

# Vera Institute of Justice

## Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/incarcerations-corrosive-effects-on-families>

### Public Facing Advocacy Writing

Scholars, practitioners, and justice advocates have extensively examined the corrosive impact of mass incarceration on families and communities. The inclusion of family impact statements into the justice equation, [as reported by Vera](#), signals a welcome confluence of empirical research and criminal justice agency practice. Decision-makers in the criminal justice system have been too willing to use incarceration as a sanction of first resort, with little eye to the costs involved. When costs are analyzed, calculations often consist of prices for prison beds that can be amortized in capital improvement budgets by diffident legislatures. Family impact statements, as introduced by the San Francisco Adult Probation Department, signal the recognition that incarceration costs are complex and far-reaching.

Like other jurisdictions, Hawaii has met the challenge of drug abuse not with more dollars for community-based programs but with increased prison terms. Mandatory minimum sentences for methamphetamine offenses, enacted in 1997, expanded the Islands prison population in general, and womens imprisonment in particular. Unwilling to forgo its reliance on incarceration, the state began transferring inmates to prisons on the mainland to reduce acute overcrowding.

Prisoners on the mainland frequently go years without a visit from spouse or children, worsening the impact on families and communities. Given the importance of the *ohana* (extended family) in Hawaiian culture and the fact that Hawaiis indigenous people are overrepresented by roughly double in the states prisons, Native Hawaiian families feel the effects most profoundly.

Incarceration generates profound social costsones that are largely obscured from public view but for which everyone pays the tab in some way. A few years ago, Tom Lengyel and I [inventoried the social costs of incarcerating parents in Hawaii](#), with a focus on commitments for drug offenses. We enumerated costs outside of the criminal justice system, as well as those generated by its operations. Many costssuch as long-term effects on children and the emotional suffering endured by the abandoned spousecannot be monetized. Of the costs that are subject to this type of analysis, it is clear that most do not accrue to the inmate or even to the public. We found that families shoulder the highest proportion of the cost44 percent. This exceeds the inmates economic loss (32 percent) and dramatically surpassed the publics share (24 percent). (These costs are net the possible benefits of incapacitation in averting crime.) The incarceration of a parent for a drug offense, therefore, entrains a multitude of social costs, levied most heavily on the adult and juvenile members of the prisoners family.

The estimation of social costs potentially changes the conversation among policymakers in at least one important respect. It brings home the incontrovertible fact that the justice system does not operate in a silo but rather in the context of interdependent institutions and stakeholders, each with an assigned role to play. And, although much more remains to be addressed, the use of family impact statements in sentencing begins to reveal the family as one of the most critical and vulnerable intersections in this web of social affairs.

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