

ABSTRACT

Corrupt Corrections: Mass Incarceration and the Systematic Reproduction of
Disadvantage Among Families

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My research is concerned with the effects of mass incarceration on American families, particularly on families of color who live in impoverished neighborhoods. Incarceration in the United States is concentrated among low-income uneducated young Black men who live in urban areas. These trends are the result of institutional racism that has become deeply enmeshed in American culture in order to exercise control over Black bodies since the post-Civil War era. I examine the specific social effects families experience when fathers are incarcerated, when mothers are incarcerated, and when children are incarcerated. I also explore the gendered nature of these effects between parents and their children. I found that families suffer primarily economically when a father goes to prison, relationally when a mother goes to prison, and in both of these regards when a child goes to prison. Each scenario damages mental health, increases behavioral issues among children, and launches inmates and their children into a cycle of incarceration and recidivism that is all but impossible to exit.

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CORRUPT CORRECTIONS: MASS INCARCERATION AND THE SYSTEMATIC
REPRODUCTION OF DISADVANTAGE AMONG FAMILIES

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CHAPTER ONE

Introduction

Although the United States does not explicitly endorse racism, racist policies, attitudes, and institutions persist in this country. Racism is “a ‘system of advantage based on race’” that provides the dominant racial group with “access to better schools, housing, and jobs.”¹ Many citizens of the US argue that racism is a thing of the past because they define racism as segregated water fountains or plantation slavery; however, racism still exists not only as personal prejudice, but as “a *system* involving cultural messages and institutional policies and practices as well as the beliefs and actions of individuals.”² The combination of personal prejudice and social power “leads to the institutionalization of racist policies and practices.”³ One such racist institution is the United States’ carceral system. Prisons have become the United States’ “vast experiment to disappear the major social problems of our time,”⁴ such as homelessness, unemployment, drug addiction, mental illness, and illiteracy, and “colored bodies constitute the main human raw material”⁵ in America’s laboratory.

Mass incarceration is a movement in the United States marked by extremely high rates of imprisonment disproportionately concentrated among African American men.

According to Michelle Alexander’s *The New Jim Crow*, this movement as we know it

¹Rothenberg, Paula S., and Soniya Munshi, eds. *Race, Class, and Gender in the United States: An Integrated Study*. Tenth edition. New York: Worth Publishers/Macmillan Learning, 2016. 107.

²Ibid., 108.

³Ibid., 108.

⁴Ibid., 585.

⁵Ibid., 585.

today can be broken down into three waves and can be traced back to slavery in the United States. The first wave began in the 1970s. At this time, the ideology motivating the carceral system was that people would be less likely to commit crimes if they knew they could not get away with them and that they would be facing harsh punishments when caught. This increased the prison population simply because people were more likely to be arrested for minor offenses that would have merely warranted a warning or a ticket in previous years. The second wave came with the 1980s and Reagan's War on Drugs. Because of the heightened hysteria surrounding casual drug use, much of the increase in incarceration during this time was due to drug offenses. Drug offenders were arrested more often and given longer sentences. The third and current wave of mass incarceration began in the 1990s. This wave emphasizes longer sentences for offenders rather than more arrests.⁶

These trends demonstrate that most of the increase in incarceration is not due to an increase in crime; in fact, "eighty-eight percent of the growth in prison populations between 1980 and 1996 has been attributed to increasing commitments to prison and increasing lengths of stay" while "only one-half of 1 percent of the growth over that period could be explained by drug offenses."⁷ Mass incarceration is generally portrayed as "a temporary aberration in an otherwise rational criminal justice system, the unintended consequence of past wars on crime and drugs whose legitimacy is left largely unquestioned," though many scholars argue that it is actually a "political strategy to restructure racial and class domination" that changed so radically during the Civil Rights

⁶Michelle Alexander. *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. The New Press, 2012. 49-58.

⁷Clear, Todd R., and Natasha A. Frost. 2013. *The Punishment Imperative : The Rise and Failure of Mass Incarceration in America*. New York, US: NYU Press.

Movement of the 1950s and 1960s.⁸ Mass incarceration demonstrates “the power of the carceral state to artificially distort the official image (and public perception) of racial and class inequalities in the United States by rendering invisible a large fraction of the racialized poor;” incarcerated populations are generally not counted in social research surveys, effectively distorting official statistics on indicators of social inequality.⁹ The US prison population has increased by over 373% since 1980, the US has the world’s highest incarceration rate, more than one-fifth of the total incarcerated population of the world resides in American prisons, and one American adult out of every thirty is incarcerated or on probation or parole – America has earned its reputation as “the most punitive nation in the world.”¹⁰ Over 7 million US citizens – roughly 3% of the entire US population – are currently under penal control (prison, jail, parole, or probation).¹¹ According to a 2016 estimate based on the most recent census, the US population is 76.9% White, 17.8% Hispanic or Latino, 13.3% Black or African American, 5.7% Asian, 2.6% two or more races, 1.3% American Indian/Alaska native, and 0.2% Native Hawaiian/Pacific Islander.¹² According to data collected from state departments of corrections, among males the prison population is 39% White, 41.3% Black, 16.6% Hispanic, 1.4% American Indian/Alaska Native, 0.6% Asian, and 0.2% Native Hawaiian/Pacific Islander, and among females it is 61% White, 23.9% Black, 23.9% Hispanic, 2.6% American Indian/Alaska Native, 0.6% Asian, and 0.4% Native

⁸De Giorgi, Alessandro. 2016. “Five Theses on Mass Incarceration.” *Social Justice; San Francisco* 42 (2): 5–30.

⁹De Giorgi, “Five Theses,” 8.

¹⁰Clear, *The Punishment Imperative*, 18.

¹¹De Giorgi, “Five Theses ,” 5.

¹²“U.S. Census Bureau QuickFacts Selected: UNITED STATES.” Accessed October 5, 2017. <https://www.census.gov/quickfacts/fact/table/US/PST045216>.

Hawaiian/Pacific Islander.¹³ In a nation with racial equality, we would expect to see incarceration rates that are proportional to the whole population by race. Clearly racism is present here because the statistics for prison inmates are drastically different from the whole population, especially among Black males.

Indeed, Black men are 10 times more likely to go to prison than Whites.¹⁴ Since “Black men have a 32% chance of going to prison at some time in their lives,”¹⁵ a rate which increases to 68% if they do not have a high school diploma,¹⁶ many poor young Black men actually expect that prison will be a part of their lives at some point “and their communities have become characterized by broken families, increasing poverty, economic blight, eroded civil liberties, and hopelessness.”¹⁷ The rest of this research will largely focus on the social effects of mass incarceration as they relate to broken family structures and the consequences families face when fathers are incarcerated, when mothers are incarcerated, and when juveniles are incarcerated.

The vast majority of prisoners are unemployed or underemployed, have low levels of education, and are members of minority racial groups.¹⁸ Even though over 70% of the incarcerated population is comprised of people of color, “it is rarely acknowledged that the fastest growing group of prisoners are Black women and that Native American prisoners are the largest group per capita.”¹⁹ Prison populations are generally not counted

¹³E. Ann Carson. “Prisoners in 2016.” Bureau of Justice Statistics. Office of Justice Programs: U.S. Department of Justice, January 2018. 7.

¹⁴De Giorgi, “Five Theses,” 5.

¹⁵Novek, E. (2014). The Color of Hell: Reframing Race and Justice in the Age of Mass Incarceration. *Atlantic Journal of Communication*, 22(1), 1–4. <https://doi.org/10.1080/15456870.2014.860147>

¹⁶Ibid., 2.

¹⁷Ibid., 2.

¹⁸De Giorgi, “Five Theses,” 10-11.

¹⁹Rothenberg, *Race, Class, and Gender*, 585.

in official statistics and not included in social surveys.²⁰ This “state-sanctioned invisibility” distorts indicators of social inequality and is only the most recent event in the “historical continuum of institutional neglect dating back to slavery and the ‘three-fifths’ rule in the US constitution.”²¹ By discounting the disenfranchised, statisticians are able to manipulate numbers to falsely inflate indicators of equality and progress across fields such as “educational attainments, employment levels, wage differentials, and even voter participation.”²² Narratives of racial progress in the United States are allowed to flourish and become dominant when we make racialized poverty invisible to the public and shine a spotlight on individuals of color who have high levels of success, such as when Obama became President.²³ These individual success stories are given so much attention and celebration that it becomes easy for those in power to point to Oprah and the Obamas as a way to shut down arguments demanding social, political, and economic equality for Black people.

When people are released from prison, they often do not have the tools to be productive members of society – if they did not have them at the time of their arrest, they certainly do not gain them from a term in prison. Prison as an institution reproduces existing societal inequalities. Since many inmates come from the same neighborhoods, those neighborhoods experience not only high arrest rates, but also high numbers of returning prisoners, which further “projects the crippling shadow of the penal state onto the larger inner-city neighborhoods from which most of the population is taken.”²⁴ Many

²⁰De Giorgi, “Five Theses,” 10-11.

²¹Ibid., 10-11.

²²Ibid., 10-11.

²³Ibid., 10-11.

²⁴Ibid., 11.

ex-convicts have few marketable skills, if any at all, and they generally do not have high levels of education. These factors combined with a criminal record and racist hiring practices disqualify many ex-inmates from middle- or upper-class jobs, which means that “hyper-criminalized residents of the inner city find themselves confined into the most precarious sectors of the secondary labor market...one paycheck away from homelessness, abject poverty, and starvation,”²⁵ and at the mercy of employers who are very aware of all of these factors.

Most people leave prison with huge amounts of debt and fewer resources to pay them off than at the time of their arrest. Few prisoners are allowed to work for pay while in prison, and those who do generally receive “symbolic wages such as \$1 per day of work in Massachusetts, or \$0.50 per hour in California,”²⁶ which will never be even close to the fees and fines prisoners are expected to pay in many states for public defenders and room and board while incarcerated.²⁷ In total, it is estimated that prisoners in the US owe debts totaling \$50 billion, which is “equal to 62.5 percent of the total yearly correctional expenses of the United States.”²⁸

As sentences grow longer and total incarceration rates increase, prisons increasingly have to deal with higher costs of operation and the higher costs of imprisoning the elderly. In 1980, the US spent \$17 billion on corrections and the average citizen paid \$77; by 2010, the national rate increased by more than 400%, rising to \$80 billion, and individual citizens’ fees grew by 250%, costing \$260.²⁹ The average cost of

²⁵Ibid., 11.

²⁶Ibid., 15.

²⁷Ibid., 15.

²⁸Ibid., 15.

²⁹Ibid., 12-13.

incarcerating one person for one year is about \$31,200, which is “more than three times the average annual tuition at a four-year public university.”³⁰ In order to combat these high costs, many prisons have become privatized. The number of federal prisoners detained in private correctional facilities increased by 165% from 2000 to 2013, “with the share of federal prisoners privately detained rising from 10% to 19%.”³¹ To put these numbers in perspective, “the number of private prison beds in the United States is higher than the prison populations of Germany and France combined.”³² Mass incarceration and the prison-industrial complex are growing each year, and as a result the social and economic burdens they place on the United States are only going to get worse. With such high rates of increase in number of inmates and expense, taxes will continue to rise, the private sector will gain increased control over prisons and inmates, and most importantly, more and more Americans will be removed from their families.

Mass incarceration is one of the most intersectional and complicated social issues in the United States today. When I chose to write about this topic, I was instantly overwhelmed by how multifaceted incarceration is, even with my specific interest in strictly writing about the social aspects as they pertain to families. One of the overwhelming themes I discovered is that incarcerated people are voiceless in the public arena, and that the first step toward addressing the damages created by the prison system is “acknowledging the humanity of those caught up in it and understanding the suffering they experience.”³³ I chose to humanize incarcerated and formerly incarcerated people by researching their families.

³⁰Ibid., 12-13.

³¹Ibid., 13.

³²Ibid., 13.

³³Novek, “The Color of Hell,” 1.

When a person goes to prison, his or her family faces enormous challenges, and these challenges vary depending on the role the incarcerated person served in the family (father, mother, or child). The effects of incarceration extend beyond an individual's family because "the psychological and social stigma associated with having a family member in prison or jail contributes to family complexity and undermines the social fabric of urban communities."³⁴ Over half of all prisoners are parents of minor children, and about 45% of parents lived with their children prior to being sent to prison.³⁵ Incarceration has a major effect on "marital instability, single parenthood, residential instability, noncustodial parenthood, and multiple-partner fertility."³⁶ When this happens on the large scale of mass incarceration, social inequality is reproduced across generations.³⁷

In the first chapter, I discuss what happens to families when a father is incarcerated. Incarcerated fathers' relationships with their children are often complicated due to poor relationships with the children's mother(s), not living with their children prior to their arrest, or abusive behaviors, along with countless hardships that make visitation difficult or impossible. Children whose fathers are incarcerated are more likely to display aggression and behavioral and attention problems as well as experience material hardship, housing instability, food insecurity, and homelessness.³⁸ Father absence due to incarceration is "very different and more pronounced than other forms of father

³⁴Sykes, Bryan L., and Becky Pettit. "Mass Incarceration, Family Complexity, and the Reproduction of Childhood Disadvantage." *The ANNALS of the American Academy of Political and Social Science* 654, no. 1 (July 1, 2014): 127–49. <https://doi.org/10.1177/0002716214526345>. 127-128

³⁵*Ibid.*, 128.

³⁶*Ibid.*, 129.

³⁷*Ibid.*, 129.

³⁸*Ibid.*, 144.

absence.”³⁹ I also talk about relational issues that develop between incarcerated fathers and the mothers of their children.

In my second chapter, I examine the effects on a family when a mother is incarcerated. Though there are far fewer women incarcerated than men, women have constituted the fastest-growing portion of the prison population since 2010 with a 3.4% rate of increase each year.⁴⁰ Women are largely on the rise in local jails, which saw a total population increase of 1.8% from 2013 to 2014, and “the female jail population [increased] by a notable 18% between 2000 and 2014.”⁴¹ Mothers typically live with their children at the time of their arrest. When a father is incarcerated, his children’s mother is supposed to take care of them; however, when a mother is incarcerated, her parents, sisters, or friends take her children, and if they are not available the children become wards of the state and go into foster care. I discuss the costs and benefits of prison nursery programs, the effects children experience when their mothers are incarcerated, and the social construction of women’s identities in relation to children and fathers’ identities in relation to economic provision.

Chapter three is about the incarceration of juveniles. Incarceration as a minor or as an adult is one of the effects of parental incarceration. Just under 50% of youth who are involved with the Criminal Justice System (CJS) have a criminally involved parent, “and the likelihood of incarceration is five to six times greater among children with a parent in prison than children of never-incarcerated parents.”⁴² While incarcerated, these youth do not receive adequate physical or mental healthcare, and they gain a criminal

³⁹Ibid., 144.

⁴⁰De Giorgi, “Five Theses,” 6.

⁴¹Ibid., 6.

⁴²Sykes and Pettit, “Mass Incarceration,” 144.

record that will remain attached to them for the rest of their lives. I spend time in this chapter discussing the school-to-prison pipeline and how the intention to increase school safety actually perpetuates racialized incarceration and stigmatization.

In the conclusion, I discuss steps toward addressing the problems brought about by mass incarceration. In order to bring the structural roots of mass incarceration and the “devastating consequences for the human dignity of the populations most affected by it”⁴³ into the public eye, those in power who have contributed to the construction of the carceral state must first acknowledge the need for change. This change could consist of “truth and reconciliation commissions”⁴⁴ that we see in post-civil war or post-apartheid situations and of reparations. These reparations would not necessarily be individual payments, but rather “massive public investments and social programs.”⁴⁵ On a familial level, there is evidence that extracurricular arts programs “produce large, positive effects that countervail the adverse impacts of parental incarceration on childhood behavior, academic engagement, and educational outcomes of children.”⁴⁶ There are other programs that teach parents techniques to use with their children to help them socialize effectively and that teach children how to control their aggression in order to help them avoid delinquency.⁴⁷

⁴³De Giorgi, “Five Theses,” 9.

⁴⁴Ibid., 9.

⁴⁵Ibid., 9.

⁴⁶Sykes and Pettit, “Mass Incarceration,” 145.

⁴⁷Ibid., 145.

CHAPTER TWO

Incarceration of Fathers

The majority of the American prison population consists of young racial and ethnic minorities “with low levels of education, cognitive ability, and impulse control and unstable work histories that often precede their incarceration.”¹ Many of these people are also parents, and “approximately 90% of incarcerated parents are fathers.”² When these fathers are removed from their homes, their families suffer. Fathers’ income often makes up the majority of the household income, and so their absence creates financial strain for their families. Additionally, the fathers themselves and their families face harsh social stigmas based on the financial hardships they encounter. Incarcerated fathers have difficulty finding housing and employment upon release; these obstacles in addition to child support complications exacerbate financial strain and increase relational strain between fathers and the mothers of their children. Many incarcerated men have engaged in multiple-partner fertility, which further complicates finances and relationships. These men also tend to display high rates of substance abuse and mental health issues, both of which have “the potential to destabilize family relationships.”³

When financial strain leads to relational strain, mothers and children suffer. Mothers have to take on the responsibilities of a single parent, with the added duty of deciding if and when their children will make the trip to the prison to see their fathers.

¹Geller, Amanda. “Paternal Incarceration and Father-Child Contact in Fragile Families.” *Journal of Marriage and Family*; *Minneapolis* 75, no. 5 (October 2013): 1290.

²Ibid., 1288.

³Ibid., 1290.

Maternal stress leads to behavioral problems in children, and children's poor behavior increases maternal stress, thereby creating a vicious cycle within the family. Children also face socioemotional consequences and stress from paternal absence due to incarceration. These children tend to develop emotional issues and to experience social isolation based on the stigma of having an incarcerated father.

Although children are often kept from seeing and forming relationships with their incarcerated fathers for their own safety and protection, these practices have negative effects on children, too. When children cannot form a strong parent-child bond, they often either internalize guilt, anger, and anxiety about their fathers' incarceration or externalize their feelings through aggressive behavior.⁴ These children display poorer academic performance than their peers and are more likely to engage in substance abuse.⁵ They are also more likely to become socially deviant, engaging in delinquent or criminal behaviors, and to become incarcerated themselves as juveniles or adults. Children's responses to parental incarceration vary based on the sex of the child and the sex of the parent; when a father is incarcerated, his sons display stronger and more externalized aggressive responses than daughters.⁶ Incarceration is concentrated disproportionately

⁴Wilbur, M. B., Marani, J. E., Appugliese, D., Woods, R., Siegel, J. A., Cabral, H. J., & Frank, D. A. (2007). Socioemotional Effects of Fathers' Incarceration on Low-Income, Urban, School-Aged Children. *Pediatrics*, *120*(3), e678–e685. <https://doi.org/10.1542/peds.2006-2166>

⁵Swisher, R. R., & Roettger, M. E. (2012). Father's Incarceration and Youth Delinquency and Depression: Examining Differences by Race and Ethnicity. *Journal of Research on Adolescence*, *22*(4), 597–603. <https://doi.org/10.1111/j.1532-7795.2012.00810.x>

⁶Burgess-Proctor, A., Huebner, B. M., & Durso, J. M. (2016). Comparing the Effects of Maternal and Paternal Incarceration on Adult Daughters' and Sons' Criminal Justice System Involvement: A Gendered Pathways Analysis. *Criminal Justice and Behavior*, *43*(8), 1034–1055. <https://doi.org/10.1177/0093854816643122>

among racial minorities, particularly African Americans, and so family trends related to incarceration are more common among African American communities.⁷

When a father becomes incarcerated, financial strain is one of the main issues his family will have to face. Many men identify as the financial provider for their families, so when they cannot fill this social role they experience distress. This distress continues even after their release from prison “due to the severely limited opportunities for those who have acquired a criminal record,”⁸ such as difficulty securing housing and finding jobs. Lack of post-incarceration opportunities can lead to recidivism. Men want, and are often expected, to fill the social role as provider. Fathers who have been incarcerated, however, work fewer hours each week, fewer weeks each year, earn “28% less [money] annually than fathers who [have] never [been] incarcerated,”⁹ and as a result are 1.5 times more likely than their never-incarcerated counterparts to seek illegitimate underground employment that results in “off-the-books earnings.”¹⁰ If they are caught participating in illegal activities, these fathers with criminal records will be sent back to prison, and the cycle will continue and financial conditions will worsen for their families.

In addition to familial financial strain, these fathers also face social ridicule because they “fail to provide a ‘respectable’ middle-class lifestyle”¹¹ for their families upon release. A common marker of this failure is the inability to pay for child support.

⁷Roettger, M. E., & Swisher, R. R. (2011). Associations of Fathers’ History of Incarceration with Sons’ Delinquency and Arrest Among Black, White, and Hispanic Males in the United States. *Criminology*, 49(4), 1109–1147. <https://doi.org/10.1111/j.1745-9125.2011.00253.x>

⁸Perry, Armon R., and Mikia Bright. “African American Fathers and Incarceration: Paternal Involvement and Child Outcomes.” *Social Work in Public Health* 27, no. 1–2 (January 6, 2012): 190. Accessed October 15, 2017, doi: 10.1080/19371918.2011.629856.

⁹Lewis, Charles E., Jr. “Incarceration and Unwed Fathers in Fragile Families - Opposing Viewpoints in Context.” Accessed April 24, 2017.

¹⁰Ibid.

¹¹Geller, Amanda, Carey E. Cooper, Irwin Garfinkel, Ofira Schwartz-Soicher, and Ronald B. Mincy. “Beyond Absenteeism: Father Incarceration and Child Development.” *Demography* 49, no. 1 (February 1, 2012): 51. Accessed October 15, 2017, Doi: 10.1007/s13524-011-0081-9.

Consequences for fathers' failure to pay child support are twofold: the first consequence falls on the children for whom the fathers are responsible because fathers who cannot fill the "provider" role "play less active roles in their [children's] lives."¹² These children suffer without the love and emotional bonding that should be a part of the father-child relationship, and their relationships with their mothers often suffer too, as their mothers must face the challenges of single parenthood. The second consequence is more complicated. Many men accrue "unmanageable arrears"¹³ from unpaid child support while incarcerated, but because "pay for work done in prison is meager, and returning offenders are often unable to find work or are relegated to low-paying jobs or the informal economy,"¹⁴ these fathers often cannot pay off their debts. Additionally, in many states child support cannot be modified or suspended for incarcerated parents, "and federal law prohibits child support arrearages from being forgiven in most cases."¹⁵ Failure to pay child support is viewed as a parole violation and can result in reimprisonment. These penalties perpetuate the cycle of financial strain and ultimately harm the children they were intended to protect through the child support system.

Even if the payments can be deferred until after the father's release, the consequences of the lack of employment opportunities combined with the added burden of child support payments are detrimental to the father-child relationship. As debt accrues, fathers become less involved with their children and more likely to take part in illegal work, and therefore are more likely to return to prison. For these reasons,

¹²Ibid., 196.

¹³Geller, "Paternal Incarceration and Father-Child Contact in Fragile Families," 1290.

¹⁴Geller et al, "Beyond Absenteeism," 51.

¹⁵Swisher, Raymond R., and Maureen R. Waller. "Confining Fatherhood: Incarceration and Paternal Involvement Among Nonresident White, African American, and Latino Fathers." *Journal of Family Issues* 29, no. 8 (August 1, 2008): 1070. Accessed October 15, 2017, doi: 10.1177/0192513X08316273.

incarceration has a heavy influence on unmarried parents' decisions about whether to create formal or informal child support agreements. Because of the difficulty of keeping up with payments while in prison and because of all of the federal guidelines surrounding child support, "fathers who have been incarcerated may have greater incentive to evade the formal child support system and to prefer informal support agreements."¹⁶ While this scenario may be slightly more manageable from a financial standpoint for fathers, it is often worse for the children's mothers, who generally have custody of the children, because these payments are frequently irregular or do not come at all.

In addition to financial strain, fathers' incarceration creates emotional strain in their relationships with their children's mothers. Some fathers engage in multiple-partner fertility, which means that they have children with more than one woman. This further complicates child support payments and increases strain on the father because he becomes responsible for multiple children and has to work out payments with more than one woman. The more strain the father takes on, the more strained each of his individual relationships with his children and their mothers will become. Emotional strain between parents often leads to behavioral problems among children. Mothers' level of parenting stress, mothers' report of feeling stress in the last two weeks, and fathers' marital status in relation to the mother are significant predictors of children's behavior problems, with mothers' stress levels being the strongest predictor.¹⁷

Many mothers do not allow their children to visit or contact their incarcerated fathers because "travel to prisons can be logistically difficult and emotionally stressful."¹⁸

¹⁶Ibid., 1070.

¹⁷Perry, "African American Fathers and Incarceration," 194-5.

¹⁸Geller, "Paternal Incarceration and Father-Child Contact," 1290.

Prisons are often located in remote areas outside of town, and mothers have to take time off of work to escort their children to see their fathers, with whom the mothers often have complicated relationships and emotional ties. Children, especially if they are very young, can find trekking out to a prison to see their fathers to be an emotionally overwhelming and confusing ordeal. Beyond the logistical and emotional burden of prison visits, sometimes mothers may limit their children's interaction with their fathers because they are trying to create a more stable life at home by finding new romantic partners whom they want to take on the paternal role for their children. In addition to introducing a new father figure into children's lives, mothers limit contact between their children and the children's incarcerated fathers for safety purposes, particularly when their fathers have "a history of domestic violence or child abuse and neglect."¹⁹ Protecting children in this way can drive an emotional wedge between mothers and their children who do not understand why they are not allowed to go see their fathers.

These issues are further complicated when the fathers are released, especially among low-income communities. "Poor women weigh heavily the respectability of prospective husbands, and perceive that formerly incarcerated men may threaten family reputation [and] put mothers' and children's safety at risk,"²⁰ increasing the rates of divorce, separation, and strain among previously incarcerated men and their partners in these communities. People with a criminal record face huge challenges in finding work and housing upon release from prison which can lead couples to separate and can compromise marriages, thereby creating further instability for children.²¹

¹⁹Perry, "African American Fathers and Incarceration," 197.

²⁰Geller et al, "Beyond Absenteeism," 51.

²¹Geller, "Paternal Incarceration," 1290.

Children of incarcerated fathers tend to develop significant emotional and social issues that follow them into adulthood, often resulting in the children becoming incarcerated themselves as adults. Parental incarceration carries a certain social stigma that “may discourage youth from being involved in school and other community activities.”²² The harmful stigma these youth experience is uniquely traumatic because it “does not occur in parental absence due to divorce, abandonment, or death,”²³ and diminishes the chances of a close parent-child relationship forming. The resulting social isolation leads to further behavioral issues from children; when children are not socially integrated into their schools and communities, they are more likely to engage in deviant, and sometimes criminal, behavior.

Children, especially boys, whose fathers have been incarcerated display behavioral problems that are significantly worse than those of their counterparts whose fathers have never been incarcerated. These children “are at risk for many of the negative outcomes associated with living away from their fathers such as poverty, low educational attainment, and juvenile delinquency,”²⁴ and are often forbidden by their caretakers to talk about their fathers’ imprisonment or how they feel about it, resulting in emotional burdens as well. Paternal incarceration is a “strong risk factor (and possible cause) for a range of adverse outcomes for children, including antisocial behavior, offending, mental

²²Roettger, Michael E., and Raymond R. Swisher. “Associations of Fathers’ History of Incarceration with Sons’ Delinquency and Arrest Among Black, White, and Hispanic Males in the United States.” *Criminology* 49, no. 4 (November 2011): 1114. Accessed October 15, 2017, doi: 10.1111/j.1745-9125.2011.00253.x.

²³Burgess-Proctor, Amanda, Beth M. Huebner, and Joseph M. Durso. “Comparing the Effects of Maternal and Paternal Incarceration on Adult Daughters’ and Sons’ Criminal Justice System Involvement: A Gendered Pathways Analysis.” *Criminal Justice and Behavior* 43, no. 8 (August 1, 2016): 1038. Accessed October 15, 2017, Doi: 10.1177/0093854816643122.

²⁴Perry, “African American Fathers and Incarceration,” 190.

health problems, drug abuse, school failure...unemployment...neuroticism, depression...anxiety...and delinquency.”²⁵

Children of incarcerated fathers “express feelings of abandonment, anxiety, shame, guilt, and concern for the parent,”²⁶ and are more likely than their peers to have academic problems. When children are separated from a parent, they feel abandoned, “which manifests itself in anger, frustration, and acting out, [and] many young children may even feel guilty and blame themselves for the fathers’ absence.”²⁷ Because of all of these negative effects and stifled feelings, these children are more likely to “abuse drugs and alcohol...experience guilt [and] emotional withdrawal,”²⁸ and to experience poorer mental health than their peers. All of these issues as well as the behavioral problems generally continue after the fathers’ release, decreasing the fathers’ chances of maintaining parental rights and therefore decreasing the chances that these children will ever form consistent and positive relationships with their fathers. These negative effects are strongest among children who lived with their fathers prior to the fathers’ imprisonment, but they remain “significant for children of nonresident fathers, suggesting that incarceration places children at risk through family hardships including and beyond parent-child separation.”²⁹

²⁵Swisher, Raymond R., and Michael E. Roettger. “Father’s Incarceration and Youth Delinquency and Depression: Examining Differences by Race and Ethnicity.” *Journal of Research on Adolescence* 22, no. 4 (December 1, 2012): 597. Accessed October 15, 2017, doi: 10.1111/j.1532-7795.2012.00810.x.

²⁶Wilbur, MaryAnn B., Jodi E. Marani, Danielle Appugliese, Ryan Woods, Jane A. Siegel, Howard J. Cabral, and Deborah A. Frank. “Socioemotional Effects of Fathers’ Incarceration on Low-Income, Urban, School-Aged Children.” *Pediatrics* 120, no. 3 (September 1, 2007): 679. Accessed October 15, 2017, doi: 10.1542/peds.2006-2166.

²⁷Perry, “African American Fathers and Incarceration,” 197.

²⁸*Ibid.*,” 190.

²⁹Geller et al, “Beyond Absenteeism,” 49.

There are “consequences of parental incarceration on mental health,”³⁰ which last into adulthood. Children, especially boys, who have an incarcerated father have an “increased risk of incurring an adult arrest before 25 years of age.”³¹ Paternal incarceration is also linked to increased likelihood of homelessness and “physical aggression among sons,”³² which is strongly correlated with their future arrest, as is “physical abuse by a parent or caregiver.”³³ The occurrence of paternal incarceration during a child’s life puts the child at the greatest risk, but even children whose fathers’ incarceration occurs before the child’s birth display “a greater average propensity for delinquency during adolescence and early adulthood, as well as...an increased risk of arrest in young adulthood.”³⁴ Paternal incarceration elevates levels of “aggressive behaviors...attention problems... [and other] behavior problems”³⁵ among children regardless of whether they lived with their father prior to his incarceration. This suggests that other factors, such as “maternal mental health, family economic well-being, or genetic transmission”³⁶ may be at play. Since incarceration has stronger effects than other forms of father absence, “children with incarcerated fathers may require specialized support”³⁷ from other influential adults in their communities in order to decrease their likelihood of depression, substance abuse and addiction, and adult or juvenile incarceration.

³⁰Gaston, Shytierra. “The Long-Term Effects of Parental Incarceration: Does Parental Incarceration in Childhood or Adolescence Predict Depressive Symptoms in Adulthood?” *Criminal Justice and Behavior* 43, no. 8 (August 1, 2016): 1070. Accessed October 15, 2017, doi:10.1177/0093854816628905.

³¹Rotteger, “Association of Fathers’ History,” 1110.

³²Burgess-Proctor, “Comparing the Effects,” 1037.

³³Ibid., 1049.

³⁴Rotteger, “Association of Fathers’ History,” 1110.

³⁵Geller et al, “Beyond Absenteeism,” 49.

³⁶Ibid., 72.

³⁷Ibid., 49.

Fathers' major areas of influence on child development are "material resources, instruction, behavior, attitudes, expectations, and emotional support."³⁸ Even in the uncommon case that a mother allows her child to visit his or her incarcerated father, the fathers often do not allow their children to visit them in prison due to "geographic distance...from their children, problems with visitation scheduling and procedures, and inhospitable visiting rooms [that] make visitation traumatic"³⁹ in order to protect the children's well-being. In most circumstances of separation, children and their nonresident fathers are able to stay in touch and to develop some sort of routine to establish a relationship; however, "less than one-third of fathers in prison see their children on a regular basis,"⁴⁰ and the strain incarceration places on romantic relationships almost inevitably leads to divorce or major conflict between parents, which can have negative effects on children's development. Because of these barriers and the fact that many incarcerated men are not on good terms with their children's mothers, "fathers' ties to children often become more tenuous"⁴¹ during their time in prison.

The effects of parental incarceration on children vary depending on the sex of the parent in prison and the sex of the child. Children of incarcerated parents are at risk for legal trouble as adults, and this link is most significant between children and their parent of the same sex. "Maternal incarceration is a stronger predictor of adult daughters' arrest, conviction, and incarceration,"⁴² and vice versa for sons of incarcerated fathers. Among children whose parents are in prison, girls tend to experience "internalizing symptoms"

³⁸Geller, "Incarceration and Father-Child Contact," 1288.

³⁹Swisher, "Confining Fatherhood," 1070.

⁴⁰Geller et al, "Beyond Absenteeism," 51.

⁴¹Swisher, "Confining Fatherhood," 1071.

⁴²Burgess-Proctor, "Comparing the Effects," 1049.

such as depression and anxiety, which are “linked to maternal incarceration,” while boys tend to display more “externalizing behaviors” such as aggression and fighting, which are “linked to paternal incarceration.”⁴³ Since more men than women are incarcerated, more boys than girls will go on to experience legal trouble and conviction, thus creating and perpetuating a cycle.

Gender is not the only demographic factor at play in incarceration. Race plays a large role as well. Assuming that people commit crimes at equal rates regardless of race, one would expect to see a racially proportional microcosm of the whole population in the incarcerated population. However, “minority youth and those whose parents have not finished high school”⁴⁴ are at the highest risk of having an incarcerated father, and fathers affected by mass incarceration are disproportionately African American. Research on racial discrimination theories has found that Black and other minority families face the greatest consequences of paternal incarceration. This means that children of color are more affected by parental incarceration than are White children; one study conservatively estimates that “7% of Black children and 2.6% of Hispanic children have an incarcerated parent, compared with 1% of White children.”⁴⁵ A different study found that by the time they reach 14 years of age, “at least 3.6% of White children and 25.1% of Black children will have a parent incarcerated.”⁴⁶ These statistics are not an accurate reflection of the US population’s racial proportions.

⁴³Wilbur, “Socioemotional Effects,” 679.

⁴⁴Swisher, “Father’s Incarceration and Youth Delinquency,” 597.

⁴⁵Wilbur, “Socioemotional Effects,” 679.

⁴⁶Geller, “Incarceration and Father-Child Contact,” 1288.

“African American children are 9 times more likely to have an incarcerated parent than White children,”⁴⁷ which creates radically different family dynamics and expectations among these two racial groups. In a random sample of urban couples in 20 US cities, over 50% of Black fathers had been in prison by the time their child was five.⁴⁸ In these cities, incarceration of Black fathers had become a social norm. These fathers display far fewer parental behaviors with their children than their never-incarcerated counterparts.⁴⁹ Lack of father-child interaction combined with increased instances of single motherhood creates an environment that breeds juvenile delinquency, and since this environment is concentrated among Black families, negative racial norms and stereotypes related to incarceration have emerged. Since Black and Hispanic children experience the highest rates of paternal incarceration, “the heightened risks of delinquency and arrest...are of a disproportionate concern for a large number of Black and Hispanic males entering adolescence and young adulthood.”⁵⁰

Racial differences continue even after men are released from prison. Previously incarcerated singles, particularly African American men, face enormous difficulty in finding marriage partners upon release.⁵¹ Those whose romantic relationships remain intact during their time behind bars deal with family issues along racial lines. While incarceration plays a huge role in how often White fathers see their children and how much their children’s mothers trust them, “African American and Latino mothers were no less likely to trust fathers with a history of incarceration.”⁵² This trust extends to

⁴⁷Perry, “African American Fathers and Incarceration,” 189.

⁴⁸Ibid., 195.

⁴⁹Ibid., 193.

⁵⁰Rotteger, “Association of Fathers’ History,” 1135.

⁵¹Geller et al, “Beyond Absenteeism,” 51.

⁵²Swisher, “Confining Fatherhood,” 1082.

childcare. “Black and Hispanic mothers...[are] more likely to entrust their children to fathers with a history of incarceration than were comparable White mothers,”⁵³ which sometimes means placing children in situations of domestic violence, crime, and substance abuse.

Removing a father from his family can be a positive action in some cases. If the father is violent, struggles with substance abuse, or otherwise endangers his children, then his removal from their home is in the children’s best interest. It is not clear, however, that the potential benefits of putting fathers in prison outweigh the emotional, developmental, social, and financial strain paternal incarceration engenders for mothers and children, and it is also not clear that serving time in prison in any way changes these situations for fathers and their families when they are released.

The costs mass incarceration imposes on fathers, families, and society are largely ignored in everyday criminal justice proceedings, where a “lock them up and throw away the key” mentality has become the norm. It is important to remember that the United States prison population is overwhelmingly African American. Black children grow up with the stereotype of poor, stupid delinquent who doesn’t know his or her father. They learn from an early age to fear the police and to comply with any demands an officer makes of them, even demands that violate their constitutional rights. Arrest, conviction, and prison sentences have become a norm for young Black men in urban areas. Society expects the worst from African American men, and so it becomes excusable in court for White police officers to refer to Terence Crutcher, a Black man and father of four looking

⁵³Rotteger, “Association of Fathers’ History,” 1115.

for help with his broken-down vehicle, as a “bad dude”⁵⁴ before another officer fatally shoots him in the street where he had been kneeling with his hands in the air.

When a group does not perform at its highest potential, society suffers; the whole cannot be its best if every piece is not working to its fullest capacity. From a microsociological viewpoint, one can see that incarceration of individual fathers negatively impacts their families. Lack of opportunities for employment and difficulty securing housing post-incarceration create instability and strain. This strain extends to children and their mothers when incarcerated fathers are unable to make child-support payments or to form healthy and loving father-child relationships. Children who do not spend time with their fathers develop social, emotional, and behavioral problems that can ultimately lead the children to delinquency and incarceration, perpetuating a cycle of deviance within families.

From a macrosociological viewpoint, one can see the larger effects of these familial issues when they occur en masse to a whole sector of society. Men, people who live in urban areas, poor people, and African Americans are affected the most directly and negatively by mass incarceration. Since society expects poor urban Black men to be criminals, they are often treated as criminals. The stereotype of Black communities is that the men are criminals who do not remain faithful to their wives and partners, and so the single mothers they desert become lazy welfare queens, cadging the taxpayers’ hard-earned money in order to raise delinquent children in bad neighborhoods. This image of African American communities is not a fair portrayal of mass incarceration’s effects, but

⁵⁴CNN, Max Blau, Jason Morris and Catherine E. Shoichet. “Tulsa Police Shooting Investigated by Justice Department.” CNN. Accessed October 18, 2017. <http://www.cnn.com/2016/09/20/us/oklahoma-tulsa-police-shooting/index.html>.

it creates an illusion that is used to justify the maltreatment and overly frequent arrest of Black men and suspicion and random searches of Black youth.

Mass incarceration in the United States removes fathers from their homes and communities, upsetting balance and creating gender gaps among the free population. Children and their mothers suffer without fathers, fathers suffer in prison and after release from prison, and society suffers from the decline in free men participating socially, economically, and politically.

CHAPTER THREE

Incarceration of Mothers

Although there are far fewer women than men in prison, the rate of incarceration of women has increased by “one and a half times the rate for men (646% vs. 419%)”¹ in the years since 1980. Accordingly, the number of children whose fathers are incarcerated has grown by 77%, while the number of children whose mothers are incarcerated has increased nearly twice as much, at 131%.² Roughly 1.8 million children – 10 percent of all US children and 7 percent of Black children – have at least one parent in prison or jail.³ Most of the female inmates are convicted of nonviolent offenses related to drugs or property crime; only “about 10 percent are convicted of violent offenses.”⁴ In the year 2000, roughly 40 percent of single mothers in the US lived at or below the poverty level.⁵ The burdens these mothers must bear have increased astronomically as a result of government policies designed to protect children that overlook consequences for mothers, such as “tripling rates of incarceration and the elimination or curtailment of social welfare provisions.”⁶ Restrictions on Temporary Assistance to Needy Families, the fact that drug offenders are not allowed to partake in social welfare programs, the eviction of battered women from public housing projects, and encouragement from different

¹Burgess-Proctor 1036.

²Ibid., 1036-1037.

³Haney, L. (n.d.). Motherhood as Punishment: The Case of Parenting in Prison. *Women, Gender, and Prison: National and Global Perspectives*, 39(1), 105–130.

⁴Ibid., 105.

⁵Ferraro, K. J., & Moe, A. M. (2003). Mothering, Crime, And Incarceration. *Journal of Contemporary Ethnography*, 32(1), 9–40. <https://doi.org/10.1177/0891241602238937>

⁶Ibid., 11.

programs to marry in order to get out of poverty make it “more difficult for low-income single mothers to survive in the United States than at any time since the Great Depression.”⁷

Scarcity of resources can often lead these women to activities that generally lead to their incarceration, such as “selling drugs or cashing bad checks to meet bills and turning to drugs and alcohol as a way of coping with the psychological pain of childhood sexual abuse or the ongoing pain of domestic violence.”⁸ As the female incarcerated population continues to grow, “knowledge of incarcerated women’s experiences and responsiveness of prisons and jails to women’s circumstances have both been retarded by neglect of the gendered dimensions of incarceration.”⁹ “Women’s offending trajectories often are precipitated by victimization experiences such as physical and sexual abuse, neglect, and traumatic childhood experiences,”¹⁰ and part of the reason victimization leads to incarceration for women is the criminalization of typical female responses to trauma, such as substance abuse and running away.

Similar to the male prison population, female prisoners are largely non-White; 48% are Black and 15% are Hispanic.¹¹ “Imprisoned women tend to be minorities, poorly educated, and economically marginalized, and have precarious family and personal histories,” and about 60%-80% are mothers of 200,000 children under the age of 18.¹² Women in prison are more likely than their male counterparts to have lived with

⁷Ibid., 36.

⁸Ibid., 36.

⁹Ibid., 12.

¹⁰Burgess-Proctor, “Comparing the Effects,” 1038.

¹¹Barnes, S. L., & Stringer, E. C. (2014). Is Motherhood Important? Imprisoned Women’s Maternal Experiences Before and During Confinement and Their Postrelease Expectations. *Feminist Criminology*, 9(1), 3–23. <https://doi.org/10.1177/1557085113504450>

¹²Ibid., 4.

their children prior to incarceration and to “be the primary caregiver and/or sole custodial parent of their minor children.”¹³ Since 1991, the population of children with incarcerated mothers has increased by 131%, and “Black children are seven and a half times more likely than White children to have an imprisoned parent.”¹⁴ While Black mothers are more likely to receive frequent visits and phone calls from their children and to have been living with their children prior to arrest, White women’s children are more likely to live with fathers who assume the caregiver role when their mother goes to prison; however, due to closer extended kinship networks among Black families, White children are also more likely than Black children to go to foster care when their mothers are incarcerated.¹⁵ Most children of incarcerated mothers live with their grandparents or other relatives with whom they and their mothers already have a relationship. Mothers make such arrangements for their children in order to “demonstrate that they are good mothers, minimize loss of control over children, and sustain parent-child bonds.”¹⁶

It is interesting to note that the studies of mothers in prison largely focus on the mothers’ identity in relation to the role they play with their children. The research on this topic spends very little time discussing women’s social and economic roles within their communities, whereas studies of fathers in prison discuss men’s roles as economic providers, generally only discussing their role with their children as far as material provision is concerned. Motherhood is equated with womanhood, and is used as a “relational category... women who are defined as mothers are primarily understood in

¹³Burgess-Proctor, “Comparing the Effects,” 1038.

¹⁴Barnes, “Is Motherhood Important,” 5.

¹⁵Ibid., 8.

¹⁶Ibid., 8-9.

terms of their relationship with their children.”¹⁷ As such, women are expected to have all the characteristics of ideal motherhood, such as “absolute and unwavering commitment to their children, selflessness, compassion, and nurturing – all of which are suggested to be natural qualities in women.”¹⁸ Women are idealized as having inherent instincts that help them connect with and protect their children because “motherhood binds together notions of femininity, purity, and selflessness.”¹⁹ Many incarcerated women indicate that “their links to their children [are] central to their selfhood. Children [are] extensions of their own identities.”²⁰

The term identity salience refers to “the probability that a particular identity will be invoked across various situations,” or “the degree to which persons allow a particular identity to guide their behavior and interactions.”²¹ Incarcerated women who have good relationships with their children’s caregiver, regular contact with their families, and expect to have custody of their children upon release have salient mother identities.²² Most people have more than one salient identity based on the different roles they fill in different areas of life. Because of this, they arrange their identities into a hierarchy of salience, with identities that rank higher in the hierarchy being more likely to be invoked and most “influential in organizing an individual’s interactions and self-presentation.”²³ When women have to “fulfill multiple and potentially conflicting roles such as ‘mother’

¹⁷Cambridge Dictionary of Sociology. (n.d.). Retrieved November 28, 2016, from http://search.credoreference.com.ezproxy.baylor.edu/content/entry/cupsoc/motherhood_mothers/0

¹⁸Jennifer M Kilty, E. D. (2012). Anchoring Amongst the Waves: Discursive Constructions of Motherhood and Addiction. *Qualitative Sociology Review*, 8(3), n/a.

¹⁹Ibid., 7.

²⁰Ferraro, “Mothering, Crime, and Incarceration,” 33-34.

²¹Barnes, “Is Motherhood Important,” 6.

²²Ibid., 15.

²³Ibid., 5.

and ‘prisoner,’”²⁴ their actions and performance of identity will be based on the salience hierarchy.

Most people assume that single mothers will take on the primary caretaker role for children and meet all of their material and emotional needs without assistance. The likelihood that women will become involved in crime as they try to fulfill this expectation “is exacerbated by race and class hierarchies that restrict access to incomes adequate to support children.”²⁵ Unlike for poor young Black men living in urban areas, incarceration is not considered a normal part of the life course for women; therefore, women’s incarceration “might engender more stigmatic – and therefore less supportive – responses from friends and relatives.”²⁶ Women who identify both as mothers and as recovering drug addicts face major identity conflict. These identities can work together if the woman uses her identity as a mother to motivate her to quit using drugs; however, in tying these two identities together, she has connected the quality of her mothering to her drug recovery so that if she has a relapse, she effectively becomes a bad mother.²⁷ “By universally defining drug use as the antithesis of ‘good’ or intensive mothering, we generate a kind of hierarchy of motherhood”²⁸ that diametrically opposes mothers who have enough privilege to be able to be deeply involved in their children’s lives and criminalized mothers who use drugs. When women who use drugs identify as “bad” mothers, they feel a sense of failure in that role because they believe that they are not living up to the standards of ideal motherhood. The privilege necessary to be the “ideal”

²⁴Ibid., 5-6.

²⁵Ferraro, “Mothering, Crime, and Incarceration,” 36.

²⁶Burgess-Proctor, “Comparing the Effects,” 1038.

²⁷Kilty, “Anchoring Amongst the Waves,” 7.

²⁸Ibid., 9.

involved mother “sets unrealistic expectations regarding women’s desire and ability to devote their lives to their children while simultaneously excluding already marginalized women from positively identifying as ‘good’ mothers.”²⁹

Traditional prisons separate mothers from their children, effectively limiting, if not blocking completely, their ability to fulfill the mothering role. “For criminalized women, separation from their children can cause a feeling of anomie,”³⁰ or normlessness, that can create a loss of self and identity. When women cannot perform their salient role as mothers, the result is “diminished salience, and eventually role exit (surrendering the role).”³¹ Drug treatment programs for incarcerated women often use women’s salient mother identities as a motivation for change; however, this creates the danger not only of identification as a “bad” mother in the case of relapse, but also the consequence of mothers using drugs to cope with their anomie and perceived failure.³²

Incarcerated mothers find themselves in a bind; if they try to be “good” mothers, they have to face all the structural barriers prisons pose to forming relationships with their children, but if they give up on mothering, they lose their sense of self and purpose and give in to their new identity as a “failure.” Most mothers’ identity as a mother is very high in their salience hierarchy. Consequentially, they generally choose to be the best mothers they can be in their given circumstances. While “their identities and choices may revolve around their children,” the prison conditions “in which they labor to nurture, protect, and educate their children”³³ are outside of their control. These women are often

²⁹Ibid., 13.

³⁰Ibid., 18.

³¹Barnes, “Is Motherhood Important,” 7.

³²Kilty, “Anchoring Amongst the Waves,” 20.

³³Ferraro, “Mothering, Crime, and Incarceration,” 15.

intensely frustrated and upset that they are unable to see or speak to their children as often as they would like, and in some prisons, motherhood is used as a means of punishment. When an inmate acts out, she loses her visitation or phone privileges, effectively punishing both the mother and her children.

As more and more women become incarcerated, it follows that incarceration of pregnant women will continue to increase. A study conducted in 2008 found that “4.1% of state women inmates and 2.9% of federal women inmates were pregnant at the time of confinement.”³⁴ As these numbers rise, corrections departments must figure out the best and most cost-effective ways to handle pregnancy and birth in prison. In the vast majority of prisons in the United States, “newborn babies are removed from the prison setting, and their mothers, within a few days.”³⁵ This is an uncommon practice for a developed nation. Many countries in western Europe, Asia, and South America let babies stay with their mothers in prisons; in some facilities in Germany, children are allowed “to stay with their incarcerated mothers until the age of 4 or 6, depending on the facility.”³⁶

Only eight states in the United States (Illinois, Indiana, Nebraska, New York, Ohio, South Dakota, Washington, and West Virginia) let babies stay with their incarcerated mothers for 12-36 months.³⁷ The oldest prison nursery program in the United States was established in New York in 1902, and the second one was not established until 92 years later in 1994 in Nebraska.³⁸ While it is clear that the needs of incarcerated mothers and their children are not a priority for legislators, these states are

³⁴Campbell, J., & Carlson, J. R. (2012). Correctional Administrators’ Perceptions of Prison Nurseries. *Criminal Justice and Behavior*, 39(8), 1063–1074. <https://doi.org/10.1177/0093854812441161>

³⁵Ibid., 1063.

³⁶Ibid., 1063.

³⁷Ibid., 1064.

³⁸Ibid., 1064.

slowly making the “move from parenting *from* prison to parenting *in* prison.”³⁹ In order for an expectant mother to qualify for a prison nursery program, she must meet the following criteria:

- “must have a tentative release date of no more than 18 to 24 months after the birth of the child;
- cannot have an extensive history of violence;
- cannot have prior convictions involving serious child abuse;
- must sign a program agreement saying she will be the primary caregiver of the child on release;
- often must sign a waiver releasing the facility from any responsibility if her child becomes sick or injured; and
- must complete prenatal and Lamaze classes before the birth of the child, if possible.”⁴⁰

Prison nurseries are designed to help incarcerated mothers become successful parents with programs that include “prenatal, parenting, infant care, and child development education; hands-on training; and development and coordination of community resources available for the inmate mother during her incarceration and on her release.”⁴¹ Some of these nurseries limit the age of the children who can stay to under six years old, but “most allow older kids to stay on.”⁴² These programs have largely positive results, but when asked why they had not implemented nurseries, wardens from around the US cited reasons such as “a lack of knowledge about these programs and the impact they have on recidivism rates, concerns about legislative budgeting given current economic conditions, and for a small number of administrators, the consequences of housing infants within the prison environment.”⁴³

³⁹Haney, L. (n.d.). Motherhood as Punishment: The Case of Parenting in Prison. *Women, Gender, and Prison: National and Global Perspectives*, 39(1), 105–130.

⁴⁰Campbell, “Correctional Administrators,” 1064.

⁴¹*Ibid.*, 1066.

⁴²Haney, “Motherhood as Punishment,” 111.

⁴³Campbell, Correctional Administrators,” 1063.

Allowing mothers to be with their children while incarcerated is generally a positive action because “when family relationships are strong and positive, the likelihood of successful community reentry is enhanced and recidivism is diminished.”⁴⁴ Prison records show a “13% decrease in misconduct reports for inmates who initially lived in the general population and then moved to the nursery unit.”⁴⁵ In addition to reduced misconduct, women who keep their babies with them in prison “have reduced recidivism rates.”⁴⁶ Lowering recidivism is a main goal for prison nursery programs. Those who participate in these programs have a 50% lower 3-year recidivism rate.⁴⁷ In the general prison population, recidivism went down 18.6% overall with the implementation of a nursery program and 28% for the women in the program.⁴⁸ Women who had to let their babies be taken from them have a recidivism rate of 50%, while those who were allowed to keep their babies had a rate of only 16.8%, “an overall reduction in recidivism of 33.2%.”⁴⁹

The vast majority of American prisons do not have nursery programs. In fact, many lack any sort of child-friendly programs, or even ban children altogether. Factors outside of mothers’ control, such as crowded visiting rooms, restrictions on physical embraces, and charges for collect calls and transportation to and from prisons “greatly impede regular contact with children and relatives” and “may greatly diminish mother-child relationships and mothering identity.”⁵⁰

⁴⁴Barnes, “Is Motherhood Important,” 19.

⁴⁵Campbell, “Correctional Administrators,” 1067.

⁴⁶Ibid., 1063.

⁴⁷Ibid., 1066.

⁴⁸Ibid., 1066.

⁴⁹Ibid., 1066.

⁵⁰Barnes, “Is Motherhood Important,” 7.

For many mothers, the thought of reunion with their children is their motivation for good behavior in prison; however, they are often unaware of legal issues and other barriers “such as strained relationships, unemployment, addiction, and the stresses of full-time caregiving”⁵¹ that will make returning to the mothering role difficult or impossible. These very barriers are often what cause women to end up in prison in the first place. Economic burdens combined with domestic violence and the responsibilities of child care “led some women to choose economic crimes or drug dealing as an alternative to hunger and homelessness.”⁵² Oftentimes, women who get arrested on drug or alcohol charges cite substance abuse as a way to cope with the “psychological pain and despair resulting from the loss of custody of their children.”⁵³ Many women who recidivate are incarcerated for “minor probation violations that often related to the conflict between work, child care, and probation requirements.”⁵⁴ Mothers’ crimes are often their only way of looking out for their children’s best interest. Drug addiction and poverty are their main motivators for participating in criminal activity, “which in turn land[s] them in prison.”⁵⁵ For mothers, the “harshest reality of prison life”⁵⁶ is not being with their children.

Though prison nurseries have many positive aspects and combat the biggest issues incarcerated mothers face, they are not without their downsides. An ethnographic study of Visions, a mother/child prison in California, sheds light on the ways these systems can be abused. (It is important to note that ethnography digs deep into one

⁵¹Ibid., 5.

⁵²Ferraro, “Mothering, Crime, and Incarceration,” 10.

⁵³Ibid., 10.

⁵⁴Ibid., 10.

⁵⁵Forsyth, C. J. (2003). pondering the discourse of prison mamas: a research note. *Deviant Behavior*, 24(3), 269–280. <https://doi.org/10.1080/01639620390117282>

⁵⁶Ibid., 270.

particular case and while it brings up useful information, the examples this study brings up cannot be generalized to all prison nurseries.) Visions' stated goal is "to disrupt the punishment-through-separation model by uniting mothers and children."⁵⁷ Despite this objective, Visions became "a microcosm of the cultural contradictions of motherhood – as it simultaneously undermined, subsumed, and punished the inmates' caretaking"⁵⁸ by "turning motherhood into a technique of control and a means to a punitive end,"⁵⁹ removing mothers' authority and privacy, and effectively not allowing them to have a say in the way their children were raised. "The institutional processes of control and domination that operate in traditional prisons do not vanish when inmates are taken to miniprisons in the community and reunited with their kids;"⁶⁰ rather, they take on different forms, with time spent with the children used as tool for manipulation.

"Women's status as prisoners seemed determinant... overcrowding meant there was rarely a time when inmates' rooms were empty, which made having one-on-one time with their kids impossible. Lest we assume that such overcrowding was a financial issue, Visions always had empty rooms available – they just chose not to use them. In fact, the facility was rarely at its official capacity, yet the staff insisted on keeping women and children cramped in cell-like rooms... When she made mistakes, which all mothers do, there were hundreds of eyes watching, ready to point it out to her and to the prison staff... despite all the talk about the need to bond, there was almost an avoidance of motherhood in the prison. Or, more precisely, there was a deafening silence about women's needs as mothers."⁶¹

The only place women could be alone with their children was the bathroom, so that is where soothing, punishment, story-telling, and other parental activities often took place.

The children who live at Visions attend nearby schools or on-site child care, depending

⁵⁷Haney, "Motherhood as Punishment," 112.

⁵⁸Ibid., 112.

⁵⁹Ibid., 107.

⁶⁰Ibid., 125.

⁶¹Ibid., 116-118.

on their age. Besides school, however, “kids’ lives are dictated by the structure of confinement: they cannot come and go as they please or visit with friends and relatives outside scheduled visiting hours.”⁶²

Though Visions clearly did not solve the issue of mothering in prison, the fact that some attempt to keep family bonds intact during incarceration exists is a step in the right direction. Mother/child prisons and nursery programs are increasing around the country, but “no father/child prisons currently exist. While many women’s prisons have some sort of mothering program or support group, similar groups for fathers are rare – despite the fact that roughly 80 percent of incarcerated men are fathers.”⁶³

Though the mother/child prison program at Visions had serious issues, the benefits of prison nursery programs generally outweigh their negative aspects. Some of the main benefits of prison nursery programs in addition to reduced recidivism are increased bonding and attachment between babies and their mothers. The important elements of an attachment bond are:

- “an enduring emotional relationship with a specific person;
- the relationship brings safety, comfort, and pleasure; and
- loss or threat of loss of the person evokes intense distress.”⁶⁴

Attachment bonds form in the first few weeks of an infant’s life, and a healthy attachment reduces “the child’s chances of committing criminal offenses and lessening the risk for a continued cycle of incarceration.⁶⁵” 71% of babies in prison nursery programs achieve secure attachment with their mothers, which “is a higher percentage than is reported by

⁶²Ibid., 111.

⁶³Ibid., 119.

⁶⁴Campbell, “Correctional Administrators,” 1065.

⁶⁵Ibid., 1065.

most low-risk community children whose mothers have no criminal history or involvement.⁶⁶

26% of incarcerated mothers' children live with their fathers, and 66% live with the mother's female friends and relatives.⁶⁷ Mothers' incarceration tends to create more familial strain for children than does fathers' incarceration, and children are more likely to be placed in a new home when their mother is incarcerated than when their father is incarcerated.⁶⁸ Daughters are more negatively impacted by mothers' incarceration, and sons are more negatively impacted by fathers' incarceration, but the effects of maternal incarceration on daughters are greater than the effects of paternal incarceration on sons.⁶⁹ When mothers are incarcerated, their "young children experience developmental delays, separation anxiety, and attachment difficulties... school-age children exhibit behavioral problems, educational delays, and emotional troubles... older kids are more likely than their peers to drop out of school and end up incarcerated themselves... [and] children of all ages are more likely to live in poverty."⁷⁰

If a family member cannot provide a home for a baby when his or her parents are incarcerated, the baby must often be placed in foster care, which is "an economic drain on the state."⁷¹ 10% of infants born to imprisoned mothers are placed in foster care, even though the current average rate of state support for foster care "must be raised by 36% in order to reach the Foster Care Minimum Adequate Rates for Children (MARC)."⁷² When children are placed in foster care, it increases the likelihood that "moms will have less

⁶⁶Ibid., 1065-1066.

⁶⁷Haney, "Motherhood as Punishment," 109.

⁶⁸Burgess-Proctor, "Comparing the Effects," 1047.

⁶⁹Ibid., 1047.

⁷⁰Haney, "Motherhood as Punishment," 109.

⁷¹Campbell, "Correctional Administrators," 1064.

⁷²Ibid., 1064.

child contact; be unaware of their children’s emotional, academic, or behavior concerns, and miss important court dates,”⁷³ which can result in the termination of parental rights. When a father is incarcerated, his children typically live with their mothers or grandparents, but when a mother is incarcerated, her “children are 5 times more likely to be placed in foster homes”⁷⁴ than when a father is incarcerated.

Incarceration of a parent can lead to “anger, depression, anxiety, attention, and sleep disorders” among children, which can lead to “behavior problems in school and poor grades,” and ultimately “greater risk for juvenile delinquency than other children.”⁷⁵ Mothers’ incarceration particularly “imposes risk factors including substance abuse and physical and sexual victimization...that are known correlates of women’s offending.”⁷⁶

The vast majority of women in American prisons are there for nonviolent offenses, yet “America now incarcerates eight times as many women as in 1980.”⁷⁷ 25% of female state inmates reported childhood sexual abuse, 43% had serious mental health issues, and 82% struggled with drug or alcohol problems.⁷⁸ “Incarceration of a family member is associated with a 64% decline in household assets,”⁷⁹ and children are paying the price. Even though the majority of women in prison have children, relatively few prisons have parenting programs or nurseries, “and there are virtually no programs designed to assist children with problems related to the incarceration of their mothers.”⁸⁰ For many of the women who were arrested on drug- or alcohol-related charges, their

⁷³Barnes, “Is Motherhood Important,” 9.

⁷⁴Mignon, S. I., & Ransford, P. (2012). Mothers in Prison: Maintaining Connections with Children. *Social Work in Public Health*, 27(1–2), 69–88. <https://doi.org/10.1080/19371918.2012.630965>

⁷⁵Ibid., 71-72.

⁷⁶Burgess-Proctor, “Comparing the Effects,” 1039.

⁷⁷Kristof, “Mothers in Prison.”

⁷⁸Ibid.

⁷⁹Ibid.

⁸⁰Ferraro, “Mothering, Crime, and Incarceration,” 13.

substance abuse was a coping mechanism in response to the demands of single motherhood in poverty and/or the loss of their children; “with ‘nothing to lose,’ and easy access to crack and alcohol, these women were drawn into usage that eventually resulted in their incarceration.”⁸¹

Prison nursery programs reduce recidivism and can help to mitigate the epidemic of drug abuse among inmates. In Nebraska in 2010, one year of incarceration for one female inmate cost taxpayers \$39,472.⁸² Any program that reduces recidivism saves taxpayers a significant amount of money. The main issues with implementing prison nurseries voiced by corrections representatives from various states are that they do not have enough money to start new programs, they do not have enough information about the programs or their impact on recidivism, they do not have enough space in the prisons to open a nursery, they fear a lack of public support (particularly in the south), and a few said they believe incarcerated women are bad mothers and bad role models for their children.⁸³ It is clear that there is division between academic and political discussions of prison programs and actual implementation and practice in the correctional field. “It is possible that research published in academic journals may not be reaching practitioners and correctional administrators as hoped,”⁸⁴ and so activists in this field should work to make all of the research sociologists and other social scientists have conducted regarding prisons more accessible to those who can actually implement change.

⁸¹Ibid., 30

⁸²Campbell, “Correctional Administrators,” 1067.

⁸³Ibid., 1069.

⁸⁴Ibid., 1072.

CHAPTER FOUR

Incarceration of Juveniles

Adolescence is an important time in regard to both development and deviance. Developmentally, adolescence is a time of “increasing autonomy and identity formation, renegotiation of parent-child relationships, and an increasing role of peers, schools, and neighborhoods,” as well as the peak time for risk-taking and the solidification of different levels of mental health that have social consequences.¹ One of these consequences is incarceration. Though many advocates for juvenile justice reform have advocated for community-based treatments and other decriminalized options for deviant youth, “the United States still incarcerates a higher proportion of youths than any other developed country.”² Each year in the United States, 2 million youth are arrested and 60,000 are detained.³ After a juvenile is arrested and awaits his or her court date, he or she is either held in juvenile detention or sent home based on police assessment of safety. If he or she receives a guilty verdict, “he or she is placed on house arrest; is ordered to serve time in a residential facility, such as a juvenile hall, camp, ranch, or group home; or is diverted to management outside of the court system,” and after completion of this sentence, the juvenile is placed on supervised probation for a specified time period.⁴

¹Swisher, “Father’s Incarceration and Youth Delinquency,” 598.

²Barnert, E. S., Perry, R., & Morris, R. E. (2016). Juvenile Incarceration and Health. *Academic Pediatrics*, 16(2), 99–109. <https://doi.org/10.1016/j.acap.2015.09.004>

³Ibid., 99

⁴Ibid., 100

Similarly to adult incarceration, Black and Hispanic youth are dramatically overrepresented in prisons. A study that controlled for other explanatory variables found that Black youth are six times as likely as White youth to be incarcerated, and Hispanic youth are three times as likely.⁵ Another similarity to adult offending is the gender disparity of the prison population and the nature of offences by gender. Girls represent 14% of the population of youth in prison,⁶ and they are more likely to be arrested for “running away or unruly behavior, whereas males are more likely to commit status offenses such as property and violent crimes.”⁷ Adolescents are at an additional disadvantage because they can be charged with status offenses (actions that are only illegal for minors), such as truancy (36% of status offenses), liquor law violations (22%), ungovernability (12%), running away (11%), curfew violation (10%), and other miscellaneous categories (9%).⁸ Almost three quarters of juvenile offenses are related to recreational drug use and underage drinking; “5% of juvenile arrests were for violent crimes, including murder, forcible rape, and aggravated assault; 22% were for nonviolent property crimes, such as theft or arson” in 2012.⁹

Incarcerating young people comes with direct costs to states. Keeping a single young person in prison costs \$241 per day and adds up to roughly \$21,690-\$28,120 per youth per sentence, which means that US taxpayers are paying \$8-\$21 billion each year “when considering the cost of recidivism (including later involvement in the adult

⁵Mallett, C. A. (2017). The School-to-Prison Pipeline: Disproportionate Impact on Vulnerable Children and Adolescents. *Education and Urban Society*, 49(6), 563–592. <https://doi.org/10.1177/0013124516644053>

⁶Barnert, “Juvenile Incarceration,” 102.

⁷Snyder, B. D. H., Glaser, B. A., & Calhoun, G. B. (2015). Are Parental Attitudes Related to Adolescent Juvenile Offenders’ Readiness to Change? *International Journal of Offender Therapy and Comparative Criminology*, 59(5), 466–479. <https://doi.org/10.1177/0306624X13517665>

⁸Mallett, “The School-to-Prison Pipeline,” 564-5.

⁹Barnert, “Juvenile Incarceration,” 100.

criminal justice system); unemployment and lost future earnings; lost future government tax revenue; additional health care expenditures in Medicare and Medicaid; and cost of sequelae of sexual assaults that may occur during confinement.”¹⁰ In contrast, keeping one 14-year-old from criminal justice system (CJS) involvement is estimated to save \$2.6-\$5.3 million.¹¹

The youth themselves pay an even worse price than the taxpayers when they are incarcerated. 85% of youth who commit a felony will become victims of personal assault,¹² and 93% of youth with CJS involvement “report having experienced at least 1 circumstance in their lives that could be considered an ACE [adverse childhood experience].”¹³ Often, minors who have been exploited through prostitution, child pornography, and sex tourism end up incarcerated even though they are defined as victims of human trafficking and are entitled to legal protection.¹⁴ Juveniles in detention scenarios commit suicide 4 times as often as their non-incarcerated peers, and “52% of detained youth reported active suicidal ideation and one-third reported prior suicide attempts.”¹⁵

Many factors predict juvenile delinquency, and most of them are associated with family instability. These factors include “lack of parental supervision, parental rejection, parent-child involvement, psychological control, and negative aspects of support such as rejection and hostility...other family characteristics such as low income, low education, teenage pregnancy, level of stress, isolation, single parenthood, parental psychiatric

¹⁰Ibid., 100.

¹¹Ibid., 100.

¹²Snyder, “Are Parental Attitudes,” 467.

¹³Barnert, “Juvenile Incarceration,” 102.

¹⁴Ibid., 102.

¹⁵Ibid., 102.

illness, parental criminal history, substance abuse, marital discord, and depression... [and] exposure to violence in the home and community.”¹⁶ These factors, along with the presence of low-income housing in the neighborhood, can contribute to the development of mental health issues, learning and behavioral disabilities, and substance abuse, all of which make youth more vulnerable to incarceration.¹⁷ When youth offenders are sent home on probation, “parental monitoring, anger toward children, the presence of negative home behaviors, and maintaining passing grades” are all markers used to predict whether the youth will commit further offences.¹⁸

The environmental factor that is perhaps the greatest contributor to family instability is poverty. Over 20% of children in the US are brought up in poverty, which means that over 20% of US children are predisposed to be behind in school, less likely to receive a high school diploma, and more likely to end up poor themselves as adults.¹⁹ Children of color, especially very young children, are at a higher risk of poverty – “nearly one in three children of color was poor in 2012. African American children were the poorest (39.6%), followed by American Indian/Native Alaskan children (36.8%), and Hispanic children (33.7%).”²⁰ Neighborhoods with high levels of poverty generally also have high rates of crime, “which can have adverse effects on the future educational attainment and future job prospects of young people growing up in those neighborhoods.”²¹ Children raised in poor families are more likely to experience social

¹⁶Snyder, “Are Parental Attitudes,” 468.

¹⁷Mallett, “The School-to-Prison Pipeline,” 570.

¹⁸Cook, A. K., & Gordon, J. A. (2012). Get Him Out of My House: Parental Competencies of Juvenile Probationers. *Youth Violence and Juvenile Justice*, 10(2), 205–223.

<https://doi.org/10.1177/1541204011418352>

¹⁹Mallett, “The School-to-Prison Pipeline,” 565.

²⁰Ibid., 565.

²¹Owens, E. G. (2017). Testing the School-to-Prison Pipeline. *Journal of Policy Analysis and Management*, 36(1), 11–37. <https://doi.org/10.1002/pam.21954>

and developmental delays,²² and poor teenagers are more likely to become delinquent because they have fewer and worse job opportunities and there are “higher incentives for crime” in their neighborhoods.²³ According to social disorganization theory, crime is more concentrated in poor inner city areas because of community poverty, residential segregation, difficulty of attaining lawful employment, and lack of consistent family structure.²⁴ When poverty reaches its extreme, children and youth can become homeless. In the 2011-2012 school year, 1.2 million students in America’s public schools were identified as homeless, meaning 1.2 million children were more likely to experience moderate to severe health issues, to repeat a grade at school, and to experience school discipline such as suspension and expulsion, and less likely to complete high school.²⁵

Parental absence due to incarceration or non-CJS reasons is another predictor of family instability and future incarceration for youth. While there is a “strong association between maternal incarceration and children’s future offenses as adults,”²⁶ far more men than women are incarcerated in the US, which means that there are far more children suffering the consequences of paternal incarceration than maternal incarceration. Additionally, poor children are more likely to grow up with single mothers than with single fathers regardless of incarceration status because “marriage rates are low and fertility is high” among disadvantaged populations.²⁷ Unsurprisingly, paternal incarceration is most common among children of color whose parents are uneducated.²⁸

²²Mallett, “The School-to-Prison Pipeline,” 565.

²³Harper, C. C., & McLanahan, S. S. (2004). Father Absence and Youth Incarceration. *Journal of Research on Adolescence*, 14(3), 369–397. <https://doi.org/10.1111/j.1532-7795.2004.00079.x>

²⁴Ibid., 373.

²⁵Mallett, “The School-to-Prison Pipeline,” 565-6.

²⁶Swisher, “Father’s Incarceration and Youth Delinquency,” 597.

²⁷Harper, “Father Absence,” 370.

²⁸Swisher, “Father’s Incarceration and Youth Delinquency,” 597.

57% of prison inmates in the United States report growing up with a single parent, as compared with 31% in the general American population.²⁹ When children grow up with single parents, particularly single mothers, they are less supervised, show low levels of attachment to nonresident fathers, have less emotional stability and fewer job offers, and are more likely to become friends with delinquent groups of juveniles, all of which increase their likelihood of engaging in deviance and becoming incarcerated.³⁰ The deviant trends that follow father absence fit the “social control theory of crime, which focuses on the importance of emotional attachments of parents and children, their time spent together, and supervision.”³¹ The stress brought on by family instability when fathers are incarcerated once or if they drift back and forth from the family to prison also raises the risk of incarceration based on “modified strain theory that predicts crime when youths are unable to avoid stressful situations.”³²

Among detained youth, 11% of boys and 27% of girls self-identify as LGBT (lesbian, gay, bisexual, and/or transgender).³³ 13-15% of the total number of juvenile offenders are LGBT, and “up to 60% of these arrested and detained LGBT adolescents are Black or Hispanic, mirroring or expanding the racial and ethnic disparities” of prison.³⁴ LGBT youth are more likely than their heterosexual peers to face family rejection and school harassment, placing them at greater risk for expulsion, arrest, and conviction, specifically for girls and for offenses such as truancy and running away.³⁵ LGBT adolescents are 3 times more likely to use drugs and 8 times more likely to

²⁹Harper, “Father Absence,” 370.

³⁰Ibid., 372.

³¹Ibid., 372.

³²Ibid., 389.

³³Barnert, “Juvenile Incarceration,” 102.

³⁴Mallett, “The School-to-Prison Pipeline,” 579.

³⁵Ibid., 578-9.

commit suicide, and social services are two times more likely to remove an LGBT adolescent from the home and place him or her in foster homes or group homes than to relocate an abused teen.³⁶ LGBT adolescents constitute 40% of the homeless youth population.³⁷

26-60% of incarcerated youth have been or are currently victims of abuse and/or maltreatment.³⁸ When people obtain a criminal record they face difficulty finding gainful employment for the rest of their lives, which means that those who have been to prison, particularly young people, are likely to continue a life of crime.³⁹ 75% of juvenile offenders recidivate within 3 years of release.⁴⁰

One way that many youths become criminally involved is the School-to-Prison Pipeline. This pipeline is “a social phenomenon where students become formally involved with the criminal justice system as a result of school policies that use law enforcement, rather than discipline, to address behavioral problems.”⁴¹ These policies are carried out through the hiring of School Resource Officers (SROs) whose job is to maintain a higher level of safety than a typical security guard could and to be a positive image of a police officer for students in order to normalize pleasant interactions with officers and to improve relations between police and community.⁴² This pleasant, positive relationship with SROs is generally not the outcome of placing them in schools.

³⁶Ibid., 580.

³⁷Ibid., 579.

³⁸Ibid., 577.

³⁹Owens, “Testing the School-to-Prison Pipeline,” 12.

⁴⁰Barnert, “Juvenile Incarceration,” 100.

⁴¹Owens, “Testing the School-to-Prison Pipeline,” 11.

⁴²Ibid., 12.

The presence of SROs criminalizes behaviors that are normally handled by school administration informally.⁴³

Schools that incorporate “cameras, metal detectors, security guards,” and SROs are generally found in poor inner cities and in “neighborhoods that more often struggle with poverty and its insidious impact on families.”⁴⁴ The pipeline disproportionately affects “those who experience poverty, students of color, students who have special education disabilities, children and adolescents who have been traumatized or maltreated,” and LGBT youth.⁴⁵ While these students do not misbehave at higher rates than their peers, they are more likely to be suspended, expelled, and arrested and to fail or drop out of classes, often due to targeting or profiling by SROs.⁴⁶ Schools that use legal forces for discipline are typically found in urban settings, and schools with high populations of African American students are more likely to adopt zero tolerance policies and harsher methods of punishment.⁴⁷ Involving SROs in low income schools puts already-disadvantaged children at a higher risk of incarceration because “the majority of suspensions and expulsions are because of nonserious actions or behaviors, with disobedience – defiance and/or disruptive behavior – being the most common reason.”⁴⁸ When schools hire SROs, they see “12 percent higher official crime rates, particularly for more marginal offences such as weapons and drug violations, which went up by almost 30 percent after SROs were hired.”⁴⁹ LGBT students often find school environments to be hostile toward them, and so they either become aggressive to defend themselves to

⁴³Ibid., 15.

⁴⁴Mallett, “The School-to-Prison Pipeline,” 546.

⁴⁵Ibid., 571.

⁴⁶Ibid., 571.

⁴⁷Ibid., 572.

⁴⁸Ibid., 573-4.

⁴⁹Owens, “Testing the School-to-Prison Pipeline,” 12.

become truant to avoid other students, which results in poor grades and social engagement.⁵⁰ 63% of LGBT students feel unsafe at school, 38% have been physically harassed, 18% have been physically assaulted, and 32% have skipped a day of school within the last month for safety purposes.⁵¹

In the 2011-2012 school year, “3.5 million students experienced in-school detention, 1.9 million students were suspended for at least 1 day, 1.6 million students were suspended more than one time, and 130,000 students were expelled,” which translates to 2.4% of elementary students and 11.3% of secondary students experiencing suspension in one year.⁵² There is also a huge racial disparity among students who are suspended or expelled, and it does not go away when controlling for poverty. Although African American students do not display higher rates of misbehavior than their peers, they are over 3 times as likely to be suspended or expelled, with 20% of Black male students suspended for at least one day in 2012.⁵³ Minority students are more likely than White students to be suspended or expelled for the same rule infractions, and they are more likely to be punished for subjective behaviors such as “disrespect, loitering, and excessive noise.”⁵⁴ Black students comprise 18% of all American students, but receive 39% of the total expulsions and 42% of law enforcement referrals.⁵⁵ Overall, Black and Hispanic students account for 42% of total students and 72% of school arrests.⁵⁶ Black delinquent youth are sent to court at a 140% greater rate than their White counterparts.⁵⁷

⁵⁰Mallett, “The School-to-Prison Pipeline,” 578-9.

⁵¹Ibid., 579.

⁵²Ibid., 564.

⁵³Ibid., 573.

⁵⁴Ibid., 573.

⁵⁵Ibid., 573.

⁵⁶Ibid., 573.

⁵⁷Ibid., 574.

Students with emotional issues have a 50% chance of juvenile and/or adult arrest, and 28-43% of juveniles sent to court have special education disabilities, including identified emotional disturbance (48% of incarcerated youth with special education disabilities), specific learning disabilities (39%), mental retardation/developmental disabilities (10%), and other health problems (3%).⁵⁸ LGBT students are two times more likely than their heterosexual peers “to be arrested and detained for status and other nonviolent offenses.”⁵⁹

Hiring SROs actually makes schools less safe in some ways because by implementing a punitive environment as something that students should learn to consider a norm, school climate is harmed, which damages students’ learning and socioemotional development.⁶⁰ In addition, SROs make arrests for actions that would be handled by principals and administrators in other schools or even in the same school prior to the implementation of the SRO. This lowers the threshold for behavior that constitutes criminal activity and also means that the same behavior is determined to be misconduct or a criminal offence solely based on the school in which it happens to occur.⁶¹ This means that students who behave the same way but go to different schools will accumulate different records, and since “schools with SROs are more likely to be located in cities and areas with larger minority populations, hiring these officers can exacerbate racial disparities in the criminal justice system.”⁶² The use of SROs started as a “well-intentioned grant program aimed at improving school safety for at-risk children,”⁶³ but it

⁵⁸Ibid., 576.

⁵⁹Ibid., 579.

⁶⁰Ibid., 564.

⁶¹Owens, “Testing the School-to-Prison Pipeline,” 12.

⁶²Ibid., 12.

⁶³Ibid., 14-5.

has resulted in increased accumulation of criminal records of “violent crimes that could reasonably be characterized as scuffling, rather than acts of life-threatening violence” for children under 15.⁶⁴

In a survey of detained youth, 42% of girls and 22% of boys indicated that they had been victims of physical abuse, and 35% of girls and 8% of boys had been victims of sexual abuse.⁶⁵ Overall, 1.3% of detained heterosexual youth reported previous sexual abuse, compared to 12.5% of detained LGBT youth.⁶⁶ Among female victims of childhood sex trafficking, “89% had experienced physical violence, 80% had experienced suicidal ideations, 59% had a sexually transmitted infection, and 58% became pregnant while trafficked.”⁶⁷ Over 35% of children who are abused and maltreated are diagnosed with special education disabilities that cause them to be 3-4 grade levels behind in reading and to have to repeat grades, and children in the foster care system have been found to be 96% behind grade level in reading comprehension and 95% behind in math.⁶⁸

When children are maltreated, they exhibit poorer school performance, marked by lack of motivation and academic engagement and poor work habits resulting in low grades.⁶⁹ Children who are neglected and/or physically and sexually abused have a high risk of “poor cognitive [and language] development... mental health problems, and drug use or abuse... depression and posttraumatic stress disorder... anxiety-related disorders... and behavior problems.”⁷⁰ These children tend to enter school half a year behind on markers for academic performance, are more likely to be held back, “have

⁶⁴Ibid., 34.

⁶⁵Barnert, “Juvenile Incarceration,” 102.

⁶⁶Ibid., 102.

⁶⁷Ibid., 102.

⁶⁸Mallett, “The School-to-Prison Pipeline,” 567.

⁶⁹Ibid., 567.

⁷⁰Ibid., 569.

higher absenteeism rates,”⁷¹ and 46% do not complete high school.⁷² As maltreated minors go deeper into the child welfare system, “as evidenced by placement out of the home, foster care, and aging out of the system,” they become less and less likely to achieve positive academic outcomes.⁷³

Incarcerated adolescents have higher rates of morbidity and mortality than the general US youth population because they have very low levels of access to dental, reproductive, and mental healthcare needs, they are more likely to engage in high-risk behaviors, they face health disparities related to race, class, gender, and sexuality, and because they are more likely to be exposed to violence and injury.⁷⁴ Fetal alcohol spectrum disorders (FASD) are ten times as prevalent among incarcerated adolescents as compared to the general population, and mortality rates are 4 times higher among incarcerated youth, “with homicide accounting for 90% of deaths.”⁷⁵ The mortality rate is highest among adolescent Black males, “(887 deaths per 100,000 person-years),” and girls with CJS involvement have a mortality rate that is 8 times that of their general population peers.⁷⁶ In 2009, 15% of detained boys and 9% of detained girls had children, 12% of all detained youth were expecting children, and 66% of detained girls had been pregnant at some point, while in the general population, 2% of boys and 6% of girls had children.⁷⁷

Many youth offenders who are drug users choose not to participate in programs that do exist for “substance abuse treatment, mental health treatment, medication

⁷¹Ibid., 566.

⁷²Ibid., 568.

⁷³Ibid., 568.

⁷⁴Barnert, “Juvenile Incarceration,” 99.

⁷⁵Ibid., 101-2.

⁷⁶Ibid., 102.

⁷⁷Ibid., 102.

adherence, and educational services.”⁷⁸ Since prisons are increasingly being privatized for profit, “the full range of health services and organizational operations needed for NCCHC [National Commission on Correctional Health Care] accreditation are less likely to be fulfilled.”⁷⁹ Additionally, the high rate of incarceration among adolescents of color has “inextricably linked” the health of Black and Hispanic youth with mass incarceration cycles.⁸⁰ Medicaid and CHIP cannot be applied to prison inmates, and as a result, “many youth are uninsured upon release” and therefore remain unable to get the healthcare they need.⁸¹

Mental health is one of the areas of greatest concern for adolescent health in general, and especially for incarcerated adolescents. Minority youth are at the greatest risk for untreated mental health disorders that often result in arrest, such as “attention-deficit/hyperactivity disorder, learning disorders, depression, anxiety, conduct disorder, posttraumatic stress disorder, and substance use and abuse,” all of which contribute to lower overall health and high incarceration risk.⁸² Risk of mental health issues is highest at the beginning of incarceration for youth because the transition and stress of learning to navigate a restrictive environment while separated from family “may exacerbate existing emotional and behavior problems.”⁸³

⁷⁸Schwalbe, C. S., & Maschi, T. (2010). Patterns of Contact and Cooperation Between Juvenile Probation Officers and Parents of Youthful Offenders. *Journal of Offender Rehabilitation*, 49(6), 398–416.

<https://doi.org/10.1080/10509674.2010.499055>

⁷⁹Barnert, “Juvenile Incarceration,” 103.

⁸⁰*Ibid.*, 100.

⁸¹*Ibid.*, 103.

⁸²*Ibid.*, 101.

⁸³Monahan, K. C., Goldweber, A., & Cauffman, E. (2011). The Effects of Visitation on Incarcerated Juvenile Offenders: How Contact with the Outside Impacts Adjustment on the Inside. *Law and Human Behavior*, 35(2), 143–151. <https://doi.org/10.1007/s10979-010-9220-x>

The most common mental health issues in juvenile correctional institutions include “depressive disorders (between 13% and 40%), psychotic disorders (between 5% and 10%), anxiety disorders (up to 25%), disruptive behavior disorders (between 30% and 80%), and substance use disorders (between 30% and 70%).⁸⁴” Substance abuse, depression, and behavior disorders affect two-thirds of detained boys and three-quarters of detained girls, and 27% of detained youth suffer from mental health issues significant enough to warrant immediate treatment.⁸⁵

Punitive CJS policies and underfunded community-based resources for mental healthcare have turned today’s juvenile correctional facilities into “yesterday’s psychiatric hospitals, a role that facilities are quite poorly equipped to handle.”⁸⁶ Untreated depression among juveniles in prison has been connected to substance abuse, self-harm, and suicide.⁸⁷

Some solutions to these mental health issues have been proposed. One is to educate incarcerated youth, their parents, and the officers who oversee them on three important facets of trauma:

- “(1) behavioral and emotional responses to trauma are individual-specific, and occur in three different ways: (a) feelings are internalized, resulting in self-destructive behaviors, (b) feelings are externalized, resulting in abusive behaviors, or (c) feelings are understood, accepted, and expressed, leading to adaptive behaviors;
- (2) individuals can choose how they respond to trauma, but they must be self-aware to make this choice; and
- (3) recovery from trauma is a dynamic process and requires personal efforts on behalf of the individual.”⁸⁸

⁸⁴Mallett, “The School-to-Prison Pipeline,” 576.

⁸⁵Barnert, E. S., Perry, R., & Morris, R. E. (2016). Juvenile Incarceration and Health. *Academic Pediatrics, 16*(2), 99–109. <https://doi.org/10.1016/j.acap.2015.09.004>

⁸⁶Mallett, “The School-to-Prison Pipeline,” 576.

⁸⁷Monahan, “The Effects of Visitation,” 143.

⁸⁸Cook, “Get Him Out,” 1303.

Another solution is to increase parental visitation. When juvenile inmates receive parental visits, they show a marked decline in depressive symptoms, and the more times their parents visit, the more dramatic the decrease.⁸⁹ This finding indicates that allowing parental visits as soon as the child goes to prison could alleviate the mental illness symptoms that spike at the onset of incarceration.⁹⁰ Sometimes, visitation rights are taken away as a form of punishment for infractions within the prison, but this type of detention often happens to inmates with the most severe mental health disabilities, meaning that “it is precisely these youth, who are prohibited from visits, who may benefit from visits the most.”⁹¹

Parental involvement throughout minors’ involvement with CJS processes, parole, and probation results in “reduced recidivism, fewer violations of probation, and fewer institutional placements.”⁹² Neglectful parenting practices produce highly delinquent children, while authoritative parenting produces the lowest levels of delinquency.⁹³ Successful parenting includes “effective boundary setting in the home, respect for the child’s individuality, family stability, parental expectations of academic performance, and a home environment free from chronic abuse.”⁹⁴ This type of parenting is modeled in theoretical mechanisms, “including the affective bond, parental monitoring, reinforcement contingencies, and direct modeling of prosocial or antisocial behavior,” all of which stress that parenting strategies are critically important to “the successful resolution of probation.”⁹⁵ Receiving consistent visits from parents throughout children’s

⁸⁹Monahan, “The Effects of Visitation,” 143.

⁹⁰Ibid., 150.

⁹¹Ibid., 150.

⁹²Schwalbe, “Patterns of Contact,” 398.

⁹³Snyder, “Are Parental Attitudes,” 468.

⁹⁴Ibid., 468.

⁹⁵Schwalbe, “Patterns of Contact,” 400.

time in prison continues to have a protective effect “regardless of the parent-adolescent relationship.”⁹⁶ The three main attributes of ASOs (adolescent sexual offenders) who have been successful in treatment are “family support, therapeutic support, and mind-set.”⁹⁷

Parents have a huge responsibility in the juvenile justice process – “so much so that when parents are not cooperative, they can be criminally charged for failing to cooperate with the conditions of their child’s probation.”⁹⁸ As such, it is important for parents to have proper attitudes and display proper behavior throughout the process. When parents feel supported by the juvenile justice system, they are less likely to “enable negative behaviors, feel their parenting skills were inadequate, and feel hopeless about the future of their child.”⁹⁹ Many parents find it beneficial to attend therapy sessions and support groups because “it is not until they address their own feelings and behaviors that they will be able to provide support to their child.”¹⁰⁰

Some of the main barriers to parental involvement with deviant children include “parental substance abuse, parental involvement in the criminal justice system, and system-level biases like the tendency of juvenile justice practitioners to blame parents for juvenile delinquency.”¹⁰¹ Many probation officers push parents to report their children’s infractions at home to the courts, asking them to take on the probationary role, but most parents resist.¹⁰² This pits parent and parole officer against one another as adversaries,

⁹⁶Monahan, “The Effects of Visitation,” 150.

⁹⁷Cook, “Get Him Out,” 209.

⁹⁸Ibid., 205.

⁹⁹Ibid., 209.

¹⁰⁰Jones, S. (2015). Parents of Adolescents Who Have Sexually Offended: Providing Support and Coping With the Experience. *Journal of Interpersonal Violence*, 30(8), 1299–1321.

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¹⁰¹Schwalbe, “Patterns of Contact,” 399.

¹⁰²Ibid., 401.

resulting in exclusion of parents from important decision-making and thus adding a sense of powerlessness to the stress, loss, guilt, and shame parents already feel when their children become criminally involved.¹⁰³ Single parents, drug abusing parents, minority parents, uncooperative parents, and criminal parents are unlikely to be considered cooperative or to be included in the probation process, which generally results in higher rates of punishment for the children from their probation officers.¹⁰⁴ In addition to the prevention of visitation in cases of lockdown or punishment, visiting someone in prison is very stressful due to “failure to clearly communicate facility rules regarding visitation, the lack of information from prison officials, and the stress of passing through security,” all of which can discourage visitation.¹⁰⁵

For parents of ASOs, additional barriers to successful treatment frequently arise. These parents generally have poor relationships with their children prior to the sexual offence, and they need assistance to appropriately support their children, but often they are ostracized and viewed as equally responsible as their child for his or her crime.¹⁰⁶ They also have the additional requirement of maintaining 24/7 supervision over their children and installing special alarms and locks in the home, in effect punishing the parent for the child’s crime and reinforcing their feelings of guilt.¹⁰⁷ These parents “feel as if they have failed as a parent, reevaluate their early parent-child relationship, and find it difficult to even communicate with their own children.”¹⁰⁸

¹⁰³Ibid., 401.

¹⁰⁴Ibid., 412.

¹⁰⁵Monahan, “The Effects of Visitation,” 150.

¹⁰⁶Jones, “Parents of Adolescents,” 1301.

¹⁰⁷Ibid., 1301-2.

¹⁰⁸Ibid., 1301.

Mass incarceration is a vicious cycle with no apparent escape. Incarcerated adults have no gainful and lawful prospects upon release, and so they recidivate, forcing their children to be brought up in the worst possible circumstances and modeling deviant behavior. These children have emotional and mental disabilities as a result of this, and then they attend the worst schools that funnel them into the CJS. This process perpetuates cycles of incarceration, poverty, abuse, and crime. Prisons in the United States do far more to diminish the lives of individuals than to rehabilitate them. Prisons play an integral and insidious role in the continuing narrative of racism in the United States, and they fragment our society in pursuit of profit.

CHAPTER FIVE

Conclusion

In this thesis, I have discussed the social impacts of mass incarceration on American society and particularly on families and communities of color. I examined prison's power to distort social data and indicators of social inequality and to trap people in an endless cycle of stigma and recidivism. I also looked at the economic aspect of prison's costs to taxpayers and the multimillion-dollar private prison industry. All of these facets of mass incarceration are directly correlated with race. When a group of people is systematically displaced from their homes and communities, those who are removed suffer as well as those who are left to fill the roles they once played in the community. Since the vast majority of the incarcerated population in the United States is made up of young, urban, low-income Black men, we can see the negative effects of mass incarceration most prominently in inner cities that are home to largely Black families of low socioeconomic status.

I explored the effects of paternal incarceration on families in chapter two. My research indicated that paternal incarceration leads to both financial and relational strain in families, as well as many negative social, cognitive, and developmental effects for their children. These men are frequently the breadwinners for their families, and so their children and the children's mothers suffer when the fathers go to prison. Many of the children's mothers rely on child support payments from the fathers who can no longer pay once they are incarcerated. The effects of parental incarceration on children vary

depending on the sex of the parent and of the child, with maternal incarceration being the most strongly correlated with her daughters' delinquency. While there are negative social and relational effects of paternal incarceration, the financial effects are more pronounced when men go to prison and the relational effects are more pronounced when women go to prison.

In chapter three I discussed the effects families experience when a mother is incarcerated. Though there are more men than women in prison, the female prison population is growing at a faster rate than the male prison population. One of the strongest themes of this section of the research is that mothers' whole identities are often wrapped up in the fact that they have children. They are much more likely than men to have been custodial caretakers of their children before prison. When men go to prison it is expected that their children's mothers will care for the kids if the fathers are even involved in the first place; however, when a woman goes to prison, her children either live with the mother's parents or are placed in the foster care system as wards of the state. For this reason, children and the mothering identity are often used as incentives for good behavior or as psychological punishment for bad behavior in prisons. For better or for worse, this tactic works for women who are more strongly socially identified in relation to their children, especially in prisons that have a nursery on site; however, men are not thought of as parents first and people second, and there are also no men's prisons in the United States that have nurseries, so the parenting as punishment model is only used with women.

Incarceration tends to be cyclical through generations. In chapter four I talked about juvenile incarceration. Many youths who are in prison had at least one parent in jail

or prison at some point in their lives. Incarcerating young people costs taxpayers an enormous amount of money, especially when one factors in the future costs of their (likely) recidivism. Once they are involved with the criminal justice system, it is very difficult to get uninvolved. Young people who have bad relationships with their parents for reasons such as violence, abuse, addiction, or parental incarceration are at a higher risk of becoming incarcerated themselves. A large portion of these children grew up in poverty, surrounded by disorganized crime. They lacked safety and stability at home, and many lacked these things at school as well. Many juveniles who are involved with the criminal justice system got there because of the School-to-Prison Pipeline, and most students who are at risk of being pulled into the Pipeline are people of color and/or belong to the LGBT community. Many juvenile inmates have a history of abuse and mental health issues. Mental and physical health needs are largely unmet in youth detention centers. When young people become involved in the criminal justice system, their relationships with their parents are further strained, as the parents are encouraged to take on punitive responsibilities in the home and are blamed for their children's crimes.

When a man, woman, or child is released from prison, he or she is generally in debt and has no housing or job prospects, which is a huge reason for recidivism. Prison does not provide people with any marketable skills or credentials of any kind. Future research should investigate programs that help prisoners and/or ex-convicts get diplomas, degrees, technical training, jobs, etc. and explore the possibility of expanding these programs and giving every incarcerated person the right to access them. Similar programs for people in low-income communities could also be helpful in teaching people

marketable skills that they can use to make money without needing a black market job on the side.

These types of programs could be helpful in prison prevention and post-prison intervention, but further steps are necessary to change the prison-industrial complex itself. Researchers and policy-makers should more thoroughly examine the ethics of for-profit prisons. Advocacy groups should continue to draw public attention to issues of racial profiling, the racialized “war on drugs,” police brutality, and overcrowding. One of the most important reform policies that further research should examine is the need for rehabilitation. Many prison inmates in the U.S. suffer from mental illness and/or various types of addiction that are at the root of their crimes. Rehabilitation rather than pure retribution would be a much more effective model for prisons – people who have committed crimes would be removed from society for a period of time while they learned skills and received appropriate medication to actually help with the underlying problems. In addition, prison overcrowding could be diminished by the decriminalization of cannabis and by decreased sentencing for low-level drug crimes. Above all, those in power must take a step back and acknowledge the humanity of the people in prison and acknowledge the injustice that has been allowed to continue and flourish for so long in the land of the free.

As an educated White person, I realize that I have a certain level of privilege. Before I began this project, I did not know about any of the issues connected to mass incarceration – I just thought that criminals went to prison and that was that. I now realize that mass incarceration is one of the most complicated and intersectional issues facing the United States today, yet it seems like nobody is talking about it. I have only

scratched the surface of all the injustices that occur in this system, but I knew that I had to take advantage of this research opportunity and use my privilege and my voice to speak up for a massive group of people who have been largely silenced in the public sphere. This issue is too big for any one person to take on on her own, but exposing it piece by piece is the first step toward understanding and reforming the corrupt system of mass incarceration.

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