

In decline of prison populations, convict moms may be a key beneficiary

Congress is moving on sentencing reform, which could further ease the pressure on female prisoners with children. Here is a look at some of the distinct challenges facing these women.

By Claire Abbadi, Contributor / February 3, 2014



Mothers watch their children arrive to visit at California Institute for Women state prison in Chino, California in this May 5, 2012 file photograph.

Lucy Nicholson/REUTERS/File

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WASHINGTON

Until her release from prison last year, Cecilia Mancinas was just like two-thirds of the 200,000-plus women incarcerated in the United States: behind bars for a nonviolent offense.



In Pictures: Policing America

Ms. Mancinas served time in prison, on and off, over nine years for drug-related offenses and was herself a drug abuser.

"I used for 12 years straight," says Mancinas, who lives in San Bernardino, Calif. "Marijuana, methamphetamines, anything."

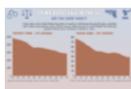
Mancinas will have been out of prison for a year in February. She has stayed clean and has reconnected with her 3-year-old son, who was in foster care while she was incarcerated. This time, she is determined to stay out -- and remain part of a trend: three straight years of declining US prison populations after a decades-long rise.

It's a trend that has special meaning for women with children -- a demographic that has dealt with distinct challenges related to incarceration and now appears to be benefiting from less emphasis on harsh sentences for nonviolent offenses.

"The decline in women's incarceration appears to be related to fewer drug offenders in prison," says Marc Mauer, executive director of the

Sentencing Project, a criminal justice research and advocacy group. "As harsh sentencing

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policies have begun to be scaled back, and diversion programs expanded, fewer women are now being sentenced to lengthy prison terms for lower-level drug offenses."

Beginning in the early 1970s, the "war on drugs" led to a surge in the US prison population of both men and women. But as a percentage, women saw a greater increase. Between 1980 and 2010, the number of women in federal and state prison rose by 646 percent, from 15,118 to 112,797, according to the Sentencing Project. Counting women in local jails brought the US total of female prisoners in 2010 to more than 205,000. The rise in male incarceration between 1980 and 2010 rose by 419 percent.

Now the trends are reversing. After peaking in 2009, the US prison population has declined annually – something that has been attributed to several factors including the recession, changes in public attitudes, and the courts. In 2011, a US Supreme Court upheld a ruling that ordered California to ease overcrowding in its state prisons.

Congress is also getting into the act. Last Thursday, the Senate Judiciary Committee voted for legislation aimed at reducing prison overcrowding further. In a bipartisan 13-to-5 vote, the panel approved the Smarter Sentencing Act, which would substantially reduce mandatory minimums for some drug offenses and allow federal judges more discretion in determining sentences for nonviolent drug offenses.

Since women are more likely to be incarcerated for a nonviolent offense than men, they may benefit from the law disproportionately. Already, between 2009 and 2012, the female prison population – though far smaller than the male prison population – dropped by a larger percentage (4.1 percent) than the male prison population (2.7 percent).

This trend has particular meaning for children. In 2008, 52 percent of women in state prison and 63 percent in federal prison had at least one child under the age of 18, according to the Bureau of Justice Statistics (BJS).

Six out of 10 women prisoners with children lived with their kids before incarceration, compared with 36 percent of male prisoners, according to the BJS.

"There is a big difference between jailing a mother versus jailing a father," says Meda Chesney-Lind, a criminologist at the University of Hawaii at Manoa. "Fathers are typically not custodial parents."

Most children do not have physical contact with their mother while she is incarcerated, because women are often placed in facilities more than 100 miles from home, where visiting is both expensive and difficult, according to Barbara Bloom, a criminologist at Sonoma State University in Rohnert Park, Calif. Collect phone calls from prison are expensive, and some people do not want to expose children to the prison environment and security procedures, which can be intimidating.

One solution would be to have offenders serve shorter sentences that are focused on drug treatment and education and that take place closer to their families, says Bahiyah Muhammad, a sociology professor at Howard University in Washington, D.C., who has studied the children of incarcerated parents.

"That way you keep the family together and allow them to have a role in this rehabilitation process," Professor Muhammad says.

She suggests that a parental classification be implemented for convicted mothers (and fathers) who have custody of their children, so they can serve their time at an institution designed for parents – that is, "friendlier" for kids.

"I think we could save a lot of money if we used alternatives to punish nonviolent drug

offenders, especially if they are parents,” Muhammad says. “Parental incarceration has long-lasting effects on children.”

Since the 1970s, the dramatic rise in the US prison population has put significant strain on the limited resources available to help ex-convicts reintegrate into the outside world.

“[Because of the war on drugs] there was a shift of valuable resources away from treatment to incarceration,” Ms. Bloom says.

Mancinas, the ex-convict in California, talks about the problems she had reintegrating into life on the outside – and how she was helped by a nonprofit after her release, not by services she received behind bars.

“When I got out of prison, I had nothing – nowhere to go, no job,” she says. “My son was in foster care, and I was on the verge of losing [parental rights]. And the treatment I had in prison, well, it was clear that they were there because it was their job, not because they cared if we stayed clean.”

Once out of prison, Mancinas got help from the Time for Change Foundation of San Bernardino, which provides shelter and support services to women struggling with homelessness, drug problems, mental health issues, and the effects of incarceration.

Time for Change provided Mancinas shelter for six months and helped her find work (though she was later laid off). The organization also assigned her a caseworker to help her get her son back and offered her drug treatment sessions several times a week.

“It was almost too good to be true,” says Mancinas. “I never could imagine where I could be or how much I could learn about myself.”

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