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Protocol for arrested parents proposed

By [Peter Hirschfeld](#) Vermont Press Bureau

MONTPELIER – Child advocates are asking the Legislature to safeguard kids against the emotional trauma that sometimes accompanies a parent's arrest.

State police however say they're wary of any legislative mandate enforcing new policy decisions. Whatever procedural problems exist, according to Col. James Baker, are better addressed via collaborative talks between interested parties.

"It's not a good practice creating policy in the Legislature," Baker, director of the Vermont State Police, told the House Committee on Government Operations Thursday. "Very few times have I seen where laws created to guide policy have been effective. Normally they don't do what they're intended to do."

Tara Graham, who coordinates a nonprofit program serving the children of incarcerated adults, said that whatever the mechanism, arresting procedures need to mitigate the collateral impact on children witnessing the event. She points to a number of recent incidents in which minors suffered undue psychological harm, including a police raid in Burlington last year where the children of suspected drug dealers were forced to lay face-down before being handcuffed.

"Witnessing the arrest of a parent contributes to increased anxiety, fear, anger and symptoms of mental health disorders and can have significant, negative long-term implications for children's wellbeing," Graham told lawmakers. "This legislation is about ensuring the wellbeing of Vermont children impacted by their parents' criminality."

Baker said the more than 300 uniformed state police officers under his command already work diligently to mitigate the impact of arrests on children in the home.

"At the end of the day, we have a vested interest in protecting kids," he said.

The emotional toll on children though must be weighed against the safety of police officers, according to Baker, who said the majority of incidents involving minors occur in the domestic-violence situations that are among the most volatile his officers face.

"To talk about the safety of kids and not talk in the same breath about the safety of police officers – we're going to oppose that," Baker said. "These are the most dangerous situations I put my police officers in."

Baker said he's unaware of any acute problems with existing protocol anyway.

"My suggestion is that if this is an issue in the state, that it hasn't been brought to our

attention," he said.

Graham, who runs the Kids-A-Part program for the Vermont Children's Aid Society, said state police represent only a fraction of law-enforcement personnel in Vermont. The legislation proposes new training programs at the Vermont Police Academy – which trains municipal, county and state police. The regimen would outline specific arresting procedures for when children are present.

Graham said that even when children aren't present, law enforcement needs to have a system in place to determine whether the person they're arresting has minors under their care.

In Winooski last year, according to Graham, police arrested a woman while her 14-year-old child was at school. The boy returned to an empty house, where he subsisted alone for more than two weeks before school officials began to ask questions.

"According to research, developing official policies and protocol about how to address children's needs at the time of arrest yields dramatic improvements to that child's response to the subsequent incarceration," Graham said.

She said the problem is of a wider scope than most Vermonters might imagine. Nationwide, according to a 1998 study, 67 percent of arrested parents were handcuffed in front of their children. The Children's Aid Society estimates that nearly 5,000 Vermont children have at least one parent in jail.

As if to underscore the point, a young Brandon woman listening in on the testimony Thursday offered to share her own story. Alexis Lounsbury, 18, wasn't scheduled to speak. She was visiting at the Statehouse with fellow Girl Scouts for their Girls Rock the Capital internship.

When she was 9, Lounsbury said, her father was arrested and later jailed for three months. She didn't witness the arrest, she said, but the impact was severe.

"I just hope we put perpetrators' families in same boat as the victim, because they haven't done anything wrong," Lounsbury said. "If we don't, we're setting children up to be perpetrators in the future."

Lounsbury said that, based on her experience, state government can do far more to minimize the effect of an arrest or incarceration on the child of the perpetrator.

"That's a big teachable moment in my mind and I don't think it's being dealt with very well," she said.

Committee members seemed reluctant to proceed with the legislation, preferring Baker's proposal for a series of talks as opposed to a new Statehouse mandate.

"From a state police perspective ... we're certainly willing to sit around a table and come up with training models everyone can agree to, if there's a problem," Baker said.

Rep. Jason Lorber, the Burlington Democrat who introduced the measure, said he's not opposed to new talks. But he said he'll continue to pursue the legislation until advocates like Graham say the problem is being adequately addressed.

"What I want is for the situations we heard about today to not be happening anymore," Lorber said. "Until we know that's the case, I'll continue to push for this bill."
