

**Parental Incarceration in the United States:
Bringing Together Research and Policy
to Reduce Collateral Costs to Children**

American Bar Foundation's Workshop at the White House

August 20, 2013, at the White House Eisenhower Executive Office Building, Indian Treaty Room



Co-sponsored by the American Bar Foundation, The National Science Foundation Law and Social Sciences Program, with help from the White House Office of National Drug Control Policy

ABF American Bar Foundation
EXPANDING KNOWLEDGE • ADVANCING JUSTICE



**Parental Incarceration in the United States:
Bringing Together Research and Policy to Reduce Collateral Costs to Children**

CONFERENCE SUMMARY

Over the past 40 years, the incarceration rate in the United States has increased exponentially; currently the US incarcerates more people per capita than any other country in the world. According to American Bar Foundation Research Professor, John Hagan, “about half of America’s prison inmates are now parents.” On August 20th, 2013 Hagan, and collaborator Holly Foster (Texas A&M University), convened a workshop at the White House Eisenhower Executive Office Building in Washington DC. In attendance were a select group of 23 national experts in the field, comprised of scholars, practitioners and policymakers. This working group spent an intensive day looking at the number of ways in which children are affected by the incarceration of their parents, and what can be done to lessen the collateral consequences for these children and their families. The goals set forth at the outset of the conference were to 1) review current knowledge about parental imprisonment and child well-being; 2) document programs designed to reduce negative effects of parental incarceration on children; 3) address problems stemming from parental involvement with the justice system and; 4) identify best practices for improving the lives of children of incarcerated parents.

Five major themes emerged from the presentations, identified by Chris Uggen (University of Minnesota) at the closing session: 1) parental incarceration disproportionately affects communities of color; 2) many incarcerated parents played roles in their children’s lives prior to their incarceration; 3) parental incarceration is linked to a number of negative outcomes for children, including poor school performance, physical and mental health problems, housing instability, and economic strain, both during and after the period of incarceration occurs; 4) parental incarceration is strongly associated with delinquency in both adolescence and in the transition to adulthood and; 5) there are actions that can be taken to improve the situation, starting with greater cooperation between researchers, advocates, policy-makers and practitioners to help achieve shared goals.

The following individuals participated as presenters or discussants at the workshop:

John Hagan, American Bar Foundation & Northwestern University
Holly Foster, Texas A & M University
Bruce Western, Harvard University
Christopher Wildeman, Yale University
Joyce Arditti, Virginia Tech University
Senator Mark Leno, D-CA
Christopher Uggen, University of Minnesota
Jane Siegel, Rutgers University
Philip Genty, Columbia Law School
Judge Bernice Donald, US Court of Appeals, Sixth Circuit, Memphis, TN
Sara Wakefield, Rutgers University

Nancy Rodriguez, Arizona State University
 Amanda Geller, Columbia University
 Rucker C. Johnson, UC Berkeley
 Raymond Swisher, Bowling Green State University
 Rosalyn D. Lee, Centers for Disease Control and Prevention
 Emily Bever Nichols, University of Virginia
 Terry-Ann Craigie, Connecticut College
 Myrna Raeder, Southwestern University School of Law
 Becky Pettit, University of Washington
 Lorie Smith Goshin, Hunter College
 Dee Ann Newell, Arkansas Voices for the Children Left Behind
 Gail Smith, Chicago Legal Advocacy for Incarcerated Mothers

Chairs:

Giordano Palloni, University of Maryland
 Joshua Kaiser, Northwestern University, American Bar Foundation
 CJ Murphy, Texas A&M University
 Shaun Ossei-Owusu, UC Berkeley, American Bar Foundation
 Spencer Headworth, Northwestern University, American Bar Foundation

Scribes:

Carlton Mathis, Kent State University
 Tony Love, Texas A & M University

Student Observers:

Heather Washington, SUNY Albany
 Armando Lara-Millan, Northwestern University

There were also nine student aides in attendance: five chairs, two note takers, two student observers. There were 35 other federal and state-level policymakers in attendance as observers, who were able to ask questions throughout the day. The discussions and presentations held at the workshop were divided by session; question and answer sessions followed each presentation, and each session was punctuated by a discussant moderating questions and bringing together the important points made during each presentation. Each session will be summarized in the sections that follow. The conference was jointly sponsored by the American Bar Foundation and the National Science Foundation, with help from the US Office of National Drug Control Policy and the Executive Office of the President in planning and coordinating the event.

Introduction: Overview of the Issues

What is apparent from the existing literature and research on the effects of parental incarceration on families, and more specifically children, is that children are often the innocent victims of the criminal justice system. Having a parent incarcerated leads to a lower overall household income, possible decline in both mental and physical health, as well as the stigmatization that children suffer within their peer group. As Bruce Western (Harvard University) said in the opening remarks of the day, “parental incarceration leads to the creation of a disadvantaged outcast group among children.” Having a parent

incarcerated can affect children's performance in school, as well as alienate them from their peers, which can cause a host of other related problems.

Western also highlighted that, at present, 11% of African American children have a parent that is incarcerated; this statistic alone gives us a glimpse into how demographics of incarcerated populations may contribute to other issues related to racial disparity and privilege. Essential to setting the context for the day's presentations was the understanding issue of demographics on incarceration and the dynamic incarceration creates within families.

Session 1: Demographic & Family Dynamics

The incarceration rate in the US has soared since the mid-to-late 1970s. In his research, Chris Wildeman (Yale) found:

- For white men born between 1970-1974, their risk of imprisonment had doubled from their parents' generation (1.2% to 2.8%), although the overall risk of imprisonment remained relatively low.
- For all black men born of the same era (1970-74) the risk had more than doubled (9.0% to 22.8%).
 - For black men who had dropped out of high school, the risk had more than tripled (14.7% to 62.5%).

This rapid increase of incarceration means that today "paternal imprisonment is common for black children, 1 in 4 of whom experience this event. Fully 1 in 2 black children of high school dropout fathers experience this event," said Wildeman.

- Despite the fact that overall imprisonment rates have increased, the risks of paternal incarceration for white children has remained relatively small (1 in 30).
- There is a notable increase if the father dropped out of high school (1 in 13). It is also important to note at this juncture, that this surge of imprisonment is not necessarily due to a rise in violent crime. According to Joyce Arditti (Virginia Tech University), "Since 1970, the proportion of nonviolent offenders rose from one in two, to two in three [and the] proportion of drug offenders has increased from one in ten to one in three of prisoners." As of 2005, 52% of state- and 63% of federally-incarcerated men and women are parents.

The impact of this rapid increase in the incarceration nonviolent offenders has been hard-felt by the families it affects. According Arditti's research, the "overreliance on criminal sanctions and incarceration not only incapacitates offender parents, but has enhanced the 'collateral consequences' [on] children." This impact manifests in a multitude of ways:

- At the outset of an incarceration term, the non-incarcerated parent or caregiver may be distressed and unprepared for changing parenting roles and the additional responsibilities they must now undertake.

- Other harms that result from parental incarceration may include:
 - incapacitation of offender parent, traumatic separation for children and spouses
 - family dissolution estranged parent-child relationships
 - strained marriages
 - economic and health decline for families
 - difficulty for ex-offenders who reenter family life post-incarceration

This strain felt by families is difficult to mitigate; even visitation can “help and hurt” as, while it is a context for connection between the incarcerated parent and child, it may also serve as a “traumatic reminder” for the family, as well as “compound the depletion of family resources, and intensify parental distress,” if the incarcerated parent is imprisoned far from home or in an otherwise remote area, and the family must allocate financial resources to travel.

“Paternal imprisonment is common for black children, 1 in 4 of whom experience this event. Fully 1 in 2 black children of high school dropout fathers experience this event.”

-Christopher Wildeman

According to Amanda Geller (Columbia University), these “disruptions associated with parental incarceration are of serious concern for public policy,” since incarceration is so widespread and puts families at “increased risk of compromised parent-child contact, economic hardship, and housing instability, among other challenges.” Economic assistance programs may be enough to help secure, at least, reliable housing and help mitigate financial hardships for families, as “most incarcerated parents had been their

children’s primary source of financial support, and had either lived with their children prior to incarceration or had contact with their children through visitation.” This finding dispels the myth that parents who are incarcerated have not been contributors to their families. On the contrary, many parents play a role in their children’s lives prior to incarceration (e.g., 46% of incarcerated fathers lived with at least one of their children; more than 60% of incarcerated mothers lived with at least one of their children). Therefore, the popular narrative that removing parents from their children when they are incarcerated helps create stability inside the family by removing a negative force, is not necessarily true.

Post-incarceration, families are more likely to struggle financially as well, due to the stigma of incarceration. Geller’s research indicates that the “stigma of incarceration may suggest dishonesty, undermine family reputation, or raise concerns about illegal activity,” making it difficult for parents who have been incarcerated to find and/or keep work. These family members end up contributing less to their families financially. Mothers who have been incarcerated face the same issues and, ultimately, end up relying more heavily on public programs, such as food stamps and Medicaid. Geller reports that “whether incarceration causes these challenges or identifies pre-existing disadvantage, there are numerous opportunities for public policy to help families mitigate the risks they face.”

Session II: Behavioral and Health Problems

Building on the information from the first session, those who presented in Session II delved into the types of problems that children face when a parent is incarcerated. According to Terry Ann Craigie (Connecticut College), who has researched the effects of incarceration on young children, the effects are apparent earlier than previously thought and there is an inextricable link between paternal incarceration and early externalizing behaviors. These figures are also roughly the same for both boys and girls. In her study, children as young as five who have experience parental incarceration begin exhibiting behavioral problems. Her study found that “paternal incarceration exacerbates early externalizing behaviors in general, and especially for black and Hispanic children.” These externalizing behaviors may include, though are not limited to, aggression, violence, hostility, destructive acts, etc. Therefore Craigie suggests that “children of incarcerated fathers are vulnerable to future incarceration and consequently, their behavioral problems should be diagnosed and effectively addressed.”



Left to right: Holly Foster, John Hagan, and Emily Bever Nichols weigh in on a panel that Judge Bernice Donald moderates.

These findings are echoed in the research of Sarah Wakefield (UC Irvine), who found that both internalizing and externalizing behavioral issues for children who have experienced parental incarceration are:

- strong and global for fathers
- less consistent for mothers and
- [has] major impacts for social inequality in childhood wellbeing

According Wakefield, these sorts of findings are apparent across a number of datasets. In her own work she has found that vast racial disparities in the likelihood of experiencing incarceration of a father (Session I; Wildeman) mean that parental incarceration is a significant factor driving the black-white gaps in childhood wellbeing. However, her research also found that “black and white children respond in much the same way to paternal incarceration and the effects are similar in size and magnitude. In other words, black children are no more (or less) harmed by the incarceration of their father.”

Furthermore, the behavioral problems (both internalizing and externalizing) exhibited in childhood due to parental incarceration are “strongly associated with delinquency in both adolescence and the transition to adulthood,” according to Raymond Swisher (Bowling Green State University). He argues that “this relationship is observed across both boys and girls, and across racial and ethnic subgroups of the population.” In his review of the literature, he shows that as far back as the 1960s, prior to the surge in incarceration rate (Session I; Wildeman), that incarceration of the father predicted delinquency in

adolescence and young adulthood. Echoing this finding, the National Longitudinal Study of Adolescent Health (Add Health) data show that a father’s incarceration predicts serious delinquency, marijuana use, hard drug use, and arrests in adolescence and young adulthood, regardless of gender, race, etc. Swisher’s research also indicates that girls are more likely to develop internalizing behaviors (such as depression) than boys are, though this relationship is nuanced and is affected by other factors as well.

Rosalyn Lee (Centers for Disease Control and Prevention), has studied behavioral problems and mental health, and their link to parental incarceration history. She highlighted the two narratives of parental incarceration (Session I; Geller)¹ and conducted a study on what factors actually affected people within the National Longitudinal Study of Adolescent Health (Add Health) dataset. In her study, Lee and her collaborators “found associations between parental incarceration history and 8 of 16 health outcomes in young adults (five physical health problems (migraines, asthma, high cholesterol, HIV/AIDs and fair/poor health) and three mental health problems (anxiety, depression, and PTSD)), distinguished by parent gender.”

Maternal incarceration was associated only with depression, a finding which was echoed in research presented within this session (Craigie and Swisher). In light of these results, future research should strive to investigate health impacts of exposure to parental incarceration across developmental stages and health outcomes, as well as investigate potential risk factors.

“The U.S. College graduation rate of 40% **drops to 1-2%** among children of mothers who are imprisoned and to about 15% for children of imprisoned fathers.”

-John Hagan

Session III: Educational and Exclusionary Outcomes

In her research, Emily Bever Nichols (University of Virginia) looked at household member incarceration (HMI), as she argues, HMI is a more culturally relevant definition of family, and that in such arrangements, extended family members play an essential role in the development of youth, and the resulting removal of such support has very similar effects. Sampling 3,338 children from the National Longitudinal Survey on Child and Young Adults (NLSY79), she found that “HMI during childhood significantly increases the likelihood of extended school absences and school dropout, beyond the influence of heightened economic strain.” However, Bever Nichols also found that while extended family member incarceration (e.g., cousin, uncle) increased the likelihood of school absences and dropout, parent and sibling incarceration *did not* increase the likelihood. Therefore, she concluded that more research is required beyond focusing solely on parental incarceration, and that “policy and

¹ One narrative portrays the parent being removed as detrimental (e.g., creates stress in the absence of the support system, restrictions and harsh environment due to housing instability, child placement concerns) and the other narrative portrays removal of that parent as positive (e.g., provides new shelter, routine, protection from violence victimization, and can provide prenatal care to expectant mothers who become incarcerated, when applicable and necessary). Philip Genty references these narratives later in Session IV and his article in Family Court Review:

Philip Genty, "Moving Beyond Generalizations and Stereotypes to Develop Individualized Approaches for Working with Families Affected by Parental Incarceration," *Family Court Review*, 50, no. 1 (2012): 36-47.

programming should focus on expanding school-based services and dropout prevention to youth with household member incarceration.”

Similarly, John Hagan (American Bar Foundation and Northwestern University) has researched education in regards to college graduation. His study found that having a parent imprisoned has a dramatic effect on college completion rates.



John Hagan reports on his research, which finds that incarceration has radiating effects that extend far beyond those that are incarcerated.

Children whose fathers are incarcerated have a 15% chance of graduating college; this percentage drops even lower, to 2%, if the mother is imprisoned. Even more alarmingly, his study found that if a child attends a school where 10-20% of other parents are imprisoned, college graduation level rates drop by half overall. This shocking statistic sheds light on the collateral costs that children face when a parent is incarcerated. “Mass incarceration has radiating effects that extend far beyond those who are incarcerated,” said Hagan. “Children do not choose their parents and they are innocent of their parents’ crimes. [...] World-high US parental incarceration rates [are jeopardizing] innocent children’s rights to educational opportunities.”

Expanding upon this theme, Hagan’s collaborator, Holly Foster (Texas A&M University), argued that both maternal and paternal imprisonment are associated with the social exclusion in early adulthood. Hagan and Foster’s findings

indicate that college completion is “part of a pathway” through which the effects of parental imprisonment and social exclusion, can be lessened or shed, which suggests a point of intervention. These data are therefore particularly significant and salient for policymakers attempting to affect change through intervention and assistance programs, perhaps at the high school or early collegiate levels.

Session IV: Law Enforcement

Consistent with the suggested policy changes outlined above, the research of Myrna Raeder (Southwestern University School of Law) has focused on recommendations that can improve the plight children of incarcerated parents. Specifically, her recommendations focus on law enforcement and sentencing for those convicted. “Protocols should be adopted throughout the United States concerning how the police should handle arrests witnessed by children or where the arrest will have an immediate impact on children,” said Raeder. Furthermore, she recommends that judges should be better trained concerning the impact of parental incarceration, and should take better advantage of their discretion in sentencing, particularly when the defendant has committed a nonviolent crime and/or has sole or primary parenting responsibility; Raeder argued that “Judges should have the power to take distance from home into account in sentencing, as well as the power to decide where a prisoner should be

housed [and that] more sentencing alternatives should be available where parents can reside with their young children.” Her research also recommends that “smart on crime” initiatives should be supported by evidence-based research concerning any intergenerational implications of current sentencing practices that are in place.

Echoing Raeder’s research and concerns about current policy, Philip Genty (Columbia Law School) indicated that prison sentences are too long and incarceration frequently occurs too far from home and family. Even within state prisons, 50% of incarcerated parents are imprisoned 100-500 miles from home, while at the federal level 43% of parents are imprisoned 500 miles (or less) from home. Genty suggests decreased sentence lengths and incarcerating offenders closer to their families.

However, Genty also made the argument that “descriptions of children who have experienced parental incarceration assume that the children’s experiences are uniform. This overlooks important differences in the families’ histories as well as the variety of custodial settings in which these children live.” Therefore, the consequences which children suffer when a parent is incarcerated are indeed complex, and scholars as well as policymakers should not take a “one- size approach.” In fact, researchers should be working to “discard preconceptions and simplistic approaches,” which include the “two narratives” regarding children of incarcerated parents (Session II; Geller; Session III; Bever Nichols).

Stepping back even farther in the research design process, Becky Pettit (University of Washington) argues against the one-size approach. Her research shows that estimates of children’s exposure to parental incarceration differs greatly depending on how data are collected, meaning that different techniques (survey, population-based, ethnographies) can produce different narratives about the effects of incarceration on children. Even differences in the wording of questions must be taken into account when examining research. Said Pettit, “there are a number of possible explanations for discrepancies in estimates of children’s exposure to parental incarceration including differences in sampling (coverage) and differences in question wording. Children of incarcerated parents are very likely to be missed by surveys that draw their samples from people living in households, omnibus questions that include low-level forms of criminal justice contact generate higher rates of exposure than methods that focus on more severe sanctions like jail or prison time” (Session III; Bever Nichols). Therefore, scholars and policymakers need to be conscious about differences in research models and applying data to overarching policy decisions. The session closed with Senator Mark Leno (D-CA) sharing his experiences as a politician dealing with the hot-button issue of incarceration and the effects he has seen in his district.



Rucker Johnson, a discussant from an earlier session, asks a question during a panel.

Session V: Caring for Children

With respect to supporting the children of incarcerated parents, Lorie Smith Goshin (CUNY), presented her research on mothers who are involved in the criminal justice system, and in particular, prison nurseries and their effect on children. She argues that prison nurseries, which are special units in where eligible imprisoned women can care for their infants, and are staffed by a mix of civilian and correctional

“The community’s role needs to be emphasized in the care and support of these children, and action research needs to be connected to these efforts.”

-Dee Ann Newell

professionals, help to foster “stable, responsive relationships [which] lay the foundation for physical and mental health across the lifespan” (Session IV; Raeder). These nurseries integrate education on parenting and supportive programming as well. In her sample (within New York state) Goshin found that after mothers and their children were released, from birth to two years, they had clinically normal cognitive and motor development during their nursery stay and first reentry year, and from three to five years the children had significantly lower anxious/depressed scores than other children who had been separated due to maternal incarceration. While these sorts of results from programming seem very promising, Goshin also reports that presently, systematic research on a wide-scale is unavailable. Furthermore, from the corrections perspective, many policymakers argue that budgets are too tight for these types of programs, that children within the corrections system are a liability, and that these children are not the “problem” of their department; they also assert that programs such as these could be implemented and improved by community-based collaborations through the use of other (non-corrections allocated) funding. Currently, only a handful states have similar programs in place, and the eligibility criteria are often somewhat limited.

For example, eligibility in New York State requires that women interested in the program must:

- be pregnant upon admission to prison
- have an expected release date that is 12-18 months after the expected date of conception
- must be serving for a non-violent crime
- have no history of crimes against children, and
- must apply (on behalf of herself) to the program

Currently, other community alternatives to incarceration (such as place-based residential drug treatment centers) and home-based (e.g., the [JusticeHome](#) project initiated by the Brooklyn, NY District Attorney’s office) are being explored, though Goshin argues, more sustainable and long-term co-residence solutions for incarcerated mothers and children “must provide more than just living together.”

However, in cases where women inmates are not eligible to apply to a prison nursery programs, as is often the case, childcare responsibilities often fall to another caregiver. The research of Nancy Rodriguez (Arizona State University) focuses on aspects of changes in caregiving. In her interviews with caregivers of children with incarcerated parent(s) regarding the changes within their own lives, as well as within those of the child, she found that the results have been “varied and complex.” Rodriguez argues that her results suggest that more research “requiring systematic, long-term data collection from prisoners,

caregivers, and children” is necessary. She also argues that in light of these results, “coordination and data sharing between relevant stakeholders are key [to] better understanding and addressing the needs of families affected by incarceration.”

“Coordination and data sharing between relevant stakeholders are key in better understanding and addressing the needs of families affected by incarceration.”

-Nancy Rodriguez

Echoing the need for collaborative efforts, Dee Ann Newell (Arkansas Voices for the Children Left Behind), a Senior Justice Fellow of the Soros Open Society Foundations, argued that there is an “urgency for researchers, practitioners, and policy-makers to share in real time in order to change outcomes for children of incarcerated parents, to include prevention, targeted sets, and/or if the children already have problems, identifying ways to help to fix the problems.” Her project with Open Society was “the

first and only initiative to attempt a multi-site, national effort to improve the care of children with incarcerated parents.” The project’s goal was to identify a practice or policy change to implement for improved safety and security of children of incarcerated parents. However, owing to variations in state and local systems, as well as variations in correctional policies, regional demographics, etc., not a single entity involved with the project implemented its mandate in the same manner. As a result, while much was learned from the process of operationalizing rights for children, it became evident that the process is hardly as straightforward as a “one size” approach (Session IV; Genty). Newell reported that in an effort to streamline policy, “the centrality of the children often got lost in the efforts to make overall criminal justice reforms that did not necessarily translate into child wellbeing.” Due to the apparent regional differences in policies, Newell argues that “the community’s role needs to be emphasized in the care and support of these children, and action research needs to be connected to these efforts” in order to reform criminal justice policies effectively.

Conclusion

It is evident that the issue of parental incarceration and the problems surrounding it are complex, and research and policy changes will require careful, methodological approaches to help effect positive change within the criminal justice system. Varied though the current systems in place and research methodologies and outcomes may be, as mentioned, Chris Uggen (University of Minnesota) suggested that five primary themes surfaced as tangible information that most could agree upon:

- 1) Parental incarceration disproportionately affects communities of color.
- 2) Many incarcerated parents played roles in their children’s lives prior to their incarceration.
- 3) Parental incarceration is linked to a number of negative outcomes for children, including poor school performance, physical and mental health problems, housing instability, and economic strain, both during and after incarceration occurs.
- 4) Parental incarceration is strongly associated with delinquency in both adolescence and the transition to adulthood.

- 5) There are things that can be done to improve the situation, beginning with greater cooperation between researchers, advocates, policymakers and practitioners to help achieve shared goals.

Specific recommendations emerging from the workshop/conference:

- Call for greater cooperation between researchers, advocates, policymakers, and practitioners.
- Policy and programming should focus on expanding school-based services and drop-out prevention for youth with household member incarceration.
- Judges should be better trained concerning the impact of parental incarceration on children to take better advantage of their discretion in sentencing, particularly when the defendant has committed a nonviolent crime and has sole or primary parenting responsibility.
- Courts should have the power to take distance from home into account in sentencing, as well as the power to decide where a prisoner should be housed.

Hagan and Foster, organizers of this workshop, hope to use the output of this conference in their on-going work, "Punishment Regimes and the Multi-Level Effects of Parental Imprisonment: Inter-Institutional, Inter-Generational, and Inter-Sectional Models of Inequality and Exclusion," from which this conference stemmed.

Presenters, discussants, and observers commented that the conference was fruitful and of tremendous value; many of the presenters and discussants remarked that the information presented by other scholars may help shape future courses of research and collaboration, and that the recommendations and questions posed by the observers were insightful and will aid in future research design.

Policymaking observers commented that the information was enlightening and informative, and may be of use in future policy writing.

The American Bar Foundation thanks the National Science Foundation for its sponsorship of the event, as well as the US Office of National Drug Control Policy, for its help planning and coordinating the event.