



## When Parents Commit A Crime, It's Their Kids Who Do The Time

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January 26, 2018

She had 25 grams of marijuana on her when she was arrested — about \$300 worth.

Although she admitted to getting high regularly, the weed the police found in the glove compartment of the car Jackie was driving did not belong to her, and neither did the vehicle. They belonged to her boyfriend, a known drug dealer in the Florida city where they both lived. Jackie was sentenced to two years in prison — less than the maximum sentence for drug possession — because she agreed to cooperate with the prosecutor in arresting her boyfriend. He was never arrested and is still selling drugs today.

Jackie's aunt received custody of Jackie's three children during her prison sentence. Aunt Renee brought the kids to visit their mother twice a month, even though she and the children lived more than 100 miles from the prison. This isn't uncommon; most parents in state prisons are held more than 100 miles from where they lived prior to incarceration, according to statistics from the Department of Justice.

When Jackie was arrested again six months after her prison release — this time for being in a house with friends who were using cocaine when police arrived — her public defender made a plea bargain with the prosecutor. Instead of returning to prison, Jackie received court-ordered treatment at an inpatient treatment facility for women.

After completing her inpatient and subsequent outpatient programs, Jackie regained custody of her children, and they all moved in with Aunt Renee. Jackie got a job in construction and began taking night classes at a local university. She was hired at a local hospital after earning a degree in nursing. Jackie says her children were what incentivized her to stop using drugs, to go to school and to stay out of prison. She once told a friend that, without the love and support of her Aunt Renee and other family members, she would probably still be sitting in a cell.

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This ending sounds like a happy one, and in many ways it is. But Jackie's incarceration had profound negative effects on her three children. Her 3-year-old son cried uncontrollably when his aunt dropped him off at preschool each day, and he regularly hit his classmates. Jackie's 5-year-old son and 8-year-old daughter routinely refused to do their homework, and their grades suffered as a result. Kids at school shamed and bullied Jackie's children for their mother's

incarceration. And all three worried about their living arrangements, telling Aunt Renee they didn't want to become foster children. Their aunt eventually sought counseling for the kids to help them cope with their feelings of separation and loss.

Parental incarceration often affects children in ways that aren't quite so visible or obvious. Children don't think about time the same way an adult does. They only start to grasp the concept around age 5 or 6. Hearing their mom will come home "in a week," "in six months" or "in two years" means little to them. More than half of all children of incarcerated parents are younger than 10 years old.

Mothers are more likely than fathers to be living with children prior to incarceration, and they are far more likely to be the primary caregiver. This mother-child bond is what social workers call the "first attachment relationship." Research shows the first attachment relationship is the foundation for both child development and future relationships across a child's lifespan. This connection greatly influences the structure and function of the developing brain.

When a secure attachment relationship exists, the infant or young child may show some distress when a parent leaves, but she's able to calm herself, because she knows the parent will return. This kind of attachment is the foundation for healthy growth and development, because the child feels protected and safe. When a mother is incarcerated, she is emotionally unavailable to her child for an extended period of time — the attachment relationship lacks continuity.

Our brains are "plastic," meaning they're able to renew their structure and function over time. The factors that initially shape a child's brain play a major part in repairing the brain when a child experiences an early-life trauma like parental incarceration. Research has shown the brains of traumatized children develop differently from the brains of emotionally healthy children.

Separating a child from his mother doesn't only reshape his bond with that parent, it reshapes his bond with everyone around him — and with people he hasn't even met yet.

Jackie's story is just one of millions across the country. The United States leads the world in incarceration rates, and incarcerated parents with minor children continue to fill our state and federal prisons. Nationally, more than half of women in U.S. prisons are mothers, and more than 60 percent of incarcerated mothers are doing time for drug-related offenses.

Over the past few decades, "tough on crime" policies and the never-ending war on drugs have played a role in the increasing number of incarcerated women in our country. Attorney General Jeff Sessions, a long-time opponent of marijuana legalization, recently reversed Obama-era guidance that encouraged federal prosecutors to back away from mandatory minimum sentencing in states where recreational marijuana had been legalized. Earlier this month, Sessions instructed prosecutors to instead seek the highest possible sentence for such drug cases and aggressively enforce federal marijuana laws.

Mothers like Jackie are not big players in the drug trade. They aren't drug lords or cartel leaders. They are little fish in a large pond, and many are themselves dealing with drug addiction. They continue to get caught in a net of unnecessarily punitive policing, prosecutorial and sentencing

protocols. These women and their children are among the many casualties this misguided “war on marijuana” has left in its wake.

Our criminal justice system is too focused on harsh prison sentences for mothers who are found guilty of minor drug offenses, especially considering they are often *using* the drugs, not selling them. On their face, the sentences seem to benefit public safety. But take a look at Washington state. Prior to the legalization of marijuana, many opponents predicted a drastic increase in public safety problems. However, in Seattle, violent and property crime “declined steadily over the past 20 years, with no deviations after marijuana liberalization,” according to the Cato Institute. Their report concluded that “crime in Seattle has neither soared nor plummeted in the wake of legalization.”

Individuals dealing with drug addiction need treatment, not punishment. Most state prisons do not have drug treatment programs, and where they exist, there is usually a long waiting list, meaning incarcerated mothers and fathers often have to wait until they are released from prison to receive treatment. For many, that wait is too long, and it results in a downward spiral of repeated drug use, arrest and re-incarceration.

It’s past time for lawmakers to take the necessary steps to reform this nation’s broken criminal justice system. The war on drugs has failed to achieve its stated goals, and a new war on marijuana is merely a way for Sessions and the Trump administration to impede the long-overdue criminal justice reform that began under President Obama. The federal government could use the billions of dollars generated from legalized marijuana sales tax to fund treatment programs for individuals dealing with substance abuse, including the many incarcerated mothers of minor children. We must stop these kids from doing time when they have committed no crime.