

# JUSTICE STRATEGIES



## Children on the Outside:

*Voicing the Pain and  
Human Costs of Parental Incarceration*





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Patricia Allard and Judith Greene, co-authors.

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## EXECUTIVE SUMMARY



### **CHILDREN ON THE OUTSIDE: VOICING THE PAIN AND HUMAN COSTS OF PARENTAL INCARCERATION**

January 12, 2011

The pain of losing a parent to a prison sentence matches, in many respects, the trauma of losing a parent to death or divorce. Children “on the outside” with a parent in prison suffer a special stigma. Too often they grow up and grieve under a cloud of low expectations and amidst a swirling set of assumptions that they will fail.

Fifty-three percent of the 1.5 million people held in U.S. prisons by 2007 were the parents of one or more minor children. This percentage translates into more than **1.7 million minor children with an incarcerated parent.**

African American children are seven and Latino children two and half times more likely to have a parent in prison than white children. The estimated risk of parental imprisonment for white children by the age of 14 is one in 25, while for black children it is one in four by the same age.

Previous research has shown a close yet complex connection between parental incarceration and adverse outcomes for children, including:

- an increased likelihood of engaging in antisocial or delinquent behavior, including drug use;
- an increased likelihood of school failure;
- an increased likelihood of unemployment, and;
- an increased likelihood of developing mental health problems.

Policymakers and the public must take such findings seriously. They also need to understand the real costs of mass incarceration on children and the communities in which they grow up. Too often, society dismisses the children of incarcerated parents as future liabilities to public safety while overlooking opportunities to address the pain and trauma with which these children struggle. It is by tackling the psychological and emotional trauma head-on that we not only aid these children to grow into our future mothers, fathers, taxpayers and workers, but also ensure more stable and thriving communities.

### **KEY FINDINGS**

Our report is based on eight two-hour focus groups – with eight to twelve participants in each group – and 18 structured interviews conducted in New York and Alabama with children of incarcerated parents, parents currently behind bars, caregivers, and caseworkers and counselors who work in programs to assist parents re-entering society after prison terms. In our study we document the high costs of parental incarceration, largely in the words of those most directly affected, the children.

**1. An undermined sense of stability and safety** – The sudden removal of a parent from daily life fundamentally undermines a child’s sense of stability and safety. Interview subjects highlighted the following characteristics and effects:

- Compromised educational experience
- Threatened stability to home
- Separation from siblings

“ [Children] experience a sense of abandonment when parents go to prison – one day the parent is there and the next the parent is gone. Depending on the age, they’ll take it personally. They think they did something wrong; one day they were mad at their mother and wish she was dead and now she’s far away. ”

*Jessica, family service provider*

**2. Threats to economic security** – Parental incarceration, unsurprisingly, impacts the economic circumstances of children and the extended family. Interview subjects highlighted the following characteristics and effects:

- Loss of parental support
- Increased poverty
- Caregiver strain and accompanying child strain
- Risk of getting involved with drugs to earn money

“ My daughter was about to graduate from high school. She was heading to college but for my incarceration because I was the primary source of financial support. Now, she’s working instead. My kids have always been middle class. Now for the first time in their lives they’re living in poverty. They understand what a single parent life is like for them. ”

*Carl, incarcerated father*

**3. A compromised sense of connectedness and worthiness** – Parental incarceration presents significant obstacles to a child’s experience of the kind of unconditional bond with parents needed to lay the foundation for a stable adult life. Interview subjects highlighted the following characteristics and effects:

- Susceptibility to peer pressure and risky behavior
- Social stigma and shame
- Risk of involvement with the criminal justice system

“ ...if kids have no parents, or are left with just one parent who is totally overwhelmed, the youth may feel that no one cares enough to worry about them; that they aren’t worth making sure he or she is home by a certain hour. ‘I could vanish and nobody would know or care.’ ”

*Tanya, re-entry service provider and former child welfare caseworker*

**4. Loss of attachments and ability to trust** – Once the parental presence is removed, many young people have trouble trusting others and letting caring adults into their lives. Interview subjects highlighted the following characteristics and effects:

- Diminished ability to establish stable lives as adults
- Strained relationships with caregivers
- Loss of contact with parent
- Not knowing the truth about a parent's incarceration

“ A lot of the young people I work with don't build close relationships. If your parents were taken away from you, why bother with others? What's to keep a friend being a friend, or stop a girlfriend from cheating on you? ”  
Makeba, 24 year old university student, advocate whose mother was formerly incarcerated

**5. No sense of having a place in the world** – Children typically experience parental incarceration as a form of rejection; they see the parent's reckless behavior as having taken precedence over their family. Interview subjects highlighted the following characteristics and effects:

- A pervasive sense of apathy
- Struggling to become adults before their time
- Anxiety about aging grandparents
- Challenges related to having to start over
- Yearning for mother and father figures

Ultimately, these painful costs to the estimated 1.7 million children with incarcerated parents translate into a high price for the entire community as well. When future generations struggle with the significant trauma of parental incarceration, so too does the surrounding community struggle to account for widespread familial instability, financial strain and young people's sense of detachment, distrust, hopelessness and apathy.

## KEY RECOMMENDATIONS

Given the significant costs to children and their communities presented by parental incarceration, we recommend that policymakers and the public seriously consider measures to reduce the number of parents sentenced to prison in the first place. We also recommend a number of ameliorative measures to address the immediate pain of parental incarceration to the innocent children who are currently growing up with a parent behind bars.



## 1. Reduce reliance on incarceration.

Following the examples of states, such as New York, which have embraced drug law reform in order to reduce incarceration rates and address budget crises, we recommend the following state-level measures to reduce the number of incarcerated parents:

- ◆ Allow judicial discretion to place those convicted of drug offenses into treatment and offer second chances where appropriate.
- ◆ Divert people who commit crimes other than drug offenses that stem from substance abuse.
- ◆ Divert people who commit drug offenses but are not drug users or chemically dependent to rehabilitative services.
- ◆ Make people convicted of a second felony offense eligible for diversion.
- ◆ Allow individuals the option to try community-based treatment without the threat of a longer sentence for failure.
- ◆ Allow plea deferral options, especially for non-citizen green card holders who will become deportable if they take a plea to *any* drug conviction, even if it is later withdrawn.
- ◆ Allow opportunities for re-sentencing for drug prisoners who received indeterminate sentences under previous longer sentencing ranges and who are still serving those sentences in state prison.
- ◆ Seal criminal records to protect people who finish their sentences from employment discrimination based on the past offense.
- ◆ Allow the option to dismiss a case in the interests of justice when the accused has successfully completed a treatment program.

## 2. Address the immediate pain of parental incarceration.

- ◆ *Nurture children's sense of stability and safety by:*
  - Providing educational workshops to student bodies about the impact of incarceration on children, families and communities within the school system.
  - Training child care workers, elementary and high school teachers and counselors to recognize and address the far reaching implications of parental incarceration on their pupils when it manifests within the school setting.
  - Keeping siblings together, whenever possible, or maintaining regular contacts when parents are imprisoned.
  - Convening national and state consultations to examine the ways in which a child's sense of stability and safety can be maintained when a parent is incarcerated.
- ◆ *Improve children's economic security by:*
  - Providing comparable financial support to relative caregivers as that offered to non-relative caregivers.
  - Providing additional support to elder caregivers or single parent caregivers, including respite care and specialized support groups.



- Ensuring that the ability of children and youth to maintain regular contact with their incarcerated parent – whether it be by phone or in person – is not undermined by exorbitant financial costs.
  - Providing subsidies for specialized individual and family counseling.
- ♦ ***Support children’s sense of connectedness and worthiness by:***
- Facilitating children’s and youth’s ability to maintain regular contact with their incarcerated parent, including visits, telephone or internet video contact.
  - Launching public education campaigns in schools, churches and community centers across the country to combat stigmatization and the impact of parental incarceration on children and youth.
  - Providing specialized support groups and therapists to aid children and youth, caregivers and parents to tackle the emotional and psychological trauma arising from parental incarceration.
- ♦ ***Facilitate children’s attachment and ability to trust by:***
- Developing consistent and stable alternative homes – with preference for relative caregivers – and avoiding multiple shifts in children’s caregivers.
  - Facilitating regular physical contact visits, especially with infants and toddlers, to ensure the healthy development of trust and attachment.
  - Establishing child-friendly visitation policies and procedures to encourage regular visitations.
  - Offering workshops and handouts to relative and non-relative caregivers, and adults who work with youth, on how to give honest, age-appropriate information to a child about where their parent is, why they are there, and what to expect when they return home.
- ♦ ***Foster children’s sense of having a place in the world by:***
- Providing supportive counseling for children of incarcerated people to help them cope with the psychological and emotional impact of experiencing the separation from the parent, adapting to new living conditions and adjusting to the parent’s return home.
  - Prioritizing the placement of children with family or close friends, and providing sufficient economic resources to increase the odds that a placement will offer stable and adequate care.
  - Convening a national consultation of caregivers to identify the social and economic assistance needed to facilitate their caregiving responsibilities to the children of incarcerated parents.

The choices made by law and policymakers over the next decade – to heed these recommendations – will profoundly affect the lives of nearly two million children today, their lives as adults, and the communities in which they now live and will live in the future. A steady stream of harsh, overly-punitive drug laws has directly resulted in more children left behind while one or both parents serve long sentences in prison. While immediate solutions to mitigate the negative effects to children of mass incarceration are sorely needed, we must ask ourselves the ultimate question: Is the price too high? Our findings unequivocally point to the need to revisit the fundamental place that prisons occupy in our society.

## INTRODUCTION



“When they do the time we also do the time.”

—Araya, teen girl with incarcerated father

It is by now well-established that incarceration causes long lasting and significant psychological pain to those in prison.<sup>1</sup> But what about the children left behind while one or both of their parents serve long terms of imprisonment?

Until recently, researchers have given little attention to the impact the incarceration of parents has on children. But, as the incarceration rate has surged upward over the last several decades, so too has concern about the impact of parental incarceration on children.

### The scale of the problem

The U.S. Bureau of Justice Statistics (BJS) has estimated that by 2007 more than half (53 percent) of the 1.5 million people in U.S. prisons were parents of one or more minor children – translating into more than 1.7 million minor children with an incarcerated parent. This represents an increase of 80 percent since 1991. Nearly one quarter of these children are age four or younger, and more than a third will become adults while their parent remains behind bars.

Moreover, data compiled at BJS shows that the acute problem of racial disparity behind bars is reflected among the children of incarcerated parents. Black children are seven and a half times more likely than

white children to have a parent in prison. The rate for Latino children is two and a half times the rate for whites.<sup>2</sup> The estimated the risk of parental imprisonment by age 14 for white children born in 1990 is one in 25; for black children born in the same year, it is one in four.<sup>3</sup>

Undergirding this striking racial disparity is the sheer number of people behind bars in the U.S. The U.S. is now the world's largest jailer.<sup>4</sup> A recent study commissioned by the Pew Charitable Trust determined that in 2008, when both prisons and jails were included, the number of parents behind bars skyrocketed. According to the Pew report, “more than 1.2 million inmates – over half of the 2.3 million people behind bars – are parents of children under age 18...[and] there are now 2.7 million minor children (under age 18) with a parent behind bars.”<sup>5</sup>

Overall, the nation's prison population has increased by 700% since 1970.<sup>6</sup> Nearly one in 100 adults were incarcerated by 2008,<sup>7</sup> and a staggering one in 31 adults were under some form of correctional control, when counting prison, jail, probation and parole, by 2009.<sup>8</sup> In particular, the number of incarcerated women, who are most likely to have been the primary caretakers of children prior to their incarceration, has skyrocketed by more than 400% since 1986.<sup>9</sup>

<sup>1</sup> Haney, Craig. *Reforming Punishment: Psychological Limits to the Pains of Imprisonment*. Washington, DC: American Psychological Association. 2006.

<sup>2</sup> Glaze, Lauren E. and Laura M. Maruschak. *Parents in Prison and their Minor Children*. Washington, DC: Bureau of Justice Statistics. August 2008.

<sup>3</sup> Wildeman, Christopher. “Parental Imprisonment, the Prison Boom, and the Concentration of Childhood Disadvantage.” *Demography*, Vol. 46. 2009.

<sup>4</sup> The Pew Center on the States. *One in 100: Behind Bars in America 2008*, Washington D.C. February 2008.

<sup>5</sup> The Pew Charitable Trusts. *Collateral Costs: Incarcerations Effect on Economic Mobility*. Washington, DC. 2010.

<sup>6</sup> Pew Charitable Trusts, Public Safety Performance Project. *Public Safety, Public Spending: Forecasting America's Prison Population 2001-2001*.

<sup>7</sup> The Pew Center on the States. 2008.

<sup>8</sup> The Pew Center on the States. *One in 31: The Long Reach of American Corrections*. Washington D.C. March 2009.

<sup>9</sup> Boyd, Susan. “From Witches to Crack Moms: Women, Drug Law and Policy.” 2004.

The advent of the modern “war on drugs” and its accompanying “lock ‘em up and throw away the key” crime policies largely explain the evolution of mass incarceration in the U.S. and account for much of the pain caused to children who have lost their parents to long prison sentences. For example, between 1986 and 1999 state prisons saw an 888% increase in the number of women incarcerated *for drug offenses alone*; this is compared to a 129% increase in the number of women in state prison for all non-drug offenses.<sup>10</sup> Drug offenses accounted for half of the rise in number of women incarcerated in state prisons between 1986 and 1996 and one-third of the increase for men.<sup>11</sup> Today, approximately one-quarter of all people in prisons and jails nationwide were convicted of a drug offense.<sup>12</sup>

This stark reality has sparked new research on the familial and societal costs of incarceration, increasing the attention given by policymakers to the children of incarcerated parents and stirring organizing efforts for change at the local and national levels. Advocates and activists across the country have even been urging implementation of the *Children of Incarcerated Parents – Bill of Rights*.<sup>13</sup> State and federal policymakers are also beginning to acknowledge that current laws and practices that sentence people to lengthy prison terms for low-level, relatively minor offenses, including drug offenses, not only bloat the incarceration rate and budget lines; they also create an intergenerational malaise. Because of this, they are exploring ways to avoid lengthy incarceration for those with drug addiction and the mental illnesses

that often occur alongside drug addiction. There is also growing support for immediate efforts to increase contact between incarcerated parents and their children, and to support family reunification after parents are released from prison.

Notwithstanding these developments, insufficient attention has been focused on the most direct reform avenues for reducing or eliminating the social and emotional impact of parental incarceration on the child-victims of the drug war: reducing the number of parents who are sentenced to prison in the first place.

## Historical context

Over the last quarter of the 20<sup>th</sup> century our nation was caught in the grip of an intense fear about urban crime and disorder. Lurid media depictions exacerbated public anxiety about a rising tide of street crime, which created an impression that most crime was violent, fueled by drug trafficking and that most people who were arrested and processed through our criminal justice system were desperate predators suffering from addiction.

During the 1970s, a simple prescription for increased imprisonment became the primary response to the complex issues that underlie the problem of urban crime. Many politicians exploited the public’s fears to gain votes with “tough on crime” campaign promises. U.S. incarceration rates had closely tracked those of other industrial democracies since the beginning of

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<sup>10</sup> Mauer, Marc, Cathy Potler and Richard Wolf. *Gender and Justice: Women, Drugs and Sentencing Policy*. The Sentencing Project. November 1999.

<sup>11</sup> *Id.*

<sup>12</sup> Justice Policy Institute. *Substance Abuse Treatment and Public Safety*. January 2008.

<sup>13</sup> San Francisco Children of Incarcerated Parents, *Children of Incarcerated Parents – Bill of Rights* (2005), available at <http://www.sfcipp.org>. In 2005, SFCIPP launched the Rights to Realities Initiative, with the long-term goal of ensuring that every child in San Francisco whose parent is arrested and/or incarcerated is guaranteed” eight rights addressed under the bill.

the century, but once a “war on crime” and a “war on drugs” were launched, our nation’s prison population levels began to spiral toward the sky.

Since the early 1970s, the number of adults incarcerated in state and federal prisons in the U.S. has continuously risen, placing the current incarceration rate at 509 per 100,000 residents.<sup>14</sup> By the last decade of the century the U.S. found itself adrift in the uncharted territory of mass incarceration. The breathtaking rate of expansion of the U.S. penal system, fueled in large measure by a relentless war on drugs that has been concentrated in the poorest pockets of our urban landscape, has resulted in massive overrepresentation of black and brown faces in our prisons.

New York’s Governor Nelson Rockefeller laid a foundation for the drug war in 1973 when he pressed for and won the famously draconian Rockefeller Drug Laws. The widely publicized “Crack Crisis” in the mid-1980s produced another proliferation of mandatory minimum sentencing laws, despite warnings from skeptical social science researchers that they would not work to quell the problem of drug abuse. Florida, for example, enacted seven new mandatory sentencing laws between 1988 and 1990.<sup>15</sup> Arrests and prosecutions for drug offenses shot up during this period. Nationally, from 1986 to 1991, the number of adults sentenced to prison for drug offenses more than tripled.<sup>16</sup>

## Children’s voices and potential solutions

This report examines the tragic consequences of mass incarceration and the war on drugs on the lives of countless children across the nation – especially black

and Latino children – due to the incarceration of their parents. Parental incarceration has ripped their families apart, leaving them to fend for their own survival. The most fundamental question raised by the research presented here – a question that many have asked since the beginning of the drug war – is this: Have our policymakers, in the name of public safety, taken punitive sentencing laws over the edge, pushing generations of young people into freefall without adequate parental support?

The research compiled in the report presents the invaluable insights of the few social scientists who have studied the issues surrounding parental incarceration in great depth, painstakingly documenting that the resulting harms are as severe – if not more severe – than those caused by separation for other reasons. To shed additional light on the issues, we spent many hours interviewing a broad array of people directly affected by the wrenching experience of parental incarceration, as well as many involved in efforts to relieve or moderate the detrimental effects. Through the focus groups and structured interviews we conducted with people intimately affected by parental incarceration, we provide an in-depth understanding of how a parent’s imprisonment can undermine a child’s lifelong well-being. We also show how and why parental incarceration has such profound effects on children, their families and communities.

Throughout the report we offer recommendations that speak to the particular needs of children and their families and caregivers. In addition, we also make recommendations regarding the social dynamics and policies and practices that must be examined and tackled within departments of corrections, the public school system, and several other private and public institutions in order to effectively attend to the needs

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<sup>14</sup> West, Heather C. and William J. Sabol. *Prison Inmates at Midyear 2008 – Statistical Tables*. Washington DC: Bureau of Justice Statistics. March 2009

<sup>15</sup> Austin, James. *The Consequences of Escalating the Use of Imprisonment: The Case Study of Florida*, San Francisco: National Council on Crime and Delinquency, 1991.

<sup>16</sup> Bureau of Justice Statistics, *Drugs, Crime, and the Justice System: A National Report*, Washington, D.C.: U.S. Government Printing Office, 1992.



of children and their families. However, the report concludes with one single overarching recommendation that can ensure children are not unnecessarily deprived of growing up with their parents: reform sentencing policies for drug offenses so that fewer parents face prison time in the first place.

The final recommendation section offers a contrasting look at the incarceration policies of New York and Alabama. It examines their two distinct approaches and the effects these approaches have on each state's sentencing and incarceration patterns for people convicted of drug crimes, including their relative crime rates. Unsurprisingly, we have discovered that these two states – with starkly different approaches to sentencing people convicted for drug crimes – have experienced very different results in terms of public safety. New York's success in reforming drug laws in order to reduce the overall number of people entering and returning to prison for drug offenses teaches a powerful lesson for other states across the country. New York demonstrates that it is possible to make better choices with regard to drug policies and sentencing practices in the U.S. without compromising public safety. Ultimately, these choices will prove critical to the future prospects of millions of America's children.

\* \* \*

This report contributes to the field by illuminating some of the specific dynamics of why and how a parent's incarceration affects the children they leave behind. We are extremely grateful to the many individuals who contributed their time to aid the research process, and we have tried to faithfully convey their experiences, insights and concerns as we received them firsthand.

Their voices, presented here within the context of decades of academic research, tell a poignant and stirring story of the pain experienced by the children

of incarcerated parents. We hope those with the power to change these laws and policies – which have become the source of so much pain – will listen and take action.

### Research methodology

We conducted a thorough literature review of the national and international studies that examine the impact of parental incarceration on children.

We designed and conducted eight two-hour focus groups in New York and Alabama. The first two focus groups were conducted with parents re-entering society after prison. Two more were conducted behind prison walls with parents who are struggling to maintain family ties with their children. The fifth and sixth were conducted with case workers and counselors who work in re-entry programs. We conducted a seventh focus group with teens with a currently incarcerated parent, and an eighth group with child welfare workers who carry a case load of children in foster care with one or more parents in prison.

In addition to our focus group sessions, we conducted 18 in-depth structured interviews with a broad range of individuals. These interviews included: teens reunited with parents who had re-entered society; educators who deal with children experiencing parental separation; re-entry program managers; and, caregivers for the children of prisoners.

We have also collected and analyzed a wealth of data that describe national drug enforcement patterns, and data that allowed us to closely examine the sentencing and imprisonment of people convicted of drug crimes in New York and Alabama.

## II. VOICING THE PAIN AND HUMAN COSTS OF PARENTAL INCARCERATION



“When my mother was sentenced, I felt that I was sentenced... She was sentenced to prison – to be away from her kids and her family. I was sentenced, as a child, to be without my mother.”

– Antoinette, now an adult, who was eight years old when her mother was incarcerated.<sup>17</sup>

The significant and lasting pain young children and adolescents experience due to the loss of a parent is well-documented, especially when that loss is due to a parent's death or divorce. School systems, adult caregivers, family members and society-at-large tend to acknowledge the legitimacy of children's unique grieving processes, even when those processes include anti-social behaviors, such as acting out at school, withdrawing from friends or even getting into trouble with the law. The fields of child psychology, education and medicine have strived to develop effective interventions and support systems and to imbue these children with a strong sense of resiliency and the ability to cope.

Less care has been taken, however, to address and acknowledge the trauma children experience as a result of the loss of a parent to prison. Although the pain of losing a parent to prison is tantamount in many respects to losing a parent to death or divorce, the children who remain “on the outside” appear to suffer a special stigma. Unlike children of the deceased or divorced who tend to benefit from society's familiarity with and acceptance of their loss, children of the incarcerated too often grow up and grieve under a cloud of low expectations and amidst a swirling set of assumptions that they will fail, that they will themselves resort to a life of crime or that they too will succumb to a life of drug addiction.

There are relatively few rigorous research studies examining the extent to which imprisonment of parents influences their children's behavior as they

develop into adulthood and through the life course. However, a survey of existing literature and interviews with directly affected families confirm that the impact of parental incarceration on the children left behind may be characterized in terms of tidal waves of trauma rather than mere ripple effects.

*Young people feel like they were robbed. We all have a right to have a parent to take care of us. But that was ripped away. Whether it was justified by society's needs doesn't matter to them. They just know they don't have their mother anymore. 'I don't have my dad anymore. There's nobody who belongs to me, so therefore, I don't belong to anybody.' I think that has got to be the worst thing. It's like being a displaced person, disconnected from anything that looks like the norm.*

*Peggy, service provider and grandmother/caregiver to two teenage girls*

Children are the explicit focus of this report and the direct research on which it is based, but the larger effect on society as a whole cannot be understated. When children lose parents to incarceration, receive limited or no proper support to weather the loss, and when society simultaneously stigmatizes and authorizes this loss through public and political support of government policies, the fabric of our society is significantly weakened and broad swaths of our future generations are hampered by the trauma of their parent's imprisonment.

<sup>17</sup> Nell Bernstein, *All Alone in the World: Children of the Incarcerated*. N.Y.: The New Press 2005.

The voices of the children, parents, caregivers and service providers interviewed for this report are clear: the costs of mass incarceration are too high. These costs not only include the easily calculated financial burden of over-incarceration but the more hidden costs to the present and future well-being of children, their families' stability, and the vibrancy of communities in which they live.

## **A. Relevant criminological frameworks**

There are many applicable theoretical frameworks for understanding the effects of parental incarceration on children. Unlike approaches to understanding the effects of parental loss due to other causes, criminological frameworks seems to have been most emphatically applied in the context of understanding the effects of parental imprisonment on children – focusing on whether the children of people in prison will themselves turn to a life of crime. To be sure, research shows a close connection between parental incarceration and adverse outcomes for children, including but not limited to criminal behavior – but this connection is decidedly complex.

Scholars at Cambridge University's Institute of Criminology, Joseph Murray and David P. Farrington, recently investigated the effects of parental incarceration on children.<sup>18</sup> Their research shows that parental imprisonment is a risk factor with strong effects and multiple adverse outcomes for children. After examining findings from several longitudinal studies, they concluded that parental imprisonment is associated with children having three times the odds of engaging in anti-social or delinquent behavior (violence, drug abuse), and experiencing more negative outcomes as children and adults (school failure, and unemployment).<sup>19</sup> They found that these children are twice as likely to develop serious mental health problems. Earlier studies also suggested that

parental imprisonment was associated with missing the imprisoned parent, sadness, withdrawn behavior, sleep problems, aggressive behavior, deteriorating school performance, truancy, and sometimes delinquency.<sup>20</sup>

While Murray and Farrington's findings comport with the experiences of some of the interview subjects for this report, these findings alone fail to paint a complete picture of youth outcomes or the mechanisms by which parental incarceration affects children. Murray and Farrington drew from qualitative research to identify specific "mediating factors" that might cause these adverse outcomes in later years for the children of incarcerated parents.<sup>21</sup> They point to a number of theories that might help to explain how mediators work – how parental imprisonment can increase the likelihood of anti-social or criminal behavior in children:

*Trauma and social bonding theory.* The trauma of parent-child separation could disrupt a child's ability to form attachment relationships, producing feelings of insecurity and sadness. If children are lied to or misled about the source of separation, they may blame themselves.

*My daughter feels like I chose the streets over her and she still looks at it that way. My baby is so mad, she's so angry, she doesn't communicate with me.  
Ronnie, incarcerated mother*

*Modeling and social learning theory.* Children may tend to imitate their parents' anti-social behaviors by engaging in delinquent acts, or by developing hostile attitudes toward police and other authority figures.

*If the parent was involved in criminal activity, kids may be drawn to this also, as it's your only sense of connection.  
Jessica, family service provider*

<sup>18</sup> Murray, Joseph and David Farrington. "The Effects of Parental Imprisonment on Children," in *Crime and Justice: A Review of Research*, edited by Michael Tonry. Chicago: University of Chicago Press. 2008.

<sup>19</sup> Although it is often said that the children of prisoners are five or six times more likely to be convicted of a crime or sentenced to prison than their peers, Murray and Farrington report that they were not able to locate a convincing source for this claim.

<sup>20</sup> Murray, Joseph and David Farrington. (2006) "Evidence-Based Programs for Children of Prisoners." *Criminology and Public Policy*, Vol 5, No. 4. 2006.

<sup>21</sup> Mediating factors refer to the mechanisms through which parental imprisonment might harm children.

**Strain theory.** Loss of economic and social capital, lowered family income, and expenses for visitation, phone calls, and money sent to the imprisoned parent could produce poverty, a factor strongly associated with criminal behavior.

*Because I was in the streets drugging, my kids didn't know where their next meal was coming from. They had to learn to take care of themselves. When I went to jail my son started dealing dope and now he's in prison. My daughter went to shelters, and got public assistance.*

*Marie, formerly incarcerated mother*

**Social control theory.**

Caregivers of children with a parent behind bars often experience high levels of stress. Caregiving arrangements may be unstable, reducing the quality of care and supervision, which could result in delinquency.

*Families that come to us were struggling before; many were on some sort of public assistance. Some public assistance is often lost when a parent goes to prison, so it makes it even tighter for the caregiver who is around. A caregiver who is struggling to keep the rent paid and lights on and food on the table has very limited energy to give to the child who is grieving the loss of the parent.*

*Jessica, family service provider*

**Labeling theory.** Social stigma, bullying and teasing, as well as biased treatment by others could lead to a higher risk of being arrested or convicted for criminal behavior.

*There is a lot of shame that comes with parental incarceration. Kids don't want to talk about it, so they keep the secret. As adults they will not be trusting. The type of relationships they get into will be problematic and indiscriminate, because they're so vulnerable. Many kids will enter into a criminal life because these issues have never been addressed.*  
*Paula, child welfare caseworker*

When examined closely, and with the benefit of these deeper theoretical explanations, the connection between parental incarceration and the potential for criminal behavior by the children left behind reveals itself as more complex. Society has a stake in understanding these connections and their causes, including the emotional, psychological, social and economic experiences of children and youth who ultimately grow into adulthood and take responsibility for careers, families and lifestyles of their own. These children deserve the understanding, support and positive expectations accorded children who experience the trauma of losing their parents under different conditions.

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social and economic experiences of children and youth who ultimately grow into adulthood and take responsibility for careers, families and lifestyles of their own. These children deserve the understanding, support and positive expectations accorded children who experience the trauma of losing their parents under different conditions.



To aid in this understanding, and to reveal many of the hidden costs of incarceration to children, we utilized the findings of Murray and Farrington and over a dozen U.S.-based researchers as our theoretical backdrop for interviewing and documenting the real-life effects on those directly affected.

## **B. Costs to the child's sense of stability and safety**

The imprisonment of a parent fundamentally undermines a child's sense of stability and security. The sudden removal, often without explanation, of the parent from their daily life affects a child's ability to focus on their normal daily activities, such as school. Children and youth become preoccupied with the disintegration of their families, worrying about their parent's whereabouts, their ability to reconnect with siblings or other family members, and – for many – where they will live this week or the next.

A parent's arrest and subsequent incarceration represents a drastic change in the lives of many young people. As research shows, before their arrest many parents were closely involved in their children's day-to-day lives – especially mothers who were most often the primary caregivers. The sudden disappearance of a parent is likely to deeply affect a young person's sense of well-being. In some cases, children will take responsibility for the parent's sudden absence.

“*[Children] experience a sense of abandonment when parents go to prison – one day the parent is there and the next the parent is gone. Depending on the age, they'll take it personally. They think they did something wrong; one day they were mad at their mother and wish she was dead and now she's far away.*”

*-Jessica, family service provider*

*The first thing that hits young people is the feeling of abandonment. Feeling like you don't have the right to call anything your own. One day it's here and the next it's gone. No matter how bad it might have been – it could have been with a substance-abusing mother who was high all the time – it was nonetheless their primary place. They felt safe there no matter what any of us thought.*

*Peggy, re-entry service provider and grandmother/caregiver of two teenage girls*

*Children feel like the world revolves around them, so when parents go away, children will assume it's their fault.*

*Makeba, 24 year old university student/advocate, whose mother was formerly incarcerated*

*When you have a strong bond with your children before you leave that's harder on them than anything else. It really hurts when you leave like that.*

*Demetrius, incarcerated father*

The long-term impact of the sudden disappearance of a parent can also produce, in some cases, high levels of aggression towards others. For example, Anita's 14-year-old daughter has become extremely defiant, and has developed a violent “rap sheet” of her own.

*If you don't pay attention to her immediately when she wants it, she'll hit you. She's 14 now and already has four assault cases. She cracked open a girl's head, and brought a knife to school and attacked a girl. The younger took a chunk out of a boy's cheek. I try to talk to her [the older one] but her answer is 'you weren't there.' My kids have abandonment, anger issues. They don't know how to express their emotions, except by hitting others.*

*Anita, formerly incarcerated mother*

Children may experience a dramatic change even if they still have another parent at home caring for them. The caregiver may have limited resources and may have to struggle hard to address the emotional, psychological and financial needs of the children.

*It turned my children's world upside down. I was the rock of the family. I was the sole financial provider. I was a stickler for good grades. So, when I left they were without guidance because my ex-wife was not an authority figure. She was an old fashion housewife.*

*Carl, incarcerated father*

Susan Phillips' research bears out many of these sentiments. She found that children of parents in prison are more than twice as likely as their peers to experience family instability. The arrest of a parent may trigger a move to another caregiver. Prolonged incarceration can result in children having to live with a series of different caregivers.<sup>22</sup>

Noting theories that a child whose parent is involved in criminal activity may be predisposed to follow him or her into a life of crime, and that removal of such a parent might improve the situation, another researcher, John Hagan, suggests that parental imprisonment is more often likely to "intensify the problems caused by a dysfunctional parent," compounding, rather than mitigating family problems.

Even though a parent may not always have maintained an intact household, they may have made positive contributions to their children's well-being. "Many nonresident parents, even many never-married and absent parents, maintain frequent contact with their children, and much of the variation in the nature of the parental contribution may have to do with the form and quality of family relationships rather than with the legal and residential nature of the relationship."<sup>23</sup>

Ethnographic work in this area indicates that nonresident minority fathers often make informal contributions to their children, for example, by buying toys and diapers or providing babysitting services, and in other ways demonstrating that paternity is significant to them, even when this role emphasizes emotional support and guidance more than economic responsibility.

When mothers are incarcerated, families are often splintered. Family instability can result in further separation from immediate family and friends. Siblings may be sent to separate relatives – sometimes relocated to separate states – or placed in foster care. Even if they are not separated, a large majority of their caregivers may not have the financial wherewithal needed to meet the necessary expenses for the children. Hagan points out that older children may have to take responsibility for care of younger siblings, or feel pressure to drop out of school in order to find ways (legitimate or otherwise) to supplement household income.

Because prisons rarely offer rehabilitative services such as drug treatment to help imprisoned people tackle substance abuse issues, many parents are likely to cycle in and out of prison. The "comings and goings" of parents inhibits their children's development of a sense of personal safety. Children may become apprehensive about bonding with their parents for fear of them being ripped away again. Some may become withdrawn, while others may act out as their world becomes increasingly unstable and

<sup>22</sup> Phillips, Susan, Alaattin Erkanli, Gordon P. Keeler, E. Jan Costello and Adrian Angold. "Disentangling the Risks: Parent Criminal Justice Involvement and Children's Exposure to Family Risks." *Criminology and Public Policy* Vol. 5, No. 4. 2006.

<sup>23</sup> Hagan, John and Ronit Dinovitzer. "Collateral Consequences of Imprisonment for Children, Communities, and Prisoners," in *Crime and Justice: A Review of Research*, edited by Michael Tonry. Chicago: University of Chicago Press. 1999.

“ Sometimes when I think about him I do miss him. He says that when he gets out he’s going to spend all this time with me. But he can’t make up for ten years like that. He’s gonna come out, and you think I’ll listen to him? I’m afraid that when he comes out and I let him back into my life, he might go back in. It really scares me.”

-Treasure, teen daughter of incarcerated father.

uncertain. Not knowing what may happen from one day to the next can wreak havoc on a young person’s education.

*I was out for four months before I went back to prison. My daughter asked my mom, ‘Grandma, what’s wrong with her?’ She just doesn’t trust me or anyone else. She’s too hurt.*

*Ronnie, incarcerated mother*

Treasure, a teen whose father has been in prison for many years, explains the fear and anxiety she feels when she thinks about her father’s eventual return:

Sometimes when I think about him I do miss him. He says that when he gets out he’s going to spend all this time with me. But he can’t make up for ten years like that. He’s gonna come out, and you think I’ll listen to him? I’m afraid that when he comes out and I let him back into my life, he might go back in. It really scares me.

In some cases, young people will find safe and welcoming foster homes where they rebuild a sense of stability. However, they also seek to maintain a relationship with their birth parent, and may worry about what will happen to the stability they have established with their foster family when their parents return.

### **Cost #1: Compromised educational experience**

Paula, a child welfare caseworker, explains that some of the children she works with express a lot of negative emotions – and do a lot of acting out at school:

*Anger and animosity sets in. Then you get the reluctance of not wanting to go visit mom. Then there’s the sadness and a little bit of depression as well that sets in with the kids. A lot of these emotions get played out in school. They go on a visit and then the next day the teacher will call because the child is acting up in school – they’re not listening, they’re all over the place, they’re hitting and fighting. It will take a little while to get back into the routine after visiting the parent in prison.*

*Paula, child welfare worker*

Peggy, a service provider and grandmother caring for two teenage girls whose mother is imprisoned, emphasizes how the uncertainty in young people’s lives interferes with their education:

Failure in school is probably central to young people’s preoccupation about what’s going to happen. ‘How is this going to shake out? Where will I land? Will he come home tomorrow? Or will she come home tomorrow?’ So, just not knowing or having any stable sense from one day to the next of what’s going to happen wreaks havoc on education. How do we expect them to go to school and concentrate when their life has been turned upside down?

Ashton Trice and Joanne Brewster studied the social adjustment of children with incarcerated mothers through a survey of their caregivers.<sup>24</sup> They found that a third of the children with mothers in prison have, themselves, been arrested during the year prior

<sup>24</sup> Trice, Ashton D., and Joanne Brewster. “The Effects of Maternal Incarceration on Adolescent Children.” *Journal of Police and Criminal Psychology* 19:27–35. 2004.

to the survey date. A control group was created by using the same survey with the parents of the children's "best friends." Measured by failing grades, children with parents in prison were significantly more likely to have experienced school failure (45 percent) than their friends (20 percent), and were more likely to have dropped out of school (36 percent, compared to seven percent).

## **Cost #2: Threat to stability and home**

Paula recounts the experience of two young child welfare clients whose desire for a stable life is challenged regularly by the knowledge that some day their parent will be released and seek custody:

*They want to have a relationship with their parent but don't want to leave their foster family. The stability of their foster parent is important for them. They've never lived with their mom. They went into foster care at birth.*

Stability completely eludes many other young people, who experience constant change – living in numerous foster homes. This lack of stability is bound to affect their behavior:

One child has been through 20 families. Generally, the girl does so well in school and with the family initially. But the minute she senses she's might be moved, she acts up in many ways. Another youth, an 11-year-old boy, kept going to other foster families and when he was about to move again, he said, 'Can you make up your mind about where you want me to be?'

*Victor, child welfare caseworker*

Many young people who have had the chance to build a solid relationship with their parent before their arrest will continue to yearn for their return, even if their living situation is reasonably stable:

*One young boy has a lot of trouble managing his mother's absence. He got in trouble in school, got into fights. He was fortunate to be able to process his emotions with a therapist. He was living with a relative and was well taken care of but still in the back of his mind he wanted to know when his mother was coming home. He wanted his mom to come home because he still had a relationship with her.*

*Tammy, child welfare caseworker*

## **Cost #3: Separation from siblings**

Some children find comfort with their siblings, but many times siblings are split up and placed with different relatives – especially where there are several brothers and sisters. In such cases, a parent's incarceration not only disrupts the parent-child relationship, but it also interferes with sibling bonds.

*My daughter and my son are just 15 months apart – just started school. She tries to be his mother and puts him to bed. When he gets up scared in the night he doesn't get in the bed with my mother, he gets in bed with his sister.*

*Alicia, incarcerated mother*

“ I see so many grandmothers raising children. Many uncles and aunts also have to raise kids. It's really tough on kids to deal with these new living arrangements. We have one 12 year old student who was split up from her siblings after her mom went to prison. They were split up among relatives. This brought sibling rivalry to school because they all have different experiences with different relatives and the 12-year-old receives more care and attention than the others. ”

*Vice principal, elementary school*



In a recent review of relevant policy research, Nancy La Vigne and her colleagues at the Urban Institute explain that when children do not have adequate coping mechanisms to deal with parental loss, long-term emotional issues (e.g., depression), low academic performance or behavioral problems at school, delinquency, and drug abuse may result. The ambiguity of separation due to incarceration may render children unable to grieve their loss. Sympathy and care from neighbors, friends, and even family may be withheld. Because parental incarceration may bring shame and stigma if disclosed, school and social service staff may not be able to identify and help children who are suffering the loss of their parent.

La Vigne goes on to describe the uncertainty and instability that many children face when a parent is incarcerated, especially those whose parents cycle repeatedly in and out of prison.

*Children may move to different neighborhoods or cities and lose their connection with friends and members of the community. Perhaps most significantly, children may permanently lose their parents. The 1997 Adoption and Safe Families Act proscribes that the process for termination of parental rights begin when a child has been in foster care for 15 out of the most recent 22 months. Given that about nine percent of mothers in state prison currently have a child in a foster home or agency, and that the average sentence for an incarcerated parent ranges from 80 to 103 months, many inmates risk losing custody of their children prior to their release, regardless of desire or willingness to parent.<sup>25</sup>*

These costs to the fundamental sense of stability and safety of children are simply too high, and they are unnecessary when the parent is incarcerated for offenses that could be better managed through drug treatment or community supervision.

## **Recommendations to nurture a child's sense of stability and safety**

- Educate youth in school about the impact of incarceration in their communities. Provide educational workshops to student bodies about the impact of incarceration on children, families and communities with the school system.
- Train child care workers, elementary and high school teachers and counselors to recognize and address far reaching implications of parental incarceration on their pupils when it manifests within the school setting.
- Efforts should be made to keep siblings together or maintain regular contacts when parents are imprisoned.
- Convene national and state consultations to examine the ways in which a child's sense of stability and safety can be maintained when a parent is incarcerated.

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<sup>25</sup> La Vigne, Nancy, Elizabeth Davies and Diana Brazzell. *Broken Bonds: Understanding and Addressing the Needs of Children with Incarcerated Parents*. Washington, DC: The Urban Institute. February 2008.

## C. Costs to the child's economic security

Incarceration of a parent impacts the economic circumstances of their children. Caregivers may have to quit their jobs in order to provide care for children. In her 2006 study, Susan Phillips compared the financial circumstances of children whose parents had been imprisoned with that of their peers. After controlling for parental substance use, mental health, education and race, she found that children of incarcerated parents were 80 percent more likely to live in households that face economic strain.<sup>26</sup>

The economic strain that children experience goes much further than losing access to material things. Many young people will find ways to provide for those economic needs. But removing whatever financial security and stability that parents provided for their children before their imprisonment can lead to anxiety – a sense that life has become extremely precarious and that no one can be counted on to protect them.

### Cost #1: Loss of parental support

Before coming in contact with the criminal justice system, most parents provide significant financial support for their families, whether through legal or illegitimate means. The economic support they provide – even if precarious – represents a source of stability for their children. As research has documented, even many fathers who did not live with their children nonetheless provided financial support – supplemental family income that suddenly disappeared when they went to prison.

“My daughter was about to graduate from high school. She was heading to college but for my incarceration because I was the primary source of financial support. Now, she’s working instead. My kids have always been middle class. Now for the first time in their lives they’re living in poverty. They understand what a single parent life is like for them.”

*Carl, incarcerated father*

The second year I was in prison my kids and my wife lost their home. When I was out I always worked and had good jobs to support them. After losing their home and having to move, I’m sure they weren’t able to get what they were used to.

*Howard, incarcerated father*

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Sometimes some kids don’t have the right tennis shoes like other kids. A dad may have been providing – legal or illegal – for a family of five but when he goes in, the financial picture changes. And now, there may be five people living off one social security check and food allocations. But these don’t buy school uniforms, or school supplies, or the right shoes or clothes.

*Vice Principal, elementary school*

### Cost #2: Increased poverty

Joyce Arditti’s research points to the overlap of incarceration and poverty. Women in state prisons report receiving inadequate wages or low public benefits before coming to prison. They report fairly high rates of homelessness (19 percent). Arditti says that incarceration could be conceptualized as “both an outcome of poverty and as a contributor to financial adversity.”

<sup>26</sup> Phillips 2006.

*Our conceptual framework acknowledges the primary loss associated with the incarceration of a family member as well as secondary losses, which have to do with the many things that the lost loved one could have contributed to the family. For example, secondary losses heighten the possibility of financial difficulties or parenting strain for the “survivor” or nonincarcerated parent or caregiver. Due to incarceration, the losses to the family members who are left behind are significant, because the majority of incarcerated parents have the potential to contribute positively to the economic and emotional support of their children.*

Arditti interviewed family members visiting people incarcerated in a local jail. Two-thirds of those she interviewed said that they were worse off financially since their family member went to jail.

Perhaps one of our most provocative and unexpected findings was the likelihood that a mother would leave paid labor after her family member’s incarceration. The other parent’s unavailability to provide child care may “tip the scale” and contribute to increasing work-family conflict for her, creating a need for her to either leave her job, or possibly lose her job because of her single parenting status.<sup>27</sup>

Several had lost child support payments they had been receiving. A majority of those interviewed were living well below the poverty line, and more than half were receiving public benefits, nearly three-quarters of which began during the family member’s incarceration. The proportion of families who lived on less than \$5,000 per year increased from five percent before imprisonment to 29 percent after imprisonment. These financial difficulties were compounded due to

the onset of expenses due to the incarceration – attorney costs, receiving collect calls, and sending money to the prisoner. More than three-quarters said they sent money, at an average rate of \$75 per month.

### ***Cost #3: Caregiver strain and accompanying child strain***

To compound this economic strain, the caregivers who are left behind with the children may also be struggling to make ends meet – in some cases, working a couple of jobs – limiting their physical, mental and emotional availability for children who desperately need the support of adults around them to help them feel safe and grounded.

*Families that come to us were struggling before; many were on some sort of public assistance. Some public assistance is often lost when a parent goes to prison, so it makes it even tighter for the caregiver who is around. A caregiver who is struggling to keep the rent paid and lights on and food on the table has very limited energy to give to the child who is grieving the loss of the parent. Jessica, family service provider*

Researchers John Hagan and Juleigh Coleman explain how the meager resources of kin caregivers are typically inadequate to support the necessary expenses needed for the children in their care:

Substitute parents for children of incarcerated parents typically assume unexpected burdens without compensation, and in this sense these parental surrogates and the children they care for are at special risk of state neglect and abandonment. When the substitute parents are relatives of the children, they are especially likely to be uncompensated or under compensated for the childcare responsibilities they assume. In general, relatives are eligible for fewer benefits and receive less support than nonrelative caregivers.<sup>28</sup>

<sup>27</sup> Arditti, Joyce A., Jennifer Lambert-Shute, and Karen Joest. “Saturday Morning at the Jail: Implications of Incarceration for Families and Children.” *Family Relations*, Vol. 52, No. 3. 2003.

<sup>28</sup> Hagan, John and Juleigh Petty Coleman. “Returning Captives of the American War on Drugs: Issues of Community and Family Reentry.” *Crime and Delinquency*,

Virginia Mackintosh led a team of researchers who also looked at the relationships between the children of incarcerated mothers and their caregivers.<sup>29</sup> They interviewed more than five-dozen children and 25 of their caregivers. Mackintosh notes that kin caregivers – grandmothers, aunts, and older sisters – are most often willing to assume responsibility for the children of incarcerated female relatives, but do so at great personal cost.

Mackintosh explained that the way a child experiences the separation from his or her parents will greatly depend on how they are cared for during the period of incarceration. Bonds of affection between children and their caregivers can moderate the impact of parental absence, offering at least some protection for a child from the harsh effects of separation trauma. The children she interviewed reported experiencing love and acceptance from their caregivers – who, in turn, said they loved and accepted the children. Yet Mackintosh observes that a mother’s incarceration places enormous strain on those they leave behind, whose lives are often filled with hardship. “Notwithstanding these encouraging results, the findings suggest that many of these families are in crisis.”

She notes that maintenance of parental ties through prison contact is an important way to help children preserve a sense of belonging, and an understanding of who their parent is, but the stress experienced by caregivers drains the energy and resources necessary to assure a dependable schedule of regular visitation. Caregivers who are older relatives of the prisoner may experience particularly intense level of stress, as personal and financial difficulties are coupled with their own shame about imprisonment of a family member.

Most of the children involved in Mackintosh’s study led lives filled with trauma and stress. Sixty percent said they experienced multiple “life stressors” (four or more) in the year preceding their interviews. Sixty-one

percent reported serious illness, injury, or hospitalization of a family member. Fifty-one percent experienced a death in the family. Thirty-six percent reported that they had seen someone beaten or shot in the past year. Thirty-four percent had to move and 36 percent had to change schools. Many lived in dangerous areas, with 27 percent reporting they were unable to play outside, and 25 percent saying they’d had to hide from shootings in their neighborhood. The children reported experiencing many other risk factors as well: “poverty, father absence, low parental education, a rigid and punitive child-rearing style, minority group status, parental substance abuse, maternal mental illness, and large family size.”

Mackintosh found that caregivers were also beset with struggle and stress. Thirty-six percent said that financial strain was the most difficult problems they faced. Another 32 percent said that managing the children’s behavior was the most difficult. Other problems plaguing caregivers included being overburdened, having issues with other family members over care and custody of the children, dealing with the children’s concerns about why their mother was incarcerated, and suffering inadequate living conditions.

#### ***Cost #4: Risk of getting involved with drugs***

Parental addiction prior to the subsequent incarceration may compel young people to scramble to care for themselves, and to struggle within themselves to find their own source of stability – if they’re able to do so. Once a parent is taken away, some young people turn either to criminal activity or government assistance for survival.

For instance, even Marie’s children – who were in their twenties when she was arrested – experienced enormous instability and disruption of their daily lives:

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Vol. 47. 2001.

<sup>29</sup> Mackintosh, Virginia H., Barbara J. Myers and Suzanne S. Kennon. “Children of Incarcerated Mothers and Their Caregivers: Factors Affecting the Quality of their



*Because I was in the streets drugging, my kids didn't know where their next meal was coming from. They had to learn to take care of themselves. When I went to jail my son started dealing dope and now he's in prison. My daughter went to shelters, and got public assistance.*

*Marie, formerly incarcerated mother*

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*Most of our clients have used marijuana to anaesthetize themselves. To help them get through the day. If they start selling, it's probably because of their drug use, it's also probably a way of supporting themselves. They have nothing; nobody gives them anything. If they want the sneakers and clothes like everybody else has, they're not going to ask their aunt or grandmother or uncle, so they figure out how to get these things without asking for help. Unfortunately, in the world they live in, the people available to help them figure it out are the folks on the street. They aren't surrounded by these incredible mentors.*

*Peggy, reentry service provider and grandmother/caregiver for two teenage girls*

Some research shows that parental incarceration is in fact strongly associated with drug use in later life. Murray and Farrington found that children who experienced paternal imprisonment were almost four times more likely to be using drugs in adulthood.<sup>30</sup> Using panel data from the National Longitudinal Survey of Adolescent Health, a research team led by Michael Roettger examined trajectories of marijuana and other drug use from adolescence into young adulthood.<sup>31</sup> Using statistical tests to control for a wide range of background characteristics (including childhood abuse, family structure, mother's history of alcoholism or heavy drinking, low self-control, peer drug use, race, neighborhood poverty, and being arrested as a juvenile) researchers found that having a

father who was incarcerated is significantly associated with increased marijuana and hard drug use among both males and females.

It should be noted, however, that adverse youth outcomes, such as drug use later in life, may be avoided if the child is placed in a relatively stable, functional environment during their parent's incarceration. Some foster care families – especially those that receive government assistance to care for foster children – will offer children greater economic stability than the children's biological parents.

*Kids often do better in foster care than with their parents because the foster parents are more economically stable.*

*Paula, child welfare caseworker*

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*When I was in foster care, I had everything I wanted. But when I left to go live with my mom, my foster mom didn't pack any of my clothes or other belongings, so I hardly had anything when I went to live with my mother. Initially, it was hard – I was four, and I wanted my old things, but my mom couldn't replace all of that since she was starting over with very little. I remember asking my mom about my favorite truck, and my favorite shirt, but my mom wasn't able to give them to me. As a kid I felt like I was displaced from what I thought was my home to this new place, tortured by not getting what was familiar. I often didn't really feel at home.*

*Davian, high school student, advocate and son of a formerly incarcerated mother*

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Relationship." *Journal of Child and Family Studies*. Vol. 15, No. 5. October 2006.

<sup>30</sup> Murray and Farrington 2008.

<sup>31</sup> Roettger, Michael E., Ray Swisher, Danielle Kuhl, and Jorge Chavez. "Paternal incarceration and trajectories of marijuana and other drug use from adolescence into young adulthood: evidence from longitudinal panels of males and females in the United States." *Addiction*. Society for the Study of Addiction. 2010.

## Recommendations to address a child's economic security

- Provide comparable financial support to relative caregivers as that offered to non-relative caregivers.
- Provide additional support to elder caregivers or single parent caregivers, including respite care and specialized support groups.
- Ensure that the ability of children and youth to maintain regular contact with their incarcerated parent – whether it be by phone or in person – is not undermined by exorbitant financial costs.
- Provide subsidies for specialized individual and family counseling.

*and aren't as available to care for the kids, to help them understand who they are without their mothers or fathers. Without anyone to help guide them as they grow up, it takes a toll on the familial relationships they develop later on.*

*Jessica, family service provider*

During adolescence youth generally need to push away a parent but if the parent is incarcerated, the youth may be missing out on the adults who will be looking out for them. For instance, adolescents will push the limits of curfew time. So, your parent will come looking for you if you go beyond reasonable limits. But if kids have no parents, or are left with just one parent who is totally overwhelmed, the youth may feel that no one cares enough to worry about them; that they aren't worth making sure he or she is home by a certain hour. 'I could vanish and nobody would know or care.'

*- Tanya, re-entry service provider and former child welfare caseworker*

*My sister cares for my kids. My nine year old does exceptionally well with her. But my 16 year old is rebellious. She just doesn't listen to her. She doesn't trust anyone and feels abandoned. Even though she her aunt, she's not family. It's not her mom or her dad. So, I think teenagers view the separation a little differently than the younger ones.*

*Tracey, incarcerated mother*

## D. Costs to the child's sense of connectedness and worthiness

Many people have had the opportunity to connect deeply with their parents, whether with one or both parents who lived in the same home, on a regular, secure basis. The parental connection enables individuals to bond, to clash, to disengage, and – eventually – to find their own personhood and sense of personal worth. Unfortunately, children whose parents are incarcerated are unable to experience such an unconditional connection with their parents to shape who they will become in the adult world. While most caregivers attempt to provide a replacement to the parent-child relationship, too often they are unable to meet the huge challenge this represents.

*Kids experience a sense of rage when parents go to prison, and the folks who are left are more taxed,*

Even when a parent is left behind to meet the child's needs, as a single parent he or she may struggle. Some youth come to expect a certain parent to play a particular role in their lives, which their other parent cannot just step in and assume.

*In junior high, I was a mess. I got kicked out of school because I use to steal, skip school and get into fights. It got to the point where my mom had to*

home-school me. When I got to high school I realized I couldn't do that no more. I had to finish high school. But I didn't finish high school because I just had a daughter. I chose to stay home. But I'll go back to finish high school or get a GED. I don't think I would have gotten pregnant if my dad was around. I would have finished high school because my father is really strict and I would have been real scared of him. There are a lot of things I won't have been able to do because my dad was out. I can't let what he did affect my life. I got to keep it moving.  
*Saphina, teenager of an incarcerated father*

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My younger one lives with his mom, has siblings who are doing well. One is a nurse and two joined the navy like I had. But the younger one who was a baby when I went to prison has a chip on his shoulder. He acts out a lot. He went to an alternative school. I hurt him a lot by not being there.  
*Julius, incarcerated father*

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My older son was with his mother when I went to prison. He started rebelling around age 16 or 18. The way it manifested was with him doing things that he knew were illegal, such as smoking marijuana. Even though he was in college and knew it was clearly against the law, he was sending a message that if dad can do it, he can do it too. Even now that I'm out, my older son may be misbehaving in order to get the attention he's been wanting for a long time.  
*Glenn, re-entry service provider and formerly incarcerated father*

The belief that the push-pull dynamic between parents and children can be assumed by grandparents often overlooks the generational gap that can cause a young person to feel misunderstood by relatives who are a lot older.

In addition, grandparents may have limited energy or health problems that make it hard to follow up on the rules and restrictions they set, less able to go searching for a youth in the street at three o'clock in the morning

She's very secretive and doesn't share a lot with me. She doesn't feel like I'm in her corner. She doesn't respond well to discipline.

*Ms. Thrower, grandmother/caregiver*

### **Cost #1: Susceptibility to peer pressure and risky behavior**

The low self-worth that may result in children who feel neglected or misunderstood can cause them to feel an overwhelming need to be accepted and loved by others, at all costs. In turn, this may lead them to overcompensate as they seek to be accepted by others, to be more susceptible to peer pressure, or to engage in high risk sexual behavior.

My older daughter will do about anything to be accepted by her peers.

*Anita, formerly incarcerated mother*

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My children became very promiscuous after I went into prison. My son started having sex at age 12 with the neighbor. My daughter met a guy from the naval academy and got pregnant at 14. She had an abortion. Where were the adults letting them have sex at those ages?

*Connie, formerly incarcerated mother*

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My granddaughter has low self-esteem. She feels like she was so horrible that her mom and dad didn't want her, so she feels like no one likes her. You could do pretty much anything to her and she'll put up with it as long as you remain her friend. ”

*Ms. Thrower, grandmother/caregiver*

The combination of losing a parent and experiencing the resulting low self-esteem and symptoms of trauma may push young people to engage in risky behavior. John Hagan and Ronit Dinovitzer's review of early studies of the impact of parental incarceration on the family situation, point to evidence of psychological trauma: separation anxiety, preoccupation with loss, sadness as well as rebelliousness, school problems, and truancy.<sup>32</sup> They cite more recent research findings that children whose mothers were imprisoned identified symptoms of post traumatic stress disorder: "depression, feelings of anger and guilt, flashbacks about their mothers' crimes or arrests, and the experience of hearing their mothers' voices."

Emphasizing the need for role models and supervision in a child's socialization process Hagan cites Travis Hirschi's seminal work on social control theory to argue that a parent who engages in criminal acts him or herself may nonetheless steer children away from that life, prodding them toward more pro-social goals and activities. When a parental role model is absent, however, the classic adolescent struggle of allegiance between family and peers may default in favor of anti-social peers. Moreover, the stigma associated with having a parent in prison may cause children to mask feelings of shame and rejection with anger and defiance – increasing the draw toward violent behavior and delinquency.

## **Cost #2: Social stigma and shame**

Unlike children who lose parents because of death or divorce, who typically receive lots of emotional support from others, children who experience the loss of a parent because of prison may be deprived of empathy and support. A greater number of rituals are wrapped around children in the first instance, than are provided to the children of imprisoned parents.

*You have the whole world against your parents, and antagonizing you by saying 'you're going to be just like them.' There's no empathy for your situation. The base feeling is the same – a feeling of abandonment – but the comfort and support provided to other children in situations of abandonment isn't available for you. When a parent dies, people rally around you – bringing you food, hugging the kids – but no one does that when a parent is incarcerated.*

*Makeba, 24 year old university student/advocate whose mother was formerly incarcerated*

Tanya, a re-entry service provider, points out that even the military recognizes that a growing number of children are growing up without their parents because they are stationed overseas. Yet few government agencies have taken even minimal positive steps where children of prisoners are concerned:

*For instance, military officials have began a program called 'Flat Dad' where a cardboard depiction of the parent is provided to the family facilitating the absent parent's participation in the children daily lives – such as 'flat daddy' at the dinner table or in the family car. This simply points out that there is the recognition of the impact on children of parental separation. For children experiencing divorce there are support groups. After all these years with over 1.5 million children affected by parental incarceration there has been very little effort to address these children's needs.*

In many cases, family members may not have even disclosed the reason for the loss of a parent to the child, causing confusion, anxiety, fear and – if the child discovers the truth – distrust of those closest to them. Such children experience complete severing of the parental relationship. Denied any opportunities to visit their parent in prisons, they will likely suffer great challenges during family reunification.

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<sup>32</sup> Hagan, John and Ronit Dinovitzer. "Collateral Consequences of Imprisonment for Children, Communities, and Prisoners," in *Crime and Justice: A Review of Research*, edited by Michael Tonry. Chicago: University of Chicago Press. 1999.



Because of this, parental incarceration can severely damage the social capital children need to thrive. The stigma and secrecy that children and youth carry around in their day-to-day lives has a significant impact on their self-esteem and their ability to connect with other people in their lives. Young people are quite attuned to the prejudice people direct toward their incarcerated parents, and, as such, many feel deeply alienated.

A parent's incarceration can have a tremendously isolating effect on children. Children whose parents are behind bars must engage in their day-to-day lives without this primary connection, leaving them feeling different from their peers, and socially disconnected.

*Young people feel like they were robbed. We all have a right to have a parent to take care of us. But that was ripped away. Whether it was justified by society's needs doesn't matter to them. They just know they don't have their mother anymore. 'I don't have my dad anymore. There's nobody who belongs to me, so therefore, I don't belong to anybody.' I think that has got to be the worst thing. It's like being a displaced person, disconnected from anything that looks like the norm.*

*Peggy, service provider and grandmother/caregiver for two teenage girls*

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*I use to be the coach of my daughter's softball team. She's played softball all her life and she's always loved it. It was something we did together until I went in. When my daughter was in grade 10 she decided to not play softball anymore. My wife said she would get teased about her father by other players on the team.*

*Howard, incarcerated father*

Sometimes young people distance themselves from people in their former lives because they are ashamed of what their parent has done. This self-exclusion can serve to isolate them from opportunities for a brighter future.

“*My children's social connections have been cut off. My daughter is ashamed of what I've done, so she's disconnected from her old community that could help her get a job, get into university and help open some doors.*”

*Carl, incarcerated father*

Children tend to internalize the shame and stigma that is often based on familial and societal reactions to people behind bars. A parent's incarceration becomes their 'dirty' little secret – the monkey on their back, distorting their sense of social connectedness and self-worth.

*No one goes around advertising that their parent has been arrested. So, they walk around feeling like it's a big secret, and nobody knows, and they're ashamed. They're afraid of what people will think when they hear about it. There is an incredibly internalized stigma.*

*Peggy, service provider and grandmother/caregiver for two teenage girls*

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*There is a lot of shame that comes with parental incarceration. Kids don't want to talk about it, so they keep the secret. As adults they will not be trusting. The type of relationships they get into will be problematic and indiscriminate, because they're so vulnerable. Many kids will enter into a criminal life because these issues have never been addressed.*

*Paula, child welfare caseworker*

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*Girls seem more embarrassed by their parents' incarceration. They keep it to themselves and may*

mention it by accident. Let's say a teacher says, 'I'll call your mom about your behavior' and the girl may say, 'Sure, go ahead, call her, she locked up.' Boys tend not to have trouble saying their fathers are in. For some of the boys, it may be a rite of passage. 'My dad messed up, but made it through prison and made it through okay.'

*Vice Principal, elementary school*

Given that young people spend so much of their time at school, one of the most significant impacts of parental incarceration on children is how schoolmates and school officials deal with the issue. In addition, young people will turn to their communities to find a connection to temporarily fill the absence of their parent, and, therefore, other community members' reactions to parental imprisonment will likely have a tremendous impact on them.

*My son started getting in trouble at school because his father was in prison, so he started to isolate.*

*Al, formerly incarcerated father*

**“ Daughter developed enormous trust issues. People in the community used to call her names and tell her mother is just a crack head, so she called me a crack head. ”**

*Marie, formerly incarcerated mother*

*My sons had to put up with a lot of harassment from the neighbors. They experienced harassment not so much from their peers but rather from adults – especially those at church. People at our church kept telling them that they didn't want them there. Surprisingly, two of my boys later joined the seminary.*

*Charles, incarcerated father*

*Older kids can also be real ugly, saying, 'You're going to be just like your daddy or just like your*

*mamma.' They can be really hard.*

*Vice Principal, elementary school*

**“ A young woman who had excelled in high school and was a serious overachiever met with other youths in our program who had an incarcerated parent. She kept referring to her peers as 'you' with incarcerated parents, completely distancing her herself even if her mother was still in prison. ”**

*Tanya, re-entry service provider and former child welfare caseworker*

While many young people in our interviews felt their parent's incarceration was no one's business, a few indicated that disclosure did not cause them any anguish around their parent's incarceration, saying, "People have been fine."

*I always thought people would judge me because of my mom's incarceration, so I was afraid to say anything. But now I know it doesn't have to be that way, so I encourage other young people to not be afraid of the stigma people have about the issue.*

*Davian, high school student/advocate and son of a formerly incarcerated mother*

As mass incarceration policies have sent more people to prison, some progress has been made to reduce the stigma of incarceration. Unfortunately, there continues to be significant societal bias directed at families that experience the trauma of parental imprisonment. Adults tend to pass judgment on families who have incarcerated parents – labeling and alienating the children. As a result, some children lie about their parent's incarceration, either because they know that people will judge them, or because family members advise them to do so. The truth may well come out, however, along with the potential of damage to their young lives.

*If other parents know their kids are playing with a kid whose parent is incarcerated, they may not let them go. Adults play a role in alienating them.*

*Vice Principal, elementary school*

Over the years child welfare caseworkers have become more supportive about facilitating parent-child visits in prison, recognizing the importance of these visits in maintaining the parent-child bond and its long-term, even life-long, implications. Nonetheless, social workers we interviewed pointed to continued resistance to facilitating visitation. The rapid turnover in the field is a contributing factor, and there is a constant need for training new caseworkers about the issue of incarceration.

“Caseworkers feel like, ‘why should we take kids to see parents in prison. It’s the parent’s fault.’ I tell them it’s not about the parent it’s about what kids need. There’s a lot of resistance. Foster care parents are also resistant about taking kids to visit.”

*Paula, child welfare caseworker*

### ***Cost #3: Risk of involvement with the criminal justice system***

While too often overemphasized, the influential role model a parent may represent in a child’s life can sometimes lead to young people’s involvement with the criminal justice system. And even when young people do not become involved in anti-social activities, they may nonetheless be quite preoccupied with anxiety about the possibility of following in their parent’s footsteps.

While some will steer clear of criminal activity or other anti-social behavior, in many cases striving to excel in life, other children of imprisoned parents may seek ways of connecting with their parents that may be detrimental, and – definitely – not what any parent wants for their children.

*If the parent was involved in criminal activity, kids may be drawn to this also, as it’s your only sense of connection.*

*Jessica, family service provider*

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*We have families of incarcerated members. Within a dorm there may be three generations. One day there was a mother whose visit with her child was cancelled. The woman said to me, ‘I know you, when I was a kid you use to take me and my brother to visit mom. She was in here and now I’m here.’ I was shocked. You could see that she was ashamed because her mom was here and now she was here.*

*Tammy, child welfare caseworker*

“Kids tend to keep all their emotions inside but they worry. They wonder, ‘What happened to my parents... is it going to happen to me as well?’”

*Victor, child welfare caseworker*

Susan Phillips examined longitudinal survey data involving more than 1,400 children residing in 11 counties in rural North Carolina (the Great Smoky Mountains Study) to learn how parental involvement with the criminal justice system affects their children. “The specific hypothesis that was tested was that parent [criminal justice system] involvement mediates the effect of parent risks on children’s exposure to family risks.”

Noting that parental arrests have typically been held by researchers as an indicator that children have been exposed to anti-social behavior, Phillips explains that the common assumption has been that any adverse effects are “attributable to the actions of parents (or genetic factors that might explain parents’ actions) as opposed to the actions authorities take in intervening with parents.”

*This was not necessarily unreasonable. For the vast part of the last century, most people involved in the criminal justice system had either committed particularly violent acts (e.g., murder, rape, aggravated assault) or serious property offenses (e.g., burglary, larceny, motor vehicle theft). However, the composition of the criminal justice population has changed over the last two decades as more and more people with drug addictions have been incarcerated. Consequently, the parent behaviors represented by parental arrest today may not be the same as in years past.*<sup>33</sup>

Attempting to disentangle the relationship between parental incarceration and children's exposure to family risk factors, Phillips used statistical modeling to control for various factors that might explain the increased risks these children face. Her research documents a significant relationship between imprisonment and family economic strain and instability in the care and living arrangements of children, even after controlling for parental substance abuse, parental mental health problems, and low education.

Compared with children whose parents had no involvement with the criminal justice system, those whose parents had been incarcerated had 80 percent greater likelihood, independent of the effect of parent risks and race, of living in households that experienced economic strain. They also had a 130 percent higher likelihood of experiencing family instability.

*After accounting for the effects of parental substance abuse, mental health problems, lack of education, and race, the incarceration of parents (which here also includes house arrest) carried an added risk for children experiencing economic adversity that other outcomes of [criminal justice system] involvement did not. Furthermore, both incarceration and other outcomes of arrest were additional significant predictors of family instability. These are both factors that research links with the increased likelihood of children developing serious emotional and behavioral problems (e.g., including substance abuse and delinquency), and, in turn, of*

*becoming involved with criminal authorities. Consequently, research on youth outcomes that treat the arrest of a parent as simply a proxy for parental criminal conduct may lead to a distorted understanding of the etiology of youth problems.*

Beth Huebner and Regan Gustafson used data collected from women and their children who were surveyed as part of the National Longitudinal Survey of Youth to study how incarceration influences children and families.<sup>34</sup> After controlling for personal characteristics and other relevant risk factors, they found that adult involvement in the criminal justice system was more strongly related to having experienced a mother's incarceration during childhood than to separation for other reasons. Maternal imprisonment significantly predicted adult convictions, with 26 percent of children with imprisoned mothers convicted as adults, compared with ten percent of the control group. Maternal imprisonment also predicted whether a child would spend time under probation supervision as an adult.

### **Recommendations to support a child's sense of connectedness and worthiness**

- Facilitate children's and youth's ability to maintain regular contact with their incarcerated parent, including visits, telephone or skype contact.
- Initiate public education campaigns about the impact of incarceration on children and youth in schools, churches and community centers across the country to combat stigmatization.
- Provide specialized support groups and therapists equipped to aid children and youth, caregivers, and incarcerated parents to tackle the emotional and psychological trauma arising from parental incarceration.

<sup>33</sup> Phillips 2006.

<sup>34</sup> Huebner, Beth M. and Regan Gustafson. "The effect of maternal incarceration on adult offspring involvement in the criminal justice system." *Journal of Criminal Justice*, Vol. 35. 2007.



“ A lot of the young people I work with don’t build close relationships. If your parents were taken away from you, why bother with others? What’s to keep a friend being a friend, or stop a girlfriend from cheating on you? ”  
*Makeba, 24 year old university student, advocate whose mother is formerly incarcerated*

## **E. Costs to the child’s attachments and ability to trust**

Once the close parental presence is removed, many young people have trouble trusting others and letting them into their lives. Many are as reticent or guarded in their efforts to protect themselves and not get hurt again, as they were when their parent’s departed. The parent-child bond is a fundamental building block to a child’s ability to trust others. Parental incarceration undermines this foundation.

*My daughter doesn’t trust anyone because of what I did. My mother raised her but she needed me. She needed mama love instead of grandma love.  
Ronnie, incarcerated mother*

### **Cost #1: Diminished ability to establish stable lives as adults**

Being unable to count on their parents to “be there for them” affects young people’s ability to trust and bond, not only with their parents but also with others in their lives. A parent’s lack of availability undermines a child’s sense of stability and safety, and, this in turn, affects their capacity to establish stable lives as adult, as well as to develop safe and trustworthy relationships.

*My daughter has trouble bonding with people. As an adult, she doesn’t seem to stay in one place or with one person. When she was young, she had no problems. My daughter is smart, she’s got a masters degree, so her employment is good. But she has no stability. I think because I kept going in and out of prison my children now have trouble trusting others and fear the lack of stability in relationships with others.  
Al, formerly incarcerated father*

As adults they’ll have difficulty trusting people and building relationships because there is a fear they will not last, or people will not stick around. This can result in sabotaging relationships. “I’ll leave you before you leave me.” Also, people will not trust when something is a healthy relationship, because based on past experience, when something may have been feeling good, things may have gotten disrupted.

In the workplace, the young adults may also experience trust issues with supervisors and colleagues. They may also feel a need to prove themselves even more, because of their history. They may have difficulty trusting themselves that they are doing a good job or performing well. Others may overachieve. Having grown up very fast, in the workplace they will excel to camouflage their past. Underneath one would not know that the “am I good enough” complex is driving the individual.

*Tanya, re-entry service provider and former child welfare case worker*

The inability to trust others undermines their capacity, as adults, to connect with others – always maintaining a certain distance either by withdrawing, or putting on a tough exterior. It also undermines a young person’s ability to envision and plan for their future.

*With our guys here, the ability to trust, the ability to believe in anything beyond the moment is almost non-existent. They don't trust anybody, so they will not allow others to hurt them. Our young women are very tough and more violent than the men. They have seen their mothers abused and they are determined it won't happen to them. They refuse to be a victim. I don't see the men being violent, aggressive towards the women in their lives. On the other hand, young women tend to be more aggressive, always on guard and ready to fight. The loss of their mothers definitely has a significant impact on them.*

*Peggy, reentry service provider and grandmother/caregiver of two teenage girls*

## **Cost #2: Strained relationships with caregivers**

Children may demonstrate their mistrust towards their caregivers, or their parents once they return from prison, by becoming hyper-vigilant, monitoring every move the adults in their lives make. A former child welfare caseworker says that often children cling to others close to them asking such questions as “Where are you going? When will you return?” They clearly fear another loss – imagining in their young minds, “If you lose one parent, why not someone else close to you?”

*When I go home, my kids won't trust me to go to the bathroom by myself because they're afraid I won't come back.*

*Alicia, incarcerated mother*

Research confirms and further explains a possible basis for the experiences of those interviewed for this report. Julie Poehlmann has closely studied the many attachment issues and problems children face when a parent is incarcerated. Poehlmann conducted assessments of 54 children whose mothers were

incarcerated. Noting that very young children are particularly vulnerable to developmental disruption when mothers are incarcerated, she describes the emotional cost of parental separation for children of prisoners:

*Consistent with attachment theory, the majority of children initially reacted to separation with sadness, crying, and calling for or looking for mothers. Other common reactions included confusion, worry, anger, acting out, fear, developmental regression, sleep problems, and indifference. Although many of these responses are similar to reactions exhibited by older children following parental incarceration, such as loneliness, fear, anger, and aggression, young children's sleep patterns and maintenance of developmental milestones appeared highly vulnerable to disruption following separation from mothers. Clearly, prolonged separation from an imprisoned mother who once cared for the child is a stressful experience.<sup>35</sup>*

Noting that some children seem to react with indifference, Poehlmann wonders whether this represents a true lack of reaction, or a defensive mask of false detachment.

A secure attachment relationship can help to nurture resilience in high-risk children, and promote healthy self concepts that will foster stronger interpersonal skills and relationships in the future. However, Julie Poehlmann found that two-thirds of the children in her study “held representations of attachment relationships characterized by intense ambivalence, disorganization, violence, or detachment.” Such representations may lead to behaviors “that elicit rejecting or less optimal responses from others.”

Additionally, Julie Poehlmann found that less than a third (28 percent) of the children she assessed experienced the benefits of stable and consistent care giving while their parent was incarcerated:

<sup>35</sup> Poehlmann, Julie A. “Representations of Attachment Relationships in Children of Incarcerated Mothers.” *Child Development* 76(3). 2005.

Although confirming previous observations that many children experience multiple placements following maternal incarceration, the present study found that stability of the care giving situation was the strongest predictor of children's representations of relationships with caregivers. Children who lived with one continuous caregiver since the mother's incarceration were much more likely to have a secure relationship with the caregiver than were children who changed placements one or more times. From an attachment perspective, developing relationships with consistently available alternative adults can ease the negative effects of parental loss and facilitate interpersonal resilience, whereas experiencing multiple shifts in caregivers undermines this process.

### **Cost #3: Loss of contact with parent**

For infants and toddlers, attachment to their parent plays an enormous role in their psychological development. Visitation during this period in their lives is essential in establishing a trusting relationship. Very young children are unable to develop relationships through telephone conversations or letter correspondence. Actual physical contact is extremely important.

*In the most extreme cases, without visitation the parent is essentially a stranger to the infant.*

*Tanya, re-entry service provider  
and former child welfare case worker*

*The first time my mother brought my boys for a visit I was in county jail. There was a glass dividing us. I'll never forget how the young one kept putting his hands on the glass and saying, "I want to touch you, daddy." Later visits, he'd always want to ride on my shoulders because that's what we did when I was free.*

*Charles, incarcerated father in Alabama*

While visits are a crucial way for young children – and, for that matter, for teens as well – to bond with their parents, it can also be an emotionally taxing event, partially explaining why many caregivers and social workers are reticent to facilitate visits.

*When my girls first visited me they were real upset because I couldn't come with them. They'd say, 'What do you mean my mom can't come home!' and kick the guard they were so upset.*

*Anita, formerly incarcerated mother*

Anita explained that she asked the caregiver to not bring her children to visit her again because "they couldn't handle the separation, and then when they went to where they went, they acted out," demanding to see their mother.

“

***Kids will get a sense the visit is almost over and they'll start to react. Some will pick a fight with their parent. Others will cling on to their parent. Once they get on the bus they'll breakdown.***”

*Tammy, child welfare case worker*

The frequency of the visits may be able to help. We see young girls and boys who have regular visits feeling like they have a mom or a dad, and therefore are not needing to seek out a father or mother figure. Unfortunately, many fathers – unlike mothers – decided to stop the visits because of the emotional and psychological turmoil it placed on the children.

It is quite possible that fathers feel their children are less impacted by their absence, as many of the children continued to be cared for by their mothers in their absence, which is generally the case in most instances. Imprisoned mothers are more likely to have a sense of urgency around what's going on with their kids – afraid they will lose them to the foster care system. They remain concerned about the impact of visiting conditions

*on their children's well-being, but are less likely to think that ending visits is an option.*

*Some youth whose parents stop the visits are extremely angry when they return home.*

*Tanya, re-entry service provider and former child welfare caseworker*

Indeed, Murray and Farrington identified prison visitation as another possible mediating factor in the adverse effects of parental incarceration on children. While prison visitation is generally counted as a positive factor, it can prove traumatic for children due to the long distances often traveled to reach the prison; onerous, demeaning or intimidating prison security procedures; prohibition of physical contact with one's parent; and the repeated pain of having to leave one's parent behind as the visit is concluded.<sup>36</sup>

LaVigne and her colleagues at the Urban Institute point out that prison parents may effectively lose contact with their children without the formal revocation of custodial rights. Since most parents are in prisons located more than 100 miles from their home community, visits with their children are expensive and logistically difficult. Caregivers may be reluctant to endure the discomforts and difficulties of making the trip. Some parents are too ashamed to let their children know they are incarcerated. Others may prefer not to put their children through the stressful process of a prison visit. Moreover, the costs of long-distance phone calls may also be beyond the means available to caregivers, especially as collect-call rates for calls placed from prisons can cost as much as five to ten times that of a call from a residential phone.

#### ***Cost #4: Not knowing the truth about a parent's incarceration***

**“ When families refuse to address the parent's absence, the child feels very alone in their own trauma. ”**

*Makeba, 24 year old university student/advocate whose mother was formerly incarcerated*

Another way a child's ability to attach and to learn to trust is damaged is through lies about the whereabouts of their parents. School age children are very credulous about what they are told about their parents. Inconsistent statements, refusing to talk about the whereabouts of their parents, and outright lies risk harming young people's ability to trust. This can be especially harmful for their current relationships, but may also take a toll on future relationships, both social and intimate. Children are most likely to feel betrayed by the lies or hidden truths concocted by caregivers and close relatives, who they look up to as role models. Issues of trust and abandonment developed at this stage are likely to be carried into adult life.

*When adults who care for you and who you love lie about your parents' whereabouts, this just adds on to the insecurity. The deceitfulness you experience just breeds major trust issues for years... decades... forever. This does impact future relationship unless you're aware of this dynamic.*

*Makeba, 24 year old university student/advocate whose mother was formerly incarcerated*

Researcher Julie Poehlmann, for example, argues that deception and distortion of the truth about a parent's incarceration can be problematic for children, damaging their ability to trust. But she says that contrary to expectation, some children who visit their parents in prison may come to view them in a less positive light than children who do not visit. She explains that prison visits may “activate the child's attachment system without affording opportunities to work through intense feelings about the relationship because the separation continues.” She adds that prison personnel too often lack sensitivity to the needs of children, and that “visits in some prisons are not all that child friendly.”

<sup>36</sup> Murray and Farrington 2006.



The effects of lies the former foster parent – now adoptive mom – told Anita’s children about their mother’s whereabouts has, according to Anita, reaped havoc upon her children’s personal development, and their interaction with others. When Anita was first incarcerated, the children wanted to know why they had to stay where they were, and could not be with their mother. The foster parent told them their mom was out of the country while she was in prison. After their mother was released from prison, the foster caregiver continued to find excuses to not facilitate visits – even when the children begged for them.

For children at the toddler stage, everything seems to revolve around themselves. The sudden disappearance of their mother is likely to make them think that it was their own fault. The lies of their caregiver amplified their mistrust of people who they should have been able to trust. Today at 14, Anita’s eldest child is extremely defiant and has developed a violent “rap sheet” of her own.

In some cases, the lies caregivers use in an effort to protect children result in confusion, and can foster self-doubt in children about their ability to accurately assess their social environment.

*I was told my foster mother was my mother. Around three or four I start to visit this woman and her son who I was told was my cousin. I’d play with him and spend time with the women. Then a woman in a Lincoln Town Car would pick me up and return me to my foster mother. When I’d get home I’d be asked all these questions about how the visit went and how did the woman treat me. I used to think it was pretty strange, since the woman was supposed to have been my foster mom’s friend.*

*Davian, high school student/advocate  
and son of a formerly incarcerated mother*

## Recommendations to facilitate a child’s attachment and ability to trust

- Facilitate the development of consistent and stable alternative homes – with preference given to relative caregivers – and avoid multiple shifts in children’s caregiving.
- Facilitate regular contact visits, especially for infants and toddlers, to ensure a healthier development of trust and attachment.
- Establish child-friendly visitation policies and procedures to encourage regular visitations.
- Offer workshops and handouts to relative and non-relative caregivers (including adults who work with youth) about how to give honest, age-appropriate information to children about where their parents are, why they are there, and what to expect when they return.

## F. Costs to the child’s sense of having a place in the world

It is typical for young people to experience parental incarceration as a form of rejection; the parent’s addiction and their reckless behavior took precedence over their family. They also feel very powerless in their loss, especially if they were young children when the parent was imprisoned, because the parent and society made extremely important decisions about their future without them. Children of incarcerated parents will have a lot of anger, but underneath, it is a deep hurt they are experiencing. And it may be important for children to reject the parent in order to reclaim some level of power.

“ In our work with incarcerated parents we explain to them that there has been a rupture in the relationship with their children; healing needs to happen. We tell them, ‘Do not expect them to let you back in right away just with letters and phone calls. And yet, don’t give up, because it is power you can give them, which is to reject you.’ ”  
*Tanya, re-entry service provider and former child welfare case worker*

In our work with incarcerated parents we explain to them that there has been a rupture in the relationship with their children; healing needs to happen. We tell them, ‘Do not expect them to let you back in right away just with letters and phone calls. And yet, don’t give up, because it is power you can give them, which is to reject you. They have felt powerless with you having been taken away from them, or that you chose drugs over them.’ There is a deep pain that reflects the feeling that “I wasn’t good enough for you to not choose drugs over me,” so they may need to close the door, but it may be only temporary.

Children may also want parents to be reaching out, and now they have a chance to reject their parents, as they felt rejected by their parents. It is important to unpack the life long view of the children’s relationship with their parents, and offer them a chance to untangle the emotions they experience.

*Tanya, re-entry service provider and former child welfare case worker*

Why should we have sympathy when they cry? They put themselves into that predicament, so why should we care for them. They were being selfish when they did what they did. They knew they had kids and families. When they do time we also do time. Just because we’re not in there doesn’t mean we don’t do time. Because you’re not with us, we also do time.

*Araya, teen girl with an incarcerated father*

My daughter feels like I chose the streets over her and she still looks at it that way. My baby is so mad, she’s so angry, she doesn’t communicate with me.

*Ronnie, incarcerated mother*

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Our young fathers tend to dismiss the importance of their fathers – totally dismissing the impact of their absence. They’ll probably be in denial until they process some of their emotions – if they do. There is a natural curiosity to know where you come from and where you belong which comes from knowing your parents. But these kids either reject or deny this importance. The young men will be in touch with other family members but they don’t ask about their fathers. There’s the possibility that someone will say he doesn’t care about you. And really no one wants to hear that. ‘I don’t care’ is a way of building up a wall and taking care of yourself.

*Peggy, re-entry service provider and grandmother/caregiver for two teenage girls*

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My 16-year-old thinks I chose this life over her and doesn’t understand that I was emotionally and spiritually damaged.

*Tracy, incarcerated mother*

## **Cost #1: Apathy**

Young people may feel as though their parents did not care enough about them to stick around, so in turn, they may insist that they do not care about their parent. Many of the young people we interviewed kept repeating, “I don’t care about him.” “I don’t care about her.” Service providers and child welfare caseworkers alike indicated that the statement represents a defense mechanism – and not necessarily a healthy one.

Obviously he’s not trying, so why should I try. It’s like, ‘You got yourself arrested and went back.’ I don’t know if he gives a crap, but he certainly isn’t showing it. When he calls ... we don’t have anything to relate about or talk about something that happened in the past because there is no past for us. I don’t know who he is; I just know he is my dad.

*Zara, teenager with an incarcerated father*

My son had to deal with a lot of abandonment issues, watching fathers playing catch with their sons, or learning to ride bikes. My son said to me, 'You just left. You knew what the consequences were when you were out there selling drugs, so you left.' He didn't mention me being sent to prison, because in his mind, I chose to leave.

*Al, formerly incarcerated father*

*I really don't care about him. He's been in jail most of my life.*

*Shanita, teen with an incarcerated father*

## **Cost #2: Becoming adults before their time**

Young people not only feel obliged to take care of themselves because their parent is not available to watch over them; some feel compelled to become adults before their time. They often feel a need to take care of their own parents, as they struggle with their own daily lives. As young people try to help their parents address the issues that caused them to land in prison, they forfeit their own needs for nurturing.

*My mom kept going through the same cycle, and I realized she just couldn't handle the stress of her daily life. I was always worried about her. I was the parent – even now that she's 44 and I'm 24. This takes a huge toll. I can't remember a time when I've been a kid. I'm 24 years old, but I always tell my friends I feel like I'm 40. I feel like a middle-age woman because all my life, I've been helping my mother make decisions.*

*Makeba, 24 year old university student/advocate whose mother is formerly incarcerated*

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*He felt it was best to tell his mom that she didn't need to worry about taking care of him and buying him things. It's part of the reason why she was in jail.*

*Paula, child welfare caseworker*

**“When I came home my son and my role had changed. He became the father. I believe he was trying to keep me out of prison.”**

*Al, formerly incarcerated father*

Some young people will try to shield their parents from what is happening in their lives, so as to limit the harm it could cause their parent.

*When you are one on one with your kids, they go out of their way to make sure they don't tell you anything that will hurt you. They want to protect you.*

*Charles, incarcerated father*

Some children may regress to bedwetting, while others may be expected to take on significant responsibilities, often beyond their capacity, in the family. They may be asked – or take it upon themselves – to step into the parent's shoes, taking on major tasks for their siblings to help their caregivers.

**“My daughter is four and my son is three. She tries to be a mother to him by putting him to bed at night. But at the same time she still needs her mama. My mother tells me that my daughter wakes up from nightmares screaming for me, “Mommy, please hold me.”**

*Alicia, incarcerated mother*

Grandma may ask the eight year old to wake up the three and four year olds and make breakfast for them. It isn't abusive, but it is a heavy burden on the kid.

*Tanya, re-entry service provider and former child welfare caseworker*

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My son had to help his mother with many things dad would do, so he was resentful.

*Anthony, formerly incarcerated father*

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When my dad went back to prison and my mom had my little brother, I must have been in grade four or five. I tried to help her, the best that I could.

*Precious, teen with an incarcerated father*

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My older boy became the go-to guy. He was more of a father figure to my other two boys than their stepfather was. They all look up to their older brother.

*Charles, incarcerated father*

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My daughter is 25-years-old and has temporary guardianship of her siblings. My parents have her back but it's still a lot at 25. She's quite strict with my kids but I told my older son he also needs to look out for his big sister.

*Debra, incarcerated mother*

### **Cost #3: Anxiety about aging grandparents**

Many children worry about their grandparents – in particular their grandmothers – who worry about their own children in prison. Young people, seeing the

struggles a grandparent goes through, may become very frustrated and angry with their imprisoned parent for placing their grandparent in such a predicament.

*My grandma had to go put money in his commissary account. So she went to the Tombs [a NYC jail]. It was cold and snowing, she fell and hurt her leg and it's still swollen. I felt really bad because she's old. You've got her coming out there to put money in your account. Why would you do that to her?*

*Precious, teen with an incarcerated father*

*I really don't care about him and how he's doing in there. I feel really bad for my grandparents because they're really stressed out about him, and I love them beyond words. I feel he's taking up a lot of time they don't have, because they're old.*

*Shanita, teen with an incarcerated father*

Indeed, almost half of the caregivers interviewed by Joyce Arditti said that the quality of their relationships with their children had been affected by their family member's incarceration, with almost one third saying that they had spent more time with the

children before the parent's incarceration. Almost half said that they were experiencing declining health, and more than a quarter said their children's health was declining.

More than 80 percent reported that incarceration was creating problems for the family, citing emotional stress, parenting strain, work-family conflict, and concerns about children.

The experience of emotional stress and parenting strain were characterized by social isolation. Comments such as "I'm struggling all by myself to handle this," "I feel like I'm in jail myself," "Everything is harder," and "It's rough" were common among participants. The perceived lack of support for participants was an area of concern and reflected in statements such as "I'm doing everything by myself." One mother summed up her parenting experience since her husband's



incarceration in this way: “No peace, no break, no patience, and no help.”

*For those parents who remained in the paid labor force, work demands intensified time pressures with several mothers indicating that “I hardly have time for myself.” The lack of time was intertwined with the fatigue associated with parenting (“I’m just tired, I don’t have time to get sick”).<sup>37</sup>*

Arditti describes these family situations as fragile and precarious, demoralized, socially isolated, and lacking in positive developmental pathways for their children. Interviewees said they worried that their family would fall apart. They were painfully aware of the grief their children felt, and many noted that behavioral problems had increased at school, as well as at home. The children were contending with the primary loss of a parent, and – at the same time – with the impoverished, overwhelmed caregiver that remained behind. “We believe that incarceration pushes many families over, ripening conditions related to ‘rotten outcomes’ for family life and child development.”

#### **Cost #4: Having to start over**

For many children, displacement from their family unit is fraught with conflicted feelings, even when they are placed with a close relative.

*These youths are adrift, experiencing a sense of loss and bewilderment. If they are lucky, some will land somewhere, giving them some sense of stability. Then they need to rebuild. It’s not fair. None of us have had to rebuild. And then I think they are overwhelmed with this sense of loyalty. Who are they loyal to? The mom who is in prison or the person who is raising them? They can’t be disloyal to mom; she’s mom and no matter what she’s mom. But you can’t be disloyal to the person who cares for you because you can’t bite the hand that feeds you. I’m sure there is this constant conflict. My*

*granddaughter would push her mom away and connect with me. In large part, it’s because she didn’t want to hurt her grandma’s feelings. She clearly felt like she had to choose.*

*Peggy, service provider and grandmother/caregiver for two teenage girls*

Many children are relocated to new living arrangements that are not familiar, where they will need to adjust quickly in order to survive. Some are the lucky ones, who land with a close relative who can offer them a sense of continuity and stability. Even so, the fact remains that – in their own eyes – their new surroundings are not their own.

*While grandparents are often the surest bet to care for the children of incarcerated parents, if you ask young people 10 or 20 years from now if that was the case they may disagree. Just this morning, my [18-year-old] granddaughter said, in her own words, that she was an emotional mess. She said that she hadn’t had a place to live since she was 11. So I said, ‘But that’s not true, because you came to live with me at the age of 13, so you’ve had a place to live all that time.’ But you know what? It’s not her place. It’s very clear that – at least in her mind – it’s temporary. As permanent as anything in her life has ever been, yet it’s still temporary.*

*Unfortunately for them they moved to a very different community. They moved from an upstate [New York] community to Bergen County in New Jersey... It’s a really upscale neighborhood, not what the kids were used to at all. They had major adjustments in their lives.*

*Peggy, reentry service provider and grandmother/caretaker to two teenage girls*

Displacement to a new neighborhood can raise new problems, especially if gang affiliation is a factor.

<sup>37</sup> Arditti, Joyce A., Jennifer Lambert-Shute, and Karen Joest. “Saturday Morning at the Jail: Implications of Incarceration for Families and Children.” *Family Relations*, Vol. 52, No. 3. 2003.

*Gang affiliation presents an enormous problem. Many kids need to join gangs when they start school. Each particular neighborhood or even block or housing development has it's own gang. When a kid's parents go to prison and they need to relocate to a different neighborhood or block, they are likely to run into gang conflict and gang violence.*

*Jessica, family service provider*

For some, family displacement will have a serious impact on their opportunities in the future. One incarcerated father explains that his children had very bright futures ahead of them, but now they are struggling.

*They had to move from a really affluent neighborhood and move into the hood. That's where I came from. I came up from the bottom to the top. Since they've already tasted middle-class, and they've seen their father made it up, it motivates them to do the same, and get back up there. But the move has been really hard on my son. He went from a school where 97 percent of the students went to college, to a school where there is violence, drugs and gangs all around. He's in an area of low expectation that really contaminates the thinking.*

*Carl, incarcerated father*

### **Cost #5: Yearning for mother and father figures**

Children with incarcerated fathers tend to seek out replacement father figures from among their uncles, grandfathers and, sometimes, brothers or mother's new boyfriend. Many make no apologies for finding a replacement. It is clear that what matters is a substitute who can provide a sense of parental involvement in their lives.

*I don't feel any guilt. If you ain't around, I'll call another man daddy. He's there for me and I can talk to him about things. Yeah, I'll call him dad. He's not there why should I feel guilt. He should feel guilt.*

*Precious, teen daughter of an incarcerated father*

For some, their mother becomes a fatherly presence, in addition to being the mother.

*I don't feel like he's my father. I don't feel like I have to tell him certain things. I don't feel like I need to listen to him. I know he's my father. But I look up to others as father figures. I have a lot of male friends and a lot of uncles. I have my brother and he's over protective of me. What advice is he going to give me? He's in jail. My mother is my father, so she's the only one I listen to.*

*Araya, teen daughter of formerly incarcerated father*

When a child has built a strong relationship with their mother's boyfriend, it may be difficult when a father comes out of prison, wanting to step back into their lives as their father. The boyfriend was there to take care of them while the father was gone.

*My mom's former boyfriend is the person I call 'dad'. He was around since my birth. Having him around probably helped me not feel so angry towards my dad.*

*Precious, teen daughter of a formerly incarcerated father*

Some service providers and child welfare caseworkers say that boys and girls experience the absence of a parent very differently. Boys do not tend to seek a mother figure, while girls, being more relation-oriented than boys, will seek the parental relationship. Boys tend to pretend everything is fine; that they do not need anyone.

*Some younger kids or going into pre-teens may be overly attaching or attaching very rapidly. The immediate attachment to anyone. The child just*

*meets you and before you leave he says, 'I love you.' Although it may seem sweet, it really worries you because you can tell the poor kid is starved for that love.*

*As people grow older and they haven't had the love in their life, it does put them at risk, by quickly attaching to people, and possibly to people who may not be safe. And we definitely see girls at a greater risk of this situation.*

*So we see young girls attaching themselves to dangerous relationships, reflecting their need for relational attachment. We also see a lot of teenage pregnancy. We see young girls developing relationships with much older men. Part of that could be looking for a father figure.*

*Tanya, re-entry service provider and former child welfare caseworker*

Nonetheless, some boys will definitely feel the absence of their fathers as well, demanding answers as to why they have to be separated from their fathers.

*A twelve year old boy is living in a household of women – mother, aunts, sisters, grandma – wrote to his father saying, 'How come you left me alone with all the girls?'*

*Tanya, re-entry service provider and former child welfare caseworker*

Solangel Maldonado argues that all of the kinds of negative effects of paternal disengagement that may occur in the context of divorce are magnified when children lose their fathers as a result of incarceration:

*Contrary to popular opinion, many incarcerated fathers lived with their children and actively participated in their upbringing before they were incarcerated. Approximately half had lived with at least one of their children prior to incarceration, and almost an equal number planned to live with them after their release. Amongst those who did not live with their children, two-thirds reported providing some financial support and/or spending time with at*

*least one of their children prior to incarceration.*

While many low-income nonresident fathers cannot afford to make regular child support payments, many are more involved with their children than those middle class divorced fathers who pay support but rarely if ever see their children. According to Maldonado:

*These poor fathers support their children by taking them to school or picking them up, helping them with their homework, taking them to the doctor, and watching them while their mothers work or run errands. In other words, they do the things that are usually associated with mothers. They also bring items such as groceries, diapers, baby formula, clothing, and toys for their children. However, none of these acts count as child support even though they are likely to facilitate paternal involvement.<sup>38</sup>*

Once incarcerated, however, fathers play little or no role in their children's daily lives. For the most part, neither lawmakers nor prison administrators have devised policies or programs that assist incarcerated fathers to fulfill parental obligations – aside from child support – during imprisonment.

### **Recommendations to foster a child's sense of having a place in the world**

- Provide supportive counseling for children of incarcerated people to help them cope with the psychological and emotional impact of experiencing the separation from the parent, adapting to new living conditions and adjusting to the parent's return home.
- Prioritize the placement of children with family or close friends, and provide sufficient economic resources to increase the odds that a placement will provide stable and adequate care.
- Convene a national consultation of caregivers to identify their social and economic needs and to promote assistance to facilitate their caregiving responsibilities to the children of incarcerated parents.

<sup>38</sup> Maldonado, Solangel. "Recidivism and Parental Engagement." *Family Law Quarterly*, Vol. 40. Summer 2006.

## **G. Costs to the child's community**

Just as insidious as the individual pain experienced by children with incarcerated parents, so are the consequences to the communities in which these children live.

John Hagan and Ronit Dinovitzer published an extensive review of empirical research on the collateral effects of parental incarceration on children. They discuss various ways in which imprisonment might harm families and communities, leading to adverse outcomes for these children. They warned that the impact of mass incarceration on children, their families and their communities might be the most consequential result of the choice of such harsh penal policies.

*[I]mprisonment may engender negative consequences for offenders whose employment prospects after release are diminished; for families who suffer losses both emotional and financial; for children who suffer emotional and behavioral problems due to the loss of a parent, financial strain, and possible displacement into the care of others; for communities whose stability is threatened due to the loss of working males; and for other social institutions that are affected by the budgetary constraints imposed by the increases in spending on incarceration.<sup>39</sup>*

They argue that both the financial and emotional loss that ensues when a parent is incarcerated engender a surfeit of problems for the child who is left behind, including educational failures, aggression, depression, and withdrawal. “Especially in disadvantaged minority communities, the children of this prison generation form a high-risk link to the future.”

Researcher Dorothy Roberts has assessed the injury caused by mass incarceration of such a sizeable group of people in Black communities in particular,

documenting the harm caused by over-enforcement of the nation’s drug laws to Blacks as a group, rather than as individuals:

*It is important to uncover, analyze, and address the group consequences of over-enforcement as well as the way it supports a racial hierarchy in America. When human rights organizations present prison statistics from less democratic countries (South Africa under Apartheid, for example), the public does not condition its condemnation on proving the innocence of the prisoners. Rather, it recognizes that the government can use incarceration as a tool of state repression. We understand that massive incarceration inflicts a political injury beyond the physical restraint imposed on so many individuals. It is increasingly clear that the criminalization of Black Americans serves a repressive function.<sup>40</sup>*

She argues that racial disparity has had a devastating impact on Black family life, devaluing and disrupting these families, and contributing to the disproportionate removal of black children from their parents’ custody to state control. “Demographically, the prison system and the child welfare system are remarkably similar. They are both populated almost exclusively by poor people and by a grossly disproportionate number of Blacks.”

Chief among the harms of prison policy is its disproportionate disruption of Black families. Both the incarceration of parents and the detention of juveniles break up families and place children under state supervision. The criminal justice system thus works with the child welfare system to take custody of an inordinate number of Black children. This repressive impact on Black family life is further reason to curtail the trend toward greater criminalization of Black children and adults.

<sup>39</sup> Hagan and Dinovitzer 1999.

<sup>40</sup> Roberts, Dorothy E. “Criminal Justice and Black Families: the Collateral Damage of Over-enforcement.” *U.C. Davis Law Review*, Vol. 34. Summer 2001.



Such community-wide effects, combined with the multitude of individual effects documented in Part I of this report, seriously undermine the very forms of social capital that children need most to recover from the trauma of their parent's incarceration.

John Hagan, for example, draws from Loïc Wacquant's theories about how mass incarceration has eroded social capital – the resources that facilitate relationships and initiatives – in high-incarceration communities, to argue that people sent to prison during the height of the drug war are returning to communities that are “not the ones they left behind.”

Wacquant wrote that this erosion features the “organizations presumed to provide civic goods and services – physical safety, legal protection, welfare, education, housing and healthcare – which have turned into instruments of surveillance, suspicion and exclusion rather than vehicles of social integration and trust building.”<sup>41</sup> The ties between the state and these communities have not been severed; rather, they have changed in character, becoming more punitive than supportive.

He warns that parental imprisonment depletes the social capital a child needs for success in reaching later life goals, as well as draining the human and social capital of the family as a whole.<sup>42</sup>

Associated sociological and criminological theories point to three prominent ways in which the effects of parental imprisonment on the social capital of children might be understood. These involve the strains of economic deprivation, the loss of parental socialization through role modeling, support, and supervision, and the stigma and shame of societal labeling.

Children's loss of a parent due to incarceration may be met with disapproving attitudes rather than sympathy if the reason for parental absence becomes known. Normal social outlets for grieving may be denied and the pain of stigmatization may last long after the parent has returned to the family.

\* \* \*

While recommendations addressing the particular needs of children and their families were presented throughout Part II of the report, given the far-reaching, negative consequences of mass incarceration policies on children and their communities, the public and policymakers must seek solutions without delay that will target the structural problem of overreliance on incarceration. The pain experienced by the more than one million children who are growing up with a parent in prison is unwarranted but, thankfully, avoidable. Part II presents solutions worthy of serious consideration.

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<sup>41</sup> Hagan and Coleman 2001.

<sup>42</sup> Hagan and Dinovitzer 1999.

### III. RECOMMENDATIONS



#### *Alleviating the pain of children with parents in prison – two distinct paths*

The research presented in Part II provides the direct experiences of the children left behind by parental incarceration, as well as those of their families and communities. In addition, the research also presents proposals for mitigating the pain and costs of parental incarceration. These findings raise fundamental issues about the laws and policies that have swept such large numbers of parents into our prison system in the first place. If we are to truly address the individual and societal costs of parental incarceration, especially the costs to future generations, then we must reduce our nation's reliance on incarceration and shift our understanding of the failed role of prisons in treating the underlying causes of crime, especially drug crimes. A wealth of recent research into the costs and benefits of drug treatment support this notion: imprisonment, for people whose crimes are driven by substance use problems – and often co-occurring mental health issues – does not work as well as alternatives, which often cost less money to taxpayers and enhance public safety outcomes through reducing repeat offenses.<sup>43</sup>

The report now offers policymakers a comparison between two states with starkly different approaches to sentencing people convicted for drug crimes. Alabama's punitive sentencing and incarceration policies paint a grim picture of the future if these laws and policies remain intact. New York's reform of previously punitive drug laws lights a viable path to reducing the scourge of incarceration and demonstrates that reducing reliance on prison can not only enhance public safety, but also enable children to thrive into strong, responsible and self-reliant adults.

#### **A. ALABAMA: 'Get tough' policies in whose best interest?**

Alabama's prisons are dangerously overcrowded and disastrously underfunded. Facilities designed for 13,403 prisoners are crammed with more than 26,000.<sup>44</sup> After reluctantly cutting the amount of fresh fruit and milk served to people in his prisons, Corrections Commissioner Richard Allen said the system cannot sustain more belt-tightening measures. "We have cut just about all we can cut."<sup>45</sup> The current crisis is a consequence of explosive prison population growth, fueled in recent years by a failed "war on drugs." Given the current prison crisis that the Alabama correctional system is facing, it is unlikely that funding will be earmarked to address the needs of children of incarcerated parents through such measures as child-friendly visitation rooms.

For decades, Alabama has fought this war with some of the toughest drug laws and policies in the country. Drug felony caseloads have been driven by drug possession rather than more serious drug offenses such as distribution, trafficking or manufacturing of a controlled substance. Between October 2005 and September 2008, three in four Alabamians sentenced for a felony drug offense were convicted of simple possession of marijuana (13 percent) or other drugs (64 percent). Drug offenses represent the largest single category of prison admissions, responsible for 36 percent of prison admissions in fiscal year 2008.<sup>46</sup>

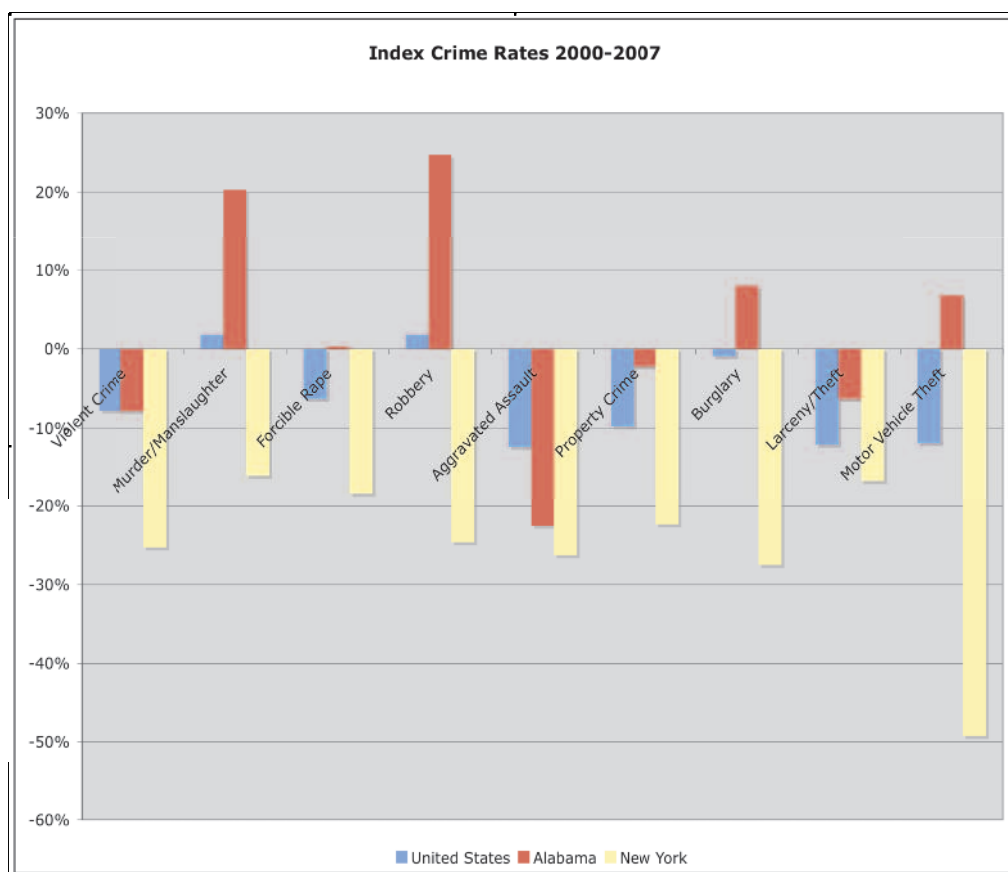
Additionally, Alabama has one of the harshest marijuana laws in the nation. The state's marijuana

<sup>43</sup> Drake, Elizabeth K., Steve Aos, and Marna G. Miller. "Evidence-Based Public Policy Options to Reduce Crime and Criminal Justice Costs: Implications in Washington State." *Victims and Offenders*, Vol. 4, No. 1, November 2008.

<sup>44</sup> Allen, Richard F. "Interdependence of Jails and Prisons in Alabama – or the Hundred Years' War Revisited. Montgomery, AL: Alabama Department of Corrections. Accessed online on September 6, 2009, at <http://www.msccsp.org/nasc2009/Presentations.aspx>.

<sup>45</sup> Kitchen, Sebastien. "Prisons underfunded, understaffed." *Montgomery Advertiser*, August 9, 2009.

<sup>46</sup> Alabama Sentencing Commission. "2009 Report: Compliance with the Initial Sentencing Standards." Montgomery, AL: 2009.



SOURCE: FBI Uniform Crime Reports

statutes make no clear line of demarcation on the amount of the drug that can be considered “for personal use only.”<sup>47</sup>

Instead, first-time possession of marijuana for personal use (possession in the second degree) is a Class A misdemeanor. And a subsequent conviction for possessing marijuana for personal use is considered possession in the first degree – a Class C felony punishable by up to 10 years in prison. Possession of marijuana “for other than personal use” is also considered possession in the first degree. More people entered prison in fiscal year 2007 for first-degree marijuana possession (448) than for first- and second-degree assaults combined (368).<sup>48</sup>

Supporters of these tough sentencing policies claim that they made a substantial contribution to a decrease in Alabama’s crime rate in recent years. Evidence-based research on deterrence and incapacitation, however, does not provide much support for the notion that harsher sentences reduce

crime rates. And a comparison of crime patterns and incarceration rates in Alabama with patterns in the nation as a whole, as well as in a key drug reform state (New York), shows that remarkable reductions in crime rates are occurring elsewhere without recourse to such inhumane and costly reliance on imprisonment.

### ***Crime trends illustrate the folly of Alabama’s drug policy***

Alabama is not alone in experiencing a drop in crime in recent years. Crime rates have been dropping for the

nation as a whole. The following chart looks at FBI uniform crime statistics in Alabama in the context of the national trend, as well as the trend in New York, a state that has introduced a series of notable drug reform measures in recent years. Since the beginning of this century, New York has experienced a dramatic 25 percent decrease in its rate of violent crime, and a 22 percent decrease in property crime, in contrast to more moderate trends for both the nation as a whole, and for the state of Alabama.

Moreover, Alabamians have suffered very sharp increases in crime rates for murder (up by 20 percent), robbery (up by 25 percent), burglary (up by 8 percent) and auto theft (up by 7 percent), while New Yorkers have enjoyed huge reductions in these same crimes (murder down by 16 percent, robbery down by 25 percent, burglary down by 27 percent, and auto theft down by a whopping 49 percent).

<sup>47</sup> Code of Alabama - Title 13A: Criminal Code - Section 13A-12-213 - Unlawful possession of marihuana in the first degree, and Code of Alabama - Title 13A: Criminal Code - Section 13A-12-214 - Unlawful possession of marihuana in the second degree. , viewed Dec. 3, 2010 at: <http://law.onecle.com/alabama/criminal-code/13A-12-213.html>.

<sup>48</sup> Alabama Department of Corrections. “FY2007 Inmate Statistical Report.” Montgomery, AL. Accessed online on September 6, 2009, at <http://www.doc.state.al.us/reports.asp>.

## Comparing crime rates and incarceration rates

Comparing crime rates with incarceration rates since 2000, Alabama stands out as a state with rapid prison population growth, but relatively little progress in terms of crime reduction. Alabama's incarceration rate jumped by 11 percent – from 549 per 100,000 residents in 2000 to 615 per 100,000 residents in 2007. During the same period of time, New York – a state where violent crime fell at a rate three times greater than Alabama's – was able to reduce its incarceration rate by 19 percent.

How could this be?

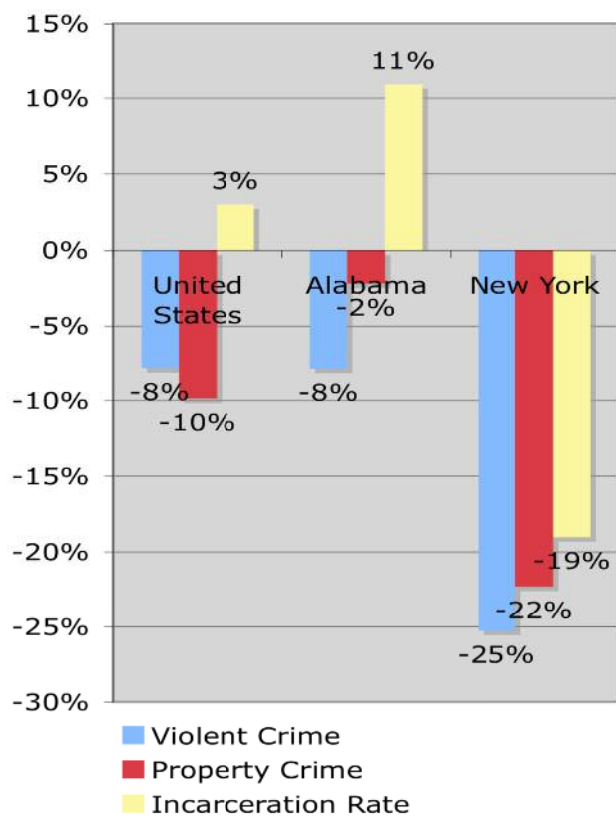
According to a landmark study by a panel of experts convened in 1978 by the National Academy of Sciences, empirical evidence does not offer strong support for the notion that increasing criminal penalties deters crime.<sup>49</sup> A more recent review of deterrence research investigated the relationship between sentencing severity and general crime deterrence and, again, found no evidence to support the hypothesis that harsher sentences reduce levels of crime.<sup>50</sup>

However, what about incapacitation? Since sending people to prison prevents them from committing crime in the community for the duration of their prison sentences, is it not simply logical to assume that increased reliance on imprisonment would produce a reduction in crime rates? That logic of “more prison = less crime” fades as you look more closely at the overly simplistic equation. In fact, as is illustrated in the comparison between New York and Alabama above, there appears to be no direct relationship between incarceration rates and crime rates. This is not to say that sending more people to prison has no effect. But national experts on crime trends agree that incarceration probably accounts for no more than about 25 percent of the decline in violent crimes. They see other factors – demographics, drug abuse patterns, police tactics, employment levels – as having more far-reaching effects on crime rates.<sup>51</sup>

### **B. NEW YORK: downsizing prisons through drug reform**

New York has been one of the few states to attempt to address the needs of children who have incarcerated parents. The Children of Incarcerated Parents Program (CHIPP), run by the New York City Administration for

**Comparing Trends: Crime Rates and Incarceration Rates 2000-2007**



SOURCES: FBI Uniform Crime Reports and Bureau of Justice Statistics, Prisoners in 1995-2002 Bulletins

<sup>49</sup> Blumstein, Alfred, Jacqueline Cohen, and Daniel Nagin. “Deterrence and Incapacitation: Estimating the Effects of Criminal Sanctions on Crime Rates.” Washington, D.C.: National Academy Press. 1978.

<sup>50</sup> Doob, Anthony N. and Cheryl Marie Webster. “Sentence Severity and Crime: Accepting the Null Hypothesis” in *Crime and Justice*, v. 30, edited by Michael H. Tonry. New York and London: Oxford University Press. 2003.

<sup>51</sup> Blumstein, Alfred, and Joel Wallman (eds.). *The Crime Drop in America*. Cambridge University Press. 2000.



Children's Services, offers a solid visitation program for children and their imprisoned parents. It also provides specialized training to caseworkers on addressing the special needs of children with an incarcerated parent. New York has also recognized that a shift away from over-incarceration is necessary. It is hoped that as a result of recent and, potentially, ongoing sentencing and drug policy reforms the rate of incarcerated parents in New York state prisons will quickly decline.<sup>52</sup>

New York has experienced a remarkable decline in its state prison population over the past decade. The U.S. Bureau of Justice Statistics (BJS) reports that New York's prison system held 62,211 people at midyear of 2008, down from 72,899 in 1999. This decline followed decades of prison population expansion and prison construction driven in large part by two sentencing laws launched as part of the war on drugs.

In 1973, Gov. Nelson Rockefeller pushed a program of mandatory minimum drug laws through the New York State Legislature. Under the Rockefeller Drug Laws, sales of just two ounces, or possession of just four ounces, of a narcotic drug was made a Class A felony, carrying a minimum sentence of 15 years and a maximum of life in prison. Most people convicted of drug crimes are sentenced to lesser prison terms after conviction for Class B, C or D drug sales and possession offenses.

The Second Felony Offender Law, enacted in tandem with the Rockefeller Drug Laws, mandates a prison sentence for a person convicted of any two felonies within 10 years, regardless of the circumstances or the nature of the offenses. Together, these harsh sentencing laws have flooded New York's prisons with people convicted of petty drug offenses. Annual drug commitments to prison rose from 470 in 1970 to 8,521

in 1999, helping to swell the prison population from 12,144 in 1972 to a high of 72,899 in 1999.<sup>53</sup>

### ***'Smart' reforms gain ground over 'get tough' policies***

After 2001, efforts to toughen sentencing laws and stiffen parole policies began to fade in New York as legislators struggled to trim spending in the face of projected budget shortfalls. But the shift was driven by more than fiscal constraints. Advocates for drug reform had begun to cite a growing body of policy research demonstrating that a public health approach to the problem of drug abuse and related criminal activity produced far better outcomes for public safety than prison sentences.

- A research team at the RAND Corporation estimated that money spent on treatment for people prosecuted on federal cocaine charges should reduce serious crimes against both property and persons about 15 times more effectively than incarceration.<sup>54</sup>
- A U.S. Department of Health and Human Services evaluation of clients in publicly funded treatment programs found that drug use dropped by 41 percent in the year after treatment. The proportion of clients selling drugs dropped by 78 percent and the proportion arrested on any charge dropped by 64 percent.<sup>55</sup>
- The "CALDATA" study in California found that for every tax dollar invested in substance abuse treatment, taxpayers saved seven dollars in future crime- and health-related costs.<sup>56</sup>
- A Washington State Institute for Public Policy cost/benefit study showed that for those convicted of drug offenses, a dollar invested in imprisonment produces just \$0.37 in crime reduction benefits, while Washington's drug courts produce \$1.74 in benefits for each dollar spent.<sup>57</sup>

<sup>52</sup> As of 2008, "[a]lmost 73% of New York's incarcerated women were parents, compared to more than 58% of men." Women in Prison Project, Correctional Association of New York, Imprisonment and Families Fact Sheet, April 2009.

<sup>53</sup> New York State Department of Criminal Justice Services. "1999 Crime and Justice Annual Report." Online at [http://criminaljustice.state.ny.us/crimnet/ojsa/cja\\_99/contents.htm](http://criminaljustice.state.ny.us/crimnet/ojsa/cja_99/contents.htm).

<sup>54</sup> Caulkins, Jonathan P. and C. Peter Rydell, William Schwabe, James R. Chiesa "Are Mandatory Minimum Sentences Cost-Effective?" Santa Monica, CA: RAND Drug Policy Research Center. 1998.

<sup>55</sup> U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration. "The National Treatment Improvement Evaluation Study (NTIES) Preliminary Report: The Persistent Effects of Substance Abuse Treatment—One Year Later." Washington, DC: SAMHSA. 1996.

<sup>56</sup> California Department of Alcohol and Drug Programs. "Evaluating Recovery Services: The California Drug and Alcohol Treatment Assessment (CALDATA)." Sacramento, CA: California State Department of Alcohol and Drug Programs. 1994.

<sup>57</sup> Barnoski, Robert and Steve Aos. "Washington State's Drug Courts for Adult Defendants: Outcome Evaluation and Cost-Benefit Analysis." Olympia, WA: Washington State Institute of Public Policy. March 2003.

- A study of the Brooklyn District Attorney's Drug Treatment Alternative to Prison (DTAP) program found that treatment is effective, even for individuals with very significant criminal histories, who have already spent an average four years behind bars. After two years, those placed in DTAP were 26-percent less likely to be arrested, 36-percent less likely to be reconvicted and 67-percent less likely to return to prison than the matched comparison group.<sup>58</sup>

Encouraged by these findings, policymakers began to embrace modest reforms in both sentencing and parole policy over the next few years. Modification of the 1973 drug laws began without fanfare in 2003 when Gov. Pataki quietly inserted two drug reform provisions in the state's 634-page budget bill as part of his effort to resolve the state's huge budget deficit. One measure provided that those serving a mandatory sentence under the Rockefeller Drug Laws could receive a "merit time" reduction of their sentence in the amount of one-third of the minimum imposed by the court for good behavior and participation in work or treatment programs. The reform also moved up parole eligibility for some 75 prisoners who were serving a 15-to-life sentence and had already served 10 years behind bars.

A second measure expanded the Department of Correctional Services "earned eligibility" program, under which certain prisoners who complete work and/or treatment program assignments may earn a certificate that makes parole release presumptive at the first hearing unless the parole board decides otherwise. Eligibility to earn a parole presumption was expanded from prisoners serving a minimum sentence of up to six years to include those serving terms of up to eight years. Further, "nonviolent"

prisoners with a clean prison record and no prior violent felony record can apply to the commissioner of corrections for a "presumptive release" after serving five-sixths of their minimum term. If granted a "presumptive release," the Corrections Commissioner releases a person to parole supervision *without* having to go before the parole board.

In 2004, legislators enacted more substantial changes in the Rockefeller Drug Laws.

They doubled the drug amounts that trigger mandatory prison sentences – from four to eight ounces for class "A1," and from two to four ounces for class "A2." The infamous "A1" indeterminate 15-to-life sentence was replaced by a determinate sentence to be set within a range of eight to 20 years. More than 400 people already in prison for "A1" convictions were granted the right to petition judges for early release under the sentencing provisions of the new law.

In addition to shortening the minimum term for class "A1" convictions, legislators slightly

shortened terms for non-violent class "B" convictions. Legislators reduced the amount of time people are required to serve before becoming eligible for drug treatment by six months. And those convicted of drug offenses in class "A2" through class "E" are able to earn an additional "supplemental merit time" reduction of one-sixth off their minimum sentence.

In 2005, legislators revisited the Rockefeller Drug Laws once more, adding a "merit time" allowance for people convicted under class "A2," and granting them the right to petition judges for re-sentencing. Judges were given broader ranges for determinate sentences, increasing their discretion in handling re-sentencing.

These reforms provided significant relief from some of the

A statewide coalition of service providers, policy advocates, treatment and medical professionals had convinced lawmakers that shorter sentences for drug convictions, restoration of judicial discretion in drug sentencing, and much broader access to a wide range of treatment options are good public policy.

<sup>58</sup> CASA. "Crossing the Bridge: An Evaluation of the Drug Treatment Alternative-to-Prison (DTAP) Program." New York: The National Center for Addiction and Substance Abuse. March 2003.

## Crucial elements of New York State's 2009 drug law reforms include:

- Judicial discretion to place people convicted of drug offenses into treatment and to offer second chances when appropriate.
- Diversion for people who commit crimes other than drug offenses because of issues stemming from substance dependence.
- Diversion for people who commit drug offenses but are not drug users or chemically dependent.
- Diversion eligibility for people convicted of second felony offenses.
- Opportunities to try community-based treatment without the threat of a longer sentence for failure.
- Plea deferral options, especially for non-citizen green card holders who will become deportable if they take a plea to any drug conviction, even if it is later withdrawn.
- Opportunities for re-sentencing more than 900 drug prisoners who received indeterminate sentences under the longer pre-2005 sentencing range and who are still serving those sentences in state prison.
- Sealing provisions that will protect people who finish their sentences from employment discrimination based on the past offense.
- The option to dismiss a case in the interests of justice when the accused has successfully completed a treatment program.

harshest provisions of the Rockefeller Drug Laws, but they did not go far enough. Judges still lacked discretion to decide whether treatment would be more effective than imprisonment for an individual convicted of a B-Felony drug offense, or whether someone facing sentencing for a second felony conviction might be a good candidate for an alternative to incarceration.

Finally, on April 7, 2009, New York's Governor David Patterson signed into law historic reforms of the Rockefeller Drug Laws that addressed these problems. A statewide coalition of service providers, policy advocates, treatment and medical professionals had convinced lawmakers that shorter sentences for drug convictions, restoration of judicial discretion in drug sentencing, and much broader access to a wide range of treatment options are good public policy.

The Rockefeller Drug Laws were extremely expensive, pushing the proportion of people convicted for drug offenses in the state up from 11 percent to a high of 34 percent. The 2009 reforms are expected to greatly decrease this load on the prison budget, saving New York Taxpayers some \$250 million dollars each year.<sup>59</sup>

In addition to Rockefeller Drug Law reform, other measures enacted in New York during the same year will make it easier for people to gain early release. Individuals suffering from a serious and permanent medical disability who do not pose a threat to public safety will be eligible for medical parole after serving half of their prison term. People who take college courses, enroll in state-approved apprenticeships, or work as a prison hospice aide can qualify for increased "merit time" credits off their sentence. Eligibility for early release through the "shock prison camp" program will be extended to more people serving terms of non-violent crimes.

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<sup>59</sup> Hastings, Deborah. "Money problems and crowded prisons lead states to pull back the hammer on get-tough laws." *Newsday*, April 4, 2009.

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*Primary reliance on imprisonment as a crime control strategy, or – for that matter – as drug policy, is neither effective nor economical, as compared to the many sentencing and correctional reforms embraced in many states in recent years.*

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With 7,000 empty prison beds, New York’s correctional managers are effecting long-overdue closure of three state prisons, and mothballing annexes at seven prisons that will remain in operation. With some of Alabama’s largest prisons crammed to three times their designed capacity, the contrast with New York’s approach to drug control seems especially pertinent:

- Between 2000 and 2008, the number of people admitted to prison for drug offenses in New York declined by 37 percent. In Alabama, that number rose by 54 percent.
- The number of people admitted to prison for possession of marijuana averages 395 each year, while in New York (a state with more than four times the population) the average is 50.
- Marijuana possession represents less than one percent of prison admissions for drugs in New York, while in Alabama, this crime makes up more than 11 percent of all drug admissions.

Primary reliance on imprisonment as a crime control strategy, or – for that matter – as drug policy, is neither effective nor economical, as compared to the many sentencing and correctional reforms embraced in many states in recent years. Since 2000, state legislators in more than half the states have taken steps to modify or repeal mandatory sentencing laws, to shorten prison sentences, to increase the rate at which low-risk prisoners are released from confinement, and/or to reduce the numbers of

parolees who are returned to prison for purely technical violations of parole rules.

During 2008, 17 states embraced new reform efforts that were designed to improve sentencing practices, revise drug policies, reduce parole revocations and increase racial justice.<sup>60</sup> Contrary to the warnings of those who opposed such reforms, crime rates have continued to fall. The 2008 FBI Uniform Crime Report indicates that the number of violent crimes, property crimes and arsons throughout the U.S. has declined, with murder and aggravated assault down by four percent, forcible rape down by three percent, and robbery down by two percent.

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Given the significant pain and costs of parental incarceration to children, the families that care for them in the absence of the incarcerated parent and society-at-large, the contrasting lessons of Alabama and New York demand the attention of policymaker and the public. If we continue down the same path, our prisons will continue to explode on the inside, and a skyrocketing number of children will suffer on the outside. If we heed the example of New York, and make pragmatic and humane decisions about when prison is truly necessary to protect public safety – and when it isn’t – our young people will have a chance to blossom into the mothers, fathers and caregivers needed to nurture vibrant communities.

<sup>60</sup> King, Ryan S. *The State of Sentencing 2008: Developments in Policy and Practice*. Washington, DC: The Sentencing Project. February 2009.



## IV. CONCLUSION



The pain of parental incarceration described in Part II visits a plethora of ills upon the children who are left behind, causing immediate pain and suffering, and (as we have seen) contributing over the long haul to psychological, economic and social deficits which will damage prospects for healthy, productive and prosperous adult lives. But blame for these troubles cannot be simply laid at the feet of parents. State actors share plenty of blame.

A steady stream of harsh, overly-punitive drug laws have directly resulted in more children left behind while one or both parents serve long sentences in prison. While immediate solutions to mitigate the negative effects to children of mass incarceration are sorely needed, we must ask ourselves the ultimate question: Is the price too high? Our findings unequivocally point to the need to revisit the fundamental place that prisons occupy in our society.

In cases where imprisonment is unavoidable, the adverse impacts on children must be recognized, and steps, such as those identified throughout Part II, must be taken to address and ameliorate the effects of trauma, economic distress and stigma.

But by far the most logical measure for preventing harm to children is to send fewer parents to prison. Neither the best interests of children, nor the public safety interests of people living in their communities, are served by shortsighted approaches to the problem of drug abuse in particular. Mandatory prison sentences and other legal barriers to diversion from prison into effective treatment, education and job training programs are simply counterproductive.

The wasteful and ineffective laws and policies that have swept such large numbers of parents into the criminal justice system, especially the laws that have filled so many of the nation's prison cells with people convicted of low-level, nonviolent drug crimes, are being reconsidered by a growing number of state and federal policymakers.

The reforms described in Part III represent the beginning of a major national shift in drug control policy, from a rigid criminal justice frame to a public health strategy where the primary focus is on treatment, prevention and harm

reduction. These new approaches provide critical tools for strengthening families and increasing the well-being of *all* children in high-risk communities.

Sentencing reforms that encourage use of drug treatment programs reduce children's exposure to family risk factors. Use of alternative penalties to prison, like restitution and community service require accountability for crimes committed and preserve family ties. These options provide far better outcomes than warehousing parents under crowded, sub-standard prison conditions.

Moreover, incarceration costs far more than the provision of treatment, education and job training in the community. Imprisonment is not a cost-effective option for reducing the risks that face the children of people convicted of low-level drug crimes. Well-designed evidence-based treatment options not only save tax dollars, they can provide safer streets and healthier communities.

The massive investment of public dollars in prisons over the past three decades has come at the expense of critical opportunity costs. Both financial and social capital has been drained from already disadvantaged urban neighborhoods that a great majority of the nation's incarcerated people leave behind, and to which almost all will return. The resources and opportunities that children need in order to have a shot at a brighter future was largely stripped from these communities, as more and more money was directed to the construction and operation of new prisons.

Neighborhood schools are crumbling. Poorly paid teachers find themselves obliged to pay for basic educational supplies out of their own pockets. Hospitals and clinics are closed. Jobs with decent pay and benefits are few and far between. Illegal drugs are one of the few commodities that remain in plentiful supply.

These neighborhoods are sorely in need of reinvestment in the futures of the children who reside there. The choices made by policymakers over the next decade – to continue the wasteful drug laws and policies of the past, or to turn the corner toward a brighter, healthier day – will profoundly affect the lives of children today, as well as the adults they will become tomorrow. ■

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Patricia holds a Bachelor of Arts from St. Lawrence University in Canton, New York, an LL.B. from Queen’s University in Kingston, Ontario, and an M.A. from the Centre of Criminology at the University of Toronto. She was called to the bar of Ontario in 1998.

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