

# Researching

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## Talking about Parental Incarceration at the White House:

Creating a National Dialogue Between  
Researchers, Practitioners and Policy Makers

# Talking about Parental at the Creating a National Dialogue between

It is well known that the United States is a world leader in incarceration. As ABF Research Professor John Hagan notes in a recent article in the journal *Sociology of Education*, “the United States constitutes about one twentieth of the world’s population, but our jails and prisons hold about one quarter of the world’s inmates.” Well over two million persons are currently incarcerated in this country, and the contemporary rate of imprisonment is about four times higher than in the 1970s—much of it attributable to changes in sentencing statutes and guidelines that were revised in the 1980s. What is less generally realized is that most incarcerated persons are parents. About three million children in the United States have an incarcerated parent, or one who has been released recently, and the effects of this enforced separation from parents are not well understood. As Hagan observes, “the numbers and proportions of young people today whose lives are disrupted by separation from their imprisoned mothers and fathers is larger today than ever before in American history.” Major changes in American penal policy have “massively increased punishment, from arrest through imprisonment, without corresponding knowledge of its consequences.”

Hagan and collaborator Holly Foster of Texas A&M University are engaged in an in-depth multi-year study to better understand the effects of parental incarceration on children, families, and communities. Their research project “Punishment Regimes and the Multi-Level Effects of Parental Imprisonment: Inter-Institutional, Inter-Generational and Inter-Sectional Models of Inequality and Exclusion,” funded by both the American Bar Foundation and the National Science Foundation, has resulted in many publications and academic conference papers. At the same time, they have begun to more actively engage the policy community as well, offering reliable, empirical research findings, comprising a “systematic and consistent base of

knowledge” on which to ground the development of policies related to parental incarceration.

### **White House Conference on Parental Incarceration to be held at the Executive Office Building in August 2013**

Thanks to a recent grant award from the National Science Foundation, Hagan and Foster will be co-chairing a research and policy conference in Washington, D.C. entitled “Parental Incarceration in the United States: Bringing Together Research and Policy to Reduce Collateral Costs to Children.”

The one-day conference is planned for August 20, 2013 at the White House, Executive Office Building,

to engage researchers and policy makers about collateral consequences of parental incarceration for U.S. children. The conference will: (1) review current knowledge about parental imprisonment and child well-being; (2) document programs designed to reduce negative effects of parental incarceration on children; (3) address problems stemming from parental involvement with the justice system; and (4) identify best practices for improving the lives of children of incarcerated parents. As Hagan and Foster explain, the “overarching goal of the conference is to inform efforts to mitigate costs to a generation of affected children.”

The conference will bring together scholars and policy makers across

# Incarceration White House: Researchers, Practitioners and Policy Makers

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professional disciplines and policy sectors. The participants will range from rising researchers to senior professionals selected from across the nation based on their expertise, and will engage underrepresented groups including racial and ethnic minorities and women. A similarly diverse array of post-doctoral and graduate student observers will be invited to advance the training of the next generation of contributors to this area of work. Working together, these participants will establish and extend much-needed networks between policy makers, practitioners, and academics.

## **The Conference: An Opportunity for Dialogue and Collaboration between Researchers, Policy Makers, and Practitioners**

Over the course of one day, the conference will develop a dialogue between 16 presenters, five discussants, 20 governmental and non-governmental policy professionals

and practitioners, and 10 doctoral and post-doctoral scholars. The disciplines represented among the presenters and discussants will include law, criminology, sociology, family studies, social work, economics, health, education, and an array of community and governmental agencies. The conference is of special interest to such groups as the Federal Interagency Reentry Council, which is comprised of 19 governmental agencies and is specially mandated to “save taxpayer dollars by lowering the direct and collateral costs of incarceration” (<http://csgjusticenter.org>).

The presentations will focus on research and policy about parental incarceration effects on children, organized around five sessions:

- **Demographics and Family Dynamics**
- **Behavioral and Health Problems**
- **Educational and Exclusionary Outcomes**
- **Law Enforcement**
- **Child Care Policy**

Hagan and Foster expect that the collaborations begun at the conference will help to identify the processes and outcomes of parental incarceration, with particular attention paid to especially vulnerable groups of children. They will prepare a report on the conference detailing findings and recommendations and disseminate it widely. All participants in the conference will provide PowerPoint slides to summarize their presentations for the attending conference audience, as well as for a broader audience of interested and concerned policy makers, practitioners, researchers and academics. To reach this broad audience, slides and papers from the conference will be made available through a page devoted to the conference on the website of the American Bar Foundation.

As Hagan and Foster explain the conference’s rationale, “policy makers, practitioners and academics need to meet in order to effectively facilitate linkages between empirical

**Policy makers, practitioners and academics need to network in order to effectively facilitate linkages between empirical findings and policies and programs.**

findings and policies and programs. The conference is intended as a foundation for on-going dialogue and collaboration about parental incarceration. A recent and rapidly growing research literature is developing on the effects of parental imprisonment on children. There is little or no doubt that parental incarceration is associated with life course development problems of children, adolescents, and young adults. We have reached a juncture when it is important to analyze the findings of research on the effects of parental incarceration in relation to policies that can mitigate, ameliorate, and prevent problems identified in this growing body of work.”

### **Children of the American Prison Generation: When Mothers are Incarcerated**

One of Hagan and Foster’s more recent articles, “Children of the American Prison Generation: The Paradoxical ‘Spillover’ School Effects of Incarcerating Mothers” (*Law & Society Review*, Vol. 46, 2012), investigates the problems particular to maternal incarceration. Though many more men than women are incarcerated, they note, the numbers of incarcerated women have risen sharply. While women make up less than ten percent of the U.S. prison population, “over the last three

decades... the imprisonment of women increased about sixfold, compared to threefold for men. The majority of imprisoned women are mothers, and the number of imprisoned women doubled in the last decade,” according to Hagan and Foster.

Hagan and Foster’s research aims to better understand the consequences of increased maternal incarceration, not only for children of incarcerated mothers, but for the communities—particularly neighborhood schools—of which they are a part. Not only does having a mother in prison affect individual children, Hagan and Foster find that “the damaging effects...also spill over to children of non-incarcerated mothers in schools with elevated levels of maternal incarceration.” The authors find negative “spillover” effects, such as lower grade point averages, and lower high school and college graduation rates, even when controlling for many other explanatory factors. As they comment, “the increased imprisonment of women has potentially long-lasting and intergenerational significance when viewed in terms of the culturally prescribed roles of mothers in child care, child raising, the emotional lives of children, and the surrounding social lives of children’s schools and communities.”

### **Gender and the Sentencing Guidelines Movement**

Hagan and Foster point to the 1980s as the period during which sentencing statutes and guidelines changed radically, with serious implications for women involved in the criminal justice system. While, as they note, there was a lack of good research on the effects of parental, and especially maternal, incarceration, “in the 1980s federal and state legislatures radically restricted in a historically unprecedented way the discretion of judges to consider gender-linked parenting responsibilities in decisions about imprisonment.” Ironically, the authors note, the movement that spurred the restriction of discretion in sentencing had initially been supported by both liberal reformers who supported it “as a presumed means of ending racial and judicial disparities resulting from the discretion built into indeterminate sentencing provisions,” and conservatives who saw it as a “means of reducing the discretion of ‘activist’ judges and standardizing more severe punishment.”

As Hagan and Foster point out, “the resulting legislation greatly increased the imprisonment of minority offenders, especially in targeting crack cocaine, and it caught mothers as well as fathers in its widening and deepening net [while] the guidelines movement dictated that women receive sentences comparable to men’s regardless of any special responsibilities for children and families.” As Hagan and Foster state, “This policy experiment had profound implications for mothers and children. It meant treating as equal accused men and women whose family-connected vulnerabilities were actually quite different.”

## The Research Method

Hagan and Foster's research is distinguished not only by the way it investigates the negative spillover effects of maternal imprisonment, but also because it is the first to study the phenomenon of maternal incarceration and its effects on children and schools using a national sample. The data for their analysis come from the National Longitudinal Study of Adolescent Health (Add Health), the largest, most comprehensive longitudinal survey of a nationally representative sample of adolescents to date. Begun in 1995, the Add Health survey, which is administered by the University of North Carolina Population Center, is following the cohort into young adulthood and is tracking respondents' social, economic, psychological and physical well-being within the context of their families, neighborhoods and schools. Hagan and Foster have taken Add Health data and linked them to a supplementary collection of educational data from school transcripts, and thus are able to include three academic outcomes in their analysis: 1) high school grade point average, 2) educational outcomes on a 13-point scale from completion of eighth grade to post baccalaureate professional education, and 3) a measure of college completion. In analyzing the data, they have employed hierarchical linear modeling, a technique often used by social scientists to understand both individual and community level effects.

Because they were studying not only effects of maternal incarceration on individual children, but also on children of non-incarcerated mothers in the same schools, Hagan and Foster were careful to control for several

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The conference “Parental Incarceration in the United States: Bringing Together Research and Policy to Reduce Collateral Costs to Children” will take place at the White House, Executive Office Building (seen at left), in Washington, D.C. on August 20, 2013.

factors to isolate effects of parental incarceration on individual children and school populations. For example, they looked at “income level of the household and the mean income level of families whose children attend the school.” They accounted for resources available in the school, such as number of full-time teachers, and the proportion of teachers with masters’ degrees, and also controlled for “the school’s proportion of two-biological-parent families and the school’s size, urbanicity, and level of public funding.” Additionally, Hagan and Foster controlled for school attendance and dropout rates and area crime rates.

## Research Findings

Hagan and Foster introduce their findings with the following statement: “From the resulting multi-level analysis, we learn not only about student-level sources of variation—including parental imprisonment—in educational outcomes, but also about the influence of variation in the aggregation and concentration of imprisoned mothers and fathers between schools on these outcomes, with the range of other variables taken into account at student and school levels. This allows us to move beyond the level of individuals to uniquely determine whether the aggregation and concentration of parental imprisonment at the school

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level has collective spillover effects on the educational outcomes of children resulting from historically high levels of incarceration of mothers and fathers in the United States.”

The authors’ findings include the following effects of parental incarceration on individual children and their schoolmates:

- 1) Maternal imprisonment has significant negative effects on high school grade point averages both for individual students and for schools with relatively more mothers imprisoned.
- 2) On a 13-point scale of educational attainment from completion of eighth grade to post baccalaureate professional education, maternal incarceration has a larger negative effect than paternal imprisonment, while at the school level the spillover effects of maternal and paternal incarceration are about the same.
- 3) Both maternal and paternal incarceration are negative predictors of college graduation; however, maternal imprisonment has a stronger negative effect.

- 4) Among children of incarcerated mothers, the college graduation rate is between one and two percent.

Hagan and Foster’s finding on the spillover effect of parental incarceration on college graduation rates is particularly important, given the reduced prospects for employment for those who lack a college degree. As they state,

“Overall, the college graduation rate in the United States is over 40 percent for children of parents who are not imprisoned during the children’s childhood or adolescence and children who attend schools in which few other parents are incarcerated. However, this graduation rate drops to about 30 percent for children whose mothers are not imprisoned but who go to school where as few as six percent of other mothers are imprisoned. These are schools where the imprisonment rate of mothers is about one standard deviation above the mean. The small size of this standard deviation in combination with the significance of the school-level effect of maternal incarceration is an indication of the low threshold at which maternal imprisonment spillover consequences become notable for children whose

mothers are not incarcerated but who attend these schools. When about 10 percent of the mothers in a school are imprisoned, the graduation rate drops to about 25 percent among youth whose mothers are not imprisoned.”

Comparing the effects of paternal and maternal imprisonment on college graduation rates, Hagan and Foster comment: “The more general point is that in high-incarceration schools in the United States, even among youth whose fathers and mothers are not incarcerated, the college graduation rate is reduced by as much as half. The more specific point is that among children of mothers who are imprisoned, the children’s chances of graduation are very low, and beyond this, when one’s own mother is not imprisoned, the threshold for spillover effects of other mothers’ imprisonment is lower than that for fathers. The educational outcomes for children tend to be more sensitive to maternal than paternal incarceration.”

### Conclusion

Hagan and Foster conclude that the “formal equality” required by sentencing guidelines that do not acknowledge women’s particular roles

in families can lead to “substantive inequality for women and children.” They acknowledge that more research is needed to better understand the effects of maternal incarceration so as to better inform policy. But there is little doubt, as their current research indicates, that “the gendered effects of the logic of judicial neutrality are socially costly not just for individuals and families, but also for the schools and the communities in which they are located across the nation.”

Hagan and Foster report on the effects of maternal incarceration in “Children of the American Prison Generation: The Paradoxical ‘Spillover’ School Effects of Incarcerating Mothers,” *Law & Society Review*, Vol. 46, 2012.

If you are interested in supporting research on parental incarceration or other important ABF initiatives, please contact Lucinda Underwood at 312.988.6573.



**Holly Foster** is Associate Professor of Sociology at Texas A & M University. Foster received her Ph.D. in Sociology from the University of Toronto in 2001. She has had post-doctoral training at the National Consortium on Violence Research at Carnegie Mellon University and at the National Center for Children and Families, Teachers College, Columbia University, New York. With interests in the intergenerational consequences of parental imprisonment, the well-being of female prisoners, crime and deviance, children’s exposure to violence, social inequality, and the life course, Foster has published widely in these fields including articles in the *American Sociological Review*, *Law & Society Review*, *Sociology of Education*, *Journal of Health and Social Behavior*, *Women & Criminal Justice* and *Social Problems*. Her research has been facilitated by research grants through the National Science Foundation, the National Institute of Child Health and Human Development, and Texas A&M University.



**John Hagan** is Research Professor and Co-Director of the Center on Law and Globalization at the American Bar Foundation, and John D. MacArthur Professor of Sociology and Law at Northwestern University. He is Editor of the *Annual Review of Law and Social Science*. Hagan has served as President of the American Society of Criminology, and received its Edwin Sutherland and Michael J. Hindelang awards. In 2009, he was awarded the Stockholm Prize in Criminology for his research on genocide in Darfur. He serves as a member of the National Scientific Advisory Council for the National Survey of Adolescent Health, and sits on numerous editorial boards. Hagan has published widely in the areas of adolescent criminology, international criminal law and war crimes. His books include *Mean Streets: Youth Crime and Homelessness* (with Bill McCarthy, 1997), *Justice in the Balkans* (2003), *Darfur and the Crime of Genocide* (with Wenona Rymond-Richmond, 2009) and *Who Are The Criminals? The Politics of Crime Policy from the Age of Roosevelt to the Age of Reagan* (2010).



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