

Reform female inmate policies

■ **Undue hardships are inflicted on incarcerated women and their families in New York State**

BY TAMAR KRAFT-STOLAR

About a month ago I met Lucia, a 12-year-old girl from Harlem with long braids and deep dimples. Lucia's mother is incarcerated at Albion Correctional Facility — a prison near Rochester that houses more than 40 percent of New York's female inmates.

On Sunday, while other children are enjoying Mother's Day with their moms, Lucia will be making an eight-hour bus journey, waiting on a long line to pass through prison security and briefly sitting across a table from her mother in a gray visiting room that offers few family activities and a vending machine with stale food, if any.

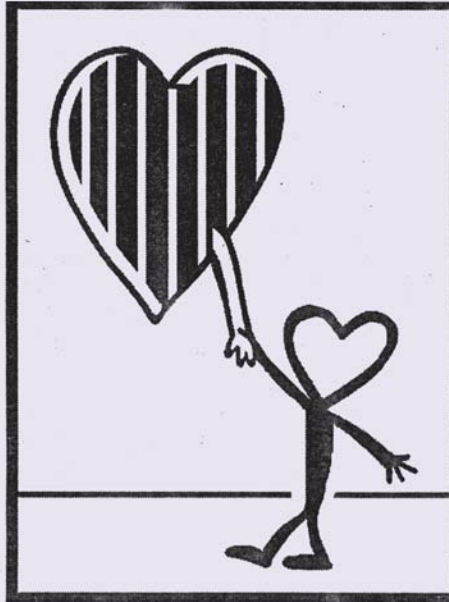
The number of children in Lucia's situation has skyrocketed over the past 30 years: In 1973, about 380 women were incarcerated in New York's prisons; today, there are more than 2,900 women prisoners, about three-fourths of whom are par-

ents. An estimated 6,000 children have mothers incarcerated in New York State correctional facilities.

Why the exploding number of incarcerated women? There are many reasons, the foremost being the implementation of New York's Rockefeller drug laws. Roughly 40 percent of female inmates are incarcerated for drug crimes.

Women are also often in prison for property offenses, such as fraud, burglary or larceny. About 75 percent are African-American or Latina, most of whom come from a handful of poor urban communities. Nearly eight in 10 are convicted of nonviolent drug or property crimes each year.

The sad truth is that our society has increasingly relied on prison to solve its ills: A woman buys \$10 worth of crack to support her drug habit? Lock her up. A woman forges a check to pay for food to feed her kids? Lock her up. A woman defends herself against her abusive partner? Lock her up. Of course, illegal actions should have penalties, but the million-dollar question — lit-



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discrimination, restrictions in obtaining affordable housing or education loans, insufficient access to health care, and barriers to voting.

For families, incarceration — particularly the incarceration of women — takes a devastating toll. The majority of women in New York's prisons were single primary caretakers of their children before arrest. When a mother, the backbone of the family, is sent to prison, her children are left with no means of support and often end up in foster care (another hefty sum for taxpayers: at least \$20,000 per child per year). Children of incarcerated parents are also more likely to become involved in the criminal-justice system,

abuse substances, have difficulties in school and experience emotional distress.

Moreover, since New York enacted its own version of the federal Adoption and Safe Families Act (ASFA) in 1999, incarcerated parents face an increased risk of permanently losing custody rights to their children. Under ASFA, if a child has been in foster care for 15 of the previous 22 months, the foster care agency is required to file a petition to terminate the custody rights of the parent. The average minimum sentence for a woman in

erally — is what those penalties should be.

Society is often so focused on meting out harsh prison sentences, even for minor offenses, that we overlook the "collateral consequences" of incarceration — the individual and societal side effects of sending a person to prison. For taxpayers, incarceration comes with an expensive price tag: It costs \$32,000 a year to incarcerate one person in New York State. For offenders, incarceration results not only in the obvious loss of liberty but also in numerous post-release hardships such as employment



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New York State is 62 months.

There is, however, an important exception to ASFA: if a foster care agency can document a "compelling reason" why termination would not be in the best interest of the child, the agency can decide not to terminate parental rights. So, for example, if an agency caseworker spends time with a mother and her child and sees evidence of a strong bond, she or he might reconsider filing a termination proceeding. For parents in prison, achieving this outcome is quite difficult.

Although a number of organizations

facilitate visits to state prison, they are, for the most part, under-resourced and unable to provide adequate services for the thousands of New York's children of incarcerated parents. More than half the mothers in New York's prisons have never had a visit with their children.

Even when custody is not at stake, maintaining family ties during a mother's incarceration is critical: It contributes to a child's overall well-being, aids in successful post-release family reunification and significantly decreases the likelihood that a mother will return to prison.

Certain changes in criminal justice

and child-welfare policies would mitigate the destructive effects of imprisonment on and save taxpayers money. Such reforms include amending New York's ASFA laws to provide exceptions for incarcerated parents and increasing funds to programs that provide visiting and family reunification services.

Ultimately, New York should send more women offenders to community-based correctional alternatives such as drug treatment, supervised probation, vocational training, abuse counseling and community service. These programs cost significantly less than prison and allow women offenders to stay connected to

their families while addressing underlying issues such as substance abuse and domestic violence. Without such reforms, New York cannot effectively reduce recidivism or interrupt the intergenerational cycle of crime and prison.

On Sunday, when you wish someone "Happy Mother's Day," think of Lucia and the thousands of children whose mothers are incarcerated. New York should not let another Mother's Day pass without recognizing the terrible impact prison has on families from poor communities and adopt a more enlightened approach to addressing criminal behavior.