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**The Rights and Needs of Families as they Navigate
a Loved One's Incarceration**

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a Loved One's Incarceration**

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Dedication

This professional report is dedicated to everyone experiencing incarceration in the United States and all of the people who love them.

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Abstract

The Rights and Needs of Families as they Navigate a Loved One's Incarceration

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The University of Texas at Austin, 2019

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The United States currently has the highest incarceration rate in the world, and with just under 2.3 million people incarcerated across jails and prisons, it also holds the title for the highest incarcerated population of any country. In addition to the direct impact of incarceration on the nearly 2.3 million individuals, their loved ones are also affected. Current research consistently demonstrates that not only are children and other family members negatively impacted emotionally and financially when a loved one is incarcerated, but maintaining family connections is shown to improve the well-being and behavior of incarcerated individuals, reduce recidivism, and ease reentry. Despite this knowledge, state prisons continue to create barriers related to prison visitation and communication that impede families' abilities to maintain these ever important and positive connections.

Currently, limited research exists that looks at the experiences of families as they try to navigate these barriers. Using key-informant interviews with service providers and policy advocates who work alongside incarcerated individuals and their families, this

report examines common challenges that family members face when trying to understand and navigate state prison systems. The report also explores the legal rights and expressed needs of families affected by incarceration. Ultimately, the report provides three policy recommendations that recognize the positive impact of familial connections throughout incarceration by proposing legislation that would improve the treatment of families within the prison system, codify family visitation rights, and compel incarceration to occur closer to home.

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Chapter One: Background

CURRENT STATE OF INCARCERATION IN THE UNITED STATES

Over the last 40 years, the use of incarceration in the United States has grown at an alarming rate. In 1972, the United States held just under 200,000 people in state and federal prisons, and had an incarceration rate similar to countries like Canada, England, and Germany.¹ Today, 25% of the people incarcerated in the world are imprisoned in the United States, despite the United States making up only 5% of the world's population. The country's incarceration rates are higher than both Russia and Cuba,² and as of 2016, just under 2.3 million people were incarcerated throughout state and federal prisons and county jails.^{3,4} When individuals are incarcerated, they are removed from their communities and their families, and their absence often leads to negative social and economic consequences. With such a large incarcerated population, it is inevitable that the number of people in the United States with an incarcerated family member also increased over time; however, quantitative data to confirm this theory is largely unavailable.

State and federal prisons often collect basic data on the ages of incarcerated individuals' children, leading most existing research to focus on parental incarceration. The most recent data on parental incarceration from the Bureau of Justice Statistics was collected in 2007, finding that at the time, 1.7 million minor children had an incarcerated parent.⁵ More recently, a 2016 survey from the Child and Adolescent Health

¹ John Pfaff, *Locked In: The True Causes of Mass Incarceration—And How to Achieve Real Reform* (Basic Books, 2017).

² Pfaff.

³ Ann Carson, "Prisoners in 2016," *Bureau of Justice Statistics*, 2018.

⁴ Zhen Zeng, "Jail Inmates in 2016," *Bureau of Justice Statistics*, 2018.

⁵ Lauren E Glaze and Laura M Maruschak, "Bureau of Justice Statistics Special Report Parents in Prison and Their Minor Children," *Bureau of Justice Statistics*, 2010.

Measurement Initiative found that 5.7 million children under the age of 18 years old have experienced parental incarceration.⁶ Other publications note that is likely a conservative estimate.⁷ In part, this is because estimates on the number of people impacted by the incarceration of a partner, sibling, grandparent, etc. are noticeably absent from research. Given the magnitude of families affected, research about incarceration has been growing to include studies on the experiences of people with incarcerated family members; however, the lack of comprehensive data, along with the major differences amongst correctional facilities creates challenges when studying the true impact of incarceration on families.

This study aims to expand current knowledge on the impact of incarceration on people with an incarcerated family member in the United States. Specifically, the study will seek to examine the following: What are the rights and needs of people with incarcerated family members as they navigate a loved one's incarceration?

IMPACT OF INCARCERATION ON FAMILIES

Research on the Impact of Incarceration on Children

Parental incarceration in the United States does not impact children equally, with children of color at greater risk of having an incarcerated parent. Of the 1.7 million children under 18 years old experiencing parental incarceration in 2007, Black and Hispanic children were 7.5 times and 2.5 times more likely, respectively, than white children to experience parental incarceration.⁸ Additionally, the majority of children with

⁶ Kara Gotsch, "Families and Mass Incarceration," *CW360: Criminal Justice Involvement of Families in Child Welfare*, 2018.

⁷ The Annie E. Casey Foundation and KIDS COUNT, "A Shared Sentence: The Devastating Toll of Parental Incarceration on Kids, Families and Communities," 2016.

⁸ Glaze and Maruschak, "Bureau of Justice Statistics Special Report Parents in Prison and Their Minor Children."

an incarcerated parent are younger than 10 years old, and come from a low-income family.⁹

Recent research from Eric Martin examined the collateral consequences of parental incarceration, including increased risk factors for behavioral and social problems, criminal justice involvement, and low educational attainment.¹⁰ He noted that research on depression and aggression in children with an incarcerated parent is mixed, with different outcomes found based on the gender, race, age, and family situation of the children. A meta-analysis, however, revealed that anti-social behaviors are more consistently found amongst children experiencing parental incarceration than any other factor.¹¹

Studies also find that due to the social stigma attached to incarceration, children are affected differently by parental incarceration than other types of parental loss.¹² The loss of a parent in a manner that is not socially accepted can cause feelings of embarrassment and shame for children, and Murphey and Cooper found that this stigma was statistically associated with poor educational outcomes for children with an incarcerated parent.¹³ Further, children with incarcerated mothers are at greater risk of dropping out of school¹⁴ and have been observed to suffer from higher rates of traumatic stress.¹⁵ Numerous studies also looked at the increased risk factors for criminal justice

⁹ The Annie E. Casey Foundation and KIDS COUNT, “A Shared Sentence: The Devastating Toll of Parental Incarceration on Kids, Families and Communities.”

¹⁰ Eric Martin, “Hidden Consequences: The Impact of Incarceration on Dependent Children,” *American Jails* 31, no. 5 (2017): 16–22.

¹¹ Martin.

¹² Lindsey Cramer et al., “Parent-Child Visiting Practices in Prisons and Jails,” 2017, 1–38.

¹³ David Murphey and P Mae Cooper, “Parents behind Bars: What Happens to Their Children?,” no. October (2015): 1–20.

¹⁴ The Annie E. Casey Foundation and KIDS COUNT, “A Shared Sentence: The Devastating Toll of Parental Incarceration on Kids, Families and Communities.”

¹⁵ Dana DeHart, Cheri Shapiro, and Stephanie Clone, “‘The Pill Line Is Longer Than the Chow Line’: The Impact of Incarceration on Prisoners and Their Families,” *Prison Journal* 98, no. 2 (2018): 188–212.

involvement associated with parental incarceration, with Murray and Farrington finding that boys with an incarcerated parent were five times more likely to be incarcerated than sons separated from a parent for reasons other than incarceration.¹⁶

Research on the Impact of Incarceration on other Family Members

The growing body of research on familial incarceration largely focuses on the economic hardship families face when a partner or loved one is incarcerated. Studies show that the loss of income from an incarcerated family member can result in serious economic deprivation and lead to financial strains.¹⁷ Families also often take on additional expenses such as collect calls, commissary, and travel expenses related to supporting and visiting their incarcerated loved one.¹⁸ Arditti, Lambert-Shute, and Joest interviewed parents or caregivers who shared minor children with an incarcerated individual, and found that the families were facing serious economic hardships that affected them individually and their community at large.¹⁹ More than half were receiving public assistance benefits, and 72% began receiving them only after their loved one was incarcerated. Further, a significant number of participants noted a decline in their own work after their partner's incarceration because of a lack of childcare, and two-thirds of interviewees reported they were "much worse off" or "somewhat worse off" since the incarceration of their partner or co-parent.²⁰

¹⁶ Joseph Murray and David P. Farrington, "Parental Imprisonment: Effects on Boys' Antisocial Behaviour and Delinquency through the Life-Course.," *Journal of Child Psychology and Psychiatry, and Allied Disciplines* 46, no. 12 (December 1, 2005): 1269–78.

¹⁷ John Hagan, "The Unintended Consequences of Incarceration: Papers from a Conference Organized by the Vera Institute of Justice," in *The Next Generation: Children of Prisoners*, 1996, 21–39.

¹⁸ Johnna Christian, Jeff Mellow, and Shenique Thomas, "Social and Economic Implications of Family Connections to Prisoners," *Journal of Criminal Justice* 34, no. 4 (2006): 443–52.

¹⁹ Joyce A Arditti, Jennifer Lambert-Shute, and Karen Joest, "Saturday Morning at the Jail: Implications of Incarceration Families and Children *," *Family Relations* 52, no. 3 (2003): 195–204.

²⁰ Arditti, Lambert-Shute, and Joest.

The economic burden of incarceration often continues to be felt even after a family member returns home. One study found that not only did the average family income decrease by 22% during a parent's incarceration, it remained 15% lower in the year after their return home.²¹ Families also face economic challenges after reentry due to legal obstacles to employment, housing, and public assistance benefits based on a person's criminal record.²²

In addition to economic burdens, multiple studies demonstrated that families faced emotional obstacles from their loved ones' incarceration, including romantic partners suffering increased mental and physical health problems.²³ Christian, Mellow, and Thomas noted that family separation due to incarceration often forces families to restructure their households, sometimes creating an emotionally unstable environment.²⁴ Studies also found that families often face challenges during visitation at correctional facilities.²⁵ Family members are required to undergo what can be uncomfortable searches before being admitted, and noncontact visits can be distressful and traumatic, particularly for children.²⁶

A 2005 study on families' management of prison visits using ethnographic observations and interviews looked at barriers to prison visitation. The interviewees discussed distance and expense concerns when traveling to the facilities, but they also

²¹ The Pew Charitable Trusts, "Collateral Costs: Incarceration's Effect on Economic Mobility," 2010.

²² Gotsch, "Families and Mass Incarceration."

²³ Sara Wakefield, Hedwig Lee, and Christopher Wildeman, "Tough on Crime, Tough on Families? Criminal Justice and Family Life in America," *Annals of the American Academy of Political and Social Science*, 2016.

²⁴ Christian, Mellow, and Thomas, "Social and Economic Implications of Family Connections to Prisoners."

²⁵ National Research Council, *The Growth of Incarceration in the United States: Exploring Causes and Consequences*, ed. Jeremy Travis, Bruce Western, and F. Stevens Redburn (Washington, DC: National Academies Press, 2014).

²⁶ Christian, Mellow, and Thomas, "Social and Economic Implications of Family Connections to Prisoners."

shared positive experiences with a visitor's center within a state prison that offered assistance with paperwork and a supportive environment.²⁷ Outside of visitation, the study did not discuss the navigation of any other part of the correctional system with the participants.

BENEFITS OF MAINTAINING FAMILY CONNECTIONS WHILE INCARCERATED

Research on the intersection of incarceration and families has long shown that there are many benefits for incarcerated individuals who are able to preserve connections with loved ones while in prison. Studies find that maintaining social ties with family and friends throughout incarceration helps individuals adjust to their time in prison and transition more smoothly into their communities after serving time.²⁸ Specifically, Hoffman, Dickinson, and Dunn found that family contact acted as a support for individuals dealing with the stress of prison life, and that connections to their communities helped them avoid becoming institutionalized.²⁹ In addition to general forms of contact, numerous studies describe the benefits of family visitation in particular. Interviews with incarcerated individuals who have attempted suicide identified social isolation, and specifically receiving fewer visitors, as contributing to their self-harm.³⁰ Visits are often associated with the improved mental health and behavior of incarcerated individuals as well as decreased feelings of isolation.³¹ Some studies, however, found that

²⁷ Johnna Christian, "Riding the Bus: Barriers to Prison Visitation and Family Management Strategies," *Journal of Contemporary Criminal Justice*, 2005.

²⁸ Karen De Claire and Louise Dixon, "The Effects of Prison Visits From Family Members on Prisoners' Well-Being, Prison Rule Breaking, and Recidivism," *Trauma, Violence, & Abuse* 18, no. 2 (2015): 185–99.

²⁹ Heath C Hoffmann, George E Dickinson, and Chelsea L Dunn, "Communication Policy Changes in State Adult Correctional Facilities from 1971 to 2005," *Criminal Justice Review* 32, no. 1 (2007): 47–64.

³⁰ Joshua C Cochran and Daniel P Mears, "Social Isolation and Inmate Behavior: A Conceptual Framework for Theorizing Prison Visitation and Guiding and Assessing Research," *Journal of Criminal Justice* 41, no. 4 (2013): 252–61.

³¹ De Claire and Dixon, "The Effects of Prison Visits From Family Members on Prisoners' Well-Being, Prison Rule Breaking, and Recidivism."

the benefits of visitation are dependent on the circumstances. In a 2012 study, Cochran analyzed visitation and misconduct data and found that consistent visitation was associated with fewer conduct violations; however, for individuals whose visits were discontinued over time, misbehavior increased.³²

Recent studies have looked at the effect of visitation on reentry and recidivism, seeing largely positive results. In a study looking at 2-year recidivism rates for formerly incarcerated persons in Florida, Bales and Mears found that visitation, specifically spousal visits, were associated with lower levels of recidivism. The study results suggested that visitation lowered odds of recidivism by 30%.³³ Growing research also reveals that visits not only lower the likelihood of reconvictions, but they ease the strains of reentry because the continuity of relationships through visitation helps incarcerated individuals understand and trust that they will have the support of their loved ones after their release.³⁴

THE CHALLENGES OF NAVIGATING PRISON POLICIES

As summarized above, the effects of family connections, and in particular visitation during incarceration, are largely positive. These benefits have led state-level Departments of Correction (DOC) to create general visitation policies. Unfortunately, the mere existence of visitation policies is not indicative of their implementation or transparency. In a 2012 report, the first comprehensive review of prison visitation policies across all 50 states, Boudin, Stutz, and Littman noted the challenges of studying

³² Joshua C. Cochran, “The Ties That Bind or the Ties That Break: Examining the Relationship between Visitation and Prisoner Misconduct,” *Journal of Criminal Justice* 40, no. 5 (2012): 433–40.

³³ William D Bales and Daniel P Mears, “Inmate Social Ties and the Transition to Society,” *Journal of Research in Crime and Delinquency* 45, no. 3 (2008): 287–321.

³⁴ Hoffmann, Dickinson, and Dunn, “Communication Policy Changes in State Adult Correctional Facilities from 1971 to 2005.”

correctional policies. A main challenge is that the rules of state prisons are governed at three different levels: administrative regulations, policy directives, and facility-specific rules.³⁵ The researchers discovered that policy directives from the director of each states' DOC were often the most comprehensive source for understanding prison policies because the facility-specific rules proved inaccessible, unclear, and changed internally too often to be reliable. They further noted that administrative regulations from the courts often gave deference to prison officials and therefore administrative discretion ultimately determined the rules of prison administration.³⁶

In practice, the variance of rules leaves people with incarcerated loved ones without clear access to, or knowledge of, the system which houses their family member. Other researchers who took on the task of attempting to gather policy information from state prisons found that although state websites contained information on visitation policies, it was often difficult to find, not user-friendly, or did not provide comprehensive information about the types of visitation available or the security checks visitors should expect prior to entry.³⁷ The same researchers attempted to clarify information over the phone, as families often do, but described being unable to reach anyone after multiple attempts, or facing resistance from the prison staff members following questions about visitation rules. Navigating the visitation policies of jails and prisons proves difficult, as policies are not universal within states, counties, or even within facilities.³⁸ The administrative discretion associated with correctional facility policies leads to great variance in visitation regulations regarding length of visits, number of visits allowed

³⁵ Chesa Boudin, Trevor Stutz, and Aaron Littman, "Prison Visitation Policies: A Fifty-State Survey," *Source: Yale Law & Policy Review*, vol. 32, 2013.

³⁶ Boudin, Stutz, and Littman.

³⁷ Rebecca J. Shlafer, Ann Booker Loper, and Leah Schillmoeller, "Introduction and Literature Review: Is Parent-Child Contact During Parental Incarceration Beneficial?" (Springer, Cham, 2015), 1-21.

³⁸ Shlafer, Loper, and Schillmoeller.

within certain timeframes, eligibility of visits based on level of offense, required security checks and searches for approved visitors, visitor codes of conduct and dress, and contact/no-contact visits, amongst other rules.³⁹

The lack of available information from prisons is compounded by their often remote locations. The majority of prisons in the United States are located in rural areas, making transparency easier for facilities to avoid. A 2015 Prison Policy Initiative report used data from the Bureau of Justice Statistics's 2004 *Survey of Inmates in State Correctional Facilities*, and found that 63% of people in state prisons are incarcerated more than 100 miles away from their families.⁴⁰ For families with access to a car, visiting a loved one in prison can require multiple hours of driving, and for families who rely on the non-direct routes of public transportation, prison visits are likely a full day affair. The same report determined that less than one-third of people incarcerated in state prisons receive a visit from a loved one each month, and that distance from home is a strong predictor of visitations.⁴¹

These long distances not only impact families' abilities to visit their loved ones in prison, but they allow many prisons to operate without the oversight of the public. Families wishing to advocate for the well-being of an incarcerated loved one, for instance, can often only do so over the phone, or through written correspondence. The remoteness of prisons severely limits direct access to administrators, and in many ways, hides incarceration from the public view. The lack of accessible policies and information can lead to an absence of knowledge surrounding the rights that incarcerated persons and their families maintain despite confinement.

³⁹ Boudin, Stutz, and Littman, "Prison Visitation Policies: A Fifty-State Survey."

⁴⁰ Bernadette Rabuy and Daniel Kopf, "Separation by Bars and Miles: Visitation in State Prisons," *Prison Policy Initiative*, 2015.

⁴¹ Rabuy and Kopf.

CURRENT STUDY

The research outlined above exalts the benefits of family connections while incarcerated, and examines the collateral consequences that family members face outside of the criminal justice system. Namely, research demonstrates that incarcerated individuals who maintain social ties during incarceration have better mental health outcomes and experience easier reintegration into their communities. Additionally, an individual's incarceration often leads to emotional and financial stress on their children and other family members. Children experiencing parental incarceration in particular, face increased risk factors for poor educational outcomes and future criminal justice involvement. Despite these findings, current policies at U.S. correctional facilities do not aim to strengthen family bonds or ease the burdens of incarceration on families. Instead, policies lack transparency and accessibility and make navigation of the correctional system difficult for families of the incarcerated. State prison policies in particular operate across three different levels of governance, resulting in more discretion afforded to prison administrators. This essentially renders policies invisible because rules and procedures can be interpreted differently on a day-to-day basis. Families likely face challenges because they are expected to both understand and adapt to the changing rules seamlessly.

A lack of research exists on the experiences of families as they navigate within the system. Prisons and jails remain institutions that often operate in remote areas, outside of both the public eye and the public's mindset. As demonstrated earlier, their standard practices (or lack thereof) may make navigation of correctional systems difficult for families. If true, millions of U.S. families may be facing unnecessarily difficult avenues to maintain connections with incarcerated loved ones, and public policy changes to address this issue could have far-reaching implications.

This study aims to expand current knowledge on the impact of incarceration on people whose family members are imprisoned in the United States. Specifically, the research study will seek to examine the following: What are the rights and needs of people with incarcerated family members as they navigate the policies and procedures of state prisons in the United States?

Chapter Two: Methodology

METHOD

The goal of this study is to help build foundational research on how incarceration impacts family communication, relationships, and advocacy by examining the experiences of families navigating prison visitation and communication policies, and advocating for their loved ones from outside of the state prison system. The data come from a qualitative study of service providers and policy advocates who work with those experiencing incarceration and their families. The qualitative portion of the study includes four hours of interviews with employees from four organizations that work to support and advocate for families affected by incarceration.

Open-ended semi-structured interviews were conducted with the study participants who worked at organizations in California, New York, and Pennsylvania. The organizations include a direct service provider working with currently and formerly incarcerated people and their families, a grassroots organization that works to challenge the institutional violence that exists in prisons, an advocacy group whose members are families of incarcerated individuals, and a prison oversight organization. The interview participants from these organizations hold roles including senior policy manager, coordinator, organizer, and executive director. During one-hour phone interviews, respondents were asked to discuss the nature of their organization's work with families impacted by incarceration as well as their knowledge surrounding any current legislative and procedural rights granted to families of incarcerated persons. These could include notification rights regarding a family member's health, facility transfer, death, etc., and the rights associated with visitation. The questions also focused on the expressed needs of the organizations' clients, as well as their perceptions of difficulties and hardships faced

by family members of people incarcerated in state prisons. The participants then shared their organizations' current or planned legislative advocacy to address these rights and needs. Due to the time-constraints of a one-semester-long student research project, the project design was limited and no interviews were conducted with clients of these organizations.

The participants were identified through online research, and were invited to join the study via email and phone calls to their organizations. All of the participants who responded and were interested in taking part in the interviews received informed consent forms via email ahead of the calls. Although the author is interested in experiences of families across the United States, given the time and resource constraints of the project, California, Colorado, Minnesota, New York, Pennsylvania and Texas were initially identified as states of interest based on a combination of their incarceration rates and recent pushes toward key criminal justice reforms in the states. Based on the responses received, interviews were ultimately conducted with key-informants from organizations in California, New York, and Pennsylvania.

DATA COLLECTION AND ANALYSIS

All interviews took place over the phone, and every interview was audio-recorded with the permission of the participants. An interview guide was used to ensure consistency across interview questions (see Appendix). Following each interview, the author transcribed the audio-recordings into a secure Word document, and sections of interviews were later re-organized into major categories that aligned with the interview questions asked. The author then reviewed these categories for common themes and noteworthy anecdotes. No qualitative data analysis tool was employed to compile the data or perform a thematic analysis.

LIMITATIONS

The major limitation of this study is the small sample size. The paper is a culmination of one semester's worth of research conducted by the author. The short timeframe and lack of resources such as funding and additional researchers, led to a limited response rate. Altogether, 20 recruitment emails and phone calls took place, seven responses were received, and four interviews were conducted.

It is the hope of the author that future research on the topic will expand the knowledge gained through this paper, and that additional interviews will be conducted with key-informants from organizations that support families affected by incarceration in California, Pennsylvania, and New York, as well as the other 47 states and the District of Columbia. Further, it is the belief of the author that these interviews should be used to provide a foundational understanding of the rights and needs of families of incarcerated persons, but should not be applied in place of interviews with the people most directly impacted by familial incarceration: family members themselves. The knowledge gained from participants working within the field can inform future surveys and interviews with family members in order to learn about the lived experiences of those with an incarcerated loved one.

SPECIFIC FOCUS OF THE STUDY

Given the different types of correctional facilities, it is helpful to define the differences between jails, and state and federal prisons. Jails are locally operated facilities that house people who are recently arrested, being held pretrial, or who have been convicted and given a sentence of less than one year. Prisons are longer-term facilities operated by the state or the federal government and they house people convicted and given a sentence of more than one year. Although chapter one provided context on the

state of incarceration and its impact on families across jails, state prisons, and federal prisons, this study focuses specifically on the experiences of families navigating the incarceration of loved ones in state prisons.

State prisons are the chosen focus of this study for multiple reasons, with one being that of the almost 2.3 million people incarcerated in the United States, the majority, 1.3 million, are held in state prisons.⁴² Additionally, given the transitory nature of county jails, families are likely to interact more frequently with prison policies, and families with a loved one incarcerated in a state prison are also more likely to develop long-term relationships with the service providers and advocates who participated in this study, providing for richer data collection. Further, state prisons were chosen separately from federal prisons because the organizations found during the author's research operate more extensively in individual states than on a national level, and their expertise was therefore more focused on state prisons.

LANGUAGE USE

It is worth noting that the language used in this study to refer to and describe people with criminal justice system involvement has been carefully chosen. It is the belief of the author that the language we use when discussing incarceration is powerful and can serve to either further dehumanize justice-involved individuals, or to demonstrate respect and dignity for them as people. For this reason, the author took care to use person-first language and avoided the use of terms such as “inmate”, “prisoner”, “offender”, and “convict”. Any use of non-person-first language that appears within the study is the result of the author quoting others' research or referencing the names of programs and initiatives within Departments of Corrections and other organizations.

⁴² Carson, “Prisoners in 2016.”

Chapter Three: Rights of Families

FEDERAL COURT DECISIONS

In chapter one, a noted challenge of navigating state prisons entailed their three different levels of governance, including administrative regulations, policy directives, and facility-specific rules. Administrative regulations refer to “the code(s) promulgated pursuant to each state’s administrative law procedures”,⁴³ and researchers Boudin, Stutz, and Littman discovered that these regulations did not provide a clear understanding of prison policies because the discretion of the prison administrators often triumphs over state law. The practice of deferring to prison administrators is not unique to facility policies; it is also a commonly used principle to determine the rights granted to those experiencing incarceration. Federal and state laws establish the rights held by people who are incarcerated, thus challenges related to the restriction of their rights are decided in state and federal courts. In an article for the Boston Law Review, Peter Shults writes that at a federal level, the Supreme Court is guided by two sometimes conflicting principles: people experiencing incarceration remain protected by the constitution and retain their constitutional rights, and “prison administrators deserve deference in determining how to run their prisons”.⁴⁴ In practice, the Supreme Court has been found to rely more heavily on the second principle, permitting high levels of autonomy to prison administrators.⁴⁵

The Supreme Court’s decision in a 1987 case *Turner v. Safley* is often applied to cases involving individuals’ rights during incarceration. The decision established a four-factor test used to determine whether a policy limiting an individual’s rights while incarcerated is reasonable. Referred to by later courts as the *Turner* standard, the test was

⁴³ Boudin, Stutz, and Littman, “Prison Visitation Policies: A Fifty-State Survey.”

⁴⁴ Peter R Shults, “Calling the Supreme Court: Prisoners’ Constitutional Right to Telephone Use,” *BUL Rev.* 92 (2012): 369.

⁴⁵ Boudin, Stutz, and Littman, “Prison Visitation Policies: A Fifty-State Survey.”

believed by the dissenting judges to be too deferential to prison officials. In Justice Steven’s dissent, he wrote that “if the standard can be satisfied by nothing more than a ‘*logical*’ connection’ between the regulation and any legitimate penological concern perceived by a cautious warden...it is virtually meaningless” and further stated that “application of the standard would seem to permit disregard for inmates’ constitutional rights whenever the imagination of the warden produces a plausible security concern...”.⁴⁶

Despite the known benefits of familial connections during incarceration, the decisions of the Supreme Court and other federal courts related to the communication and visitation rights of individuals who are incarcerated have not aligned with that evidence. Decisions with direct impacts on incarcerated individuals and their families are discussed in more detail below.

Visitation

Overton v. Bazzetta

In 2003, the Michigan Supreme Court unanimously upheld policies of the Michigan Department of Corrections (MDOC) that severely restricted visitation, including the elimination of non-contact visits for some individuals. The policies were derived from the MDOC’s belief that visitation made it difficult for them to stop the smuggling of drugs. In response, the new visitation policies only allowed immediate family and a restricted list of 10 others to visit an individual experiencing incarceration. Children visiting had to be immediate family and be accompanied by a family member or legal guardian who qualified for the restricted visitor list. Additionally, visits with

⁴⁶Christopher E. Smith, “The Changing Supreme Court and Prisoners’ Rights,” *Indiana Law Review* 44 (2010): 853–88.

children were prohibited if the parent who was incarcerated had lost their parental rights.⁴⁷ Further, if an incarcerated individual had two substance use violations their visitation rights, both contact and non-contact, were eliminated for two years.⁴⁸

The *Overton v. Bazzetta* case was filed on behalf of incarcerated individuals and their prospective visitors, arguing that bans on visitation by certain minors and restrictions based on substance use violated the Fourteenth Amendment's Due Process Clause, the Eighth Amendment's prohibition on cruel and unusual punishment, and the incarcerated individuals' freedom of association under the First Amendment.⁴⁹ Despite the original suit also being filed on behalf of friends and family, and an amicus brief filed specifically on behalf of the sons and daughters of the incarcerated individuals when the case reached the Supreme Court, the final opinion found that the constitutional rights of those who were incarcerated were not violated. It failed to acknowledge the rights of the children and other family members involved in the suit.⁵⁰

Mail Correspondence

Procunier v. Martinez

Scholars note that the constitutional right to freedom of association under the First Amendment is a two-way street, and the courts have also recognized this in some of their decisions in favor of the rights of the incarcerated. In the 1974 case, *Procunier v. Martinez*, individuals experiencing incarceration challenged the California Department of Corrections' broad policies and regulations regarding censorship of mail.⁵¹ The Court

⁴⁷ Chesa Boudin, "Children of Incarcerated Parents: The Child's Constitutional Right to the Family Relationship," *The Journal of Criminal Law and Criminology* 101, no. 1 (2011): 77-118.

⁴⁸ Emily Chiang, "The Turner Standard: Balancing Constitutional Rights & Governmental Interests in Prison," *Law Forum Journal*, vol. 5, 2007.

⁴⁹ Boudin, Stutz, and Littman, "Prison Visitation Policies: A Fifty-State Survey."

⁵⁰ Boudin, "Children of Incarcerated Parents: The Child's Constitutional Right to the Family Relationship."

⁵¹ Shults, "Calling the Supreme Court: Prisoners' Constitutional Right to Telephone Use."

found that mail censorship infringed on both the rights of those who are incarcerated as well as the constitutional rights of the people they were corresponding with outside of prison.⁵² The outcome of the case allowed for incarcerated individuals to receive more correspondence, but the standard for considering the infringement of the rights of family and friends unfortunately did not continue. In subsequent cases, the Courts' opinions lessened this standard. Chesa Boudin, a public defender who experienced the effects of parental incarceration growing up and has written extensively on the rights of children with incarcerated parents, wrote that following *Procunier v. Martinez*, the Court has been "hesitant to forge a separate standard for cases implicating the rights of outsiders" and instead focuses its decisions solely on the rights of individuals who are incarcerated.⁵³

A time-series study of communication policies in prisons found that in 2005, 100% of prisons reported inspecting all incoming mail, but only 7% of prisons report receiving authorization from individuals experiencing incarceration to inspect the mail. In 1971, the first year in which the survey was conducted, 67% of facilities obtained individuals' authorization. This decrease in honoring the rights of incarcerated individuals to authorize mail surveillance may be indicative of post-*Turner* standard restrictions, in which security concerns legally outweigh individuals' rights. The cost of postage also shifted significantly over the course of survey's four decades. In 2005, 57% of facilities noted that they require incarcerated individuals to cover all postage costs, an increase from 23% of facilities in 1981. The survey also found that the majority of facilities allow those who are incarcerated to send and receive at least 8 letters a week, but in 2005, the average number of letters sent and received per week was 4.1, compared

⁵² Boudin, "Children of Incarcerated Parents: The Child's Constitutional Right to the Family Relationship."

⁵³ Boudin.

to 5.6 in 1981.⁵⁴ Given that more incarcerated individuals are expected to bear the cost of postage, the corresponding decrease in their mail communications may demonstrate their inability to fully realize their mailing rights.

Phone Calls

Currently, the U.S. Supreme Court has not ruled on any First Amendment challenges related to prisons limiting the use of phones for incarcerated individuals. The opinions of lower courts, however, vary widely. None of the lower court cases found through this author's research implicate the rights of outsiders to communicate with an incarcerated loved one through phone calls.

Arsberry v. State of Illinois

In 1999, individuals incarcerated by the Illinois Department of Corrections filed suit against the state as well as various telecommunication companies stating that the exorbitant costs of telephone use were in violation of their First, Fifth, and Fourteenth Amendment rights. In 2001, Judge Posner of the U.S. Court of Appeals for the Seventh Circuit in Chicago held that individuals incarcerated in Illinois had no constitutional right to phone access. Judge Posner's opinion found that the First Amendment protected the content of speech made through a phone call, but did not protect one's use of the phone.⁵⁵

Holloway v. Magness

In 2010, Judge Deere of the U.S. District Court for the Eastern District of Arkansas held that the commission received by the Arkansas Department of Corrections from contracted telecommunication companies was unconstitutional. In Judge Deere's

⁵⁴ Hoffmann, Dickinson, and Dunn, "Communication Policy Changes in State Adult Correctional Facilities from 1971 to 2005."

⁵⁵ Shults, "Calling the Supreme Court: Prisoners' Constitutional Right to Telephone Use."

opinion, she noted that “the Supreme Court has squarely held that inmates have a constitutional right to communicate with people outside of prison”. Taking her opinion further, Judge Deere interpreted the rights granted under the First Amendment in contrast to Judge Posner, explaining that in addition to covering the content of speech, the First Amendment “also encompasses the *opportunity* to speak, the *opportunity* to worship, the *opportunity* to assemble.”⁵⁶

The same time-series design study found that in 2005, no prisons reported sharing the cost of calls made by individuals incarcerated in their facilities, compared to 56% of facilities that shared those costs in 1971. Additionally, in 2005, 64% of respondents reported that individuals experiencing incarceration were required to place collect calls. These changing phone use policies highlight the economic incentives prison administrators receive through commission contracts with telecommunication companies.⁵⁷

BILLS OF RIGHTS

The court decisions detailed above address issues that impact both individuals who are incarcerated as well as their loved ones outside of prison. Yet, as demonstrated in their opinions, impacts on the constitutional rights of those outside of prison are not consistently considered when ruling on prison regulations and policies. In addition to visitation and means of communication, families also face challenges staying informed about issues their loved ones cope with while incarcerated. These could include notifications of a loved one transferring facilities, facing serious health concerns, or their death. The author’s research did not confirm any laws related to granting these

⁵⁶ Shults.

⁵⁷ Hoffmann, Dickinson, and Dunn, “Communication Policy Changes in State Adult Correctional Facilities from 1971 to 2005.”

notification rights to families. Coalitions and partnerships of previously incarcerated folk, their families, as well as community supporters, however, have created two Bills of Rights for families and children impacted by incarceration. The groups use each Bill of Rights as a framework to guide advocacy work and encourage the inclusion of family perspectives in prison policies. Although neither has been legally adopted, they offer important insight into ways that the criminal justice system is failing to provide families and children with rights that most of us take for granted in our daily familial interactions. Extending the rights detailed below to families and children as they navigate a loved one's incarceration would demonstrate an understanding of the collateral consequences our prison system imposes on families and communities and show respect for everyone who the system touches, including those outside of the prison walls.

“Prison Family Bill of Rights”

At the 2012 National Prisoner's Family Conference, the attendees, made up of prison family members and representatives of secular and faith-based organizations serving prison families from across the United States, drafted the “Prison Family Bill of Rights”. The Bill of Rights was affirmed and adopted by attendees the following year at the 2013 conference, stating:

- “The Prison Family has the right to be treated with respect and dignity by any and all representatives of the prison system at all times.
- The Prison Family has the right to expect and be assured the utmost care is established and maintained to provide a healthy and safe living environment that promotes effective rehabilitation, reintegration and parole planning throughout a loved one's incarceration.
- The Prison Family has the right to be treated and integrated as a positive resource in the process of rehabilitation and reintegration preparation and parole planning of an incarcerated loved one.

- The Prison Family has the right to receive consistency in the enforcement of rules; regulations and policies affecting a loved one’s incarceration.
- The Prison Family has the right to receive consistency in the enforcement of rules; regulations and/or policies affecting visitation and/or all forms of communication with an incarcerated loved one.
- The Prison Family has the right to be informed in a timely, clear, forthright and respectful manner of any changes in rules; regulations and/or policies affecting visitation and/or communication with an incarcerated loved one.
- The Prison Family has the right to be informed within 24 hours and in a compassionate manner regarding the illness; injury and/or death of an incarcerated loved one.
- The Prison Family has the right to extended visitation during the hospitalization of an incarcerated loved one.
- The Prison Family has the right to be informed within 24 hours of the security status change and/or transfer of an incarcerated loved one to a new facility.
- The Prison Family has the right to be provided specific written and evidence-based reasons for a loved one’s security status change; clemency denial and/or parole denial.
- The Prison Family has the right to have their incarcerated loved one housed within a distance from their permanent address that provides reasonable access for visitation and/or to facilitate serving as a resource in the rehabilitation and reintegration preparation and parole planning of their incarcerated loved one.
- The Prison Family has the right to be provided the current specific name or names and direct phone numbers of prison officials to contact for questions about their incarcerated loved one.”⁵⁸

“Children of Incarcerated Parents: A Bill of Rights”

In 2003, the executive director of Friends Outside, a California based nonprofit that provides services to individuals who are incarcerated and who are reentering their

⁵⁸ “InterNational Prisoners Family Conference,” accessed March 20, 2019, <https://prisonersfamilyconference.org/prisoner-family-bill-of-rights/>.

communities, drafted the “Children of Incarcerated Parents: A Bill of Rights” document. In 2005, the San Francisco Children of Incarcerated Parents Partnership (SFCIPP) adopted and expanded this Bill of Rights as a part of their Rights to Realities Initiative. Through the initiative, SFCIPP works to ensure that every child in San Francisco who experiences parental arrest or incarceration is guaranteed these rights. SFCIPP advocates for issues such as establishing arrest protocols that keep children safe and protected, incorporating family impact statements in pre-sentencing reports, child-centered visiting rooms that encourage contact at prisons, and considering proximity to family when assigning individuals to prison facilities, among many others.⁵⁹ The Bill of Rights states the following:

- “I have the right to be kept safe and informed at the time of my parent’s arrest.
- I have the right to be heard when decisions are made about me.
- I have the right to be considered when decisions are made about my parent.
- I have the right to be well cared for in my parent’s absence.
- I have the right to speak with, see and touch my parent.
- I have the right to support as I face my parent’s incarceration.
- I have the right not to be judged, blamed or labeled because my parent is incarcerated.
- I have the right to a lifelong relationship with my parent.”⁶⁰

⁵⁹ San Francisco Children of Incarcerated Parents Partnership, “Children of Incarcerated Parents: A Bill of Rights,” 2005.

⁶⁰ “San Francisco Children of Incarcerated Parents Partnership,” accessed March 21, 2019, <https://www.sfcipp.org/>.

STATE PRISON POLICIES

As demonstrated above, the administrative regulations of prisons are not frequently written with the family of the individuals who are incarcerated in mind, and when challenged, the rights of outsiders impacted by prison regulations are not often a part of the court's decision. Are the two other levels of prison governance - policy directives and facility-specific policies - more understanding of families' needs? For the purposes of this study, the bandwidth to research the policy directives of prisons across the country did not exist. Instead, the author examined the availability and transparency of online policies and regulations for prisons in the same states in which our interview respondents hail: California, New York, and Pennsylvania. Unfortunately, facility-specific policies were not attainable due to their consistently changing nature.

California

Upon arrival to the California Department of Corrections and Rehabilitation (CDCR) website, there is an easily accessible link on the homepage under "Family & Friend Services" where one will find information about who to contact if they need information on an incarcerated loved one, what to expect after someone is incarcerated, frequently asked questions, where to direct their complaints or issues, as well as essential resources for family and friends. A contact sheet for Public Information Officers at each state facility is available and provides the name, email address and phone number of a designated lieutenant at each prison. The initial list of information for families and friends to explore surprisingly does not include visitation or communication information. That information is available, but it is not intuitively placed. Instead, someone looking for

this information would find it under “helping adult offenders” or by selecting the “adult offenders” link under essential resources.⁶¹

Once there, the page includes “visiting someone” and “mail, packages, & calls” sections, but the linked information in the latter leaves one wanting. Under “phonecalls” there is a downloadable pdf from GTL International, the phone vendor used by CDCR that has not been updated since December 2013 and is not particularly helpful. Further, there is no information about mailing letters, only how to send money or packages. To find general mailing information, including addresses for each institution, one must look under “Visiting Information – How to Contact an Inmate”. Two additional pages of information on mail and phone calls are included within a Visitation Guidelines handbook that is available under “Visiting Someone”. The information in the handbook seems useful, but again, finding this information is not always intuitive.⁶²

For family and friends with computer and Internet access, the most comprehensive information available is the 28-page Visitation Guidelines handbook available in .pdf format mentioned above. The guidebook was most recently updated in 2011 and includes helpful information on topics such as preparing for a visit and the processing of visitors. The guidebook is only available in English, it does not contain a table of contents for accessible navigation, and at the end of many sections, including “Visiting Days and Hours” and “Attire Restrictions”, readers are reminded that the guidebook refers to general rules, and they should call any individual facility prior to visitation to learn about facility-specific policies.⁶³

⁶¹ “California Department of Corrections and Rehabilitation,” accessed March 22, 2019, <https://www.cdcr.ca.gov/index.html>.

⁶² “California Department of Corrections and Rehabilitation.”

⁶³ California Department of Corrections, “Visiting A Friend or Loved One in Prison,” accessed March 22, 2019.

The CDCR provides public links to their in-depth policy directives and regulations manuals for loved ones interested in learning about the procedures behind visitation decisions, reasons for denial of visits, qualifications for contact or non-contact visits, and the policies for notifying family following the serious illness or death of an incarcerated individual, among many others. These in-depth manuals include an 875-page Operations Manual updated in January 2019,⁶⁴ and a 324-page manual of the California Code of Regulations updated in June 2018.⁶⁵ Both can be found under “Visitation Information” on the Family & Friends page, or under “Policy & Regulations” within the CDCR’s “About” section. Despite both manuals including a table of contents, it would be reasonable to assume that the length of both documents, which are only available in English, could be overwhelming for family and friends trying to understand the policies of the state prison system.

It is also important to note that although California’s general government website (ca.gov) can be translated into any language, the option for translation is unavailable on the CDCR agency page, and all information is provided only in English. This is a great hindrance to accessibility and transparency of information for family and friends impacted by incarceration.

New York

The website for the New York Department of Corrections and Community Supervision (NYSDOCCS) does not have a designated page for friends and family. Instead, the information that most loved ones will be looking for is found under

⁶⁴ Operations Manual, “State of California California Department of Corrections and Rehabilitation Adult Institutions, Programs, and Parole,” 2019.

⁶⁵ “California Code of Regulations. Title 15. Crime Prevention and Correction. Division 3. Rules and Regulations of Adult Institutions, Programs, and Parole”, 2018.

“Visitors”, which includes information on visitation, finding facilities, a family guide in both English and Spanish, and reentry information. The 67-page handbook for family and friends was most recently updated in July 2015, and is available for download as a .pdf file.⁶⁶ Alternatively, the same information is accessible directly on the webpage, with a linked table of contents. The handbook includes information on sending mail and packages, making phone calls, identification needed for visitation, what visitors can expect upon arrival, and visiting dress codes and rules to follow. Although the handbook includes topics such as transfers, emergencies, and informing an incarcerated loved one about a death in the family, the information within these sections is lacking. The handbook repeatedly suggests contacting your family member’s assigned “Offender Rehabilitation Coordinator” with questions or problems, but it fails to share where that coordinator’s contact information can be found. Further, the only contact information the author was able to find while searching the NYSDOCCS website was a general phone number for each state prison.⁶⁷

A helpful document that could easily be missed because it does not appear within the family guidebook is a .pdf file that includes the specific visitation policies for each state facility. This document is available under the visitation tab, and includes a master list of contact information, visiting schedules, number of allowable visits, and the maximum number of visitors at each facility. Unlike other documents on the website, this information is only available in English, but a quick glance demonstrates the stark

⁶⁶ NYSDOCCS, “Handbook for the Families and Friends of New York State DOCCS Inmates,” 2015.

⁶⁷ “NYS Department of Corrections and Community Supervision,” accessed March 23, 2019, <http://www.doccs.ny.gov/doccs.html>.

differences within each facility and underscores the difficulties that family members face when trying to navigate the specific rules and policies of prisons.⁶⁸

Unlike California's site, the NYSDOCCS does not provide immediate access to a full listing of their rules and regulations. Instead, under the "Legal" tab, if one chooses "Rules & Regulations", the page states that a complete listing of New York Codes can be found at the New York Department of State website. NYSDOCCS does, however, include direct links to relevant policies adopted by NYSDOCCS since 2007. It is important to note that the full NYSDOCCS website is available for translation into a variety of languages, and most downloadable information sheets are available in both English and Spanish.⁶⁹

Pennsylvania

Like California, the Pennsylvania Department of Corrections' (DOC) website has an accessible section labeled "For Family and Friends", where one can find information on both in-person and video visitation, mail, phone calls, transportation services to prisons across the state, and resources for children of incarcerated parents. Interestingly, the information on the DOC website is all available directly on the page, so while it is available to be translated into a variety of languages using the embedded Google translate option at the top of the website, there is no downloadable guidebook which could make printing difficult. It is unclear when the information was last updated, but it stands to reason that it can be updated more regularly because the information is not saved in a

⁶⁸ "DOCCS Visitation by Facility," accessed March 23, 2019, http://www.doccs.ny.gov/Visitation/DOCCS_Visitation_By_facility.pdf.

⁶⁹ "NYS Department of Corrections and Community Supervision."

separate document. The visiting rules information is helpful and includes specific forms that must be completed, and a dropdown list of facility-specific regulations.⁷⁰

The information regarding new mail policies is also very thorough and includes a flow chart about what the contracted mailing company can and cannot process as well as the addresses that families need to use when sending different types of materials. The information on phone calls and sending emails appears lacking and only directs people to the websites for Securus and GTL communications, the companies with whom they contract these services. Contact information for the different prisons in the state is also available, and the list includes the full name of each facility's Superintendent, as well as the facility address and a direct phone number. The DOC website also encourages family members to utilize email as a means to address their concerns. They share an email address for the central DOC office, a direct email address for DOC Secretary John Wetzel, and an email address specifically for mailing related questions.⁷¹

The DOC website includes full access to their policies, including the Department's administrative code and policy statements, policy handbook, code of ethics, and the handbook provided to all newly incarcerated persons at each facility. The DOC website also includes instructions and a link to file an open records request in accordance with the state's "Right-to-know" policy. Although the information shared is very thorough, unlike all other sections of the DOC website, the policies and regulations linked here are only available in English.⁷²

⁷⁰ Tom Corbett Governor and John E Wetzel, "Pennsylvania Department of Corrections," accessed March 24, 2019.

⁷¹ Governor and Wetzel.

⁷² "DOC Policies," accessed March 24, 2019, <https://www.cor.pa.gov/About Us/Pages/DOC-Policies.aspx>.

Key Takeaways

Overall, the Department of Corrections websites for all three states did include information for families on the state prisons' visitation and communication policies, as well as their administrative regulations and policy directives. The information was not, however, always provided in ways that were user friendly or accessible. Significant accessibility issues include the inability to translate any of the information on California's website, the lack of contact information for prison administrators on the New York website, the lack of a systematic information flow across all three websites, and the outdated guidelines. Given the changing nature of facility-specific policies, providing information that has not been updated in multiple years is not an effective way for families to become knowledgeable about the policies and rules they are expected to follow.

The purpose of the information shared through these websites is to educate or guide the public, and specifically friends and families of incarcerated individuals, on how to navigate the state prison system. The above analyses of each website demonstrate that all three offer limited guidance and lack full transparency when disseminating visitation, communication, and administrative policies. Making these policies more accessible would help families better understand the system in which their loved ones are housed. If families had a clearer and more robust understanding of how to navigate these policies, they would undoubtedly face fewer challenges maintaining relationships with their incarcerated loved one, which has proven benefits for everyone involved. Further, the website challenges potentially reinforce the limited agency of family members and contribute to a sense of being powerless in the face of a loved one's incarceration.

Chapter Four: Needs of Families

As stated in the methodology, qualitative interviews were conducted with employees of organizations that work to support and advocate for families impacted by incarceration. Four respondents from California, New York, and Pennsylvania shared their insights about the experiences of families as they navigate the incarceration of a loved one in their state's prison system. It is important to note once again that because the information below was gathered through key-informant interviews, it does not represent the direct experiences of family members who currently have a loved one incarcerated within these states. The knowledge gained is also not representative of experiences of those affected by incarceration across the country. The purpose of this chapter is to illuminate the challenges and needs that the respondents have learned about from their clients, and that they have observed within their work.

CHALLENGES OF NAVIGATING THE STATE PRISON SYSTEM

Through a series of questions, respondents were asked to share the general experiences of visiting and communicating with a state prison. The sections below include common challenges described by the interviewees.

Visitation

When discussing the basic processes of visitation that families undergo, all of the respondents noted the length of time the process takes as an issue. Respondents from organizations located in Pennsylvania explained that family and friends often wait over an hour before entering the visitation room to see their loved one.⁷³ A respondent in California explained that although recently the long waits and procedures have improved,

⁷³ Phone interviews with advocates. March 5, 2019. March 14, 2019.

in the past family members would wait in line outside to go through security for two to three hours, without seats or overhead coverage.⁷⁴ In Pennsylvania and New York, interviewees noted that the wait time is compounded by the travel time to get to the prisons in the first place, which is usually a full day affair beginning in the early hours of the morning.⁷⁵ One interviewee explained that 40% of people incarcerated in Pennsylvania are from Southeast Pennsylvania, but only 15% of prison beds are located in that part of the state, suggesting that the majority of those incarcerated are placed far from home.⁷⁶ Further, another respondent noted that in New York, the remote locations of prisons greatly limits the ability of families, especially children, to travel and visit regularly with their incarcerated family member, which can negatively impact relationships and leaves the incarcerated individual more isolated.⁷⁷

All of the respondents discussed the challenges of the security procedures visitors must endure in order to enter the prison waiting room. The procedures include a metal detector, an ion scanner to test each visitor's hands for drug residue, and personal item searches to determine if the visitors meet the dress code and allowable item requirements. Recently in Pennsylvania, security measures have become stricter, with facilities replacing metal detectors with full body scanners, and the ion scanners becoming much more sensitive. An interviewee remarked that many family members they work with have been inaccurately testing positive for substances. They also noted that visitation has been decreasing with these new procedures because visitors are concerned about the radiation they are subjected to if they visit frequently, and because they fear a false positive ion

⁷⁴ Phone interview with advocate. March 20, 2019.

⁷⁵ Phone interview with advocates. March 14, 2019. April 12, 2019.

⁷⁶ Phone interview with advocate. March 14, 2019.

⁷⁷ Phone interview with advocate. April 12, 2019.

reading will lead to a visitation ban.⁷⁸ Interestingly, both California and Pennsylvania do not allow visitors to wear bras with underwire into visitation. One of the respondents in Pennsylvania stated that their organization is currently working with the DOC to change this policy, and that the DOC agrees the requirement is not being handled uniformly across prisons and needs to be addressed. That said, the organization has been working on making this change for over a year and it has yet to be resolved.⁷⁹ In California, the policy is not currently being addressed, and the interviewee noted that it is common for visitors to find themselves driving to the closest store to buy a satisfactory undergarment in order to visit their loved one.⁸⁰

Another common challenge that respondents mentioned is related to the vending machines inside the waiting and visiting rooms. In Pennsylvania, the prisons began removing vending machines following a state of emergency declared in August 2018 related to an uptick in drug activity within the prisons.⁸¹ Our interviewees from Pennsylvania shared that the removal of these vending machines significantly decreased visitation because families with young children and/or health concerns were not able to wait for hours without access to food or water.⁸² One respondent said that ridership on their buses, which they use to transport family and friends to 10 different prisons throughout the state, decreased by half following this policy change.⁸³ In California, facilities are updating their vending machines and some now use rechargeable debit cards, while others use tokens, and others still use coins. The respondent shared that

⁷⁸ Phone interview with advocate. March 5, 2019.

⁷⁹ Phone interview with advocate. March 14, 2019.

⁸⁰ Phone interview with advocate. March 20, 2019.

⁸¹ Pennsylvania Department of Corrections Press Room, "Department of Corrections Orders Immediate Lock Down of All State Prisons," August 29, 2018, https://www.media.pa.gov/pages/corrections_details.aspx?newsid=354.

⁸² Phone interview with advocate. March 5, 2019.

⁸³ Phone interview with advocate. March 14, 2019.

families who visit their loved ones within prisons encounter many issues, such as not having enough money to purchase the debit card, machines being out of order, or being unaware of the process and not purchasing tokens prior to entering the visitation room.⁸⁴

The respondent from a New York organization noted that a handful of New York state prisons do have family centers with child visiting centers, and hospitality centers that look to address some of the problems outlined above. The family centers provide rooms for families to meet with their incarcerated loved ones in open, family-friendly spaces. The hospitality centers also provide more welcoming spaces for families to wait, change clothes, eat, and learn about available resources. These centers are run by nonprofits and therefore do not hold families to the same rules as the prisons in terms of bringing in outside food, reading materials, phones, etc. The families are still required to comply with prison policies during visitation outside of these centers, including being subjected to searches and wardrobe requirements. The respondent also explained that the reception the nonprofits receive from the prison staff varies, and they have faced opposition in their work.⁸⁵

Communication with Incarcerated Loved Ones

Respondents were also asked questions about the communication that their clients have with their incarcerated family members. Interestingly, aside from discussing some prison phone policies that cause difficulties and will be addressed in the next section, none of the people interviewed noted the costs of phone calls as a barrier for the families that they work with. This does not, of course, mean that families do not face challenges related to these costs, but rather the process itself does not appear difficult for families to

⁸⁴ Phone interview with advocate. March 20, 2019.

⁸⁵ Phone interview with advocate. April 12, 2019.

navigate. The communication challenges mentioned by all of the respondents was mailing letters and other items.

Following the state of emergency mentioned earlier, Pennsylvania prisons completely changed their mail policies. Our respondents explained that family and friends must now send any letters, children's drawings, photographs, etc. to a company in Florida. That company then scans all of the mail into their database, destroys the original copies, and sends the scanned copy to the people incarcerated in Pennsylvania state prisons.⁸⁶ Naturally, this new policy has created frustration and confusion for family members and many are reluctant to continue sending mail to their loved ones at all. Families do not feel comfortable with their letters and other items being stored in a database, and they also fear the destruction of original photos that cannot be replaced. As one respondent noted, when family members send handwritten letters, their incarcerated loved one used to be able to feel the indentations of their pens, smell a scent of home on the paper, or see their children's fingerprints in paintings. The new policies remove that familial intimacy and are already having long-term impacts on relationships because families have stopped sending regular correspondence.⁸⁷

In California, the respondent shared different mail challenges with the author. According to the interviewee, attempting to communicate with a loved one through mailing letters or packages clearly demonstrates the lack of accessible information that families with an incarcerated loved one struggle with in California. They report that families often cannot find current information about the types of items they are permitted to send to their loved ones in prison, the official package companies they can use, or the proper addresses. When family members have tried to learn or clarify this information,

⁸⁶ Phone interviews with advocates. March 5, 2019. March 14, 2019.

⁸⁷ Phone interview with advocate. March 5, 2019.

they cannot get ahold of anyone on the phone, and the information available online is no longer up-to-date.⁸⁸

Communication with Prisons: Policies, Procedures & Notifications

Interview questions also focused on how families communicate directly with the prison system, how they learn about policy changes, and how they advocate for themselves and their incarcerated loved ones.

All of the respondents stated that general policies and guidelines are available on the states' department of corrections website, but noted issues with websites being the main source of information. One interviewee working in Pennsylvania noted that the DOC often posts news on important changes or prison closings online, and specifically on their Twitter page, but many family members that they work with do not have consistent access to the Internet, do not have Twitter accounts, or do not have smart phones to receive these regular updates. Both respondents from Pennsylvania also noted that family members wishing to visit loved ones often need to travel a great distance and leave on buses in the early hours of the morning. If there is a sudden policy change for visitors, or if a prison closes visitation for the day due to a lockdown or inclement weather, families will not know until they arrive after many hours of travel.⁸⁹ The interviewee in California also noted that the information available on their state's website is simply not kept up-to-date enough to be truly helpful. Moreover, they shared that regardless of written policy, families are most often subjected to the discretion of the staff member they happen to interact with in any given situation, and that procedures within the prisons lack uniformity.⁹⁰

⁸⁸ Phone interview with advocate. March 20, 2019.

⁸⁹ Phone interviews with advocates. March 5, 2019. March 14, 2019.

⁹⁰ Phone interview with advocate. March 20, 2019.

Another respondent echoed this issue, and explained that families they work with often have completely different visiting experiences each time they go to a prison. These differences are most often based solely on which staff members they encounter.⁹¹ In an attempt to address one aspect of the inconsistent and facility-specific policies in New York state, legislation was recently passed that requires the NYSDOCCS to publish visiting days and hours for every prison on their website. The interviewee noted that this will offer families more transparent information and help them better navigate visitation options.⁹²

The interviewees all stated that the most common contact person for family members at prisons is the counselor or social worker assigned to work with their incarcerated loved one. They note, however, that whether or not families receive information or answers from these staff members is highly inconsistent and dependent on the individual counselor. One respondent also mentioned that prison staff, including social workers and counselors, do not return messages. Unless a family member is able to reach someone directly, it is unlikely that their calls will be returned. Instead, all of the respondents stated that the majority of the knowledge that families gain about navigating the system or recent policy changes comes from their loved one inside the prison.⁹³

The practice of obtaining information on prison policies and regulations from a loved one inside the prison is seen most notably in California. The interviewee explained how this burden is placed on the person experiencing incarceration almost immediately. To set up a visiting list, the person who is incarcerated must first complete a form, then mail that form to their family members. The family members must complete their portion

⁹¹ Phone interview with advocate. April 12, 2019.

⁹² Phone interview with advocate. April 12, 2019.

⁹³ Phone interviews with advocates. March 5, 2019. March 14, 2019. March 20, 2019. April 12, 2019.

of the form, taking care to sign all of the correct places, and then submit the form to the CDCR. If approved, the prison will notify the person who is incarcerated, sharing a list of visitation rules with them, and it is their responsibility to mail the approval form to their family on the outside. All of these steps assume that the person has funds for mailing and understands the process. If the form is filled out incorrectly, which our interviewee stated is often the case for families they work with, it will be denied without further explanation. Simple mistakes such as a missing signature, or not checking one box cannot be resolved over the phone or in-person at the prison. Instead, new forms need to be filled out in their entirety. For families and incarcerated individuals who speak languages other than English and Spanish, or who deal with literacy issues, the respondent explained that the process is incredibly frustrating.⁹⁴ Another frustrating process that heavily burdens individuals who are incarcerated is communicating with their loved ones after transferring facilities. The respondent working in California explained that current policy does not give an individual phone access for 60-90 days after they transfer facilities. Within that time, the only way they are able to communicate with their loved ones and inform them of the move is through letters. The CDCR makes no effort to inform family members when or where someone has been moved.⁹⁵

Given the challenges communicating with the prison system, interviewees all noted that families face incredible difficulty advocating for themselves and their loved ones. In addition to having few direct contacts within the prisons, our interviewees explained that family members who are able to get ahold of a staff member are often denied information due to privacy and security measures. Individuals who are incarcerated are able to list loved ones as emergency and medical contacts on their intake

⁹⁴ Phone interview with advocate. March 20, 2019.

⁹⁵ Phone interview with advocate. March 20, 2019.

and HIPAA forms, but family members report that even when they are listed as someone eligible to receive sensitive information, they often do not. Respondents explained the continued denials may occur because staff members do not appropriately file the forms, they may choose not to abide by it, or family members may simply never get someone to answer the phone. Despite these challenges, all of the respondents share that the families they work with do not give up. They are frustrated, but they keep calling.⁹⁶

In Pennsylvania specifically, one interviewee said that family members have reported that communicating with the DOC and the current Pennsylvania Secretary of Corrections, John Wetzel, on social media (i.e., tagging them in posts and tweeting at their handles), has proven more successful than phone calls. Following the mail policy changes, an online campaign from family members led to Secretary Wetzel holding family listening sessions, and the Governor's office is also communicating with families about the issue.⁹⁷

Moreover, all of the interviewees explained that family members who want to advocate with the state prisons on behalf of themselves and their loved ones often find help through local organizations. They also note, however, that many families still lack knowledge of the resources available to them through local organizations and they hope for this information to become more widely available.⁹⁸

EXPRESSED NEEDS OF FAMILIES

In addition to describing the challenges that the interviewees witness and learn about from the families they work with, the author also asked the respondents to share the expressed needs of the family members who reach out for their support. This information

⁹⁶ Phone interview with advocates. March 5, 2019. March 14, 2019. March 20, 2019. April 12, 2019.

⁹⁷ Phone interview with advocate. March 5, 2019.

⁹⁸ Phone interviews with advocates. March 5, 2019. March 14, 2019. March 20, 2019. April 12, 2019.

is crucial, and in place of speaking directly to families themselves, provides us with the most insight into the points of view of families as well as what interventions families feel would be the most helpful for them.

Respondents shared that the most common reasons families reach out to their organizations is for advocacy help at both individual and systemic levels. With some exceptions, they said family members seek to learn about advocating on behalf of their loved ones who are incarcerated more than advocating for their own rights within the system. At an individual level, the interviewees described fielding questions from family members about how to facilitate access to medical care for their incarcerated loved one, how to get a message to their loved one about problems the family is facing outside of the prison, how to check on a loved one who has not communicated with them recently, how to file complaints with prison administration after a loved one suffers mistreatment, and how to best help their family member at a parole board hearing.⁹⁹

The interviewees reported that family members also reach out with questions about who the changemakers are and the best ways for them to get in touch with those who hold the power to make changes a reality. The families seek resources regarding how to tell their story to lawmakers in an empowering way, how to write an op-ed, how to locate and contact their congressperson, and how to build a social media campaign.¹⁰⁰ Respondents also noted that family members are curious about recent and pending legislation and how it will affect their incarcerated loved ones, but families do not often consider their own needs or how legislative action that could improve their own experiences with prison policies.¹⁰¹

⁹⁹ Phone interviews with advocates. March 5, 2019. March 14, 2019. March 20, 2019.

¹⁰⁰ Phone interview with advocate. March 5, 2019. April 12, 2019.

¹⁰¹ Phone interviews with advocates. March 5, 2019. March 20, 2019.

CURRENT POLICY PROPOSALS & FUTURE LEGISLATION

In addition to learning about the challenges and needs of families impacted by incarceration, the author was also interested in learning about the current policy work that the respondents and their organizations are working on and supporting. As demonstrated above, the majority of the expressed needs of the organizations' clients are related to supporting their incarcerated family members. In accordance with this, much of the policy work the organizations are doing and supporting is more closely related to helping individuals who are incarcerated rather than policy changes related to problems that families encounter. Of course, any policy changes that positively impact people experiencing incarceration also represent positive progress for the people who love them.

In Pennsylvania, the interviewees both shared that they are continuing to work on reversing or amending the mail policy changes so that people who are incarcerated can receive original mail again rather than scans of letters and photographs. They noted that in February 2019, the Pennsylvania DOC settled in court with the ACLU over the increased mail security, but the lawsuit was only related to legal mail, not mail received from loved ones.¹⁰² One of the respondents also discussed their organization's support of SB 14 in the Pennsylvania State Senate, which aims to reform the length of probation as well as limit time-served for probation violations. The same respondent shared that although it has not yet been filed, their organization plans to support another piece of legislation to end life without parole in the state, a bill they supported last session but that did not pass.¹⁰³

In California, the interviewee shared that their organization regularly meets with the Governor to discuss pardons and sentence commutations, and like in Pennsylvania,

¹⁰² Samantha Melamed, "Pennsylvania Prisons to Roll Back Unprecedented Mail Policy in Legal Settlement," *The Inquirer*, accessed March 24, 2019.

¹⁰³ Phone interview with advocate. March 5, 2019.

they continue to work on a campaign to end life without parole and commute the sentences of all currently sentenced to life without parole in the state. Additionally, although their organization is not currently working on these issues, when asked what are some realistic policy changes that could better help families navigate the prison system in California, the respondent stated that the CDCR should be required to update their website regularly to provide families and friends with up-to-date information on the happenings within the prisons as well as the rules and regulations.

Further, the respondent called for greater access to and advertising of the Inmate Family Council, a group of family representatives who meet quarterly with the CDCR to share information and issues that families of incarcerated individuals are facing.¹⁰⁴ Although a local chapter's website dates back to 2011, the website for the Statewide Inmate Family Council (SIFC) is currently being built, and information about the SIFC on the CDCR website only includes an empty link to meeting minutes from October 2018, and bylaws that were established in June 2018.¹⁰⁵ The respondent shared that many family members they work with do not know of the SIFC or how to get into contact with their local chapter. Although SIFC information is posted on a bulletin board in visiting rooms, visitors do not have access to pen, paper, or their phones to record the information, and therefore lack knowledge about the SIFC. The interviewee did also state that although the council provides families with both useful information and a community, their grievances and recommendations are commonly shut down by CDCR.¹⁰⁶

¹⁰⁴ Phone interview with advocate. March 20, 2019.

¹⁰⁵ "California Statewide Inmate Family Council (SIFC) | CDCR," accessed March 24, 2019, <https://sites.cdcr.ca.gov/sifc/>.

¹⁰⁶ Phone interview with advocate. March 20, 2019.

The respondent who works at a New York-based organization noted two pieces of legislation that their organization has been working on that seek to address the rights and needs of families directly. For 10 years, they have been working on legislation that would require NYSDOCCS and the community supervision to consider proximity to children when assigning people to state prisons. The respondent stated that because the New York state House and Senate are both now controlled by Democrats they are optimistic that the bill will be passed this session. They also shared that their organization initially tried to advocate with NYSDOCCS directly so that the change could be made administratively, but they were unsuccessful.¹⁰⁷ Ultimately, the respondent noted that in other states with similar laws in place, the actual practice of placing incarcerated individuals close to home does not align with the purpose of the law because prisons are located so remotely that there are not enough beds to house people close to home.

The interviewee also shared that they are prioritizing legislation that would codify the right to in-person visitation into New York state law. Although prison directives state that in-person visitation will be made available, the respondent noted that these directives are ultimately the discretion of the NYSDOCCS Commissioner. Given the emerging availability of video-visitation, they fear that in-person visitation will become less accessible in the future and therefore believe it is important to officially codify visitation rights.¹⁰⁸

KEY TAKEAWAYS

Although a breadth of research shows that maintaining family connections through visits and communication positively impacts the mental health and emotional

¹⁰⁷ Phone interview with advocate. April 12, 2019.

¹⁰⁸ Phone interview with advocate. April 12, 2019.

well-being of incarcerated individuals and their family members, improves individuals' behavior within prisons, and reduces recidivism, all of the respondents interviewed noted numerous challenges families face when trying to maintain ties with an incarcerated loved one. Interviewees noted that problematic mail correspondence processes, complicated visitation policies and procedures, and the inability to communicate directly with prison administrators leave families feeling frustrated, confused, and powerless. Family members of those incarcerated in state prisons are offered so little deference or agency when navigating the prison system that our respondents note they do very little advocating for their own rights or needs. Instead, families focus almost exclusively on advocating for the rights and needs of their incarcerated loved ones.

The families that the organizations work with do not inquire about advocating for policies that would expand their own rights related to incarceration, and aside from the New York-based organization, the advocacy work being done by these organizations largely reflects that. Changes to criminal justice and prison-specific policies that benefit incarcerated individuals are undeniably beneficial to their family and friends as well, but it is noteworthy that there is currently little criminal justice advocacy focused on directly improving the experiences of families within the system. In addition to the negative impacts of incarceration itself on family members, the state prison system continues to create more barriers for those with an incarcerated loved one, and there are currently few policies in place to address these harms.

Chapter Five: Recommendations

At the end of each interview, respondents were asked if they thought that the state prison system is difficult for families to navigate. Everyone interviewed responded with strongly affirmative statements such as “absolutely”, “yes, very”, and “definitely”.¹⁰⁹ The previous chapters of this study provided information on what those difficulties look like. This chapter provides three recommendations for better supporting familial relationships throughout incarceration and specifically incorporating the needs of the family members of incarcerated individuals within future policy development.

RECOMMENDATION 1: ENCOURAGE DEPARTMENTS OF CORRECTIONS IN EACH STATE TO ADOPT BOTH THE FAMILY AND CHILDREN’S BILLS OF RIGHTS

The Departments of Corrections in each state should adopt the frameworks outlined within the Bills of Rights for families and children of incarcerated individuals. By adopting these frameworks, the departments will commit to reviewing all current policies and procedures alongside a representative group of family members impacted by incarceration in their respective state. Working with family representatives, the departments will identify and address gaps within current prison policies where the rights of families and children could be better recognized.

Potential opportunities for change include the addition of a designated prison staff member whose role is to act as the family liaison. This staffer will share updates and information with all family members who incarcerated individuals identify with authorization to release information forms. Other possible policy changes would be working with counselors to incorporate family members into rehabilitative counseling, programming, and reentry using evidence-based practices, and determining the most

¹⁰⁹ Phone interviews with advocates. March 5, 2019. March 14, 2019. March 20, 2019. April 12, 2019.

efficient way for prisons to share policy changes with families and other visitors, such as automated phone calls or text messages, emails, etc. Additional areas for change include developing more family-friendly visitation rooms that encourage contact and are conducive to children and parent bonding, and incorporating the language of the Bills of Rights into all staff training to educate staff on the importance of familial connections and encourage respect for family relationships at all times.

RECOMMENDATION 2: CODIFY PRISON VISITATION STANDARDS

To ensure that family members and friends are able to visit their incarcerated loved ones in-person any day of the week, each state should codify visitation standards into law. These standards will include the requirement that facilities offer visitation seven days a week for a pre-determined number of hours per day. These hours will be determined with the input of family representatives to ensure that all reasonable hours are covered. The standards will also ensure that incarcerated individuals and their families, especially their children, have access to in-person contact visits, and that video visitation is used only in addition to in-person visitation.

The standards will also put into writing the limited reasons why a prison can shutdown visitation and for what timeframe. This will help ensure that visitation is only interrupted for highly critical purposes that prison administrators can both name and substantiate. The codification of visiting standards could also be used to create uniformity across state prisons in regards to consistency in rule enforcement such as dress code and allowable items. Caution should be taken to safeguard against these standards being written in ways that would impede visitation.

Current pending legislation (Assembly Bill A2483) in the New York State Assembly seeks to establish an inmate visitation program and should be reviewed to

determine if the language would be useful for establishing similar bills across the country.

RECOMMENDATION 3: PASS FAMILY PROXIMITY LEGISLATION IN ALL 50 STATES

Legislation should be passed within each state that, when assigning individuals to a prison after sentencing, requires all Departments of Corrections to consider the positive impact of familial relationships on the rehabilitation, emotional well-being, and the mental health of those experiencing incarceration, as well as the negative consequences for families and children facing separation from their parents and loved ones during incarceration. If the departments select a prison facility that falls outside of a specified distance from an individual's immediate family, the administrators must be able to justify their reasoning to the state legislature. The location of a person's family should be taken into account prior to prison assignment, and whenever possible, a person should be assigned to the closest facility to their family members. Further, the same benefits and disadvantages outlined above must be considered when Departments of Corrections are reflecting on which sites to close, and where to site new facilities. By passing a family proximity bill, the practice of building large prisons in rural areas could slowly be reevaluated.

A New Jersey statute requires that the DOC commissioner make every effort to assign incarcerated women to the prisons closest to their families, and Senate Bill S724, which is currently pending in the New York State Senate, would require NYSDOCCS to place incarcerated parents at the institution closest to their children's home. Although more limited in scope than the above recommendation, the language of the above statute and bill should be reviewed to determine if it would be useful in the writing and introduction of similar legislation across the country.

Chapter Six: Conclusion

The U.S. criminal justice system continues to be a widely discussed and researched subject, and the growth of the incarcerated population in the United States over the last four decades inevitably aligns with an increase in the number of people with a family member who is experiencing incarceration, though data to support this is not widely available. Research is, however, beginning to examine the effect of incarceration on families as well as the impact that sustained family connections have on the well-being of incarcerated individuals. This report outlined the benefits that family visitation and communication can have on the mental health, behavior, and reentry of incarcerated individuals, and it also discussed the serious consequences that families, and particularly children, face when they lose a loved one to incarceration. These consequences include emotional and financial difficulties, poor educational outcomes, and increased risk factors for their own criminal justice involvement. This research is considered commonly accepted knowledge amongst those working in the criminal justice field, yet state prison policies continue to impede on the ability of families to regularly visit, speak with, and advocate for their incarcerated loved ones.

Through a series of key-informant interviews with employees of organizations in California, New York, and Pennsylvania that support incarcerated individuals and their families, this report illuminates how the existing prison policies create barriers for families and harm the maintenance of family connections. The report additionally outlines the lack of legal rights granted to families of the incarcerated, highlighting that in legal challenges, the constitutional rights of these family members are not considered. Families consistently encounter frustrating and challenging policies within the state prison system; their rights and needs are not respected, and they are often shut down

when trying to gain any knowledge related to their loved one's well-being. Our respondents explained that families are left feeling powerless and locked-out of the system despite the significant benefits that could be gained from their involvement.

The three recommendations discussed in chapter five seek to not only remove some of the barriers that families encounter, such as the long distances they must travel to visit an incarcerated loved one, but they also aim to involve families directly in the crafting of prison policies that will encourage family connections. The current system is not conducive to maintaining familial bonds during incarceration, and millions of people are suffering the consequences. The policy recommendations outlined above offer a few small steps toward lessening the harms of incarceration on individuals and their families.

Appendix: Interview Guide

Main purpose: To explore the experiences of families affected by incarceration as they navigate state prisons in the U.S.

1. Introduction

- Thank the participant for agreeing to be interviewed
- Review the purpose of the interview
- Confirm that the participant received and reviewed the informed consent document and address any outstanding questions or concerns they have. Obtain verbal informed consent, emphasizing the confidentiality and check that the participant is okay with the interview being audio-recorded and with me taking notes.
- Ask the participant to confirm their first name, job title, and the name of their organization.
- Confirm again that the participant currently works for an organization offering support to people dealing with familial incarceration, and confirm that they do not personally have any family members who are currently incarcerated.

2. Experience with families affected by incarceration

What is your organization's mission/your specific role?

- Do you work directly with family members?
- Do you advocate on behalf of inmates? Their families? Both?
- Does your organization have direct contact with the prisons themselves, or with other venues such as local/state legislatures?

3. Experience with prison policies and procedures

How would you describe the general experience of visiting or communicating with a prison system?

- Challenges/difficulties
- Transparency
- Ability to reach someone who can address your concerns
- Ability to find the information you need
- Emotional challenges
- Interactions with prison staff/administrators
- Situations that prompt the need for communication

Tell me what you know about legal rights granted to the family members of people who are incarcerated.

- Notification rights – transfers, death, health problems, etc.
- Ability to visit – in-person, IDs needed, ages, relationship to inmate, time and day restrictions, length of visit restrictions, contact visits, other visitation rules

- Ability to communicate – phone calls, letters, email, costs, access
- Advocacy for inmates’ needs
- Any other rules and regulations

Can you tell me how family members learn about their rights, or the policies and prison rules?

- Experience finding information
- Is the information regarding visitation and communication available online?
- Do inmates receive this information in a handbook?
- Is there a family liaison that people can call or speak to at the prison?
- Help/advice from friends, family, local groups, others with experience
- Are the rules consistently enforced?
- Are there different rules/rights depending on the security level of an inmate?
- Do the same rights and policies apply across the state prisons?

What is the experience of families as they try to navigate the prison system and invoke these rights or address situations in which their rights are unclear?

- Who do family members contact at prisons? Designated staff member? Do they know?
- Why types of issues can they expect to resolve?
- Concerns about their family member - retaliation
- How quickly can issues be discussed? Resolved?
- What difficulties/challenges do they encounter?
- What are prisons doing right/wrong by families?
- Can they communicate directly with a medical staff or counselor?
- Interactions with prison staff and administrators

4. Experience determining the needs of families as they navigate a loved one’s incarceration

What are the needs that clients (families with an incarcerated loved one) have expressed to your organization, in regards to helping them better navigate the prison system?

- A guidebook containing DOC policies
- Clearer knowledge of visitation/communication
- More rights regarding notifications and receiving information about their family member
- Legal help
- Help advocating for visitation
- Expanded visitation options (dates/times/length/contact)
- Contact information for the prison administration
- Easier access to prison staff and administrators to advocate on behalf of their family member

- Family services/therapy

What are the client needs that you and your organization perceive in regards to helping families better navigate the prison system?

- A guidebook containing DOC policies
- Clearer knowledge of visitation/communication
- More legal rights regarding notifications and receiving information about their family member
- Legal help
- Help advocating for visitation
- Expanded visitation options (dates/times/length/contact)
- Contact information for the prison administration
- Family services/therapy
- Easier access to prison staff and administrators to advocate on behalf of their incarcerated family member

5. Experience advocating on behalf of families affected by incarceration

Can you tell me about your organization's past advocacy work on behalf of families' ability to navigate the correctional system?

- What was the experience like?
- What venues did these changes occur in? DOC? State Legislature? Nonprofits?
- What was the process like? Challenges?
- What were the outcomes?
- Who were the stakeholders you worked closely with?
- How long have changes taken to be implemented?

Can you share any current or future work your organization is doing to advocate for more rights for families as they navigate the state prison system?

- What is the experience like? Challenges/ process?
- Do you try to work directly with prison staff/administrators?
- Do you lobby for changes to state policy?
- Lobby for changes to DOC policies?
- Nonprofits' roles in effecting change
- Where do see the most progress being made? The least?
- What challenges are you encountering?
- What other stakeholders are you working with, or you think would be helpful to work alongside?

6. Wrap-up

Do you think that the state prison system is difficult for families to navigate?

- Obtain information

- Advocate for their family member

What do you see as the most important and/or realistic policies that could be established to help families better navigate incarceration?

- Advice for future
- Any current legislation that needs support?

Anything else you would like to share?

- Thank the participant again, and ask if they have any questions before we end.
- Let them know again how their responses will be used.

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