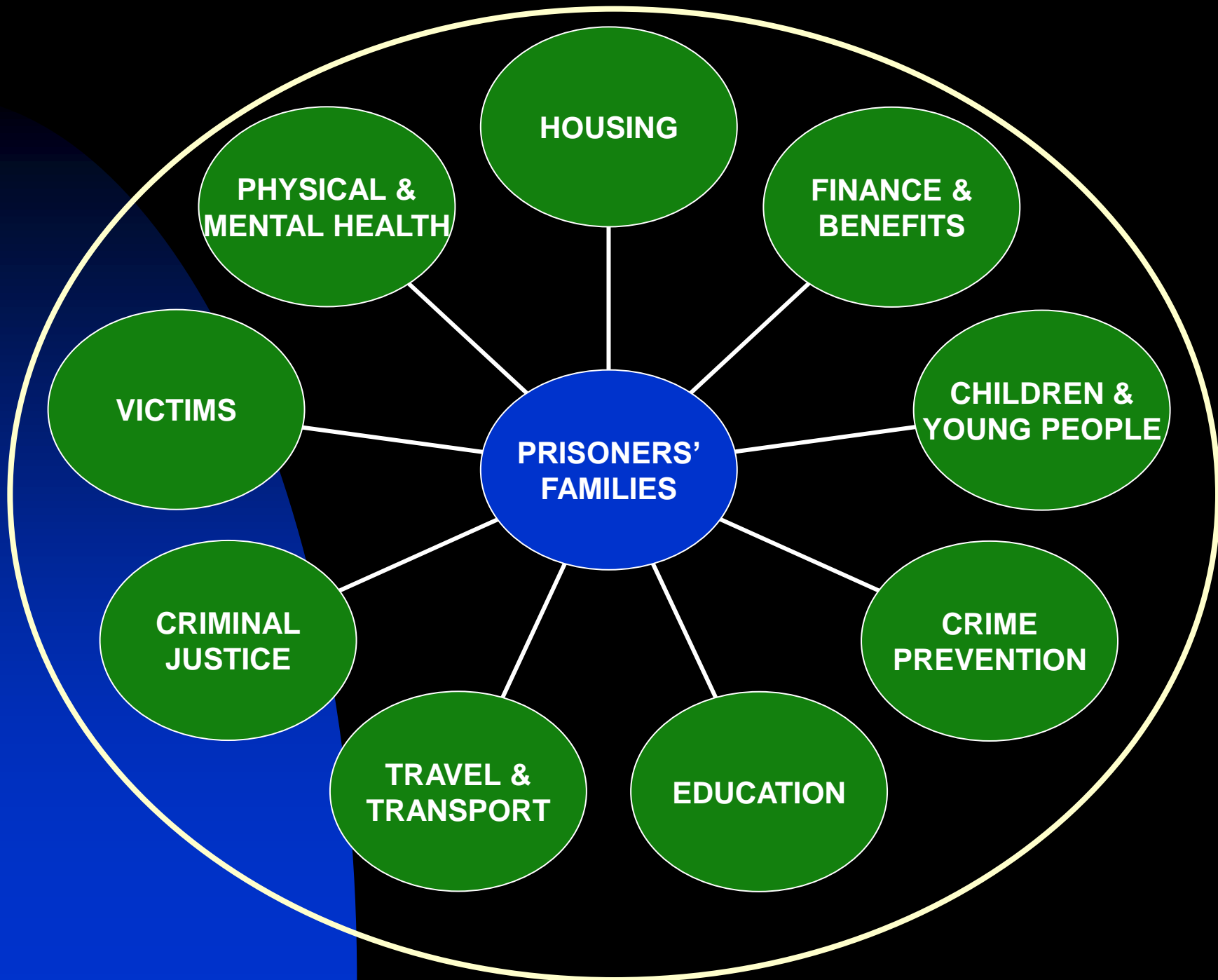




ACE: The case of families in the Criminal Justice System

Prof. Nancy Loucks OBE
'Polishing Our Gems' conference
Surgeon's Hall, Edinburgh
28 November 2016





**HALF of men in prison and
TWO-THIRDS of women have
children under the age of 18**



**An estimated
27,000 children in
Scotland have a
parent go to
prison each year**

A THIRD of children in Scotland whose parent is arrested witness the arrest



Imprisonment of a parent recognised as an ACE, “but with a unique combination of trauma, shame, and stigma”, increased when the child also witnesses the arrest.

- Tilley-Riley 2016: 10

Impact of Parental Arrest

(Adalist Estrin, 2006)

- ★ Fear
- ★ Worry
- ★ Confusion
- ★ Sadness
- ★ Guilt
- ★ Embarrassment
- ★ Isolation
- ★ Anger

Often accompanied by:

- ★ Feeling blamed
- ★ Stigma and shame
- ★ 'Conspiracy of silence'
- ★ Conflicts of loyalty (what is right and wrong)



Trauma

- **An incident can be traumatic to someone if it carries a threat against life, physical well being, or personal security.**
- **Anxiety, helplessness, anger, intense terror, shock**
- **Children are particularly sensitive to the traumatic experiences of their parents, especially if they perceive the event to be a danger to their parent.**

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Impact on Children

- **Infants are afraid of:**
 - ◆ Strangers
 - ◆ Loud or sudden noises
 - ◆ Loss of support
 - ◆ Separation from parents
- **Toddlers are afraid of:**
 - ◆ Anything or anybody new, different or unpredictable
 - ◆ The dark, unexpected noises, dogs
 - ◆ Being restrained, loss of autonomy
 - ◆ Separation from parents



Impact on Children

- **Preschoolers (3-5 years) feel:**
 - ◆ **Loss of control & powerlessness**
 - ◆ **Guilt & worry about the parent / caregiver**
 - ◆ **Scared of the unknown**
 - ◆ **Loyalty conflicts**
 - ◆ **Need to make sense of the situation**



Impact on Children

- **School age children (5 – 8 years) feel:**
 - ◆ **Afraid of being blamed**
 - ◆ **Worried about their own safety**
 - ◆ **Concerned that parents can't take care of them**
 - ◆ **Tempted to be 'bad' so they can go to jail**
 - ◆ **Powerlessness when logic fails them**



Impact on Children

Pre-teens (9-11 years) feel:

- ◆ **Suspicious – they know what you see is not always what you get**
- ◆ **Scared of being implicated or blamed or questioned by police**
- ◆ **Worry about getting ‘lost in the system’**
- ◆ **Often nervous about the police presence and protective of property**

Impact on Children

- **Teens may:**
 - ◆ **Size up the situation based on their role in the family**
 - ◆ **Feel blamed, implicated, responsible, threatened or relieved**
 - ◆ **Take all comments about them or their family personally**
 - ◆ **Often exert some power & control over the situation by trying to leave, or engaging in a power struggle with parents or police**

25-30% of children with a parent in prison develop significant mental health problems, compared to 10% of children in the population in general



65% of boys with a convicted parent go on to offend themselves

Children of Imprisoned Parents



**Higher risk of future
imprisonment**

**Higher risk of problems
with physical and mental
health**

**Regressive
behaviour/grief
responses**

‘Disenfranchised grief’

... the grief experienced by those who incur a loss that is not, or cannot be, openly acknowledged, publicly mourned or socially supported.

Doka (1999)

I'm feeling sad at the moment. My dad went to prison recently, and I'm not sure when he's coming back. My mum's really upset about it. Sometimes she's so depressed that she doesn't get out of bed, she just lays there still for the whole day. It's difficult for me when she does that, because I don't know how to cook my own dinners. I think my mum needs help, but I don't know what to do. I don't know who I should talk to.

- young girl



Things aren't good at home. My mum drinks a lot, and my dad's in prison. I get so angry. I want to be a better person, but I've got myself involved with the wrong crowd. It's got me in a lot of trouble with the police - mainly for fighting. I realise what I'm doing isn't right, so I'm trying to come away from the group, but it's difficult. I know what they're capable of, so I'm scared for my safety. I just don't want to be like this anymore. I don't want to hurt people.



- teenage boy



Amongst the group with the most complex needs... almost 60% either lived with children or had ongoing contact... This clearly demonstrates that there may be children involved in an environment where it is not immediately obvious. ... importance of successful co-ordinated interventions with this group.

- Couper & Mackie 2016: 22, citing Lankelly Chase Foundation (2015)



QUNO
Quaker United Nations Office
Geneva • New York

Child impact assessments should be conducted whenever considering placing or releasing parents from custody.

Non-custodial sentences should also be assessed for their impact on children.

When a sentence causes parents to be separated from children for whom they are caring, they should be given sufficient time to make arrangements for those children.

Criminal Justice (Scotland) Act 2016

Chapter 3, para. 107:

When **[after]** someone goes to prison,

“(2) The Scottish Ministers must ensure that the person is asked—

- (a) whether the person is a parent of a child, and
- (b) if the person claims to be a parent of a child, to—
 - (i) state the identity of the child, and
 - (ii) give information enabling the identity of the service provider in relation to the child to be ascertained.”

... and to share that information with the Named Person



The Scottish Parliament
Pàrlamaid na h-Alba

What does this have to do with us?



Framework for the support of families affected by the Criminal Justice System



Plan

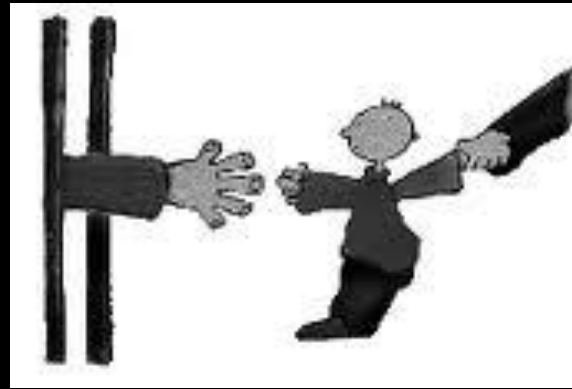
getting it right
for every child

Ask

Listen & Learn



ACE: The case of families in the Criminal Justice System



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voicing the needs
of families affected
by imprisonment