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# Mass incarceration and children's outcomes

Criminal justice policy is education policy

**Report** • By [Leila Morsy](#) and [Richard Rothstein](#) • December 15, 2016

**Summary:** Parental incarceration leads to an array of cognitive and noncognitive outcomes known to affect children's performance in school. Therefore, the discriminatory incarceration of African American parents makes an important contribution to the racial achievement gap. Educators hoping to narrow the achievement gap should make criminal justice reform a policy priority.

# Executive summary

As many as one in ten African American students has an incarcerated parent. One in four has a parent who is or has been incarcerated. The discriminatory incarceration of African American parents is an important cause of their children's lowered performance, especially in schools where the trauma of parental incarceration is concentrated. In this report, we review studies from many disciplines showing that parental incarceration leads to an array of cognitive and noncognitive outcomes known to affect children's performance in school, and we conclude that our criminal justice system makes an important contribution to the racial achievement gap.

Educators have paid too little heed to this criminal justice crisis. Criminal justice reform should be a policy priority for educators who are committed to improving the achievement of African American children. While reform of federal policy may seem implausible in a Trump administration, educators can seize opportunities for such advocacy at state and local levels because many more parents are incarcerated in state than in federal prisons. In 2014, over 700,000 prisoners nationwide were serving sentences of a year or longer for nonviolent crimes. Over 600,000 of these were in state, not federal, prisons.

Research in criminal justice, health, sociology, epidemiology, and economics demonstrates that when parents are incarcerated, children do worse across cognitive and noncognitive outcome measures.

Key findings include:

- An African American child is six times as likely as a white child to have or have had an incarcerated parent. A growing share of African Americans have been arrested for drug crimes, yet African Americans are no more likely than whites to sell or use drugs.
- Independent of other social and economic characteristics, children of incarcerated parents are more likely to:
  - drop out of school

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- develop learning disabilities, including attention deficit hyperactivity disorder (ADHD)
- misbehave in school
- suffer from migraines, asthma, high cholesterol, depression, anxiety, post-traumatic stress disorder, and homelessness

Each of these conditions presents a challenge to student performance.

To improve their students' outcomes, educators should join forces with criminal justice reformers to:

- eliminate disparities between minimum sentences for possession of crack vs. powder cocaine
- repeal mandatory minimum sentences for minor drug offenses and other nonviolent crimes
- encourage President Obama to increase the pace of pardons and commutations in the final days of his term
- increase funding for social, educational, and employment programs for released offenders

## Introduction

Criminal justice policy is education policy.

Several police killings of young men in African American neighborhoods, as well as the national racial polarization exposed in the recent presidential election campaign, have brought increased attention to our unresolved racial inequalities, including the disproportionate numbers of African American men who are in jail or prison.

In the last months of his administration, President Obama has responded to excessive federal prison sentences with a stepped-up rate of commutations. Since the beginning of his administration, he has granted over 1,000 sentence commutations (more than his 11 predecessors combined), mostly for nonviolent, victimless drug crimes.<sup>1</sup>

President-elect Trump, in contrast, has advocated a nationwide policy of “stop-and-frisk,” a police practice concentrated in low-income minority neighborhoods that invariably leads to the arrest and eventual imprisonment of men, African American men in particular, for low-level crimes.

“Stop-and-frisk,” as well as excessive sentencing for minor crimes, are not federal policies, and, once in office, Mr. Trump will have little influence over them. These are policies and practices of local and state governments, and reform is no less realistic or urgent now than it was before the presidential election.

Education policymakers have been concerned with a related problem: the “school-to-prison pipeline.” The term refers to the practice of stationing police officers in schools to arrest children whose offenses once would have been handled by school counselors and principals without the involvement of the criminal justice system. The term also refers to harsh and racially disparate school disciplinary policies that include “zero tolerance” and mandatory suspensions or expulsions for nonviolent infractions. Students who are arrested by school police, or suspended by school officials, are more likely to later serve jail or prison time than students with similar offenses who are subject to less harsh forms of discipline.<sup>2</sup>

However, even where incarceration does not have roots in school disciplinary problems, education policymakers and educators in states and localities should pay greater attention to the mass incarceration of African Americans because student performance is harmed when parents are caught up in the harsh criminal justice system.

The extraordinary growth in incarceration rates has been extensively described by scholars as well as in more accessible works such as Michelle Alexander’s *The New Jim Crow*. Our purpose in this report is not to restate these discussions but rather to stress that mass incarceration is not a criminal justice issue alone. The evidence is overwhelming that the unjustified incarceration of African American fathers (and, increasingly, mothers as well) is an important cause of the lowered performance of their children. When parents are imprisoned, it is not only they who suffer, but also their offspring. The number of children affected has grown to the point that we can reasonably infer that our criminal justice system is making an important contribution to the racial achievement gap in both cognitive and noncognitive skills.<sup>a</sup>

We have organized this report as follows: First, we report data on the extent, and the growth over time, of incarceration in the United States; although these data are well known to advocates of criminal justice reform, educators may not be aware of their full extent. We then describe the racial, ethnic, and gender composition of the prison population and look at data on the share of children, and of African American children in particular, who have (or have had) parents in jail or prison. Next, we summarize the extensive social science and epidemiological literature documenting the effects of parental incarceration on children’s cognitive and noncognitive development.<sup>b</sup> The statistical sophistication of these studies plausibly eliminates the possibility that the depressed student outcomes are attributable to socioeconomic or demographic characteristics of the children rather than to their parents’ present or previous

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a. In this report, we do not discuss how the enormous financial costs to society of this criminal justice policy compare with its possible benefits.

b. Some of the studies we review report on the incarceration of parents in general, some report on the incarceration of fathers, and some report on the incarceration of mothers. Although the vast majority (93 percent) of those in jail or prison are men, there has been an increase in the number of women prisoners as well (The Sentencing Project 2015, 4; see note 16). Because many more men than women are incarcerated, many studies focus only on paternal incarceration. The variety in studies we review makes it unavoidable that this report sometimes refers to parents, sometimes to fathers (or mothers), sometimes to young men, sometimes to all men, sometimes to arrest rates, sometimes to imprisonment rates, and sometimes to imprisonment rates of those serving sentences of more than a year.

incarcerations. We then describe the plausible pathways by which parental incarceration influences children’s development and is an independent cause of the gap in cognitive and noncognitive outcomes between black and white students. Finally, we summarize contemporary criminal justice reform efforts and suggest that educators who hope to raise the achievement levels of disadvantaged children should make such reform of state and local policies and practices their cause as well.

However implausible reform of federal policy may seem in a Trump administration (and we hope we are wrong), pursuit of state and local policy reform is likely to have the greatest impact, as many more parents are incarcerated in state than in federal prisons. In 2014, over 700,000 prisoners nationwide were serving sentences of a year or longer for nonviolent crimes. Of these, over 600,000 were in state, not federal, prisons.<sup>3</sup> This reality presents an opportunity, and a necessity, for educators to press for changes in states’ policing and criminal justice policies that will substantially benefit their students.

## The extent and growth of mass incarceration in the United States

The American criminal justice system incarcerates at a rate without equal in the modern world. In the United States today, there are approximately 700 prisoners per 100,000 residents. The next highest rate is the former Soviet republic of Turkmenistan (with approximately 600), followed by El Salvador and Cuba (500 each) and Thailand (450). Vladimir Putin’s repressive Russian Federation also imprisons at a rate of 450, while South Africa, a nation whose racial hierarchy is in some ways similar to our own, imprisons 300, as does theocratic Iran. Israel, faced with potential uprisings of its Arab minority, imprisons only 250, as does Turkey. Among other Western industrialized nations, the United Kingdom (including England and Wales), Spain, and Australia have the highest rates of incarceration (150), while others—Canada and France, for example—have rates of around 100 or below. **Figure 1** displays incarceration rates for selected countries.<sup>4</sup>

The U.S. pattern of high incarceration rates is a relatively recent phenomenon. **Figure 2** shows that in 1970, the incarceration rate was only 160 per 100,000 residents. It rose to 220 in 1980, to 460 in 1990, and to 690 in 2000; it continued to rise until 2008, when a slow decline commenced.<sup>5</sup>

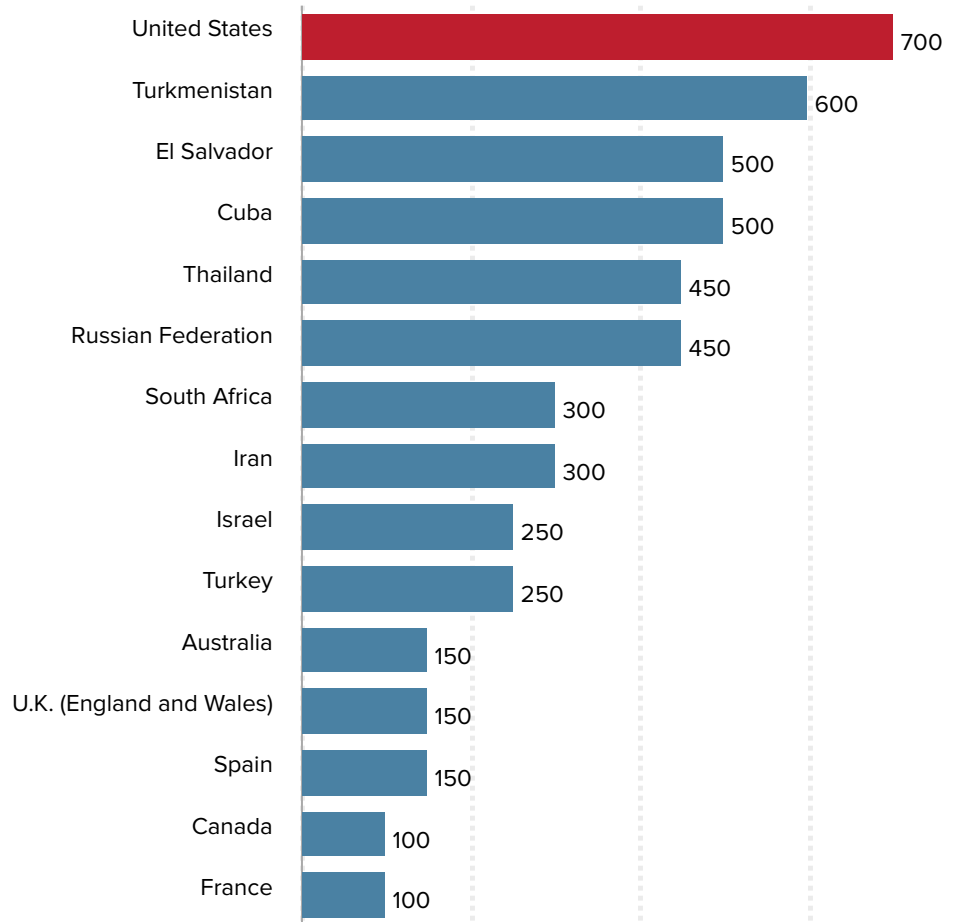
The relationship between crime and incarceration is difficult to pinpoint. Since 1990, crime rates nationwide have declined steadily.<sup>6</sup> From 1990 to 1999, when the incarceration rate increased by at least 50 percent, both violent and property crimes decreased by about 25 percent.<sup>7</sup> There is no scholarly consensus regarding the causes of the decline in crime during the 1990s, but increased incarceration does not seem to be responsible for more than a very small share of the decline (perhaps 10 percent), and this small impact has been almost entirely on a decline in property, not violent, crimes.

In a previous report, we called attention to research attributing a substantial share of the decline in crime during the 1990s to the removal of lead from gasoline in the 1970s, the

Figure 1

## The U.S. incarcerates more of its people than other nations

Approximate number of people in jail or prison per 100,000 population



**Note:** Many widely circulated reports provide more specific numbers than the approximate numbers shown here. For example, commonly reported estimates of current U.S. incarceration rates are 693 and 707 per 100,000. But methodologies vary, and rather than arbitrarily using the specific estimates of only one such report, we use approximate numbers here because it is the magnitude of differences that is important, not the specific estimates.

**Source:** Peter Wagner and Alison Walsh, "States of Incarceration: The Global Context," Prison Policy Initiative, 2016

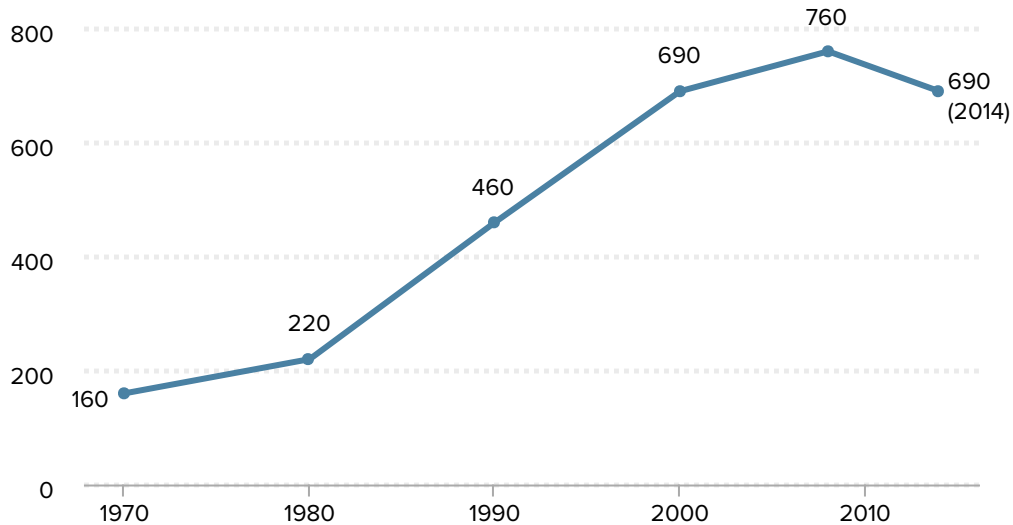
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decade in which young men most likely to commit crimes in the 1990s were born.<sup>8</sup> (In that report, we explain that exposure to lead is correlated with cognitive and behavioral impairment and with increased criminal behavior.) Other likely factors contributing to the decline in crime during the 1990s include an aging population, decreased alcohol consumption, improvements in how police deployed resources, income growth, and a decline in unemployment. Since the year 2000, crime rates have continued to decline, but incarceration was not a contributing factor in these declines; of the other factors that seem to have contributed to the decline of crime in the 1990s, none appear to have been influential since 2000.<sup>9</sup>

Figure 2

## The U.S. incarceration rate has more than quadrupled since 1970

Approximate number of people in jail or prison per 100,000 population



**Sources:** Justice Policy Institute, U.S. Department of Justice Bureau of Justice Statistics, and National Academy of Sciences. See note 5 at the end of this report for complete details.

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Offsetting any possible role of current imprisonment levels in preventing serious crime is the role of prisons in exacerbating it. Whether, on balance, prisons do more to deter than to breed crime is unknown. Many prisoners are exposed in prison to a more intense culture of criminality than they had experienced before their incarceration; a criminal record reduces employability in the legal economy for those released; and imprisonment tends to sever a prisoner's ties to noncriminal social networks. Each of these conditions can increase crime in the long run. In addition, when imprisonment becomes epidemic in particular communities, its stigma is greatly reduced, normalizing behavior that can lead to arrest and incarceration.<sup>10</sup>

The explosion in imprisonment rates has not resulted from rising crime rates. Rather, two policies have been mostly responsible. One has been an increasingly punitive sentencing policy, including prison terms for violent crimes that have increased by nearly 50 percent since the early 1990s. The other has been a declaration by the federal and state governments of a "war on drugs" that has included severe mandatory minimum sentences for relatively trivial victimless drug offenses.<sup>11</sup> The trend has been exacerbated by the reimprisonment of released offenders for technical probation violations or for an inability to pay escalating fines and court fees. Absurdly, while released prisoners are in many cases excluded—either formally or informally—from employment in the legal economy, they can be reimprisoned for violating the terms of release by failing to hold a job.

Although increasing rates of imprisonment may have contributed, in small part, to the decline in serious crime, it is doubtful that imprisonment has any effect on the rate of drug

use. There is no evidence that drug use has declined since the onset of mass incarceration.

The incarceration explosion is primarily an expression of our race relations and of the confrontational stance of police toward African Americans in neighborhoods of concentrated disadvantage. The incarceration rate of middle-class African Americans has declined and makes no contribution to the rapidly rising rate of incarcerations.

Young African American men are no more likely to use or sell drugs than young white men, but they are nearly three times as likely to be arrested for drug use or sale; once arrested, they are more likely to be sentenced; and, once sentenced, their jail or prison terms are 50 percent longer on average. African American drivers are no more likely than white drivers to change lanes without signaling, but they are more likely to be stopped by police for doing so, and, once stopped, they are more likely to be caught up in the penal system, including jail time for inability to pay fines. The Justice Department's investigation of police practices in Ferguson, Missouri, found that African Americans were stopped by the police more frequently than whites, but of those who were stopped and searched, more whites were found to be carrying illegal drugs than African Americans.<sup>12</sup>

During the growth of mass incarceration rates from 1970 to the present, the share of those arrested for the most violent crimes (murder, rape, robbery, and aggravated assault) who were African American decreased, while the share of those imprisoned for nonviolent offenses such as drug use who were African American increased.<sup>13</sup>

Whites are incarcerated at a rate of approximately 400 per 100,000 white residents, high by international standards but not the highest. Our ranking as the nation with the most-incarcerated population is attributable primarily to the imprisonment of 2,200 African Americans per 100,000 African American residents, and to a lesser extent to the Hispanic imprisonment rate of nearly 1,000.<sup>14</sup> **Figure 3** describes the racial and ethnic distribution of incarcerated men (as of 2014).<sup>15</sup> **Figure 4** describes the likelihood of incarceration for men in these demographic categories.<sup>16</sup>

## Racial and social class differences in children's experiences with parental incarceration

By the age of 14, approximately 25 percent of African American children have experienced a parent—in most cases a father—being imprisoned for some period of time. The comparable share for white children is 4 percent.<sup>17</sup> On any given school day, approximately 10 percent of African American schoolchildren have a parent who is in jail or prison, more than four times the share in 1980.<sup>18</sup>

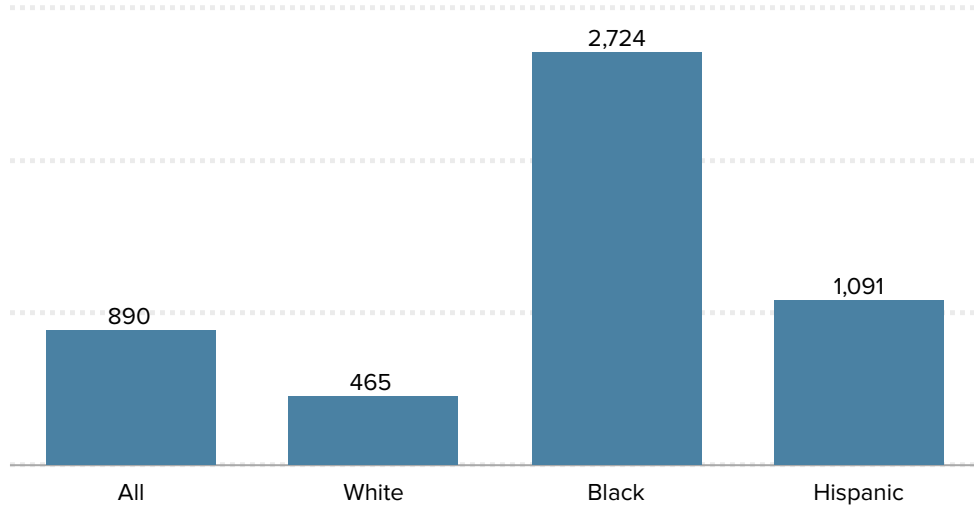
This growth in the share of African American children suffering from parental incarceration has in all probability offset many efforts to raise the average achievement levels of these children during the last 35 years. Although the share of white children with a father in



Figure 3

## Black men are incarcerated at six times the rate of white men

Approximate number of men in jail or prison per 100,000 population by race and ethnicity, 2014



**Note:** The figure includes only prisoners with sentences of 1 year or more and excludes those awaiting trial and those with sentences of less than 1 year.

**Source:** E. Ann Carson, *Prisoners in 2014*, U.S. Department of Justice, Bureau of Justice Statistics, September 2015, Table 10

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prison has grown comparably (from 0.5 percent to 2 percent), the concentration in low-income neighborhoods of African American children with imprisoned fathers presents challenges to teachers and schools unlike those presented by the relatively rare white child with an imprisoned father.<sup>19</sup>

Of imprisoned fathers of African American children, only one-third are in prison because of a violent crime. Another third have been convicted of drug offenses. The remainder have committed property crimes or technical violations, such as failure to show up for a court date or probation officer appointment; failure to meet other conditions of release, like steady employment; or failure (usually from inability) to pay traffic or similar fines.<sup>20</sup>

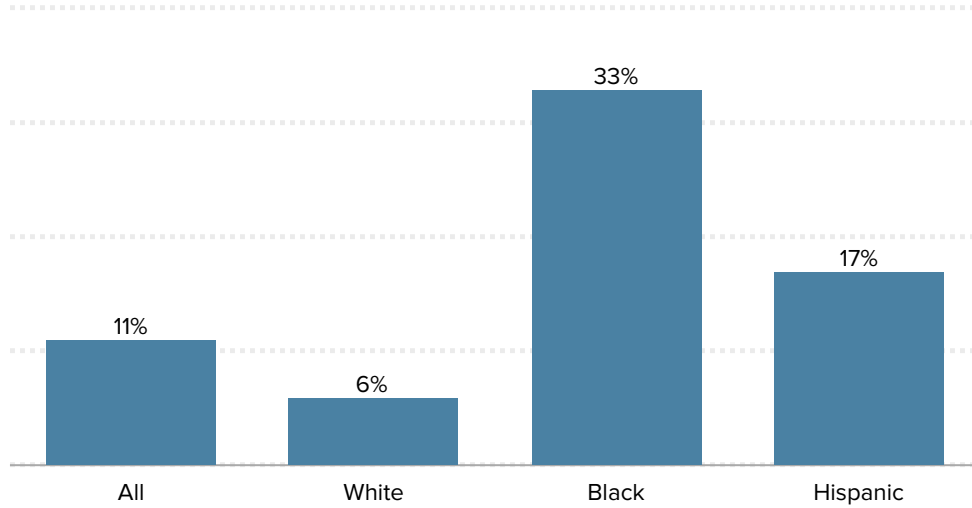
## Outcomes for children of incarcerated parents

Children of incarcerated parents suffer serious harm. It is tempting to think that these consequences are attributes of disadvantaged children, independent of parental incarceration. But careful studies of the effects on children have accounted for these attributes. Children of the incarcerated have worse cognitive and noncognitive outcomes

Figure 4

## One in three black men will be imprisoned at some point in their lives

For male U.S. residents born in 2001, chance of imprisonment at some point in their lives, by race and ethnicity



Source: *Fact Sheet: Trends in U.S. Corrections*, The Sentencing Project, 2015

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than children with similar socioeconomic and demographic characteristics whose parents have not experienced incarceration.

## Association of parental incarceration with children's cognitive outcomes

Children with incarcerated parents are 33 percent more likely to have speech or language problems—like stuttering or stammering—than otherwise similar children whose fathers

have not been incarcerated.<sup>c,21</sup> The grade point averages of children with incarcerated parents decline.<sup>22</sup>

It is more common for children of incarcerated parents to drop out of school than it is for children of nonincarcerated parents, controlling for race, IQ, home quality, poverty status, and mother's education.<sup>23</sup> This is especially true for adolescent boys between the ages of 11 and 14 with a mother behind bars. Such boys are 25 percent more likely to drop out of school, and they are 55 percent more likely to drop out of school because they themselves have been incarcerated.<sup>d,24</sup>

Children of incarcerated fathers complete fewer years of school than children of nonincarcerated fathers, controlling for other likely confounding social and demographic characteristics. The statistical methods used to determine this are sufficiently sophisticated to suggest that the paternal incarceration itself is the cause of children completing fewer years of education than children of never-incarcerated fathers.<sup>25</sup>

## Association of parental incarceration with noncognitive outcomes

Incarceration also hurts children's noncognitive outcomes. Children of parents who have been incarcerated are more prone to learning disabilities than are children whose parents were never behind bars.<sup>26</sup>

Children with incarcerated parents are 48 percent more likely to have attention deficit hyperactivity disorder (ADHD) than children with nonincarcerated parents. They are 23 percent more likely to suffer from developmental delays. Children with incarcerated parents, especially sons of incarcerated fathers, are 43 percent more likely to suffer from behavioral problems. These differences show up in comparisons of otherwise similar children, even those who experience other disruptive events like parental divorce or

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c. Children in the study cited were compared with children who were similar in age; gender; low birth weight; race; health insurance status; whether the child had seen a doctor, nurse, or other healthcare professional in the past year; mother's age; and parent educational attainment. After parental incarceration, children with and without incarcerated parents were compared, where households were similar in the following aspects: parents' biological and marital status; parent employment; parents' homeownership status; parents' health; family income difficulties; whether a household member received welfare; whether a household member received supplemental nutrition benefits for women and children (WIC); whether the household income was below the poverty line; whether a household member smoked inside the home; whether the neighborhood was always safe for children; whether the child lived with a parent or guardian who had gotten divorced after the child was born; whether the child lived with a parent or guardian who died; whether the child ever saw or heard adults in the home slap, hit, kick, punch, or beat each other; whether the child had lived with anyone who was mentally ill, suicidal, or severely depressed for more than a couple of weeks; whether the child had lived with anyone who had a problem with alcohol or drugs; and the quality of the parent respondent's relationship with the child (Turney 2014, 307; see note 21).

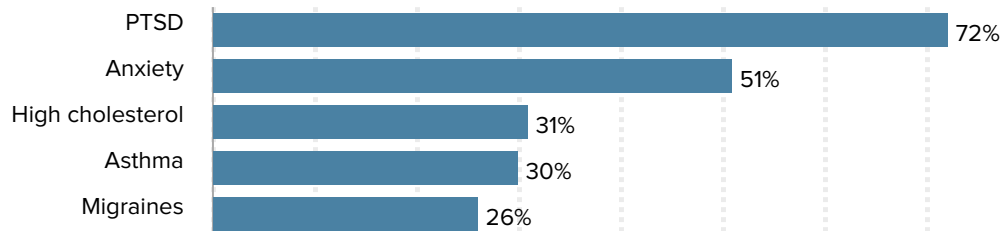
d. This study compared siblings who, during their lifetimes, experienced or did not experience maternal incarceration. It controlled for children's foster care status and for mothers' characteristics including race, age at child's birth, total number of children, years of education, offense type, receipt of Aid to Families with Dependent Children or Temporary Assistance for Needy Families between 1990 and 2000, and employment between 1995 and 2001 (Cho 2010, 264; see note 24).

Figure 5

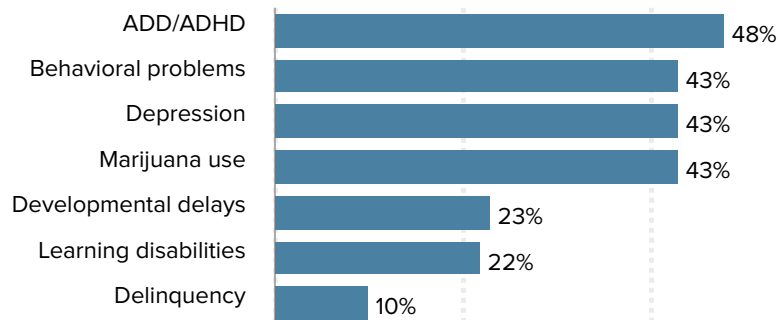
## Children with incarcerated parents are more likely to suffer from physical and mental health problems

The greater likelihood that children with incarcerated parents will experience physical and mental health problems

### Children with incarcerated fathers



### Children with either parent incarcerated



**Sources:** Lee, Fang, and Luo 2013 (note 27 in this report); Turney 2014 (note 20); Mears and Siennick 2016 (note 27); and Aaron and Dallaire 2010 (note 22). For source details, see note 27.

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death, and after accounting for other characteristics that are generally understood to cause learning disabilities.<sup>e,27</sup>

**Figure 5** summarizes studies that describe the increased likelihood that children of parents who have ever been incarcerated will have various negative outcomes, in comparison to the likelihood that children of never-incarcerated parents will have them.<sup>28</sup>

Children of incarcerated fathers suffer from worse physical health: They are a quarter to a third more likely than children of nonincarcerated fathers to suffer from migraines, asthma, and high cholesterol.<sup>f,29</sup> Their mental health is also worse than that of children of nonincarcerated fathers. Children of incarcerated fathers are 51 percent more likely to

e. For controls, see note c, above.

suffer from anxiety, 43 percent more likely to suffer from depression, and 72 percent more likely to suffer from post-traumatic stress disorder.<sup>g,30</sup> As adults, daughters of parents who have been incarcerated have a higher body mass index, which is associated with other health problems, such as heart disease and diabetes. For example, a 150-pound, 5-foot 6-inch, 28-year-old woman has a predicted greater weight of 9 pounds if, when she was a child, her parent was incarcerated.<sup>31</sup>

Children of incarcerated parents are more likely to engage in behavior that exposes them to the criminal justice system. For example, they are 43 percent more likely than socially and demographically similar children of nonincarcerated parents to use marijuana.<sup>32</sup> They are 10 percent more likely to turn to delinquency than children without incarcerated parents.<sup>h,33</sup> And finally, children of incarcerated parents are at greater risk of themselves being imprisoned (with the risk of incarceration being greatest for children of incarcerated mothers).<sup>34</sup>

Children of incarcerated parents lose faith in public institutions. In all but two states, convicted felons are prohibited from voting while in prison; in some states, ex-felons are prohibited from voting even after they have served their sentences. In many states, only gubernatorial or court action can reverse this disenfranchisement.<sup>35</sup> Children of parents who have been incarcerated are, as adults, less likely to vote, less likely to trust the government, and less likely to engage in community service.<sup>i,36</sup>

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f. These ratios compare children of similar race, grade, gender, family structure, foreign-born status, father's and mother's education, father's and mother's alcoholism, family receipt of public assistance, and physical, emotional, and sexual maltreatment (Lee, Fang, and Luo 2013; see note 28).

g. These ratios compare children of similar race, parental arrest record, parental education, family structure and receipt of public assistance, closeness to father, history of physical abuse, temperament, and neighborhood poverty and population density. The participants were studied from grades 7–12 through early adulthood, so the study could also control for other stressful life events including whether the child of the incarcerated parent ever ran away from home; was expelled from school; skipped needed health care; was diagnosed with a sexually transmitted disease; had an unwanted pregnancy, miscarriage, abortion, or death of a baby; gave a baby up for adoption; had an infant child with medical problems; suffered relationship abuse; ended a romantic and/or sexual relationship, marriage, or cohabitation; entered or was discharged from the military; was evicted from a home; had a utility service cut off; received welfare or was involuntarily cut from welfare; or attempted suicide. Further controls were added for violence, including whether the child threatened, shot, or stabbed another person; injured another person in a fight; was jumped, witnessed violence, or was shot or stabbed; was threatened, raped, or was injured in a fight; or had sex for money. The children of incarcerated parents were compared with other children with similar experiences with regard to juvenile conviction or detention and conviction or jail time as young adults. There were also controls for the death of a biological parent, parental figure, spouse, or romantic partner, and for suicide of a friend or family member. After all this, there remained a difference in outcomes for children of incarcerated parents (Roettger and Boardman 2012, 639; see note 31).

h. Among other things, these studies controlled for children's age; gender; parent unemployment; parent drug use; parent high school completion; single-parent-family status; race; number of other children at home; family financial problems; family environment, including family organization, cohesion, and conflict; whether anyone in the child's family had been a crime victim; and older sibling delinquency (Aaron and Dallaire 2010, 1478; Murray, Loeber, and Pardini 2012, 282; Geller et al. 2009, 1193; see notes 23, 33).

i. Children whose parents had ever been stopped by police or incarcerated were compared with children whose parents had not had such involvement with the criminal justice system but who were of the same race, age, and sex and whose parents had similar levels of civic engagement and whose families had had similar receipt of public assistance in the last 12 months (Lee, Porter, and Comfort 2014, 52; see note 36).

# Plausible pathways between parental incarceration and negative outcomes for children

Parental incarceration is independently likely to result in worse outcomes for children because of socioeconomic factors, psychological and family factors, and health factors.

## Socioeconomic pathways

Children of incarcerated parents experience more economic instability and are more likely to become poor.<sup>37</sup> Prior to their incarceration, more than half of all inmates were the primary income providers for their families.<sup>38</sup> But prisoners make little or no money, so incarceration usually means a sharp decline in (or the complete loss of) family income. Financial distress continues after release from prison because finding a job can be difficult: a criminal record can formally and informally bar former prisoners from employment.<sup>39</sup> Formerly imprisoned African American men without a high school education earn substantially less than African American men with similarly low educational attainment but without a criminal record.<sup>40</sup>

Parent income is a strong predictor of how children will fare in school and, thus, into adulthood.<sup>41</sup> Income losses from incarceration and exclusion from post-incarceration employment cause multigenerational harm, because income mobility is rare, and it is especially rare for African Americans.

The United States has less intergenerational mobility than many other industrialized societies. Of American children born to parents with incomes in the bottom income quintile, almost half (43 percent) remain trapped in the bottom quintile as adults and only 30 percent make it to the middle quintile or higher. African Americans have even less mobility. For those born to parents in the bottom income quintile, over half (53 percent) remain there as adults, and only a quarter (26 percent) make it to the middle quintile or higher.<sup>42</sup> In other words, incarceration not only predicts worse outcomes for prisoners' children, but also for their grandchildren and beyond.

## Family and psychological pathways

Visiting a parent behind bars is stressful. There is usually no place to play. Waiting times can be long. Sometimes, physical contact between child and parent is limited or prohibited.<sup>43</sup> In combination, these are traumatic for a child.

After a parent is incarcerated, the remaining parent is likely to have higher stress levels than before his or her partner was incarcerated.<sup>44</sup> The nonincarcerated parent is less able to pay attention to his or her child. Children of incarcerated parents are likely to be unsupervised more frequently than children of nonincarcerated parents. When a father is

incarcerated, the remaining parent, the mother, may need to work longer hours, making her less available to her child.

Instability in their parents' relationship as a result of the incarceration puts children at heightened risk of misbehaving in class to the point where they get suspended or even expelled, and these consequences frequently deteriorate into delinquency.<sup>45</sup>

When children witness their parents' disenfranchisement, it erodes their engagement in the democratic process and social institutions. When children see their parents marginalized from political participation by losing the right to vote, they are less likely to perceive government institutions as just, trustworthy, or deserving of their participation.<sup>46</sup>

In the context of institutions that are meant to be socially supportive, like schools and churches, a parent's incarceration is often kept hidden for fear of social stigmatization.<sup>47</sup> Children of incarcerated parents therefore have fewer opportunities to benefit from resources that are important for social integration. Social relationships and systems are fractured, including the structures of family and home. Children of incarcerated parents experience greater residential instability, as the remaining parent typically can no longer afford the family's previous housing and must either find a new, less costly, and usually less adequate place for the family to live; move in with relatives; or place children in foster care.<sup>48</sup> These conditions also predict children's misbehavior, suspension, and expulsion from school.<sup>49</sup>

Children of incarcerated mothers are especially likely to end up in foster care.<sup>50</sup> The increase in rates of maternal incarceration has added about 100,000 children to the foster care system, close to one-third of the increase in the number of fostered children between 1985 and 2000.<sup>51</sup> In general, children in foster care do worse in school than socioeconomically and demographically similar children who live with a parent.<sup>52</sup> They are absent from school more frequently and have more behavioral problems.<sup>53</sup>

Homelessness is also more common for children of parents behind bars. Children of incarcerated parents, especially incarcerated fathers, are more likely than otherwise similar children to end up homeless;<sup>54</sup> the homelessness trend is especially pronounced for African American children of incarcerated fathers.<sup>55</sup> Because they are more likely to move around, live in housing shelters, and sleep on the street, nonincarcerated family members are more likely to be victims of crime.<sup>56</sup> Children who are homeless are more likely to do worse in school than otherwise similar children who are not homeless.<sup>57</sup>

## Health pathways

Stress, especially toxic stress that occurs when a parent is incarcerated, leads to deterioration in mental health, with anxiety, depression, and post-traumatic stress disorder being common manifestations, as well as in physical health; for example, many children of incarcerated parents develop asthma. Indeed, children who grow up under stressful conditions have more sympathetic nervous activity, including elevated blood pressure. They have more activity in their hypothalamic pituitary axis, which regulates cortisol. This

disrupts their prefrontal cortex activity, sympathetic nervous activity, and metabolic system, causing diminished cognition as well as worse health.

Parental incarceration provokes or exacerbates family poverty, which itself elevates the stress hormones of infants and children between the ages of 7 months to 4 years. Stress hormones disrupt the metabolic system, leading to increased risk of obesity. Growing up in poverty also influences gene expression.<sup>58</sup> Children who grow up with the chronic stress of poverty (child-family separation, violence, family turmoil, noise, crowding, and poor housing quality) have disrupted brain activity. The areas of the brain that are disordered are responsible for emotional regulation, anxiety, and memory.<sup>59</sup>

The pathway between stress and asthma is also worth explaining, as an understanding of it can help shape policy solutions. Psychological factors—a child’s own mental and emotional state as well as his or her mother’s—can trigger the onset of asthma as well as worsen the disease. If a mother is emotionally unwell—for example, if she is dealing with the stress of her partner’s incarceration—her mental state is likely to increase her child’s physiological response to harmful external stimuli as well as disrupt the child’s hormonal production.<sup>60</sup> The child may appear fine externally, but these internal biological changes can contribute to the later onset of asthma.<sup>61</sup>

In addition, family disruption and diminished resources may mean that children are taken to a doctor less often than is recommended. This, too, contributes to poor health.

These relationships between incarceration and family harm can become cyclical: A parent is incarcerated. Family income drops. Housing stability is eroded. Stress increases. Children do worse in school and their health deteriorates. They drop out or are expelled. They become delinquent or homeless or end up in foster care. Eventually, they are incarcerated and their own children suffer the same consequences they have faced.

## Recommendations

The incarceration of African Americans has taken on such massive proportions that even those policymakers who recognize the problem are paralyzed in their consideration of how to address it. The incremental approach that American policymakers usually take to addressing social problems is wholly inadequate to the task of integrating into mainstream society the astounding numbers of African American men and their families who have been unjustly caught up in the penal system. And if attempted, the integration will not be smooth. Because, as we have noted, prison culture develops tendencies toward criminal behavior in many of those who, incarcerated for nonviolent, victimless crimes, had few such tendencies before, penal reform could result in small increases in crime that would nonetheless stimulate a backlash that could be hard to resist.

Perhaps because the enormity of the task is so frightening, our nation has taken only very modest steps to address it.



There are no simple formulas for reducing the incentives for prosecutors of those charged with violent crimes to seek prison terms that are excessive by historical standards and are not needed to deter or prevent crime. In the case of the war on drugs, however, reforms are easier to design and implement.<sup>62</sup>

For example, one of the more serious racially discriminatory aspects of the criminal justice system is the difference between sentences for crack and powder cocaine, two chemically identical substances. African Americans tend to use crack cocaine, and whites tend to use powder. In 1986, Congress adopted minimum sentences for possession of crack cocaine that were 100 times more severe than the sentences for possession of powder cocaine: A person arrested with 5 grams of crack cocaine faced a 5-year mandatory minimum sentence, while one arrested with powder cocaine did not face the same 5-year sentence unless he or she possessed 500 grams. This obvious racial disparity was upheld by courts because, under our current legal doctrines, racial discrimination can be proven only if those enacting the law openly stated that their purpose was to discriminate on the basis of race. After years of inaction, Congress in 2010 reduced the disparity from a ratio of 100-to-1 to 18-to-1 and also slightly reduced mandatory minimums. These compromises had no rational basis, and they preserve the mass incarceration of African Americans. The ratio should be eliminated entirely, along with the elimination of mandatory minimum sentences for nonviolent crimes.<sup>63</sup>

In the closing days of his term, President Obama has commuted the sentences of hundreds of federal prisoners, most of whom were serving long prison terms for nonviolent drug offenses. He has commuted more than 1,000 sentences since the beginning of his presidency, exceeding the combined total of his 11 predecessors. Administration officials anticipate additional commutations before he leaves office.<sup>64</sup> His actions have been politically controversial and courageous, though limited. Commutations only reduce sentences; unlike pardons, they do not restore prisoners' full civil rights. Pardons of nonviolent drug offenders would not only restore their eligibility to vote, but—importantly for the welfare of their children—would restore their right to public housing or housing vouchers, food stamps, and other poverty-reduction benefits. Without such a restoration of rights, the poverty and homelessness of children's families that have such devastating effects on those children's outcomes will continue long after their parents' sentences have been commuted.

President Obama's actions have also been limited because the overwhelming majority of those imprisoned for nonviolent, victimless drug crimes are not in federal but in state prisons, institutions that presidential executive clemency cannot reach. In some states, reform has proceeded in concert with federal action—reducing minimum sentencing disparities, for example—but, as indicated by the enormous number of nonviolent state prisoners, much more should be done if children of the targeted African American population are to have better opportunities to thrive.

Because imprisonment can lead to more crime by placing those who have committed minor offenses in daily proximity to more experienced offenders, the release of large numbers of unjustly imprisoned men will be a policy failure without substantially increased support for transitional education, employment, and social services. Nearly three-fourths of

imprisoned African American men between the ages of 18 and 25 lack a high school diploma, making it difficult for them to find legal employment upon release—even if they did not have criminal records. Supporting these men in obtaining skills and credentials that would enhance their employability would be a step forward. Yet it is insufficient to ensure that they have improved skills and credentials if job opportunities are unavailable because of inadequate macroeconomic policy and discrimination.<sup>65</sup>

After years of earning no income, and now unemployable because of criminal records, released prisoners are further confounded by the absence of social service supports and educational and employment opportunities. The growth of a new underclass is the inevitable consequence, and the children of those released are the inevitable victims. In this context, one of the more absurd and outrageous aspects of our criminal justice system is the rearrest of released prisoners for failure to pay their accumulated court costs, fees for probation services, or child support—when they have no practical way of earning income in the legal economy; their children then continue to suffer the consequences of having a parent behind bars.<sup>66</sup>

To reduce this harm to the children of prisoners, educators should urge President Obama to continue pardoning and commuting the sentences of federal prisoners convicted of nonviolent drug crimes in the time remaining in his administration. And to have the greatest impact, educators should focus their attention on criminal justice policy in their own states and communities, where their students are harmed in large numbers by the discriminatory arrest and subsequent incarceration of their parents in state prisons.

## Conclusion

Children’s cognitive and noncognitive problems, to which parental incarceration contributes, and the concentration of children of incarcerated parents in low-income minority neighborhoods and in segregated schools, create challenges for teachers and schools that are difficult to overcome. Because of its effects on children, the mass incarceration of African American men contributes to the relatively low average performance of African American children.

Ending the war on drugs and the resulting mass incarceration of fathers of schoolchildren should be a primary focus of school reform. The problem of mass incarceration for drug crimes, however, is not typically thought of as an educational crisis, and it is an issue that educational policymakers have little experience in confronting. How educators can add their voices to demands for an end to this war is a challenge that we should all begin to confront, if our other educational reform efforts are not to be frustrated by unjustifiable criminal justice policy and practice.

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## Erratum

*Note (12/22/16): An earlier version of this report incorrectly attributed the growth of mass incarceration of African Americans “primarily” to the war on drugs, without noting that greatly increased sentence lengths for nondrug crimes are also responsible. The report has been corrected. We acknowledge an anonymous web commenter for calling attention to this oversight.*