



# COPING in the Police Force

*Children of Prisoners, Interventions and Mitigations to Strengthen Mental Health*

## COPING What is it?

The COPING project was a child-centred research study conducted in four European countries: the UK, Germany, Romania and Sweden from 2010-12. The project aimed to identify children with imprisoned parents, their needs, their resilience, and their vulnerability to mental health problems. The project carried out over 1000 interviews with children aged 7-17 with an imprisoned parent, and parents/carers across the four countries. Smaller groups of children and parents took part in longer, more in-depth interviews to explore in greater detail the impact of parental imprisonment and the support services available to the family. Consultations were also held with other stakeholders within each country including prison staff, non-governmental organisations (NGOs), social workers, care-givers and imprisoned parents. Healthcare and community based services already in existence were also identified and put into a database.

## COPING Recommendations

A number of recommendations were made based on COPING's research findings. They cover the following five topics:

1. Child-friendly Criminal Justice Systems
2. Maintaining Contact with the Parent in Prison
3. Advice and Support to Parents, Care Givers and Children
4. The Role of the School
5. Public Awareness and Policy Recognition

'Child-friendly Criminal Justice Systems' is concerned with how the police, courts and prisons can do more to consider children's needs when carrying out their duties.

'Maintaining Contact with the Parent in Prison' focuses on how contact, both direct and indirect, can be better facilitated between the child and their incarcerated parent. The quality of the contact is also considered as well as potential obstacles.

'Public Awareness and Policy Recognition' concentrates on increasing awareness within society and government, about the plight of children of prisoners in order to move this vulnerable group higher up the political and policy agenda.

## **COPING** Child-friendly Criminal Justice Systems

### **Introducing the child's perspective in home search and arrest procedures**

The significant impact on a child's well-being of witnessing a parent being arrested makes it particularly important that police and criminal justice agencies give a high priority to children's welfare when making an arrest. The attitude, behaviour and language used by the police in searching a home and making an arrest, can have a profound impact on the psychological and physical well-being of a dependent child present at the time. Children interviewed by COPING talked about the distress they experienced as a result of doors being broken down during forced entries, drawers being spilled and soft toys being cut open to look for drugs.

Other factors which influence the experience of children present at an arrest include:

- the information provided concerning the arrest and the manner of delivery.
- the proximity of the child within the home to their arrested parent/carer.
- the use of handcuffs in sight of the child.
- the explanation and way in which any search is conducted.

In the UK Codes of Practice arising from the Police and Criminal Evidence Act 1984 provide the core framework of police powers and safeguards around arrest, search and other areas of police practice. Statements within these codes refer to 'fair' and respectful' treatment of people who occupy premises entered by the police. However, the codes lack any specific reference to the presence and treatment of dependent children. This needs to be addressed under the UK government's commitment to the Convention on the Rights of the Child (UNCRC), including Article 12 (Respect for the views of the child) and Article 17 (Access to information).

### **Age appropriate communication with children during legal proceedings**

The period surrounding the arrest and conviction of an offender can be a difficult time for families, particularly children. This is often compounded by the lack, or type, of information given to the child concerning the arrest and court appearance. The COPING research has revealed that parents/carers respond differently to this situation which can provoke a variety of reactions in the child. Some parents/carers interviewed for the COPING research chose not to tell their children anything provoking an angry response when the truth of the situation was revealed either directly or inadvertently through an external source. Some parents/carers provided their children with limited information with the view it would minimise the distress experienced by the child. Others shared a much fuller picture of what was taking place with the consequence that the child was more likely to experience some initial distress but was ultimately more prepared for the events that unfolded subsequently.

The COPING research indicates that children, across a range of ages, benefit from clear and honest communication at an early stage, a position reinforced by previous research. Having appropriate information allows children to make sense of the situation, and deal with the new circumstances in their lives (Parke & Clarke-Stewart, 2002; Poehlmann, 2005).

### **COPING** Maintaining Contact with the Parent in Custody

Face-to-face contact between a child and a parent in custody in the immediate period following an arrest is important in providing reassurance that the parent is not in any danger. UK prisons allow a "reception visit" within 24 hours of a family member's incarceration, although families are not necessarily aware of this entitlement. In order to ensure that distress to the child and family is minimised, access rights within 24 hours of detainment should also be extended to police custody suites. This is because under PACE a suspect can be detained by the police for as long as 96 hours (4 days) before they are charged, representing a significant period of separation for any children.

## COPING Public Awareness and Policy Recognition

Throughout the COPING project it has been apparent that despite the significant numbers of children affected by parental imprisonment (estimated to be over 800,000 across the EU) this 'vulnerable group' remains largely invisible. This is attributable to several factors, the most significant of which are:

- a lack of awareness by the public and policy makers that children of prisoners are a vulnerable and marginalised group in need of support;
- that children of prisoners are a difficult-to-reach group, which compounds the problem and prevents these "invisible" children from accessing the support they may require;
- negative portrayal by the media of offenders, and potentially their families;
- the absence of consistent information about the number and needs of children of prisoners

In order to raise the visibility of children of prisoners, governments must first establish a process for gathering accurate information about the number of dependent children affected by parental incarceration and their support needs. At present there is no means of identifying reliably the number of children of prisoners within the UK. This will require one (or more) criminal justice agencies to collect and record this information as a matter of routine. Logically, this should occur at the earliest opportunity (i.e. following arrest in the police custody suite) in order to better provide for those children affected by parental incarceration. The existing Police and Criminal Evidence Act (PACE 1984) provides for questioning of the arrested individual and of the arresting officer(s) to satisfy the custody sergeant that protocols have been followed and that the arrest is lawful, prior to detainment. This places the Custody Sergeant as the lynch pin of PACE, and as such is ideally placed to enquire whether the suspect has children affected by their detainment and, where necessary, to pass this information onto other service providers. It would also be consistent with the practice and spirit of PACE to act as an authoritative check as to whether the arresting officers have satisfied themselves that there are children affected by the arrest, and that this response will be recorded (acting to further incentivise this good practice by the arresting officer) and for the suspect to be similarly given an opportunity to indicate parenting/caring responsibilities.

## COPING Recommendations

The recommendations below outline the progress that needs to be made in recognising and responding to the needs of children of prisoners in the UK.

### Introducing the child's perspective in arrest procedures

#### **Recommendation UK1**

The Police and Criminal Evidence Act (PACE) 1984 Code B and Code G should be revised in accordance with the Convention on the Rights of the Child (UNCRC) to mitigate the impact of an arrest within the home upon any dependent children present. Specific consideration should be given to building in safeguards which consider the treatment of children during arrest including, but not exclusive to:

- timely, age appropriate explanation of the reasons for the arrest and/or search;
- the necessity of using handcuffs in the presence of the child and the alternatives available;
- the means by which the children and their family access support during and subsequent to the arrest.

These considerations should be embedded in police operational practice guidance and training throughout England and Wales.

## Age-appropriate communication with children during legal proceedings

### **Recommendation UK2**

Age-appropriate information for children explaining the court process, and possible outcomes, should be available to family members attending at any court. This should include guidance for the appropriate adult on why and how to best inform the child.

## Maintaining Contact with the Parent in Custody

### **Recommendation UK4.1**

Families should be made aware of their entitlement to a reception visit within 24 hours of the prisoners' incarceration (including being held in police custody) Where families choose not to take advantage of this opportunity, the secure estate should ensure that administrative and security procedures operate as efficiently as possible so that the first visit is arranged as soon as practically feasible.

## Public Awareness and Policy Recognition

### **Recommendation UK10.1**

The UK Government should recognise the children of prisoners as a vulnerable group of children in need requiring support from their families, from schools, from statutory agencies and from NGOs.

The UK Government should prioritise the capture of consistent and comprehensive data on the numbers and needs of children of prisoners to guide policy and practice in this area. This information should be sought shortly following arrest and when the suspect is being processed at the police custody suite.

*COPING Briefings by POPS are based on Hirschfield, A. (2012) Development of Recommendations Final Report: COPING Consortium, December 2012.*

## More about POPS

The **COPING** consortium consisted of 10 member organisations comprising of two from each country and two 'umbrella' (pan-European/International) organisations. Each country group consisted of a research institution and an NGO working with prisoners and their families. In the UK the University of Huddersfield partnered with POPS (Partners of Prisoners and Families Support Group).

POPS was established in 1988 by family members experiencing the stigma and distress of supporting a relative through a custodial sentence. Since that time our remit has broadened as we have identified and responded to the needs of families. Today we provide support services at all stages of the criminal justice system, from the arrest of a loved one through to the first steps towards resettlement. We continue to be guided by need, involving users at every stage to direct service development and delivery. Based in Manchester, our work has expanded over time to include the national Offenders' Families Helpline and multiple projects across the North-West. We have Family Support Workers attached to a variety of prison, probation and youth offending initiatives as well as running ten prison visitor centres, all with the aim of empowering families through the provision of timely information and targeted support.

To find out more about POPS visit [www.partnersofprisoners.co.uk](http://www.partnersofprisoners.co.uk). Alternatively to find out more about the COPING project visit [www.coping-project.eu](http://www.coping-project.eu).