

**From Prison to Home:
The Effect of Incarceration and Reentry on
Children, Families and Communities**

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**Exploring the Needs and Risks of
the Returning Prisoner Population**

James Austin

George Washington University

John Irwin

San Francisco State University

Patricia Hardyman

George Washington University

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Introduction

Much has and continues to be written and discussed on the topic of released prisoners. Finally, after three decades of unrelenting efforts by federal and state policymakers to incarcerate record numbers of men, women and children, there is new concern about the consequences of America's imprisonment binge on those incarcerated, their families and children, and the communities from whence they came. Several states are reconsidering the wisdom of their incarceration trends and are pursuing new strategies to start reducing their prison populations. But in order for prison populations to be lowered, policymakers and the public must be assured that such actions are safe and will not compromise the public's safety.

With these concerns in mind, we have drafted a paper that has the following several objectives. First, it is intended to provide a general discussion on the concepts of risk, needs and stability at both the prisoner and community levels. We then draw our attention to the unique situation faced by prisoners with children and the obstacles that must be overcome to maintain any type of parental relationship while incarcerated and after release. In particular, we focus on the plight of the growing number of prisoners serving lengthy prison terms (lifers).

We close with some suggestions (both practical and utopian) about what reforms (legislative and programmatic) are needed to address these systemic conditions (both at the prisoner and community levels) that serve to worsen the imprisoned mother and father's ability to succeed once released.

Concepts of Risk, Needs, and Stability

Prisoner Risk, Needs, and Stability

The recent interest in prisoner re-entry has been grounded in the assumption that the approximately 600,000 prisoners being released each year pose a substantial risk to public safety. Not surprisingly, in these discussions, the unit of analysis has been prisoners and how best to change them by increasing either the levels of treatment or supervision dosages, which admittedly now are either non-existent or ineffective. The concern over prisoner risk is grounded in the often-cited high recidivism rates associated with prisoners. The typical and uncritically accepted claim is that most released prisoners continue their criminal careers and that it's getting worse.

Prisoner “needs” are related to risk in that there are some individual treatment or rehabilitative attributes that are known to be associated with risk of further involvement in crime. These would include education level, employment-related skills, mental illness, substance abuse, and family relationships.¹ Recidivism can be reduced, it is hoped, by applying accurate risk models that determine which prisoners pose the greatest risk and have the greatest needs for treatment. Indeed, according to some, treatment is most effective with high-risk offenders, although this claim has not yet been demonstrated by independent studies.²

The final concept of stability speaks to the need for all persons, not just ex-convicts, to achieve some level of stability in their lives in the core areas of residency, employment and family. Sampson and Laub noted that these and other factors are “predictive” of when and how persons enter and terminate their criminal careers.³ In particular, adult experiences such as marital attachment and job stability that lead to stability in residency and relationships with similarly situated adults can serve to negate the criminogenic effects of previous childhood and adolescent experiences. Alternatively, incarceration can serve to sharply disrupt whatever positive (as well as negative) ties may have existed in the offender’s life and replace them with the routine of doing time. In so doing, incarceration serves to worsen these tenuous ties and may actually increase the chances that one will continue to be involved in criminal activities rather than serving some deterrent or rehabilitative function. As Sampson and Laub observed:⁴

“One clear possibility is that current (sentencing) policies are producing unintended criminogenic effects. From our perspective, imprisonment may have powerful negative effects on the prospects of future employment and job employment. In turn, low income, unemployment, and underemployment are themselves linked to heightened risks of family disruption. Through its negative effects on male employment, imprisonment may thus lead indirectly through family disruption to increases in future rates of crime and violence. The extremely high incarceration rate of young black males renders this scenario very real.”

How Much Risk do Released Prisoners Pose to Public Safety?

Despite the concern over the risk to public safety that released prisoners pose to public safety, we believe this concern has been overstated. Alternatively, we believe the data show that such risk is relatively small with the noted exception of those impoverished and isolated communities that have inordinate concentrations of such offenders.

In the early 1980s, the Bureau of Justice Statistics conducted a national recidivism study. Although it found that most released prisoners were re-arrested (63%), their crimes tended to be non-violent and often did not result in a return to prison due to lack of evidence or because they were misdemeanor level crimes for which one cannot be sent back to prison unless one is still under parole supervision. More interesting was the BJS conclusion that despite the relatively high re-arrest rate, the arrests linked to released prisoners constituted less than 3 percent of all

arrests that occurred in the states under study. In terms of prisoner attributes, inmates who were older, female, high school graduates, and convicted of non-property crimes had the lowest recidivism rates. Significantly, the prisoner's length of stay was not associated with recidivism.⁵

Table 1
U.S. Recidivism Study
1983 Releases – 11 States

Time Period	Re-Arrested	Re-Convicted	Re-Incarcerated
6 months	25%	11%	8%
1 Year	39%	23%	19%
2 years	55%	38%	33%
3 Years	63%	47%	41%

Source: Bureau of Justice Statistics, 1989.

There have been other studies that essentially mirror BJS's findings. In an evaluation of the Illinois prison early release program, about 60 percent were rearrested with 40 percent being re-incarcerated. Despite the high proportion of prisoners being re-arrested, there was a sharp decline in the rate of arrest after release as compared to the time prior to incarceration. This so-called "suppression" effect was attributed to maturation, the multiple effects of imprisonment and regression to the mean effects. Further, reducing the length of stay had no impact on recidivism nor did it impact the state's overall crime rate since released prisoners account for such a small proportion of the state's universe of arrests. It was also noted that most of the crimes resulted in little financial loss to the victims of crimes associated with released inmates.⁶

There is also a widespread perception that not only is recidivism rates high but that they are increasing. Much of this concern is linked to national reports showing that the number of inmates being admitted to prison are increasingly parole violators (Table 2). However, the extremely high number of technical parole violations in California often serves to skew the national picture and masks variation across states.

Table 2
Number of Persons Incarcerated in State Prisons
1990 and 1997

Year	State Prison Population	Total Prison Admissions	New Commitments	Parole Violators	% Parole Violators
1990	689,577	460,739	323,069	137,670	30%
1997	1,100,850	540,748	326,547	214,201	40%
% Change	59.6%	17.4%	1.1%	55.6%	

Source: Bureau of Justice Statistics, Special Report. Truth in Sentencing in State Prisons. January 1999. U.S. Department of Justice.

Texas, Kentucky, and Pennsylvania are three states that regularly report their prisoner recidivism rates and provide some further insights on the level of risk posed by released offenders (Table 3). In all three states, recidivism, as measured by the number of offenders who returned to prison, has been declining. Texas recently reported that its three-year re-incarceration rate has dropped from a high of nearly 50 percent for 1992 releases to a low of 31 percent for 1997 releases. Similarly, Pennsylvania has reported its three-year re-incarceration rate has also declined from 50 percent among 1994 releases to 42 percent for 1997 releases. The Kentucky recidivism rate has also declined although at a more modest rate.

Table 3
Reincarceration Rates for Pennsylvania, Texas and Kentucky, 1994-1997

Year	Texas		Pennsylvania		Kentucky
	Two Years	Three Years	One Year	Three Years	Two Years
1994	32%	41%	27%	50%	35%
1995	24%	35%	27%	48%	33%
1996	23%	33%	21%	39%	34%
1997	21%	31%	22%	42%	32%
Change	-11%	-10%	-5%	-8%	-3%

A more recent study of a sample of prisoners released in 1998 was completed for the Texas Parole Board to inform parole release decision making. The study assessed two types of recidivism: 1) re-admission to a Texas prison and 2) re-arrest for either a felony or misdemeanor crime within 24 months of release from prison.⁷

As shown in Table 4, the overall re-admission rate for 1998 released prisoners was 25 percent while the re-arrest rate was 37 percent. It was also possible to determine whether an inmate had been re-incarcerated in another state prison. However, the resulting analysis only increased the re-incarceration rate by one percent. While the re-arrest rate was significantly higher than the re-incarceration rate, about half of the arrests were for misdemeanor level crimes. Collectively these data show that the vast majority of parolees were neither re-arrested nor re-incarcerated during the first two years of release.

It is also noteworthy that inmates who were paroled have the lowest re-arrest rates, while inmates released under mandatory supervision (MS) or who were discharged have higher re-arrest rates (Table 5). However, the discharges had the lowest re-incarceration rates while mandatory supervision cases have the highest rates. The lower re-arrest rates for discharges may simply reflect the fact that these inmates cannot be returned to prison for a technical violation coupled with the fact that about half of the re-arrests are for misdemeanor crimes – offenses for which one cannot be sentenced to prison in Texas.

The Texas study found the same results reported by BJS and in Illinois -- namely that prison releases accounted for a small proportion (2.2 percent) of all arrests occurring statewide. This was done by comparing the total number of arrests occurring in a particular month and cross-referencing the arrests with offenders under parole supervision.

Pennsylvania has also reported significantly lower re-incarceration rates for inmates who complete their sentence and are not subject to parole supervision (Table 7). As in Texas, Pennsylvania prisoners who are not released via parole have lower recidivism rates. This is not surprising given that 60 percent of the recidivists were re-incarcerated for technical parole violations.

The Kentucky recidivism rates also show that inmates released without parole supervision have a far lower recidivism rate than those released to parole (31% versus 47%). This statistic is again no doubt related to the fact that approximately two thirds of the recidivists are technical violators. Other prisoner attributes associated with recidivism were gender (females have lower rates), age (older inmates have lower rates), residency (inmates from urban locations have higher rates) and offense (sex offenders have very low rates).⁸

TABLE 4
Texas Two Year Recidivism Rates
January 1 - April 30, 1998

Recidivism Measures	N	%
Re-Arrested	3,350	37%
Felonies	1,589	18%
Misdemeanors	1,761	19%
Re-Incarcerated – Texas	2,267	25%
Re-Incarcerated -- Anywhere	2,333	26%

Table 5
Texas Recidivism Rates by Type of Release

Release Type	Releases	2 Year Re-Arrest		2 Year Re-Incarceration
		All Arrests	Felonies	
Parole	3,305	32%	15%	18%
Mandatory Supervision	5,204	39%	18%	31%
Discharges	570	44%	21%	11%
Total	9,079	37%	18%	25%

Table 6
Arrests of Individuals on Parole or Mandatory Supervision
While Under Active Supervision
Compared to All Adult Arrests

Item	Number
Parolees / MS Offenders under Active Supervision	78,031
Arrests of Parolees and MS Releases in September 1999	1,704
Estimated Arrests of Parolees/MS for 1999	20,448
Adult Arrests Reported to Department of Public Safety in 1999	914,463
Parole / MS Arrests as Percent of All Adult Arrests	2.2%

Source: Texas Criminal Justice Policy Council, 2000

Table 7
Pennsylvania Three Year Re-Incarceration Rates
1997 Releases

Prisoner Attribute	N	Re-Incarceration Rate
Overall Rate	9,431	42%
Method of Release		
Parolee	6,964	50%
Sentence Complete	2,467	19%
Marital Status at Release		
Single	6,278	44%
Married	1,621	40%
Divorced/Separated	1,419	37%
Gender		
Male	8,804	43%
Female	622	27%

Source: Pennsylvania Department of Corrections, 2001.

The persistent finding that released prisoners account for only a very small portion of the nation's crime rate make sense on consideration of the national arrest figures versus the number of released prisoners. There are about 600,000 prisoners released each year and one can anticipate that over a three-year period that cohort will generate about 400,000 arrests. There are other released prisoners who are in the community who have been released who are also being re-arrested although their rate of arrest has declined rapidly with age (the maturation effect). So each year the number of arrests that can be linked to ex-prisoners is probably no more than 500,000 with most of these arrests being for non-violent and/or misdemeanor crimes. While this is a large number, it is a small percent of the more than 10 million arrests reported by the nation's law enforcement agencies each year to the FBI.

Community Risk, Needs, and Stability

Just as prisoners can be assessed along the dimensions of risk, needs, and stability, so too can the communities to which they will return to upon release from prison. Criminologists have long conceptualized “risk” at the community or societal level. Beginning with the pioneering studies of Shaw and McKay in Chicago in the 1920s, over and over again neighborhood or community attributes have shown to have a dramatic and predictable influence on crime rates and other measures of well being.⁹ Urban communities that are characterized by such macro levels of community order as poverty, residential migration, population turnover, and dilapidated housing have associated high rates of infant mortality, crime, mental illness, and various measures of disease and poor health.

In a similar vein, social disorganization studies show that residential stability/instability and unemployment is closely associated with rates of crime, violence and other measures of health related problems such as suicide and mental illness. In particular, residential stability fostered by low unemployment lowers crime rates by promoting social organization and heightened levels of supervision or social control; stable neighborhoods are more likely to have thriving businesses and effective neighborhood organizations as well as residents that know one another, interact on a regular basis, and look out for and protect each other’s property.

Slowly but surely, the current discussion on prisoner re-entry and public safety in general is recognizing that community attributes have at least an equal if not greater impact on prisoner recidivism and public safety in general than the characteristics of the individuals released from prison. But how does one go about conceptualizing measuring community risk and its changes over time?

In the 1980s, Linsky and Straus found that states could be measured in terms of three general levels of social stress (economic, family, and other) and that these indicators were also associated with rates of crime and mental illness (Table 8). In other words, states that scored high on the 15 measures of stress tended to have the highest rates of homicide, overall crime, suicides, and mental illness.¹⁰ This study is somewhat limited as its unit of analysis is “states” rather than communities where most of the action is occurring with respect to levels of inequality and related stress factors. Nonetheless, the Linsky-Straus study begins to lay the foundation that if state officials want to lower their crime rates, they will need to lower these measures of social stress and disorganization.

More recently in an extensive study of Chicago neighborhoods funded by several foundations and federal agencies, Robert Sampson found that “collective efficacy” (the level of trust among a neighborhood’s residents and their willingness to intervene in support of social order) was associated with crime and measures of well-being. Moreover, collective efficacy also varied with other measures of a community’s socio-economic status.¹¹

Table 8
Measures of Social Stress

Economic Stressors	Family Stressors	Other Stressful Events
1. Business Failures	1. Divorces	1. Disaster Assistance
2. Unemployment Claims	2. Abortions	2. Population Stability
3. Work Stoppages	3. Illegitimate Births	3. New Housing Units
4. Bankruptcy cases	4. Infant Deaths	4. New Welfare Recipients
5. Foreclosed Home Loans	5. Fetal Deaths	5. High School Dropouts

Source: Linsky and Straus, 1986

In a similar vein, another recent study by Lynch and Sabol of Cleveland's communities found that a select number of communities with high levels of unemployment, and poverty also have high rates of released prisoners and high crime rates. They note that unless the underlying socio-economic factors that separate these disadvantaged communities from more affluent and middle-class neighborhoods change, it will be difficult to reverse their historic high crime rates.¹²

Others have observed that racial discrimination also plays a significant role in the well being of a community. Minority and disadvantaged families have long been subjected to discrimination by financial service providers (e.g., insurance carriers, mortgage brokers, etc.). In particular, practices such as red-lining and disinvestment paralyzed the housing market, lowered property values, and made it difficult for many urban areas to retain or attract families able to purchase their own homes. Over the last couple of decades, these practices have contributed to a variety of negative conditions including the creation of a dual housing market, increased joblessness, heightened poverty, and the hyper segregation of urban neighborhoods in the U.S.¹³

Is community risk increasing or declining? There is a general consensus that during the 1970s and 1980s, levels of social inequality increased. Kevin Phillips in his book, *The Politics of Rich and Poor*, using a wide variety of official data, argued that the government economic policies of the past decade have improved the economic status of the rich at the expense of the lower and middle classes. Some of the more striking economic trends identified for the 1980s were:

- In 1987, the income of the typical African-American family (\$18,098) equaled just 56.1 percent of the typical white family's income, the lowest comparative ratio since the 1960s.

- Between 1979 and 1987, earnings for male high school graduates with one to five years of work experience declined by 18 percent.
- Between 1981 and 1987, the nation lost more than one million manufacturing jobs.
- Between 1977 and 1988, the average after-tax family income of the lowest 10 percent, in current dollars, fell from \$3,528 to \$3,157 (a 10.5 percent decline). Conversely, the income of the top 10 percent increased from \$70,459 to \$89,783 (a 24.4 percent increase), and the incomes of the top 1 percent increased from \$174,498 to \$303,900 (a 74 percent increase).
- Between 1981 and 1988, the total compensation of chief executives increased from \$373,000 to \$773,000 (an increase of 107 percent), and the number of millionaires and billionaires increased by more than 250 percent.¹⁴

Phillips argues that in economic terms, the United States is becoming an increasingly fragmented and segregated society. These trends contribute to crime rates and other social problems but also fuel a growing public demand to fund criminal justice services. He observed:¹⁵

For women, young people, and minorities the effect of economic polarization during the 1980's was largely negative. The nation as a whole also suffered as unemployable young people drove up the crime rate and expanded the drug trade. Broken families and unwed teenage mothers promised further welfare generations and expense. And none of it augured well for the future skills level and competitiveness of the U.S. work force.

The 1990s have witnessed major improvements in a number of areas known to be related to crime rates (see Table 9). We have already noted the effects of demographics -- namely the aging of the U.S. population. Unemployment rates have declined from 6.2% of the work eligible population to 4.1% in 1999. There are also indications that the number teenage births and public welfare rolls have declined as well. And there are many more indicators of social well being that are also pointed in a positive direction. Much progress has been made in fair lending to minority and economically disadvantaged households. Progress in lending is perhaps best symbolized by enactment of three federal laws: the Fair Housing Act (1968), the Home Mortgage Disclosure Act (1975), and the Community Reinvestment Act (1977). The effect of these laws has been to increase access to credit in under served markets.

As these macro level indicators continue to improve, we can continue to expect further declines or at least stabilization in the crime rates. Or put differently, in order to lower crime rates, these socio-economic indicators must also decline. Ironically, incarceration rates have an inverse relationship to crime rates. In other words, higher incarceration rates are associated with higher crime rates.¹⁶

Table 9
Social Demographic Indicators Related to Crime Rates, 1990-1997

Year	Crime Rate	Median Age	% Of Population 15-24	Unemployment Rate	AFDC Recipients (in 1,000s)	Abortions (in 1,000s)	Teenage Birthrate (per 1,000)
1990	5820	35.2	14.8%	6.2%	12159	1609	83.8
1991	5898	35.3	14.4%	7.0%	13489	1557	83.2
1992	5660	35.4	14.2%	7.4%	14035	1529	80.7
1993	5484	35.6	14.0%	6.6%	14115	1500	80.1
1994	5374	35.7	13.9%	5.6%	14276	1431	78.8
1995	5276	35.8	13.8%	5.4%	13931	1364	77.7
1996	5087	35.9	13.7%	4.8%	12877	1366	70.6
1997	4923	36.1	13.7%	4.6%	11423	NA	NA
% Change	-15%	3%	-7%	-26%	-6%	-15%	-16%

Sources: March 1999, Current Population Survey. Poverty and Health Statistics Branch/HHES Division U.S. Bureau of the Census U.S. Department of Commerce. Population Estimates Program, Population Division, U.S. Census Bureau, Washington, D.C. Internet Release Date: December 23, 1999

Prisoners with Children and Parents

We now draw our attention back to the ramifications of the growing prison population on parents who are imprisoned. As will be alluded to below, these trends are especially troubling for women whose rate of incarceration, while far lower than for males, has been increasing at a higher rate than men.

National Trends

The only national data that exists on this topic is based on a 1997 self-report survey of state and federal inmates conducted by the Bureau of Justice Statistics cite. According to that study there are approximately 1.5 million minor children (under age 18) for whom at least one parent is incarcerated. This number has increased by nearly 500,000 since 1991 and means that approximately two percent (or one out of every 50) of all children have a parent incarcerated. Most (85%) of these children are under age 15 with 23% under age five years. Two percent are less than a year old. Over fifty percent of these children are African American with seven percent of all black children having an incarcerated parent. This rate is nine times higher than the rate for whites (0.8%) and three times higher than for Hispanics (2.6 percent).

If we look at these incarcerated parents by gender, one sees that the vast majority (80 percent) of these children have a father who is incarcerated in a state prison (Table 10) although a higher proportion of the mothers have children (65 percent). The other differences between male and female incarcerated parents can be summarized as follows:

- Fathers were less likely to have been living with their children at the time of arrest;
- Fathers are far more likely to have their children being cared for by the child's mother whereas incarcerated mothers are more likely to have their children cared for by the grandparents;
- Mothers are more likely to maintain some form of visitation;
- Higher proportions of the mothers are first-time offenders (35 percent compared to 22 percent of fathers);
- Incarcerated mothers are more likely to be imprisoned for a non-violent crime (26 versus 45 percent) with the most frequent offense being drugs; and,
- Fathers are likely to be incarcerated for more than seven years as compared to four years for females;

Table 10
State And Federal Prisoners With
Minor Children By Gender, 1997

Attribute	Men	Women
Have Children (under age 18)?	55%	65%
Number of Children		
1	24%	21%
2	16%	19%
3 or more	15%	26%
Total Number of Children	1,209,400	115,500
Lived with Children prior to arrest?	44%	64%
Current Caregiver		
Child's Other Parent	90%	28%
Child's grandparent	13%	53%
Other relative	5%	26%
Foster home.agency	2%	10%
Friends/other	5%	10%
Monthly Contacts With Children	62%	78%
Current Offense		
Violent	45%	26%
Property	21%	28%
Drug	23%	35%
Public-order	10%	10%
No Prior Convictions	22%	35%
Time to Serve on Current Offense	82 months	49 months

U.S. Department of Justice, Bureau of Justice Statistics, *Incarcerated Parents and Their Children*, August 2000.

What Kind of Parents?

Many of the other issues included in the BJS survey raised important questions about the abilities of these parents on their own to provide proper care and supervision to their children both before and after their release. Many of these parents have socioeconomic, medical, and mental health characteristics that paint a picture of glaring economic and psychological need. Some important differences between fathers and mothers were reported:

- 25 percent of the parents met the criteria for alcohol dependence;
- 32 percent of the mothers said they committed their crime to get money for their own drug use as compared to 19 percent of the fathers;
- Nearly 30 percent of the mothers have used intravenous drugs as compared to 19 percent of the males;
- Over one of every five (23%) mothers are mentally ill as compared to 13 percent of the fathers;
- Half of the mothers were unemployed at the time of their arrest (as compared to 27% of fathers) and were earning less than \$600 per month;
- 27 percent of the parents were resorting to illegal sources for income in the month prior to arrest and;
- Nearly ten percent of the fathers were homeless with nearly 20 percent of the mothers so reporting.¹⁷

These figures raise the question as to whether we are looking at a population of individuals, especially women, who lack the basic skills one must have to provide adequate care and supervision for their children and spouses upon release. A troubling ramification of the incarceration of mothers is that extant research has established the relationship between juvenile offending and juvenile parent's imprisonment. A parent's incarceration and separation is likely to perpetuate the cycle of criminal behavior and incarceration in the family.¹⁸

The Florida Study of Prisoner Parents

As suggested above, the literature on female offenders has frequently cited the welfare of their children as one of the most critical and traumatic issues with which the women struggle. Unfortunately, aside from the BJS study reviewed above, there are no state specific studies that might provide much insight to these issues. One exception is a recent study conducted by the Florida Department of Corrections to learn about the children of incarcerated parents and their impact on the prisoners' adjustment to prison. The study consisted of a survey of 750 inmates stratified by gender.¹⁹

The parenting survey data suggest that the female inmates have used a variety of means to provide for the care of their children while they are incarcerated. Most of the children are living with a family member, i.e., the child's father (32.1%), a grandparent (41%) or another relative (16.0%). About a third of the children are supported by their father (35.1%), while 38.6% are supported by a grandparent or relative and 12.5% by welfare/AFDC/SSI. A somewhat surprising number of the women reported that they have lost their parenting rights (31%). Responsibility for most of the children had been transferred to a family member rather than to the state or an adoptive parent. In contrast, the majority of the children of male inmates are living with their mother (85.3%) and supported by their mother (67.3%). Approximately 10 percent (9.7%) of the children of male inmates are supported by welfare/AFDC/SSI. These data suggest that the children of female inmates create greater demands on the families and communities, generating even greater stress on already strained communities.

The average age of the children was 10 years, although nearly 20 percent of the women had pre-school-aged children. On average, the women had 3.2 children under the age of 18 years. Children of the female inmates were less likely to visit their incarcerated parent (58% of the female inmates reported that their children did not visit them in prison while 35% of the male inmates said that their children would not visit them.) The predominant reason why the children of female inmates did not visit was the distance required to travel to the prison (37.2%) or lack of transportation (6.0%). Although the number of cases was small, approximately five percent of the children did not visit because the caretaker refused (3.8%).

Although the data offered few surprises, one of the most troubling findings was that it appeared that children of the female inmates were at greater risk than the children of male inmates. For example, the female inmate's children were more likely to have been placed out of the home by the court, arrested, and/or supported by welfare, foster parents or the juvenile justice system.

Table 11
Florida Department Of Correction 2001 Parenting Survey

Characteristic	Males		Females		Characteristic	Males		Females	
	N=382	%	N=368	%		N=382	%	N=368	%
Current Location of Child					Do You Have Parenting Rights				
Child's Parent	326	85.3	121	32.9	Yes	279	73.0	255	69.3
Grand Parents	30	7.9	151	41.0					
Relatives	11	2.9	62	16.8	Who has Legal Custody of Child				
State Foster Care	1	0.3	13	3.5	Mother has retained custody	82	21.5	255	69.3
DJJ Placement	0	0.0	3	0.8	Child's Father	279	73.0	32	8.7
Adoptive Parents	2	0.5	10	2.7	Grand Parents	11	2.9	49	13.3
Other-Friend	12	3.1	8	2.2	Relatives	2	0.5	15	4.1
					State Placement	1	0.3	4	1.1
Source of Support for Child					Juvenile Justice System	0	0.0	1	0.3
Child's Parent	268	70.2	133	36.1	Adoptive Parents	1	0.3	9	2.4
Grand Parents	34	8.9	99	26.9	Friend	0	0.0	2	0.5
Relatives	11	2.9	43	11.7	Other/Undetermined	6	1.6	1	0.3
Welfare-AFDC-SSI	37	9.7	46	12.5					
Juvenile Justice	0	0.0	4	1.1	Has Child Ever Been				
Adoptive/Foster Parents	4	1.0	17	3.3	Arrested - Yes	6	1.6	30	8.2
Other - Multiple sources	34	8.9	20	5.4	Out of Home Placement	17		64.0	
Unknown	16	4.2	6	1.6					
					Number of Children Under 18				
Will Child Visit You?					1	80	20.9	65	17.7
Yes	250	65.4	155	42.1	2	98	25.7	90	24.5
If not, Why Not Visit?					3	105	27.5	75	20.4
Travel Distance	60	15.7	137	37.2	4	32	8.4	64	17.4
No Transportation	13	3.4	22	6.0	5	40	10.5	40	10.9
Inmate Refuses	9	2.4	16	4.3	6+	27	7.1	34	9.2
Caretaker/Child Refuses	22	5.8	14	3.8	Mean	2.7		3.2	
Undetermined	14	3.7	11	3.0					
Child Confined	0	0.0	2	0.5	Age of Child				
FDOC Restriction	12	3.1	11	3.0	0	2	0.5	3	0.8
NA - Child Visits	250	65.4	155	42.1	1 - 4	92	24.1	54	14.7
					5 - 8	87	22.8	71	19.3
Relationship with Child					9 - 12	44	11.5	124	33.7
Close	260	68.1	249	67.7	13 - 15	59	15.4	79	21.5
Average	73	19.1	81	22.0	16 - 17	46	12.0	37	10.1
Poor	23	6.0	17	4.6	Mean	8.9		9.7	
None	26	6.8	21	5.7					

Obstacles to Family Relations while Incarcerated

“It was easy to forget when you worked at Sing Sing that all the inmates there were, essentially, missing from someplace else. Outside the walls, however, there were still fathers, sons, brothers, and husbands -- mainly of poor people from New York City. In being sent to prison, they had no doubt let people down; some that loved them no longer wanted to see them. But many others missed them, and every day of the week these people found their way to prison via bus, car, train, and taxi. They submitted to long waits in order to spend a short time in Sing’s Visit Room.”²⁰

As Ted Conover’s rich description of prison life from a guard’s perspective suggests, trying to maintain family relationships while incarcerated is a difficult task. While large numbers of imprisoned fathers and mothers receive visits from their children and other family members, it is not clear what proportion of all inmates receive visits while incarcerated. When an inmate arrives to prison, a visitation card must be completed that lists those persons the prisoner desires to receive visits from. Any changes to this list must be formally submitted and approved by the prison administration. The reasons for the lack of contacts are varied but can be summarized as follows.

Administrative Policies

While some state prison systems pay lip service to the importance of family visitation, the reality is that few if any states have formal policies that actively encourage or facilitate family visitation. For example, the Texas Department of Criminal Justice (TDCJ) Offender Rules states that:

“It is the policy of TDCJ to enable and encourage offenders, consistent with security and classification restraints, to have visits with family members and friends.”

However, on the same page, the TDCJ states that

“Offenders are not assigned to units/facilities solely for convenience of visitation privileges.”²¹

There are many ways prison policies serve to discourage visitation. The times set aside for prison visitation are rigidly set to accommodate prison operations and not the schedules of family members. Most prison systems do not allow regular visits during the week but only on the weekends for certain hours. In Texas regular visits are allowed only on Saturday and Sunday from 8:00 am to 5:00 pm. Such visits are limited to two hours with no more than one visit per week and only for inmates in minimum custody. Non-contact visits are those where the prisoner is physically separated from the visitor by glass or some other partition. Contact visits are often limited to inmates in minimum custody but allow the inmates to have physical contact with the family members.

While many states allows non-family members to visit, many including the federal government do not allow such visits.

Location

It goes without saying that the location and citing of most of our major prisons have the unintended consequence of trying to discourage family relations rather than encouraging them. The BJS 1997 survey reported that half of the parents were imprisoned in locations that were 101-500 miles from their last place of residence and another 11 percent were more than 500 miles away.²² Many of America's most infamous and major prisons are located far away from major urban centers (Stateville, Attica, Sing Sing, Angola, Folsom, and Jackson). In other states, clusters of them are located in remote areas that have become prison towns (Huntsville, Texas and Canyon City, Colorado).

During the rapid prison bed expansion that occurred during the past two decades, the historic pattern of citing prisons away from urban areas was further exacerbated. During that time, many prisons were sited in rural areas whose political representatives actively courted state government to site prisons and the accompanying economic and employment growth within their jurisdictions.

Today, the vast majority of inmates in our prison system are from major urban cities, yet the major prisons are located in remote rural areas. For example in Florida, approximately 30 percent of the inmate population are residents in the Miami/Dade County area but only five percent are housed in Dade County. Virtually all of California's thousands of new prison beds have been constructed in remote locations or have been appended to existing remote facilities.

Because most states have only one prison for women, often located in rural areas far from the defendant's home, it is impossible for many children to visit their mothers.²³ A majority of women were held more than 100 miles from their last place of residence²⁴ and they will have difficulty remaining involved in rearing their children because on average, women had an estimated 5 years to serve on their sentences in 1997.

The Prison Visit Experience

By design prisons do not provide for a friendly or inviting environment for family visitation. Family members who make the long and expensive trek to visit an incarcerated family member often endure long waiting periods for a one to two hour visit in a large room that offers little privacy or comfort.

“We (guards) sat behind a wide desk on a raised platform that surveyed the expansive, cafeteria-like space. The back of the room was lined with vending machines, and between those and us were carefully aligned rows of tables and chairs.... To our left was an enclosed

play area for kids... To our right was the door through which visitors entered after presenting I.D., checking their belongings, and passing through a metal detector."²⁵

Because of the long distance that family members must often travel at great expense to families who have great economic needs, it is surprising that inmates receive as many personal visits as they do.

The Plight of Long-Term Offenders with Children

One final group of prisoners, many of whom are parents, are the long-term or lifer population. In 1979, there were an estimated 6,500 inmates over 55 years of age in federal and state penitentiaries. By 2000, this number has risen to approximately 50,000 inmates.²⁶ The Federal Bureau of Prisons has estimated that by the year 2005, the population of its elderly inmates will reach 60,500 inmates. More astounding is that the Census Bureau estimates that prisoners over the age of fifty-five will comprise twenty percent of the total prison population in only ten years and over 30 percent by 2030.²⁷ If true, this would mean that over 400,000 prisoners would be older inmates.

What is not being widely discussed is that many of these lifers are relatively young and are parents whose children face the prospect of never being able to be with their parents for any substantial period of time in a normal family setting. As reported earlier in Table 10, the BJS survey notes that the average sentence for incarcerated fathers is over 12 years with an expected length of stay of seven years. However, over 25 percent of the fathers and 12 percent of the mothers have sentences of 20 years or more.

The widespread adoption of mandatory sentencing laws have resulted in persons, many of them mothers, being sentenced for long prison terms. Here are two examples of many mothers now serving life sentences under Florida's habitual sentencing law.

Toni is a 35-year-old African American serving her third and last time in prison. Under her sentence she must die behind bars. She was caught selling rock cocaine to an undercover police officer in Broward County. There was no violence or injury associated with the crime. Toni has been arrested 10 times as an adult, with 7 prior jail sentences. She also has a prior commitment to the juvenile system for being truant. She has no violence in her record. She has four children (ages 16, 13, 12, and 2) who now live with her mother.

Elaine is a 32-year-old African American serving her second prison term. She has 13 prior arrests for drug and property crimes and has been sentenced to jail six times in addition to her two prison terms. There has been no violence in her crimes. She was caught trying to break into an apartment but was apprehended by police after a neighbor called. No property loss or damage resulted. She was high on heroin at the time of the crime. Elaine has been using heroin for many years. She is married to a dope fiend. They have one child-an 8-year-old boy who lives with Tom's sister.²⁸

Some states are recognizing that they have gone too far in imposing such long sentences. Earlier this year, Louisiana revised its sentencing laws in two important ways. First, it repealed some of its truth in sentencing laws for non-violent crimes and made the law retroactive. Second, it created a risk assessment review board within the Department of Corrections to make recommendations to the parole board for release. Both of these legislative reforms are designed to increase the rate of release for long-term prisoners.

Alabama introduced and enacted a law that requires the Department of Corrections to evaluate all prisoners sentenced to life or life without the possibility of parole for a non-violent crime. Upon completion of this review, the case is to be presented to the sentencing court to possibly reduce the original sentence. This new law is to be applied retroactively to all such cases. Here again, the intent is to reduce or minimize the impact of lengthy sentences. However, there are other states that seem headed in the opposite direction.

One such state is California where there are more than 24,000 lifers, which represents 15 percent of the state's prison population. Many of these "lifers" have a sentence of 15 years to life, 25 years or life or life with the possibility of parole. Under California law, these prisoners are serving indeterminate sentences where the California Board of Prison Terms (BPT) has the authority to grant release. But for several years, Governor Gray Davis and the California Board of Prison Terms have implemented a no-parole policy for virtually all lifers eligible for parole. The Governor ran on a campaign that promised that "no murder offenders will be released on his watch." By murder offenders he meant all persons convicted of first or second-degree murder, most of who are eligible for parole after serving minimum sentences of 15 years or more. However, the no parole policy of the BPT and the Governor apparently extends beyond murder to all "lifers." This includes persons convicted of lesser crimes, such as kidnapping, who have received an indeterminate sentence of 15 years to life, and are, therefore considered lifers.

It also includes the over 5,000 persons in prison sentenced to 25 years to life under the three strikes law, though none of these persons have become eligible for parole since the law was passed in 1994 and none has approach their minimum parole date of 25 years. It is noteworthy that the majority (over 60 percent) of these lifers have been sentenced to life for a non-violent crime.²⁹

Albert Liddy, a former Commissioner and Chairman of the Board of Prison Terms, stated in a "Declaration:"

After Governor Wilson's election in 1990, he substantially intervened to reduce parole grants; in actual effect his policy practically eliminated paroles. He accomplished this, first, by appointing and re-appointing BPT (Board of Prison Terms) Commissioners known to disfavor parole or to favor a "no-parole" policy. These appointees were all crime victims, former law

enforcement personnel or Republican legislators who had been defeated in elections and needed a job.

The no parole policy has persisted even though it is being challenged in the courts as being *illegal*. The law in California not only spells out the steps through which in a non-arbitrary procedure paroles for lifers eligible for parole are to be granted, it prescribes a structure of the paroling authority that will reach these parole decisions. The recent policies of the BPT and the Governor in overturning the decisions of the BPT are in violation of these laws as is the structure of the BPT.

This shift in more conservative parole policies is having a dramatic impact on the costs and operation of prisons. It is largely driven by the general punitive mood that swept through the United States in the last two decades. Politicians, who responded to the public sentiment by adopting more punitive laws and practices, are now trapped by them as their prison budgets swell. They are fearful that if a single paroled lifer commits a major crime and receives extensive media attention, the blame will come back upon them. Thus, driven by their future political ambitions, they are taking the safe route and denying parole to virtually all lifers.

The net result of such a policy can be *excessive* punishment—sentences in excess of 20 and 30 years— i.e., life sentences have been imposed on persons who, before the 1980's, would have served 7 to 15 years. Moreover, many of these lifers are serving sentences for crimes other than murder or are murders that do not generate the public fear of crime and its demand for punishment. Many of these crimes include kidnapping or robbery in which there was no physical harm to the victims, second degree murders in which there were extenuating circumstances such as long violent disputes between friends, family members or acquaintances; or even petty crimes preceded by two former “strikes” which themselves have not been serious felonies are being treated the same way as persons who committed the most serious premeditated murders which include “aggravating circumstances,” such as torture of the victims.

Ironically, lifers are a stabilizing influence in the prison social world. In general, they are less likely to engage in disruptive behavior and, after they have served several years, they become influential members of prisoner social groups and stabilize other prisoners. However, as they age they incur the general health problems of aging and increasingly require expensive medical services. If the present “no parole policy” continues, the state prison system will end up housing thousands and thousands of geriatric inmates at great expense.

Such a policy does little except to satisfy a perceived need for vengeance. From a risk to public safety perspective, older offenders who have committed homicides are the least likely of all offenders to recidivate and highly unlikely to repeat their violent crimes. Lifers, after serving a few years, tend to mature out of crime, change their values and attitudes, and make great efforts to better themselves, as well as make amends for their crimes. Consequently, after having

served many years in prison, most are good risks for crime free, productive lives after release. However, when they serve excessive long sentences, the deterioration and “prisonization” that inevitably accompanies long imprisonment, out weighs these benefits and their chances of establishing themselves in a viable, conventional, relatively productive and satisfying life after prison are greatly reduced.

Conclusions and Policy Implications

Today’s prison system is designed to discourage rather encourage parent/child relationships. Because of the prison’s location, restrictions on who can visit, and the costs (both financial and psychological), most prisoners receive any visits while incarcerated. It is not surprising then that for many prisoners, family relations are either non-existent or largely dysfunctional by the time of release.

Moreover, many of the incarcerated parents are not well-suited nor equipped to raise and care for their children. This is not to say that their children should be removed from their care but rather that any re-entry program will need to provide a wide array of social, medical, mental health, residential and employment related services. But today’s prison system pays little if any attention to these obvious deficits in parenting skills.

The past two decades of sentencing reform and more conservative parole policies had served to intensify the debilitating effects of imprisonment and family separation by extending the length of imprisonment. Penal policies have traditionally reserved the most harsh penalties for the most serious offenses and took into account the offender’s family situation and parental responsibilities. However, more restrictive and mandatory sentencing laws and parole policies have broadened the scope of types of offenders who are subject to incarceration. A significant number of incarcerated parents have no or only one prior conviction, are parents of minor children, have been convicted of property and drug offenses, and are unlikely to recidivate. Extending the period of incarceration to unreasonable levels only serves to aggravate their fragile family relations.

What follows are some policy options (both legislative and programmatic) that state and federal officials should consider:

Legislative Reforms

1. Repeal federal and state legislation that has resulted in felons receiving mandatory and lengthy prison terms. Such laws are further damaging what are already extremely fragile families and communities with little if any impact on public safety.

2. Legislatively, sharply reduce the amount of time prisoners must serve on parole supervision. Most prisoners should be discharged from supervision after having successfully completed a short parole period (six months).
3. Require parole boards to adopt objective guidelines that are linked to the risk and needs of the inmate and his or her family. Implementation of such guidelines will result in reducing prison populations without jeopardizing public safety.
4. Restrict the ability for parole boards to return a parolee to prison for misdemeanor crimes or for non-criminal behavior.
5. Create new and innovative community re-investment initiatives that would serve to reverse socio-economic risk factors known to be related to crime, violence, mental health and medical disorders in a small but highly visible number of urban communities.

Programmatic Initiatives

6. Modify traditional visitation policies to allow for evenings and weekend visits, longer visitation periods for families especially those with young children, visitation for inmates at all custody levels, contact visits, conjugal family visits, family centered-events at the facilities for holidays and special events.
7. Develop pre-natal and nursery programs for pregnant prisoners that allow imprisoned mothers to bond with her baby with her for a year to 18 months.
8. Identify imprisoned fathers and mothers with young children who are nearing release and offer to them the opportunity to participate in parenting programs, which will continue after release through private volunteer organizations.
9. Develop family-oriented treatment programs that allow the offender and the family to rebuild supportive relationships.
10. Develop community-based support systems for the offender and his/her family that address the community as well as individual risk factors. In particular, mentoring programs that offer longer termers individualized and direct assistance in making the difficult transition from prison to the outside society.

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1. Although we have included substance abuse in this list of prisoner “deficits”, we also believe that illegal drug use has been incorrectly viewed as a primary “cause” of criminal behavior. This argument has too often confused the difference between association and causation. While it is true that a high proportion of prisoners have histories of either drug/alcohol use or, to a lesser degree, abuse, it is not clear that the onset of drug use predated other determinates of criminal behavior. Moreover, there are a far larger number of persons who regularly use drugs (both legal and illegal) who do not engage in criminal acts.
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