

# Safeguarding Children of Arrested Parents



The Safeguarding Children of Arrested Parents Bill (S2747/A3502) sponsored by Senator Bailey and Assemblymember Vanel would direct the New York State Police and the New York State Division of Criminal Justice Services to issue written guidelines and offer training to assist law enforcement in safeguarding children at the time of a parent's arrest. This bill would minimize trauma experienced by children of arrested parents, ensure officers feel confident in situations involving children, and strengthen community-police relations.

## Witnessing the Arrest of a Parent is Traumatic

One in 14 children in the United States experiences the incarceration of a parent, with children of color experiencing parental incarceration at higher rates.<sup>1</sup> It is estimated between 22 percent and 41 percent witnessed their parent's arrest.<sup>2</sup> In 2019 alone, people arrested in New York City reported providing care for more than 60,347 children.<sup>3</sup>

Research suggests that children are twice as likely to have emotional and behavioral challenges as compared to children who don't witness an arrest.<sup>4,5</sup> Children whose parents are incarcerated experience an additional trauma that

may result in long-term negative health outcomes.<sup>6</sup> Children may feel fearful, anxious, angry, confused, and guilty during and after the arrest. And, some children form a negative impression of police that they carry into adulthood, leading them to not seek out police in times of need, report crimes, or cooperate with investigations. One of the reasons for these outcomes is that children are often not safeguarded during an arrest, and few officers receive written guidance and training on how to respond to children during an arrest.

*"I felt invisible. I felt that I could not ask officers questions, or ask for help to feel comfortable. I did not feel safe."*

– Child of an Arrested Parent



## Safeguarding Children of Arrested Parents Bill

Currently, only the Albany, Buffalo, and New York City Police Departments have written guidelines and training for their departments on safeguarding children at the time of a parent's arrest. This bill would provide police with clarity, consistency, and confidence in handling situations involving children.

**The bill would do the following:**

- Require the State Police to implement written guidelines and train the entire department.
- Direct the Division of Criminal Justice Services to issue model guidelines, and develop and offer training to the approximately 600 police departments in the state.
- Require all police departments to inquire whether an arrestee is a parent and follow DCJS model guidelines when possible.

**Model guidelines could include, but are not limited to the following:<sup>7</sup>**

- Avoid the use of sirens, handcuffs and firearms in front of children.
- Ask people who are arrested if they have minor children.
- Allow the parent to identify a caregiver for a child.
- Acknowledge and speak to children in age appropriate ways.
- Give children age appropriate information about what will happen to them and their parents.
- Collect data on the number of children present during their parents arrest.

New York has the opportunity to be a national leader in safeguarding children of arrested parents. Without guidelines and training, officers must figure out on their own how to interact with children during chaotic situations. Children and law enforcement are counting on New York State to provide guidance on how to safeguard children of arrested parents.

*“The image of police developed by a child during these encounters can have long-lasting effects on their overviews of law enforcement, and their future willingness to cooperate with police and to abide with the law.”*

– Yousry Zakhary, Past President  
International Association of Chiefs of Police



New York Initiative for  
Children of Incarcerated Parents

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1. Child Trends. 2015. *Parents Behind Bars: What Happens to Their Children?*  
 2. Phillips & Zhao. 2010. *The relationship between witnessing arrests and elevated symptoms of posttraumatic stress: Findings from a national study of children involved in the child welfare system.*  
 3. New York City Criminal Justice Agency Data. 2019. Internal report.  
 4. Roberts et al. 2014. *Children exposed to the arrest of a family member: Associations with mental health.*  
 5. Poehlmann-Tynan et al. 2021. *The Health and Development of Young Children Who Witnessed Their Parent’s Arrest Prior to Parental Jail Incarceration.*  
 6. Parental incarceration is an Adverse Childhood Experience, a measure of childhood trauma identified by the Center of Disease Control and Prevention. www.cdc.gov  
 7. See the model *Safeguarding Children of Arrested Parents* protocol issued by the International Association of Chiefs of Police in 2014.  
 8. Few police departments in the U.S. have written protocols. Only New Mexico and California have statewide child sensitive arrest laws, which are weaker than this bill. NM Stat § 31-1-8 (1996 through 1st Sess 50th Legis); CA Penal Code, Section 13517.7