

POLICY ESSAY

MASS IMPRISONMENT AND CHILDHOOD BEHAVIORAL PROBLEMS

Taking children into account

Addressing the intergenerational effects of parental incarceration

Megan Comfort

RTI International & University of California, San Francisco

Anne M. Nurse

College of Wooster

Tasseli McKay

RTI International

Katie Kramer

The Bridging Group

Wakefield and Wildeman (2011, this issue) provide compelling evidence that the effects of the incarceration boom experienced by the United States during the past 40 years extend well beyond the individuals behind bars. In doing so, they contribute to a mounting body of research answering the clarion call sounded more than 10 years ago for rigorous investigations into the “collateral consequences” of imprisonment (Hagan and Dinovitzer, 1999). By probing the repercussions of paternal incarceration on children’s well-being, they bring to light the deleterious impact of the penal system on those who likely have never set foot in a correctional facility, or have done so only as visitors of their confined kin. Wakefield and Wildeman find that having an incarcerated father negatively affects children’s behavioral and mental health and that “mass imprisonment might have increased Black–White inequities” in youths’ “externalizing behaviors” (such as physical aggression) and “internalizing behaviors” (such as depression and anxiety). This is an innovative and important analysis of the intergenerational transmission of both class disadvantage and racial disparities resulting from the extraordinary and enormous spread of the penal net since the early 1970s. It enriches a growing literature on the secondary

Direct correspondence to Megan Comfort, Urban Health Program, RTI International, 114 Sansome St. Suite 500, San Francisco, CA 94104 (email: mcomfort@rti.org).

and tertiary impacts of U.S. penal policies by scholars attempting to map out the full scope and magnitude of the nation's rise to being the world's top incarcerator, and thereby to comprehend the extensive associated social costs (for a discussion of this literature, see Comfort, 2007).

The fact that Wakefield and Wildeman's (2011) research on this subject clearly documents the harmful effects on children's current well-being as well as the risks to their long-term educational and occupational achievement should spur policy makers into action in the following distinct areas: *preventing* families from being drawn into the carceral ambit through contact with police, courts, and correctional systems; *infusing* neighborhoods with high incarceration rates with the necessary resources to counterbalance the negative consequences of the absorption of their residents by the criminal justice system; and *protecting* children who experience parental imprisonment from its most traumatic and harmful effects.¹ In this essay, we build on Wakefield and Wildeman's policy suggestions in these areas, heeding Currie's (2011) invitation to avoid "spurious prudence" and instead engage in bold and expansive thinking about how to strip the layers of hardship piled on children as they suffer the fallout from a system that has largely failed to take them into account despite its heavy intervention in their families' lives. We frame our discussion in the context of "hyperincarceration" (Wacquant, 2010: 74) resulting from a U.S. criminal justice system that targets its populace "first by class, second by race, and third by place," meaning that serious efforts to rectify its ills must work to elevate the socioeconomic floor, identify and address racial and ethnic disparities at all levels of the criminal justice system, and rebuild the devastated and devastating inner-city neighborhoods from which the preponderance of the nation's incarcerated population is drawn. In doing so, we draw on the work of Roberts (2004: 1300), who highlights the importance of focusing on the community-level harm stemming from the disproportionate incarceration of African Americans as the cornerstone for "a radical rethinking of dominant justifications for prison policy and related crime control and sentencing reforms."

Prevention of Contact with the Criminal Justice System

In light of their findings, Wakefield and Wildeman (2011) recommend that incarceration rates be reduced, focusing specifically on "the low-hanging fruit of nonviolent offenders who have not engaged in domestic violence." We concur that this is a logical first step; fewer parents entering jails and prisons would translate into fewer children experiencing parental incarceration, thus diminishing the pool of those suffering detrimental effects on their behavior and mental health. Yet this recommendation cannot be enacted in isolation.

1. Although Wakefield and Wildeman (2011) restrict their analyses to paternal incarceration because of available data, we also address maternal confinement in light of the evidence of considerable disruption this can cause in children's lives, following the logic that, although effects on youth might be different depending on whether their mother or father is incarcerated, they are unlikely to be less harmful in circumstances of a mother's removal (Gibbs, 1971; Johnston, 1995; Kampfner, 1995; Poehlmann, 2005).

Many nonviolent offenses are committed out of unmet need in one form or another, such as drug addiction, lack of housing, or food scarcity (Durose and Mumola, 2004). Therefore, it is critical to provide support services to families simultaneously to address the underlying issues that provoke their criminalized behavior. Indeed, Wakefield and Wildeman note that “children of incarcerated parents were worse off (on many dimensions) than their similarly situated peers who had no parent incarcerated even before experiencing the event,” which indicates that merely keeping fathers and mothers out of correctional facilities will not elevate their children to an optimal level of well-being.

One way of potentially accomplishing both goals is robust investment in diversion programs and initiatives to reduce recidivism, particularly those that engage kin in such efforts by treating the family as a holistic unit (Bobbitt and Nelson, 2004; Shapiro and Schwartz, 2001; Visser and Travis, 2003). Importantly, these types of programs can be instituted at and tailored to various points in the continuum of criminal justice involvement; for example, diversion programs that provide drug treatment or behavioral therapy in lieu of a stint behind bars are especially meaningful for juveniles as a way to prevent them from entering the correctional system in the first place, thereby not pulling youth into the near-inescapable quicksand of confinement, release on probation or parole, and rearrest that eventually leads them to the adult penitentiary (Pope and Feyerherm, 1993; Snyder and Sickmund, 2006). Alternatively, in-facility vocational training and substance-use treatment followed by job placement, housing assistance, and other postrelease support programs are critical for helping those who have recently exited the walls to leave incarceration behind and find footing as gainfully employed, civically integrated residents (Hagan and Coleman, 2001; Petersilia, 2003; Travis, 2005; Wilson, Gallagher, and MacKenzie, 2000).² Likewise, “preentry” and community justice courts can be useful in tamping down correctional escalation among probationers who have run afoul of the law and risk being sent to state prison (Kane, 2011; Tauber, 2011). These courts evaluate lawbreakers’ personal circumstances—including whether they are primary caregivers for minor children—prior to sentencing and can impose community service, drug treatment, parenting classes, and other residential or nonresidential injunctions instead of incarceration.³

In addition to a greater utilization of alternatives to incarceration, reforms in the spatial targeting of policing and penalties for minor violations have the potential to reduce the numbers of people, particularly African Americans, placed under lock and key, and

2. It is imperative that such programs be accompanied by achievable outcomes such as safe and affordable lodging and jobs paying a sustainable wage. In the absence of these resources, “prerelease” and “reentry” programs risk becoming a farce, demoralizing participants by setting them up for failure in a society that offers them no assistance and thus actually prepares them only to “reenter” the carceral setting after a short hiatus (Lowenkamp and Latessa, 2005).

3. All of these initiatives, of course, connect to the even more daring—and yet commonplace in Canada and Western Europe—strategies of the medicalization rather than the penalization of addiction and mental illness (Tonry, 1999; Wacquant, 2007).

thereby to spare their children the experience of parental incarceration. Predominantly Black, impoverished neighborhoods bear the brunt of street-level enforcement of drug laws and “zero tolerance” policing, with the result being that vastly more African Americans are arrested for low-level offenses (Greene, 1999). The intensely punitive response to victimless crimes like drug use and public loitering cause months or years of life to be “lost” to incarceration (Drucker, 2002) and saddle colossally disproportionate numbers of young Black men with criminal records—and the stunted educational, employment, and civic opportunities that go with them (Bishop and Frazier, 1996; Miller, 1996; Pager, 2007; Western, 2006). Decreasing the excessive police surveillance to which poor African American neighborhoods are subjected and enacting reforms that scale back penalties for low-level lawbreaking would reduce the number of people pulled into the penal net, with particular salience for people of color and their children. One example in this vein is the Fair Sentencing Act of 2010, which reduced the federal crack versus powder cocaine sentencing disparity from 100:1 to 18:1, bringing the penalties for possession of a substance more frequently used by African Americans closer into line with those imposed for possession of a nearly identical substance more frequently used by Whites (Cummings, 2010).

Infusion of Resources into High-Incarceration Neighborhoods

In evoking the policy implications of their work, Wakefield and Wildeman (2011) note that “the demographic concentration of mass incarceration also suggests strong effects within families and high-imprisonment rate communities,” drawing attention to not only children who experience parental confinement but also their peers who escape this plight yet still are affected by the “seepage” of the criminal justice system at the neighborhood level. Given hyperincarceration’s strong relationship to space and place (Wacquant, 2010), rolling out services that target the impoverished districts from which the majority of the incarcerated population is drawn will function to elevate the social floor for all children, at once mediating negative effects for those who have lost a parent to the system and diminishing a host of factors that place poor juveniles at higher risk of criminal justice involvement themselves.

Public schools have the potential to serve as vehicles through which children could be connected with vital programs and services. Concerted efforts to end policies that lead to schools resembling minipenitentiaries (Devine, 1997) and an injection of resources to revitalize them with the books, supplies, and instructors necessary for a solid education would go far to reduce youth’s lifetime risk of imprisonment (Western, 2006). Training teachers in public schools to recognize that students’ behavioral problems could stem from distress over incarcerated parents and equipping them with specialists to whom they could refer these children would reduce stress in the classroom, provide traumatized youth with therapeutic help, and avoid converting normal responses to family turbulence into a pathway to the juvenile justice system (Ferguson, 2001; Foster and Hagan, 2007). Another step to support rather than to punish students for their parents’ confinement would be for schools to enact attendance policies that excuse absences related to visiting incarcerated parents,

especially if children have to travel long distances to reach correctional facilities (Petsch and Rochlen, 2009).

As more children's mothers take on single parenting during a father's incarceration and other children move in with grandparents while a mother is behind bars (Hairston, 1999; Johnson and Waldfogel, 2004), subsidized day care and after-school care become indispensable. Again, these programs will be most effective if child-care workers are equipped to address their charges' emotional and behavioral reactions to parental incarceration and receive ongoing professional support and training related to this topic. Neighborhoods decimated by astronomical rates of incarceration also would benefit from free-access community centers where children could participate in sports, receive help with homework, learn stress-reduction techniques, and even join support groups or mentoring programs with other kids coping with mothers or fathers cycling through the correctional system. Equipping these centers with free or low-cost drug counseling and family therapy programs has the potential to reduce incarceration rates by addressing the underlying causes of addiction and domestic violence, as well as to improve the physical and mental health of children and their kin by reducing stress and conflict prior to, during, or after a parent's confinement. Therapeutic services are similarly critical for helping affected children adjust to changes in their own caregiver or guardian, the dissolution of their parents' relationship, or their mother's formation of a new relationship in the wake of a previous partner's removal (McLoyd, 1998; Osborne and McLanahan, 2007). And finally, pediatricians and emergency-room doctors treating children in the nation's impoverished neighborhoods could systematically screen for parental incarceration, both to contextualize stress-related illnesses or other somatic expressions of depression and anxiety, and as a means to refer youth to appropriate mental-health services, especially when there is a risk of self-harm. Although all of these measures would require monies that are currently unavailable, Mauer (2011) recently pointed to the use of fiscal incentives as a means of encouraging a shift of criminal justice funds to social policy initiatives that contribute to reducing crime. Indeed, given that investments in therapeutic treatment for justice-involved families have been determined to yield \$13 in public safety benefit for every \$1 spent (Justice Policy Institute, 2009), fertile possibilities exist for budget redistribution.

Another way government officials can support impoverished families and help keep parents out of custody is to prioritize bringing jobs into high-incarceration neighborhoods *and making these jobs available to people with criminal records*. The "Ban the Box" initiative adopted by several states (including Connecticut, Massachusetts, and New Mexico) and individual cities (such as Baltimore, Memphis, Oakland, and Philadelphia) prohibits employers from asking about a criminal history on initial job applications, reserving background checks for later in the hiring process (Cooper, 2010).⁴ Actual living-wage

4. Processes for the eventual background check vary by location. In the city of Oakland, CA, for example, someone only undergoes the check upon becoming the top candidate for a job. If the individual has a

employment opportunities for the nonincarcerated caregivers of children and returning fathers and mothers should be accompanied by the lifting of restrictions on people with criminal records or drug convictions from receiving various forms of public assistance, such as food stamps or Section 8 housing. Denying this aid marginalizes vulnerable families and adds tremendous strain to relationships if “legally unblemished” members are forced to choose between severing ties with their justice-involved relatives or potentially losing scarce resources when they accept them back into the household (Mele and Miller 2005).

Protection against Traumatization and Harm

It is unlikely that policy solutions can completely mitigate the trauma children experience during the loss of a parent to the correctional system. Although Wakefield and Wildeman (2011) note that the underlying causal mechanisms of the harmful effects they document cannot be identified through their data, previous research has described negative consequences for children who witness the arrest of a parent (Mazza, 2002; Murray, 2007), enter the foster-care system because of parental incarceration (Perry, 2006; Phillips and Dettlaff, 2009), or simply must cope with the forced removal of a pivotal adult figure (Bernstein, 2007; Johnson, 2006; Miller, 2006). Other studies have documented the stresses and strains of jail and prison visiting that are transferred from incarcerated parents and their nonincarcerated coparents to children (Comfort, 2008; Hairston, 1998; Nurse, 2002). In addition, evidence suggests that the quality and frequency of parent–child contact during incarceration might moderate negative outcomes for children (Arditti, 2005; Parke and Clarke-Stewart, 2003).⁵

Against this backdrop, certain policy recommendations are clear. For example, any arrest that takes place in the presence of a child should follow a series of steps to minimize distress, from avoiding unnecessary force or threats of force to permitting parents to phone an alternative caregiver and ensuring that minors are left in the care of an adult who is known to them whenever possible (San Francisco Children of Incarcerated Parents, 2005). Similarly, children’s needs—and attention spans—must be taken into account when designing jail and prison visiting policies; all facilities, including juvenile facilities, should permit children to have contact visits with their parents without physical barriers such as glass or grated windows; waiting times should be kept to a minimum; parents should have handcuffs removed before children see them; and visiting rooms should have clean and safe play areas with age-appropriate toys (Hairston, 1996). For children whose caregivers cannot take them

conviction that is unrelated to the position (e.g., embezzlement for a job as a park ranger), the hiring process moves forward. If the conviction charge is related to the position (e.g., embezzlement for an accountant), a hiring manager meets face to face with the candidate, explains why the hire cannot occur, and indicates for which city jobs the candidate is eligible. For more information, see the Web site of the national organizing initiative All of Us or None (allofusornone.org).

5. However, the converse can also hold true, with low-quality or sporadic visitation causing distress and disruption for children; see Hairston (1991).

to visit their incarcerated parent, programs like California's *Get on the Bus* (getonthebus.us) can facilitate contact, providing a ride to an often-distant prison, the day's meals, a teddy bear, a letter from the parent on the ride home, and postvisit counseling with a trained professional. Optimally, visiting programs for children should be integrated with programs for their incarcerated parent and the remaining nonincarcerated parent or caregiver. The Osborne Association in New York (osborneny.org) has been a pioneer for a long time in this regard, involving adults and children in parenting programs both during incarceration and after release. Such efforts can be particularly important for juveniles, who might be children of incarcerated parents and incarcerated parents of young children simultaneously (Nurse, 2002, 2004)⁶ and be overwhelmed by the responsibilities of parenthood independent of the complications added by incarceration.

The promotion of active engagement by confined fathers in their children's lives should also include amendments to child support laws such as those proposed in President Obama's 2012 budget that permit men to suspend orders while behind bars and adjust their arrears debt upon release so that they can contribute to their children's lives without being financially flattened by untenable payment schedules (Nurse, 2002; Yoder, 2011). One example of such a policy is the recently established partnership between the California Department of Corrections and Rehabilitation and the California Department of Child Support Services that aims to educate incarcerated fathers about their child-support obligations and options with a goal to mitigate negative impacts to fathers upon their release, including license revocation and garnishment of wages (*CDCR Today*, 2011).

Conclusion

Wakefield and Wildeman (2011) have helped deepen our understanding of the profound and potentially long-lasting consequences of parental imprisonment that affect millions of impoverished children each year, largely outside of the mainstream public's notice. It is critical that policy makers be made aware of these effects on children's well-being and their implications for the intergenerational transmission of class disadvantage and racial disparities. To this end, we conclude with a recommendation that all penal policies be accompanied by a "Family and Children Impact Statement" that would explicitly describe the likely repercussions of criminal justice laws and practices on incarcerated people's kin, provide justification for the degree of harm imposed on children, and discuss how negative effects could be avoided or mitigated (see Mauer, 2007 for his proposal of racial impact statements, on which we base this recommendation). Laying these issues squarely on the

6. Estimates suggest that approximately 25% of incarcerated juvenile males are fathers (California Youth Authority, 1995). Although we do not have reliable national data on the number of pregnant or parenting girls in detention, it seems that they are overrepresented in the population as well. A 1998 California study conducted by Acoca and Dedel, for example, found that 29% of girls in juvenile custody had been pregnant at least once and that 16% of them had been pregnant while incarcerated (Acoca, 2004).

table and requiring that children be taken into account would mark a substantial step in reversing the tide so starkly illustrated by Wakefield and Wildeman.

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Megan Comfort is a Senior Research Sociologist with the Urban Health Program at RTI International and an Adjunct Assistant Professor of Medicine at the University of California, San Francisco. Her research focuses on family, incarceration, intimacy, and public health. She is the author of *Doing Time Together: Love and Family in the Shadow of the Prison* (University of Chicago Press, 2008).

Anne M. Nurse teaches sociology at the College of Wooster in Ohio. She is the author of *Fatherhood Arrested: Parenting from within the Juvenile Justice System* (Vanderbilt University Press, 2002) and *Locked Up, Locked Out: Young Men in the Juvenile Justice System* (Vanderbilt University Press, 2010).

Tasseli McKay is a research analyst in RTI International's Crime, Violence and Justice Policy program. For the past 8 years, her research has focused on the intersection of criminal justice programs and community health. Currently, she coordinates a couples-based longitudinal impact evaluation of family strengthening programs for incarcerated and reentering fathers and their families.

Katie Kramer is the CEO, Corrections, Communities & Families for The Bridging Group in Oakland, CA. For the past 20 years, she has focused on the development, implementation, and evaluation of social service and health programs that serve individuals, families and communities affected by the criminal justice system.