

APPENDIX TO POLICY 9

Protection of Youth Who are Vulnerable Due to the Arrest of Parents or Other Caretakers, the Execution of Residential Search Warrants, or Commercial Sexual Exploitation

Strategies for Youth has created [12 Model Law Enforcement Policies for Youth Interaction](#) to provide law enforcement agencies and officers with guidance on how to interact with youth in developmentally appropriate, trauma-informed, equitable ways that comply with the law. This appendix contains additional source and background information for [Policy 9: Protection of Youth Vulnerable Due to Arrest of Parents or Other Caretakers, Execution of Residential Search Warrants, or Commercial Sexual Exploitation](#).

Data on Parental Arrests and Incarceration

INT’L ASS’N OF CHIEFS OF POLICE & U.S. DEP’T OF JUST. BUREAU OF JUST. ASSISTANCE, SAFEGUARDING CHILDREN OF ARRESTED PARENTS 3-4 (2014)

<https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/IACP-SafeguardingChildren.pdf>

Although “[t]here are no accurate statistics on the number of children who are present when their parent is arrested since these numbers are not routinely captured in arrest reports or collected by any central authority,” some data is available on the numbers of incarcerated individuals who are parents. *Id.* at 3. For example, data published by the U.S. Department of Justice in 2008 and 2010 indicates that approximately 52 percent of state prison inmates and 63 percent of federal prison inmates were parents of minor children; this data does not include children who have parents in jail. *Id.* In addition, incarceration of mothers increased 122 percent and the incarceration of fathers rose 76 percent between 1991 and 2007. *Id.* at 4.

Children Who Had a Parent Who Was Ever Incarcerated by Race and Ethnicity in United States, ANNIE E. CASEY FOUND. (May 2023)

<https://datacenter.aecf.org/data/tables/9734-children-who-had-a-parent-who-was-ever-incarcerated-by-race-and-ethnicity#detailed/1/any/false/2043,1769,1696,1648,1603/10,11,9,12,1,13/18995,18996>

Appendix to Policy 9 (cont'd)

Wendy Sawyer, *The Gender Divide: Tracking Women's State Prison Growth*,

PRISON POL'Y INITIATIVE (Jan 9, 2018)

https://www.prisonpolicy.org/reports/women_overtime.html

This document provides an overview of trends in women's incarceration in state prisons.

Eric Martin, *Hidden Consequences: The Impact of Incarceration on Dependent Children*, 278 NAT'L INSTITUTE OF JUST. J. 2 (2017)

"Current estimates of the number of children with incarcerated parents vary. One report found that the number of children who have experienced parental incarceration at least once in their childhood may range from 1.7 million to 2.7 million.... If we consider the full continuum of the criminal justice process—arrest, pre-trial detention, conviction, jail, probation, imprisonment, and parole—the number of children affected is significantly larger. For example, if we include parents who have been arrested, the estimate of affected children rises to 10 million."

DAVID MURPHEY & P. MAE COOPER, *PARENTS BEHIND BARS: WHAT HAPPENS TO THEIR CHILDREN?* (2015)

<https://www.childtrends.org/publications/parents-behind-bars-what-happens-to-their-children>

At least five million children have lived with a parent who went to jail or prison.

JASON M. LANG & CHRISTOPHER T. BORY, *A COLLABORATIVE MODEL TO SUPPORT CHILDREN FOLLOWING A CAREGIVER'S ARREST: RESPONDING TO CHILDREN OF ARRESTED CAREGIVERS TOGETHER (REACT)*, CENT. CONN. STATE UNIV. INST. FOR MUN. & REG'L POL'Y 4 (2012)

<https://dokumen.tips/documents/children-of-incarcerated-parents-the-child-health-and-services-to-children.html?page=2>

"The number of children affected is unknown because there are no state or federal requirements for police departments or other agencies to collect data on whether an arrestee is caring for children. However, the best estimates we can provide suggest that the number is quite large—each year, a child experiences a parent's arrest over 6 million times in the United States."

THE PEW CHARITABLE TRUSTS, *COLLATERAL COSTS: INCARCERATION'S EFFECT ON ECONOMIC MOBILITY* 4 (2010)

54 percent of inmates are parents with minor children (ages 0-17), including more than 120,000 mothers and 1.1 million fathers; 2.7 million children have a parent behind bars—1 in every 28 children (3.6 percent) has a parent incarcerated; two-thirds of these children's parents were incarcerated for non-violent offenses. One in 9 African American children (11.4 percent), 1 in 28 Hispanic children (3.5 percent) and 1 in 57 white children (1.8 percent) have an incarcerated parent.

Appendix to Policy 9 (cont'd)

THE SENTENCING PROJECT, INCARCERATED WOMEN AND GIRLS 1 (2021)

<https://www.sentencingproject.org/app/uploads/2023/05/Incarcerated-Women-and-Girls-1.pdf>

“Over the past quarter century, there has been a profound change in the involvement of women within the criminal justice system. This is the result of more expansive law enforcement efforts, stiffer drug sentencing laws, and post-conviction barriers to reentry that uniquely affect women. [As of 2021,] the “female incarcerated population stands over six times higher than in 1980. Over half (58%) of imprisoned women in state prisons have a child under the age of 18.”

Emerging Findings, VERA INST. OF JUST.

<https://www.vera.org/publications/arrest-trends-every-three-seconds-landing/arrest-trends-every-three-seconds/findings> (last visited Oct. 10, 2023)

Arrests of women increased 83% between 1980 and 2014, while arrests of men decreased seven percent over that time period. *Id.* In 1980, women were an estimated 16% of all arrests, but in 2014 they accounted for 27% of arrests. *Id.*

Impact on Youth of Parental Arrests

INT’L ASS’N OF CHIEFS OF POLICE & U.S. DEP’T OF JUST. BUREAU OF JUST. ASSISTANCE, *supra*, at 1.

“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. 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.... Research clearly indicates that [parental arrests] can and often do have a negative impact on a child’s immediate and long-term emotional, mental, social, and physical health. Symptoms such as sleep disruptions, separation anxiety, irritability, and even more serious disorders or post-traumatic reactions have been documented. 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.” *Id.* Further, “[f]or many children, a parent’s arrest is the moment when their invisibility is made visible; when it is made clear to them just how easily they may be overlooked within the systems and institutions that come to claim their parents. With appalling regularity, young people have described to me being left to fend for themselves in empty apartments for weeks or even months in the wake of a parent’s arrest. In most cases, these children were not present when their parent was arrested; they simply came home from school to find their parent gone and were left to draw their own conclusions. But some told me of watching police handcuff and remove a parent—the only adult in the house—and simply leave them behind.” *Id.* at 5

Appendix to Policy 9 (cont'd)

Robyn E. Metcalfe et al., *Witnessing Parental Arrest As a Predictor of Child Internalizing and Externalizing Symptoms During and After Parental Incarceration* 16 J. CHILD. ADOLESCENT TRAUMA 329, 330-34 (2022)

Studies suggest that “witnessing parental arrests is associated with poor outcomes,” including a finding that among almost 2,000 children involved with child protective services, children who had witnessed a household member’s arrest were 73% more likely to experience a greater number of post-traumatic stress symptoms than children who had not witnessed an arrest, and that as many as 25% of children who had witnessed an arrest of a family member showed “elevated signs of post-traumatic stress.” See *id.* at 330-31. Other studies found that “witnessing parental arrest was associated with poorer emotional regulation skills, lower receptive vocabulary scores, and increased anxious and depressed behaviors for children compared to children with incarcerated parents who did not witness their parents being arrested,” that “witnessing parental arrests and experiences of stress related to this incident predicted missed developmental milestones, poorer academic skills, and physical health concerns,” and that youth who witnessed their father’s arrest “experienced higher levels of stress hormones along with ‘blunted’ physiological stress levels.” See *id.* at 331. In addition, the authors’ own study of youth during a parent’s incarceration and six months after the parent’s release “suggest that witnessing parents’ arrest prior to prison sentences is associated with adverse behavioral health for children, especially for those younger than eight years.” See *id.* at 334.

LANG & BORY, *supra*, at 4

“From the child’s perspective, a caregiver’s arrest typically involves the sudden, unexpected, and sometimes violent removal of their loved one, confusion and uncertainty about when they will see that person again, and concerns about their own safety and who will care for them.... Law enforcement officers, who typically are the only professionals present when an arrest is made, rarely have the training or resources to understand or respond to the needs of children when a caregiver is arrested.” *Id.*

Law Enforcement Interactions with Youth During Parental Arrests

INT’L ASS’N OF CHIEFS OF POLICE & U.S. DEP’T OF JUST. BUREAU OF JUST. ASSISTANCE, *supra*, at 1

“Time taken with a child under these trauma producing circumstances is time well spent. The kindness and assistance of an officer with a child creates lasting impressions even 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.” *Id.* This report also introduces model policies, including recommendations that: (1) when “appropriate and safe”, parents being arrested should be given an opportunity to reassure their child; (2) officers provide explanations to youth in an “age- and developmentally-appropriate manner” when parents cannot do so, emphasizing “that the child has done nothing wrong and will be safe”; (3) when “reasonably possible, the officer shall ask the parent about items or objects that provide particular comfort to the child, such as toys, clothing, blankets, photographs or food”; and (4) the officer ask the parent about youth medical, behavioral, or psychological conditions and/or required treatments for which a caregiver may become responsible. See *id.* at 19-22.

Appendix to Policy 9 (cont'd)

N.Y STATE LAW ENFORCEMENT ACCREDITATION PROGRAM STANDARD 44.4, SAFEGUARDING CHILDREN OF ARRESTED PARENT(S)/GUARDIAN(S), STANDARDS AND COMPLIANCE VERIFICATION MANUAL 126 (2023)
[standards_compliance_verification_manual.pdf \(ny.gov\)](#)

This statewide law enforcement agency accreditation standard requires that the law enforcement agency have a “written directive that outlines the procedure for safeguarding children due to the arrest of a parent and/or guardian.” The directive must include at least: the responsibilities of the agency’s Chief Law Enforcement Officer; pre-arrest planning; procedures for making an arrest when youth are and are not present; ensuring the appropriate placement of youth; interacting with youth in an age-appropriate manner; follow-up; and documentation. *See also id.* (“The purpose of this standard is to ensure that children, both present and not present, are safeguarded when parent(s) and/or guardian(s) are under arrest. Appropriate placement, whether taking custody wherever required by law or ensuring that arrangements are made, is paramount to the safety and well-being of the child(ren).”)

Youth Exposed to Intimate Partner Violence

U.S. DEP’T OF JUST. OFF. OF JUVENILE JUST. AND DELINQ. PREVENTION, LAW ENFORCEMENT RESPONSE TO CHILD ABUSE: PORTABLE GUIDE TO INVESTIGATING CHILD ABUSE 7 (2014)

<https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/243907.pdf>

This guide recommends that officers arriving at domestic violence situations should “speak with the children separately and privately to gather information about the situation directly from them and assess their need for protection. In addition, officers should look for any physical signs that a child may have been abused. They should keep in mind that a child in this situation is likely to be afraid and withdrawn and that nervousness or a reluctance to talk may be an indicator that physical or emotional abuse has taken place. The officer should also remember that despite an occurrence of domestic abuse, a child may be reluctant to leave the residence.” *See id.*

ROBERTO SANTOS & RACHEL SANTOS, U.S. DEP’T OF JUST. OFF. CMTY. ORIENTED POLICING SERVICES, PROACTIVE POLICE RESPONSE TO DOMESTIC-RELATED REPEAT CALLS FOR SERVICE 1 (2023)

<https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-w0969-pub.pdf>

Domestic-related calls for service are one of the most frequent categories of service to which law enforcement agencies respond.

SHERRY HAMBY ET AL., U.S. DEP’T OF JUST. OFF. OF JUVENILE JUST. AND DELINQ. PREVENTION, CHILDREN’S EXPOSURE TO INTIMATE PARTNER VIOLENCE AND OTHER FAMILY VIOLENCE 1 (2011)

<https://www.ojp.gov/pdffiles1/ojjdp/232272.pdf>

Survey results “confirm that children are exposed to unacceptable rates of violence in the home. More than 1 in 9 (11 percent) were exposed to some form of family violence in the past year, including 1 in 15 (6.6 percent) exposed to IPV between parents (or between a parent and that parent’s partner). One in four children (26 percent) were exposed to at least one form of family violence during their lifetimes. Most youth exposed to family violence, including 90 percent of those exposed to IPV, saw the violence, as opposed to hearing it or other indirect forms of exposure.” *Id.*

Need for Interagency Coordination Between Law Enforcement and Partner Agencies to Aid Youth and Families

INT'L ASS'N OF CHIEFS OF POLICE & U.S. DEP'T OF JUST. BUREAU OF JUST. ASSISTANCE, *supra*, at 9.

“Law enforcement officers can be trained to have a better understanding of the needs of children at the time of their parent’s arrest and possible law enforcement responses. But realistically, few departments have the resources to address this issue effectively on their own. Coordination of law enforcement with [child welfare agency service providers] and other partner organizations combines the two disciplines into a promising model for meeting the needs of the child and the family, as well as the community’s need for public safety.” *Id.*

LANG & BORY, *supra*, at 28

The authors recommend “memoranda of understanding between agencies (e.g. law enforcement, EMPS mobile crisis clinicians, child welfare, corrections) to codify commitment to consideration of child safety during and following a caregiver’s arrest.”

Danger to Youth During the Execution of Residential Search Warrants

Samantha Michaels, Brett Rosenau Is the Latest Child Killed in a Botched SWAT Raid, MOTHER JONES (JULY 14, 2022)

<https://www.motherjones.com/crime-justice/2022/07/brett-rozenau-police-swat-raid-flashbang-granade/#:~:text=Over%20the%20last%20decade%2C%20several,that%20it%20burned%20her%20blanket>

This article described the case of 15-year-old killed in raid where SWAT teams used flash bang grenade and chemical irritants, and other incidents where youth were killed or maimed when grenades were used.

Kevin Sack, Door-Busting Drug Raids Leave a Trail of Blood, N.Y. TIMES (Mar. 18, 2017)

<https://www.nytimes.com/interactive/2017/03/18/us/forced-entry-warrant-drug-raid.html?h-p&action=click&pgtype=Homepage&clickSource=story-heading&module=photo-spot-region®ion=top-news&WT.nav=top-news&mtrref=undefined&gwh=67964EE3C094721B823132D2D53430CE&gwt=pay&assetType=PAYWALL>

This article described injuries to a six-month-old during the execution of a search warrant. The infant was injured as a result of flash bang grenades. This article also described “dynamic entry” raids that have “led time and again to avoidable deaths, gruesome injuries, demolished property, enduring trauma, blackened reputations and multimillion-dollar legal settlements at taxpayer expense.” See *id.* The article also stated that “Innocents have died in attacks on wrong addresses, including a 7-year-old girl in Detroit.” See *id.*

Commercial Sexual Exploitation of Youth

Sexual Exploitation of Children, OFF. OF JUVENILE JUST. AND DELINQ. PREVENTION

<https://ojjdp.ojp.gov/programs/sexual-exploitation-children>

“Commercial Sexual Exploitation of Children (CSEC) refers to a range of crimes and activities involving the sexual abuse or exploitation of a child for the financial benefit of any person or in exchange for anything of value (including monetary and non-monetary benefits) given or received by any person. Examples of crimes and acts that constitute CSEC: child sex trafficking/the prostitution of children; child sex tourism involving commercial sexual activity; commercial production of child pornography; online transmission of live video of a child engaged in sexual activity in exchange for anything of value. CSEC also includes situations where a child, whether or not at the direction of any other person, engages in sexual activity in exchange for anything of value, which includes non-monetary things such as food, shelter, drugs, or protection from any person. Depending on the specific circumstances, CSEC may also occur in the context of internet-based marriage brokering, early marriage, and children performing in sexual venues. Note: CSEC is not legally defined by federal statute or case law. However, several federal criminal provisions can be applied to conduct that falls within this definition of CSEC, including 18 U.S.C. §§ 1591, 2251, and 2423(c).” *Id.*

SHARED HOPE INTERNATIONAL, FACT SHEET: SAFE HARBOR LAWS- LEGAL PROTECTIONS FOR TRAFFICKED CHILDREN & YOUTH

[Safe-Harbor-Fact-Sheet.pdf \(sharedhope.org\)](#)

This fact sheet describes the concept of “safe harbor” laws, why states should adopt them, and “myths” and “facts” about these laws.

SHARED HOPE INTERNATIONAL, REPORT CARDS ON CHILD & YOUTH SEX TRAFFICKING, SAFE HARBOR MAP standards_compliance_verification_manual.pdf (ny.gov)

This map indicates the states that have enacted laws to protect trafficked minors and treat them as victims, describing for each state the extent of legal protections afforded through the state harbor law.

POLARIS, HUMAN TRAFFICKING ISSUE BRIEF: SAFE HARBOR 1-2 (2015)

<https://polarisproject.org/wp-content/uploads/2019/09/2015-Safe-Harbor-Issue-Brief.pdf>

This issue brief asserts that state laws are inconsistent in whether youth victims of commercial sexual exploitation can be arrested and prosecuted for prostitution. The brief states that these youth can be further traumatized by arrest and prosecution, leading to a “profound distrust” of law enforcement, and a reluctance to seek additional assistance. *See id.* at 1. This brief advocates for the passage and implementation of state “safe harbor” laws, to immunize these youth victims from prosecution on the grounds that they were “induced or compelled” to commit the offense or to offer youth a diversion program where charges are dismissed if youth complete a specialized services program, and provide youth with medical and psychological treatment, emergency and long-term housing, education assistance, job training, language assistance, and legal services. *See id.*

Screening Tools for Human Trafficking

VERA INST. OF JUST., TRAFFICKING VICTIM IDENTIFICATION TOOL (TVIT) (2014)

<https://www.ojp.gov/pdffiles1/nij/grants/246713.pdf>

How Law Enforcement Can Aid Victims of Human Trafficking

U.S. DEP'T OF HOMELAND SEC., STRATEGY TO COMBAT HUMAN TRAFFICKING, THE IMPORTATION OF GOODS PRODUCED WITH FORCED LABOR, AND CHILD SEXUAL EXPLOITATION 10 (2021)

https://www.dhs.gov/sites/default/files/publications/20_0115_plcy_human-trafficking-forced-labor-child-exploit-strategy.pdf

“Authorities must work to build a victim’s trust as part of their role of preventing people from becoming victims of crime and seeking criminal justice on behalf of those who have been victimized. Authorities must demonstrate their trustworthiness, empathize with victims, connect with victims by appreciating victims’ cultural backgrounds and acknowledging their own cultural backgrounds, understanding victims’ trauma, and avoiding actions that further traumatize victims. Appropriate engagement at this critical juncture will help individuals who suffered exploitation stabilize and recover. Once survivors begin to recover, they can make new contributions to society, which can include supporting their families, offering their experiences and expertise to prevent crimes against others, or participating as witnesses in the criminal justice process so traffickers are brought to justice. With human trafficking cases, a victim’s cooperation and often their testimony is essential to obtaining a conviction.”

POLICE EXEC. RSCH. F., HOW LOCAL POLICE CAN COMBAT THE GLOBAL PROBLEM OF HUMAN TRAFFICKING: COLLABORATION, TRAINING, SUPPORT FOR VICTIMS, AND TECHNOLOGY ARE KEYS TO SUCCESS 4 (2020)

<https://www.policeforum.org/assets/CombatHumanTrafficking.pdf>

“While a primary role of police agencies is to uncover and investigate criminal behavior, human trafficking demands a more holistic response from the police. In carrying out enforcement operations, police must also be victim-centered, meaning that the focus on providing support for victims is integrated into everything police do in this area.” *Id.*; see also *id.* at 5-9 (outlining “10 Actions to Combat Human Trafficking Today”).

Helping Officers Deal with Job-Related Trauma

Law Enforcement Mental Health and Wellness Act of 2018, PUB. L. No. 115-113, 131 STAT. 2276

This statute directs the Attorney General, in consultation with other federal agencies, to provide information on Department of Defense and Department of Veterans Affairs mental health practices and services that could be adopted by Federal, State, local, or tribal law enforcement agencies.

U.S. DEP'T OF JUST., INVESTIGATION OF THE CITY OF MINNEAPOLIS AND THE MINNEAPOLIS POLICE DEPARTMENT 83-84, 88 (2023)

https://www.justice.gov/d9/2023-06/minneapolis_findings_report.pdf

DOJ identified weaknesses in the police department's wellness program for officers, and suggested reforms, including that the department ensure officer access to "effective support services" and the development of a "comprehensive Early Intervention System to establish support for officers who need it."

DEBORAH L. SPENCE ET AL., U.S. DEP'T OF JUST., CMTY. ORIENTED POLICING SERVICES, LAW ENFORCEMENT MENTAL HEALTH AND WELLNESS ACT: REPORT TO CONGRESS (2019)

<https://portal.cops.usdoj.gov/resourcecenter/RIC/Publications/cops-p370-pub.pdf>

COLLEEN COPPLE ET AL., U.S. DEP'T OF JUST., CMTY. ORIENTED POLICING SERVICES, LAW ENFORCEMENT MENTAL HEALTH AND WELLNESS ACT: ELEVEN CASE STUDIES (2019)

<https://portal.cops.usdoj.gov/resourcecenter/content.ashx/cops-p371-pub.pdf>

This report provides an overview of "successful and promising law enforcement mental health and wellness strategies."