicate the officer’s next steps for arranging alternative care for the child in the short and long term, including where to take the child and various alternatives if the preferred caregivers are unavailable.

Many stakeholders believe it is important to prevent children from becoming involved in the foster care and child welfare systems. However, the likelihood of achieving that goal depends on the alternatives available and the legal requirements of the jurisdiction’s child protective services. For instance, Allegheny County explicitly encourages officers to find alternatives to shelter care where possible:

- Allegheny County recommends, “If the appointed caregiver is not immediately available for any reason, the officer should call a centralized phone number to arrange for transportation to a Comfort Place. Alternatively, though not ideal, the officer may transport the child to the Comfort Place”; and, “in cases where the parent does not name an appropriate caregiver or a comfort place is unavailable for any reason, the officer must call [the Office of Children, Youth, and Family].”

Finally, officers need to protect the well-being of all children of arrestees, even those who are not present at the time of arrest. San Francisco instructs officers to handle that scenario by contacting other appropriate stakeholders, such as school officials, to ensure that child care has been arranged:

- “If the arrested parent’s children are at school at the time of the parent’s arrest, in addition to contacting [Family and Children’s Services], 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.”

## Implement the Policy

The final area of consideration is the implementation of the policy. Consider the following steps when implementing your parental arrest policies:

- Train staff members
- Implement the policy through a pilot program
- Document instances of parental arrest and track outcomes

It is important to *train staff members* by disseminating your new parental arrest policy throughout your agency. Doing so promotes staff awareness and helps staff members to understand the challenges they may encounter, their duties, and the resources available to address the situation. There are several opportunities to disseminate the policy through training. Allegheny County and San Francisco primarily engaged police officers by presenting the guidelines systematically to all staff members throughout the department during officer roll calls. In Allegheny County, for instance, the co-chair of the Arrest Protocol Committee attended roll call throughout the county to present the committee's recommendations, to share information about available resources, and to answer officers' questions.

Police administrators and training staff members also described the value of academy and in-service trainings as a primary means of training and raising staff awareness, in particular for those staff members joining the department after the policy's initial rollout. The officials incorporated their policies into staff training to ensure that all officers learn about the policy, to convey new information about promising practices for parental arrest, and to remind staff members about their department's goal of mitigating the effect of parental justice involvement on children. The San Francisco Police Department, for instance, teaches officers about the parental arrest policy in its training academy for new recruits, at its biannual in-service trainings for current staff members, and in its field manual. Training in San Francisco includes learning about the policy in the classroom as well as practicing the policy in the field. Both locations have also developed parental arrest training videos.

Once you have settled on a set of policies and practices and have raised staff awareness about the change, you might consider *implementing the policy through a pilot*. For example, consider piloting the policy with officers who generally receive advance notice of an arrest, such as those executing arrests for violations of probation. Piloting the parental arrest policy may help you to elicit staff feedback and to make revisions to improve the policy before a full rollout.

Judging from the extant literature and our field work, we can see that gaps exist in our knowledge about the frequency of a child's presence at the time of arrest, as well as the scope and effects of parental arrest on children. Given the dearth of knowledge, we encourage you to *document instances of parental arrest and to track outcomes* when implementing your policy. To approach documentation, you might find it helpful to think about the agencies affected by parental arrest and about steps they might take to track the phenomenon. Agencies could include law enforcement, child protective service and human services agencies, and school officials.

You might start by thinking about what information you already have and how you can use it. In its parental arrest policy, San Francisco Police Department requires officers to relay (1) the name and contact information of the adult selected to care for the children, (2) contact information for additional family members able to provide assistance, and (3) information on agencies that collaborated to place the child such as school personnel or child protective services. If such information is routinely collected, then the department may already be assembling relevant information, including the number of incidents involving parental arrest and child outcomes. Think about how your department can improve its reporting mechanisms to verify the accuracy of the information it already collects.

## Challenges and Lessons Learned

Throughout our field interviews, stakeholders discussed implementation challenges they encountered and lessons they learned as they designed and rolled out their city's parental arrest policies. We have characterized those challenges as follows:

- Changing police culture can be difficult
- Parental arrest scenarios are unpredictable
- Waiting for a caregiver may take time
- Caregivers are not always available
- Child protective services departments face certain legal requirements when involved in an arrest scenario

**Challenge:** According to stakeholders, *changing police culture can be difficult*. Police officers were generally supportive of their department's parental arrest policies but varied in the degree to which they understood and embraced them. Officers might be more or less receptive depending on their age, their length of duty in the field, and their personal lives (i.e., their experiences interacting with kids and the makeup of their own families). Some officers may find the policy obvious or may have an intuitive ability to interact with kids, but others may feel less comfortable with the new guidance.

**Lesson Learned:** Given the challenge of changing police culture, it is crucial to *connect the policy to purpose*. Police supervisors are a key to change because they provide guidance, coaching, and reinforcement to staff members. Police trainers in San Francisco, for instance, incorporate real-world examples of trauma to children of arrestees, including media stories of children left alone after a caregiver's arrest. To generate staff buy-in, departments should help trainees understand the goals behind the department's parental arrest policy and the potential negative effects associated with parental arrest. *Vocal support from a department's leadership* can be instrumental in generating staff buy-in.

*Developing a parental arrest policy training video* also may help. Both jurisdictions were in the process of developing or had developed training videos that include perspectives from police officers, executives, and children of arrestees. Police officers and supervisors remarked that it was very powerful to hear directly from the children of arrestees about their experiences with a parent's arrest. Videos may be helpful in demonstrating the various parental arrest scenarios that officers may encounter. Seeing the scenarios and hearing about tips and experiences from their colleagues may help to change police culture.

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**Challenge:** Another challenge we identified is that *parental arrest scenarios are unpredictable*. Children may react differently to their parent's arrest depending on a number of factors, including the age of the child, the circumstances of the arrest (e.g., in a home, on the side of the road), and other siblings present. Some children may ask questions, some may be receptive to officers' efforts to divert their attention from their parent's arrest, and some may take on specific roles (e.g., trying to reassure or care for younger siblings).

**Lesson Learned:** Officers are best positioned to handle the arrest scenario when they *interact with children in an age-appropriate fashion*. Tactics would include addressing children at their age level in terms of behavior (e.g., kneeling down to meet them at eye level) and providing the appropriate amount of detail to children about the arrest. In Allegheny County, the co-chair of the Arrest Protocol Committee developed training for officers on age-appropriate responses, including the level of detail certain-age children will likely expect to gain about the situation. The co-chair believed supplemental trainings are helpful to officers. A child psychologist participated in Allegheny County's Arrest Protocol Committee.

**Challenge:** *Waiting for a caregiver may take time*. In some cases, officers we interviewed reported waiting with children at the police department or in their car on the side of a road for long periods of time until a caregiver was able to take the child. Such waits are difficult for both the officer and the child: officers may be required to work beyond their normal shifts until a caregiver arrives, and children may become hungry, tired, and restless without access to food or comfortable conditions.

**Lesson Learned:** Given the potential for extended waiting periods and for children to become hungry, tired, and uncomfortable at the scene, San Francisco police officers found it very helpful to *provide children small distractions—such as toys or snacks—to comfort them* during the wait. Officers should also *look for community resources* to provide for children, such as local community-based organizations that might donate toys that officers could give to children awaiting care.

**Challenge:** A similar challenge is that *caregivers are not always available*. Children of arrestees do not always have alternative caregivers available to them at the time of their parent's arrest. In some cases, no other caregiver is available, or the selected caregiver does not pass a background check.

**Lesson Learned:** Given this difficulty, officials in Allegheny County recommended *establishing an alternative place* for children to stay while they await an appropriate caregiver. Allegheny County's Arrest Protocol Committee worked with a community-based organization to provide a safe haven for children of arrestees during its pilot of the parental arrest policy. Through this system, officers were able to contact the organization 24 hours a day, 7 days a week to provide immediate care to children

who did not have a caregiver readily available. However, this type of resource might be challenging to sustain because of funding constraints. Liability also needs to be considered in this approach—such as a child’s medical needs.

**Challenge:** *Child protective services departments face certain legal requirements when involved in an arrest scenario.* Police in both Allegheny County and San Francisco collaborated with local child protective services representatives to meet the needs of children and families of arrestees. In San Francisco, officers are trained to contact the Department of Human Service’s Family and Children’s Services to run a background check on potential caregivers. Meanwhile, officers in Pittsburgh contacted the Department of Human Service’s Office of Children, Youth, and Families if no other caregiver was available.

**Lesson Learned:** Stakeholders discussed the value of such relationships and the improved collaboration, but they also recommended *keeping in mind the obligations of child protective services.* Involving child protective services can have some benefits for the child, but it may also require the agency to open formal proceedings on the family. Thus, it is important to be aware of how and when it is appropriate to engage child protective services in a way that best meets the needs of the child and family of the arrestee.

## Conclusion

Parental arrest policies appear to hold promise for mitigating the harms associated with children of arrestees. Those strategies seek to reduce trauma to children by raising officer awareness about the challenges of parental arrest, increasing children’s comfort level during and after the time of arrest, and improving police–community relations. Although some police departments may already follow informal arrest practices, successful implementation of a parental arrest policy has the potential to help systematically educate and train all police officers about parental arrest practices and to improve consistency in officer behavior by obligating all patrol officers to adhere to a set of standards.

Moreover, parental arrest policies could serve children by reducing the number who witness their parent’s arrest, who are left alone after their parent’s arrest, and who are placed in shelter care. Finally, policies could help children develop positive perceptions of officers after seeing officers treat their parents with dignity and respect, thereby contributing to community–police trust. Although we cannot speak to the outcomes or effects that the policies have on parents or children, they appear worth considering for jurisdictions that want to address the needs of families of arrestees.

## Appendix A. Links to Other Sources of Relevant Information

- **The National Institute of Corrections Children of Incarcerated Parents Project:**  
<http://nicic.gov/coip>

- **The National Resource Center on Children and Families of the Incarcerated:**  
<https://nrccfi.camden.rutgers.edu/>
- **San Francisco Children of Incarcerated Parents Partnership:** <http://www.sfcipp.org/>
- **Osborne Association's New York Initiative for Children of Incarcerated Parents:**  
<http://www.osborneny.org/programs.cfm?programID=23>
- **The International Association of Chiefs of Police's *Safeguarding Children of Arrested Parents*:**  
<https://www.bja.gov/Publications/IACP-SafeguardingChildren.pdf>
- **The National Reentry Resource Center:** <http://csgjusticecenter.org/jc/category/reentry/nrrc/>
- **Crime Solutions:** <http://www.crimesolutions.gov/>

## Appendix B. Excerpts from Parental Arrest Policies in San Francisco and Allegheny County

### San Francisco Policy<sup>8</sup>

- 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 that suggest the presence of children, such as toys, clothing, formula, bunk beds, or diapers.
- 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.
- 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 nonproductive, an officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurances to the children that both the parent and children will be cared for.
- 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.
- If children are present, officers shall determine whether the nonarrested parent, an adult relative, or other responsible adult (e.g. godparent, adult neighbor) is willing to take responsibility for the children. Members shall conduct a preliminary criminal background check and contact Family and Children Services (FCS) to determine whether the person willing to take responsibility for the children has a history of child abuse. Any history of sexual crimes or violence against children makes the adult ineligible to assume responsibility for the children.



However, this does not apply to the nonarrested 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.

- Officers shall contact FCS, 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 supervisors in the field.
- If the arrested parent's children are at school at the time of the parent's arrest, the responding officer shall, in addition to contacting FCS, contact that school's SRO. 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.
- 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
  - » The name and contact information of the FCS worker and school personnel contacted

## **Allegheny County Recommended Policy<sup>9</sup>**

### **LOCATION OF CHILDREN**

- When feasible, the ages and likely location of the children should be considered when determining the time, place, and logistics of the arrest.
- Officers should inquire about the presence of all children in the home and about those children for whom the arrested adult has responsibility but who may not be present.
- If the arrest is made in a home environment, the officer should be alert for items that suggest a child's presence.
- If the child is currently in school, the responding officer should allow a parent to arrange for the child to be picked up from school when feasible. In the alternative, the officer will call the Office of Children, Youth and Families.

### **MINIMIZING TRAUMA**

- Once the scene is secure, the officer should adhere to the following:
  - » When feasible, the officer should make the arrest in an area away from the children or at a time when children are not present.
  - » If circumstances allow, the officer should allow a parent to reassure and comfort the children until police are about to transport the parent.
  - » If the situation is not safe or the demeanor of the parent suggests this conversation would be nonproductive, the officer at the scene should explain the reason for the arrest in age-

appropriate language and offer reassurances to the child that both the parent and child will be safe.

- » The officer should remain present to assure the child's physical safety and allow the child the opportunity to express and experience emotions in a secure environment until the child is released to an appropriate party.

## CAREGIVER

- Officers should attempt to locate an adult relative or caregiver named by the arrested parent who is willing to take responsibility for the child. The officer will use his or her discretion to have a preliminary criminal background check performed.
  - » If the appointed caregiver is not immediately available for any reason, the officer should call a centralized phone number to arrange for transportation to a Comfort Place. Alternatively, the officer may transport the child to the Comfort Place.
  - » If a Comfort Place is unavailable for any reason, the officer must call the Office of Children, Youth and Families.
- If a parent does not name an appropriate alternative caregiver, the officer must call the Office of Children, Youth and Families.

## CONTACT INFORMATION AND FOLLOW-UP

- Reporting officers should include the names and contact information for the appropriate alternative caregiver assuming care for the child in a report. Officers should assist staff of the Comfort Place to gather essential information to complete their intake report.
- During intake at the Allegheny County Jail, data will be enhanced to include other family members, their names, and their contact information. Parents will be permitted to make calls to protect the health and safety of their children during intake procedures. Calls subsequent to intake will be facilitated by the jail caseworker.

## Notes

1. Pew Charitable Trusts (2010).
2. Bendheim-Thoman Center (2008); Brazzell (2008); Ehrensaft et al. (2003); Foster and Hagan (2007); Geller et al. (2009); Moses (2006); Murray and Farrington (2005, 2008); Murray, Janson, and Farrington (2007); Murray, Farrington, and Sekol (2012); Phillips et al. (2002); Phillips et al. (2006); Phillips and Gleeson (2007); Trice and Brewster (2004); Wildeman (2014); Wright and Seymour (2000).
3. Peterson, Cramer, et al. (2015).
4. Cramer et al. (2015).
5. Peterson, Fontaine, et al. (2015).
6. For the full text, see San Francisco Police Department, "Children of Arrested Parents," General Order 7.04, accessed June 8, 2015, <http://sf-police.org/modules/showdocument.aspx?documentid=27381>.

7. For the full text, see Arrest Protocol Committee, “Keeping Children Safe when Parents Are Arrested: Methods for Allegheny County Police Officers,” accessed June 8, 2015, [http://foundationcenter.org/grantmaker/childguidance/linked\\_files/APC\\_Final\\_Protocol.pdf](http://foundationcenter.org/grantmaker/childguidance/linked_files/APC_Final_Protocol.pdf).
8. For the full text, see San Francisco Police Department, “Children of Arrested Parents,” General Order 7.04, accessed June 8, 2015, <http://sf-police.org/modules/showdocument.aspx?documentid=27381>.
9. For the full text, see Arrest Protocol Committee, “Keeping Children Safe when Parents Are Arrested: Methods for Allegheny County Police Officers,” accessed June 8, 2015, [http://foundationcenter.org/grantmaker/childguidance/linked\\_files/APC\\_Final\\_Protocol.pdf](http://foundationcenter.org/grantmaker/childguidance/linked_files/APC_Final_Protocol.pdf).

## References

- Bendheim-Thoman Center for Research on Child Wellbeing. 2008. “Parental Incarceration and Child Well-Being in Fragile Families.” Fragile Families Research Brief 42. Princeton, NJ: Princeton University.
- Brazzell, Diana. 2008. *Using Local Data to Explore the Experiences and Needs of Children of Incarcerated Parents*. Washington, DC: Urban Institute.
- Cramer, Lindsey, Bryce Peterson, Emma Kurs, and Jocelyn Fontaine. 2015. “Toolkit for Developing Family Impact Statements: Children of Incarcerated Parents Project.” Washington, DC: Urban Institute.
- Ehrensaft, Miriam, Ajay Khashu, Timothy Ross, and Mark Wamsley. 2003. “Patterns of Criminal Conviction and Incarceration among Mothers of Children in Foster Care in New York City.” New York: Vera Institute of Justice and NYC Administration for Children’s Services.
- Foster, Holly, and John Hagan. 2007. “Incarceration and Intergenerational Social Exclusion.” *Social Problems* 54 (4): 399–433.
- Geller, Amanda, Irwin Garfinkel, Carey E. Cooper, and Ronald Mincy. 2009. “Parental Incarceration and Child Well-Being: Implications for Urban Families.” *Social Science Quarterly* 90 (5): 1186–202.
- Moses, Marilyn C. 2006. “Does Parental Incarceration Increase a Child’s Risk for Foster Care Placement?” *National Institute of Justice Journal* 255: 12–14.
- Murray, Joseph, and David P. Farrington. 2005. “Parental Imprisonment: Effects on Boys’ Antisocial Behaviour and Delinquency through the Life-Course.” *Journal of Child Psychology and Psychiatry* 46 (12): 1269–78.
- . 2008. “The Effects of Parental Imprisonment on Children.” *Crime and Justice* 37 (1): 133–206.
- Murray, Joseph, David P. Farrington, and Ivana Sekol. 2012. “Children’s Antisocial Behavior, Mental Health, Drug Use, and Educational Performance after Parental Incarceration: A Systematic Review and Meta-analysis.” *Psychological Bulletin* 138 (2): 175–210.
- Murray, Joseph, Carl-Gunnar Janson, and David P. Farrington. 2007. “Crime in Adult Offspring of Prisoners: A Cross National Comparison of Two Longitudinal Samples.” *Criminal Justice and Behavior* 34 (1): 133–49.
- Peterson, Bryce, Lindsey Cramer, Emma Kurs, and Jocelyn Fontaine. 2015a. “Toolkit for Developing Family-Focused Jail Programs: Children of Incarcerated Parents Project.” Washington, DC: Urban Institute.
- Peterson, Bryce, Jocelyn Fontaine, Emma Kurs, and Lindsey Cramer. 2015b. *Children of Incarcerated Parents Framework Document: Promising Practices, Challenges, and Recommendations for the Field*. Washington, DC: Urban Institute.
- Pew Charitable Trusts. 2010. *Collateral Costs: Incarceration’s Effect on Economic Mobility*. Washington, DC: Pew Charitable Trusts.
- Phillips, Susan D., and James P. Gleeson. 2007. “What We Know Now That We Didn’t Know Then about the Criminal Justice System’s Involvement in Families with Whom Child Welfare Agencies Have Contact.” Children, Families, and the Criminal Justice System Research Brief. Chicago: Center for Social Policy and Research, University of Illinois at Chicago.

- Phillips, Susan D., Barbara J. Burns, H. Ryan Wagner, Teresa L. Kramer, and James M. Robbins. 2002. "Parental Incarceration among Adolescents Receiving Mental Health Services." *Journal of Child and Family Studies* 11 (4): 385–99.
- Phillips, Susan D., Alaattin Erkanli, Gordon P. Keeler, E. Jane Costello, and Adrian Angold. 2006. "Disentangling the Risks: Parent Criminal Justice Involvement and Children's Exposure to Family Risks." *Criminology and Public Policy* 5 (4): 677–702.
- Trice, Ashton D., and JoAnne Brewster. 2004. "The Effects of Maternal Incarceration on Adolescent Children." *Journal of Police and Criminal Psychology* 19 (1): 27–35.
- Wildeman, Christopher. 2014. "Parental Incarceration, Child Homelessness, and the Invisible Consequences of Mass Imprisonment." *ANNALS of the American Academy of Political and Social Science* 651 (1): 74–96.
- Wright, Lois, and Cynthia B. Seymour. 2000. *Working with Children and Families Separated by Incarceration: A Handbook for Child Welfare Agencies*. Washington, DC: Child Welfare League of America Press.

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