
Mass Incarceration and Child Trauma

Mary Kelly Persyn

Attorney General Jefferson Beauregard Sessions is rapidly deconstructing the bipartisan federal criminal justice reform movement that flourished during the Obama years. Criminal justice reform has also been one of the few areas of bipartisan agreement in recent years, gaining a foothold even in “tough on crime” Texas. In the face of over thirty states proceeding with reforms to reduce sentences and jail populations, Sessions has declared his support for imprisoning more people and has ordered his attorneys to press courts for the highest criminal sentences (Oppel 2017). Supporting states’ efforts to continue reform is critically important. The pressing need to reduce the number of children suffering parental incarceration is a leading reason why.

Consider the skyrocketing numbers. America now incarcerates 700 in every 100,000 people—a rate that is the highest in the world (Morsy 2017). In the 1970s, the number was 170. *For African-American men, the number is 1,700 per 100,000* (Morsy 2017). The American penchant for incarceration piles a heavy burden on our most vulnerable children. At least five million American children have had at least one parent incarcerated (Murphey and Cooper 2015). Since 2007, the number of incarcerated people in the United States has increased considerably. In 2007, 1.4 million people were incarcerated; currently, that number is 2.2 million, an increase of over 50%. By that measure, about 2.5 million American children have a parent currently behind bars.

Pew Research findings estimate that 2.7 million American children have a parent who is currently incarcerated (Western and Pettit 2010). African American, poor, and rural children are

at the highest risk (Murphey and Cooper 2015). African-American children face twice the risk of experiencing parental incarceration (1 in 9 children, compared with 1 in 17) (Murphey and Cooper 2015). By the time they are 14, twenty-five percent of African American children have experienced parental incarceration—but only four percent of white children have. “Of imprisoned fathers of African American children, only one-third are in prison because of a violent crime. Another third have been convicted of drug offenses. The remainder have committed property crimes or technical violations, such as failure to show up for a

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court date or probation officer appointment; failure to meet other conditions of release, like steady employment; or failure (usually from inability) to pay traffic or similar fines” (Morsy and Rothstein 2016). For African-American children born between 1994 and 1999, the number is nearly 1 in 7, or 13.6 percent. The number may understate the issue, because it doesn’t consider nonresidential parents (Murphy and Cooper 2015). In the long run, these children often suffer hardships including food insecurity, financial insecurity, and trouble with school. They have a higher risk of homelessness—especially if they are African-American children (Carter and McCarthy 2015).

In many ways, these children “do time” with their incarcerated parents, suffering the pain of separation and, often, deprivation while they wait. Upon release, their parents face steep odds against employment, and often

are re-incarcerated for their failure to meet work requirements associated with probation, fueling a cycle of deprivation for their children (Morsy 2017). Though entirely innocent, the children of the incarcerated too often face a system that takes little account of their existence. Moving through awareness to action on behalf of these vulnerable Americans is critically important in our era of mass incarceration. Criminal justice reform is not optional where two-thirds of incarcerated parents are serving time for a non-violent crime and one percent of all American children have a parent currently incarcerated for a drug crime (Western and Pettit, 2010).

Given the urgency of the need and the glacial pace of criminal justice reform, we must better support the children of incarcerated parents now. Raising public awareness of the hardships faced by these children is the first step. Trauma-informed care must become the rule in school and other child-serving settings. We must make it easier for families to maintain strong ties while parents are incarcerated, and provide far better support upon release so parents can return to work and active involvement in their children’s lives.

Impact of Incarcerated Parent on Children

When a child loses a parent to incarceration, the impact is uniquely damaging. To the burden of absence, add economic and food instability; stigma, stereotyping, and shame; difficulty in communicating with and visiting the absent parent; and loss of home and community for those children who must move after the incarceration. The impact of parental incarceration can damage physical, mental, and emotional health and well-being and reduce financial, academic, and professional prospects for millions

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of children.

Studies show that children of parents who have been incarcerated are at a higher risk for many negative outcomes, including emotional and mental health problems and delayed academic progress. Associated health problems can extend into adulthood (Murphey and Cooper 2015). When demographic variables are held constant, the negative impact on children of the current or former incarceration of a parent remains significant (Murphey and Cooper 2015). For example, one study found that “23 percent of children with a father who has served time in a jail or prison have been expelled or suspended from school, compared with just 4 percent of children whose fathers have not been incarcerated” (Western and Pettit 2015).

Emotional and developmental damage can run deep in the children of incarcerated parents. Separation is always traumatic, and the uncertainty that follows can chip away at a child’s sense of security and safety. Children can suffer from conflicted loyalty to their parents if they have witnessed criminal activity in their homes. Further, children often suffer stigma and the judgment of their peers when a parent is incarcerated (Wright and Seymour 2015).

The complex and far-reaching impact of parental incarceration is unique among “adverse childhood experiences” (ACEs). A 1998 study by Kaiser Permanente and the Centers for Disease Control identified ten categories of childhood experience that are significantly linked to negative outcomes later in life, among them emotional, physical, and sexual abuse; emotional and physical neglect; mother treated violently; household substance abuse; household mental illness; parental separation or divorce; and incarcerated household member (American Academy of Pediatrics 2016). Children who witness the arrest of a parent, a significantly traumatic experience, are particularly affected by anxiety and stress. Parental

incarceration is “distinguished from other ACEs by the unique combination of trauma, shame, and stigma. Parental incarceration increases the risk of a child living in poverty or experiencing household instability, independent of any other factors present in that child’s life” (YouthGov). The ACE of incarceration, in other words, is often uniquely impactful.

Compounding these risks, incarceration very rarely occurs in the absence of other significant risk factors and adversities (Wright and Seymour 2015). Though some children may have enjoyed a fairly stable and nurturing preincarceration family life, most will have experienced considerable instability and possibly maltreatment, with the problems related to in-

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carceration superimposed upon existing difficulties. These risks include such other traumas and ACEs as poverty, alcohol and drugs, crime, domestic violence, child maltreatment, previous separations, a parent’s history of abuse, and enduring trauma including separation from the parent entailed by incarceration (Wright and Seymour 2015). If the trauma is too severe, emotional coping and survival edges out mastery of a range of tasks necessary to healthy development (Wright and Seymour 2015). School performance can suffer severely; a recent report finds that mass incarceration is “an independent cause of the gap in cognitive and non-cognitive outcomes between black and white students” (Morsy and Rothstein 2016).

How Can We Help Children Who Have Suffered Parental Incarceration?

The most important way to help children of incarcerated parents is to

incarcerate fewer parents. Criminal justice reform must continue.

That said, we have a responsibility to children whose parents are already behind bars. The research on tools to help the children of incarcerated parents is limited, but experts have provided extensive advice. Better public awareness of these issues can help focus attention on, and promote protection of, these vulnerable children. Schools and other caretakers can help to reduce the stigmatizing effects of having an incarcerated parent. Prisons, social workers, and family members can improve communications between the child and incarcerated parent and work to make visits more child-friendly (Murphey and Cooper 2015). Better support for the formerly incarcerated upon re-entry can reduce the risk of economic and food insecurity and homelessness for their children.

Raise awareness. The renewed national conversation on our criminal justice system—highlighting the 2.2 million people held behind bars in our country—almost never considers the children of incarcerated people. Culturally, our strong emphasis on individual responsibility and “paying one’s debt to society” tends to result in placing responsibility for the care of these children squarely on the shoulders of their parents. But as we know from research demonstrating the multiple vulnerabilities of these children and their families, more support is needed to help them survive parental incarceration and thrive despite it.

Before we can have that conversation, though, we need to raise the general public’s awareness of the issues faced by children of incarcerated people. San Francisco Children of Incarcerated Parents Partnership (SFCIPP) has created an eight-point Bill of Rights for these children that sets out many of their important but little-known needs. These include the right to be kept safe and informed at the time of the parent’s arrest, the right to be heard and considered when relevant decisions are made, the right to be well cared for in the parent’s absence, the right to speak with, see, and

touch the parent (Poehlmann et al. 2010), the right to support, the right not to be judged, blamed, or labeled, and the right to a lifelong relationship with the parent (San Francisco Children of Incarcerated Parents). Posting and discussing these rights in child-serving agencies can help raise awareness and move toward action.

Provide trauma-informed care. The arrest and incarceration of a parent often causes severe anxiety and distress in children. Providing care that is informed by and responsive to the realities of trauma and its aftermath is crucially important to children suffering parental incarceration.

Witnessing the arrest of a parent is a key example of traumatic experience, and it can cause severe anxiety and distress in a child in the short- and long-term. Law enforcement officers must be trained to look for the signs of children in a home and to ask adults whether they are responsible for children and whether there are children present during the detention and arrest process. Training in care specifically responsive to this form of trauma is available to help law enforcement officers understand the age-appropriate factors to consider when arresting a parent (Bureau of Justice Assistance and International Association of Chiefs of Police).

Teachers and others who work with children are critically important to a child's ability to withstand parental incarceration and thrive despite it. Schools must educate teachers about the difficulties faced by children of incarcerated parents. Expert training and advice is available to support teachers' work with these children to buffer the risk of weaker academic performance (Trauma and Learning Policy Institute).

Make it easier to maintain family ties during incarceration. Less restrictive visitation rules that allow contact between parent and child can help. Incarcerating people geographically closer to their family members makes visits more possible. Curbing the cost of phone and video calls to prisons lessens the economic burden

of communications on families (San Francisco Children of Incarcerated Parents Partnership).

Help families find pathways to employment after incarceration. A criminal record is a significant barrier to employment, which makes life that much harder for children of formerly incarcerated parents. Policies such as automatic sealing of low-level, non-violent records after proof of rehabilitation can help immensely. The "ban

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the box" policy established by the Office of Personnel Management under President Obama has helped many to gainful employment (Vallas et al. 2015).

Fight for criminal justice reform. Our prison and jail populations have exploded in recent years. Harsh sentencing for non-violent offenses is one

significant cause. Many inmates are parents, and incarceration severely impacts their children, especially in school performance. Further, discriminatory and disproportionate incarceration of African American parents is an important cause of the racial achievement gap (Morsy and Rothstein 2016). Among the many reasons to fight for change, the children of incarcerated parents are among the most important.

Real Life Example: SFUSD Program to Help Kids of Incarcerated Parents

In recognition of the heavy toll taken on already-vulnerable children by parental incarceration, the San Francisco Unified School District has begun an initiative to provide them with extra support and services, including teacher training (San Francisco Unified School Districts 2016). The resolution was necessary because as of 2010, about 18,000 San Francisco children had parents currently or for-

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PRRAC Update

- **PRRAC has moved!** We are grateful to our friends at the **Center on Law and Social Policy (CLASP)**, with whom we shared office space for the better part of ten years (along with the DC office of PolicyLink for the last five). Alas, CLASP has grown too big to keep us, so we have found new offices – in a large shared suite with other social justice oriented nonprofits, near the White House in a building owned by the **National Community Reinvestment Coalition**. Our new address is **740 15th St. NW #300, Washington, DC 20005**.
- **New PRRAC staff:** We are pleased to welcome **Peter Kye**, PRRAC's 2017-18 Law and Policy Fellow. Peter was most recently at the Fair Housing and Community Development group at the Lawyers' Committee for Civil Rights Under Law, and is a 2016 graduate of the University of Virginia Law School.
- We also welcome this month our fall Law and Policy Intern, **Roselie Brutus**, a 3rd year student at GW Law School, and Communications Intern **Sarah DeArruda**, a junior at Colby-Sawyer College.

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merly incarcerated at the county or state level. In addition to the training, SFUSD plans to add questions about the needs of children who suffer parental incarceration to its Youth Behavior Risk Survey.

Liberal reputation aside, San Francisco is a poster child for the increased risk of parental incarceration that African-American children face. African-American people make up just six percent of the city's population but a stunning 53 percent of its incarcerated population. Layered with other adverse experiences that African-American children are more likely to face, this rate of parental incarceration should sound an alarm bell that keeps SFUSD on its current course.

Conclusion

The crisis of mass incarceration has been devastating to Americans, and especially to African Americans. "Tough on crime" policies that have increased the length of sentences and harshly punished non-violent and drug offenses have ballooned our prison population. Millions of children have been the overlooked, but heavily impacted, victims.

Our first priority must be to continue pushing for an end to unjust criminal laws. The campaign continues in a majority of our states, where the majority of prisoners are housed, and it deserves strong support.

But in the meantime, agencies that interact with children—and that includes nearly all of them—can do a great deal to buffer the trauma of parental incarceration and build resilience in these vulnerable children. We must advocate for greater awareness of trauma related to incarceration among law enforcement officers, teachers and counselors, social workers, pediatricians, judges, and lawyers. Helping these children not only reduces their suffering now. It improves their health, well being, and self-sufficiency for the long term, improving

their quality of life and reducing the chances of passing trauma on to the next generation. Trauma-informed

care should be the rule for every agency that touches the children of incarcerated parents. □

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