

CHILDREN & FAMILIES OF INCARCERATED PARENTS
Arrest Sub-Committee
PRELIMINARY REPORT
REVISED: 10/10/08

Arrest Sub-Committee Vision, Goals and Guiding Principles

Vision: As agencies, organizations, and individuals, we recognize the need to support law enforcement and child protective services when children are present at the time of arrest in order that we might ensure the well being of the child. It is also our intention to consider the needs of children not present but impacted by the arrest of their caretaker.

Goal: The Arrest Sub-Committee was charged with developing recommendations to reduce the trauma associated with the arrest of a parent, guardian or caregiver.

A nine-year-old burns his hand trying to make breakfast for himself and his baby brother. The two have been alone in an empty apartment for almost two weeks, since police arrested their mother. Eventually, a neighbor will notice the boy out pushing a stroller by himself and call Child Protective Services.

Guiding Principles:

- Arrest guidelines should be child focused and take into consideration the perspective of a child.
- Arrest guidelines are best established at the local level.
- Arrest guidelines should ensure children receive immediate, responsive and child-focused care.
- Arrest guidelines will be based on the statutory fact that law enforcement is the only entity that may place a child in protective custody in an emergency situation.

Background

Much collaboration is underway both statewide and at the local level to develop protocols to address such arrest situations as a Meth Bust (WE CARE Protocols) and Child Abuse/Neglect (SHB 1333).

Very specific recommendations have surfaced as a result of these efforts. Both bodies of work address the need for specific protocols to help law enforcement, child protective services and communities reduce the trauma associated with crime and the subsequent arrest of a parent, guardian or caregiver.

The Arrest Sub-Committee began its work by identifying current arrest protocol development underway at the state and local levels, as well as models from other states. These included:

- Washington’s Endangered Children’s Assessment and Response (WE CARE)
- King County Sheriff, Special Assault Standard Operating Procedure/Drug Endangered Children
- Draft of a Model Local Agreement between DSHS CA and a Tribe
- Drug Endangered Children Protocol
- “Keeping Children Safe When Their Parents are Arrested: Local Approaches that Work” (California)
- “I was Taken” Articles
- SHB 1333 – Relating to Child Welfare

The Arrest sub-committee was also informed by the work of Nell Bernstein, author of “All Alone in the World”, and the Final Report of the Children of Incarcerated Parents Oversight Committee. Both sources provided a theoretical approach to engaging law enforcement, child welfare services and communities around children and arrest and included recommendations that if implemented, could have a profound effect on reducing the trauma experienced by children at the time of arrest.

In addition to the existing arrest protocol, policies and procedures listed above, the Committee identified existing policies, practices and gaps in service that oftentimes increase – rather than decrease – the trauma experienced by children when a parent, guardian or caregiver is arrested. These include:

- Inability to track children who are placed in the care of a family member, friend or neighbor instead of protective custody.
- Significant lag time between the arrest of a parent and the placement of child in safe housing, particularly during evenings, week-ends and holidays
- A complex child placement process, particularly when working across multiple and/or overlapping jurisdictions
- Lack of appropriate social services in some jurisdictions
- Communication post-arrest limited by privacy laws and technical data-sharing issues

Recommendations

Recommended Arrest Guidelines for Law Enforcement:

1. When possible, conduct a threat assessment prior to arrest and attempt to determine if children are present
2. Secure the scene and ensure the safety of initial responders and civilians present
3. Contact EMS if a child has life-threatening injuries or illness

4. Document all children present at an arrest and those not present (i.e. at school or with another caregiver). Officers should take reasonable efforts to ascertain whether there are children in the family who are not present at the time and location of arrest, their name/age, and where they might be located. This may not be possible to do so immediately and the officer may not be able to follow up in every case.
5. Determine if there is an appropriate adult family member, friend or neighbor to care for the child(ren) and contact that person.
 - a. When law enforcement notifies CPS of the placement of children with a family member, friend or neighbor as an alternative to protective custody, no record is created by DSHS since the children are not identified as in need of CPS services. Allowing CPS to create a record of these children would help assure that they and their caregivers are eligible for – and receive - support services.
6. If arresting officer determines Protective Custody is necessary and/or appropriate, contact Child Protective Services. CPS placement will be guided by existing statutes, policies and practices.
7. Inform the child(ren) about what is happening
 - a. Discussion should be age appropriate
 - b. Conversation should be mindful of the child perspective
 - c. Child should be informed of “next steps” as they are identified

This recommendation should include additional training for law enforcement officers on the appropriate language to use with the child(ren) so as not to further traumatize, with appropriate funding of the training.
8. Allow phone calls for resource referral, such as:
 - a. 211 Resource Line
 - b. Crisis Clinic
 - c. DSHS Community Service Office
 - d. Schools
 - e. Child’s caregiver
 - f. Other, i.e. chaplaincy

Recommended Child Protective Service Response/Procedure

If the child has been taken into protective custody, then

1. Respond according to local area protocols
2. DSHS, Children’s Administration Social Worker assumes jurisdiction
 - a. Placement guided by existing policy and practice
3. Communicate with law enforcement about the progress of the placement process. Clear and consistent communication between DCFS and law enforcement was identified as an important issue. We recommend establishing a mechanism to enhance communication between DCFS and law enforcement during the child placement process. This will allow arresting officers as well as the children to know how the placement process is moving forward.

Appendix A

Additional Recommendations

The following recommendations were discussed as important points that the full CFIP Committee may wish to consider in the overall final report. Many of these recommendations may need further exploration and work. We have included these items so the thoughts will not be lost, but they are not currently included in the guidelines the subcommittee has agreed upon for final submission to the full committee.

Recommendation: Arrest Sub-Committee recommends funding be provided to Division of Child and Family Services (DCFS) to be used to contract with local area providers who are willing and able to respond to Law Enforcement or DCFS after-hours at the time of arrest.

This Sub-Committee recommends contracting with local entities to provide responsive, 24-hour child focused services at the time of arrest as well as post-arrest services to help children and families contend with the trauma of arrest as well as incarceration.

Fund On-Call 24 hour or 24 Hour Operational Child Care Centers (as licensed by DEL) for child placement

- a. Create 24 hour "Safety Centers for Youth" in "Million Dollar Block" neighborhoods and/or
- b. Identify child advocacy centers or other child service providers and fund locally for On Call emergency pre-placement services. A child-centered program to provides age appropriate emergency services (clothes, food, bed) as well as temporary placement (3-8 hrs) while DCFS works to secure placement.

Law Enforcement Related Recommendations:

1. Local agreements should be established to support 24/7 referral
2. Local Law Enforcement should refer to community partnering agencies and Community Service Officers as appropriate

CPS Related Recommendations:

1. Establish referral capability/staff capacity for children who are not placed in state custody by Law Enforcement but may be in need of prevention or other support services.
 - a. Referral to Community Support Organizations/Other Agencies
 - b. Referral to school/community service officers
 - c. Consider the development of a volunteer resource pool to support

2. Identify Gap in Information and Barriers to Service
 - a. Build multi-disciplinary local response units
 - b. Address data sharing and confidentiality issues
3. Prepare a pamphlet for distribution at booking with information concerning child welfare and voluntary service referral for parents; consider tie to Domestic Violence information; increase pamphlet availability for Kinship Caregivers, etc.

Law, Statute and Local Area Agreements Related Recommendations:

1. Review RCW 13.34.060 and review definition of abuse and neglect; modify to better support emotional abuse and neglect.
 - A. Align WAC, policy and procedures in affected Agencies
2. Local Agreements:
 - A. Designate Single Source responsible for Receiving Updates to and Allowing Accessibility of all local agreements.
 - B. Engage with existing local planning groups and/or jurisdictional task forces to include tribal jurisdictions
 - C. Work in concert with WASPC to identify existing and appropriate local groups
 - D. Identify and consolidate existing local agreements and require each "area" to have its own agreement to support response during and after arrest.
 - E. Facilitate the development of local and culturally appropriate protocols that address the health and safety of children when impacted by the arrest of a parent.
 - a. Expectation – Law Enforcement will engage affirmatively with children
 - b. Expectation – Local Service Providers and Law Enforcement will cross train
 - c. Service plans will be in place to accommodate responses 24/7
Facilitate the development of local and culturally appropriate protocols that address the health and safety of children when impacted by the arrest of a parent.
 - F. Empower local organizations to respond
 - a. Support and Increase Licensing as provided through Department of Early Learning
 - b. Contracts managed through Department of Social and Health Services
 - c. Fund a survey of existing services (if necessary and appropriate)

- d. Consider funding of Community Service Officers to facilitate liaison of School, Families and Law Enforcement
 - e. Fund attendees as necessary for protocol development
 - G. Produce "Review Checklist" for necessary/recommended components of Local Agreements
 - H. Ensure County Sheriffs, State Patrol, Local Law Enforcement, Department of Social and Health Services, Department Of Corrections and local Child Service providers assist in establishment of Local Agreement
 - I. Cross train Local Agreement participants and partners
 - J. Coordinate and communicate with educational systems and partners to develop protocols for supporting children that are in school when their parent, guardian or caretakers have been arrested.
3. Require Law Enforcement to list all children present at an arrest, regardless of whether or not the children were placed in protective custody
- A. Develop measurement tool to begin tracking number of children present at arrest and time of placement if applicable.
4. Fund a survey of current arrest protocols per county and area.
5. Develop guiding principles for communities to use in developing local area agreements as they pertain to arrest protocols