

# Vera Institute of Justice

## Criminal Justice Issues and Prisoners' Rights

### <https://www.vera.org/blog/more-than-5-million-children-have-had-an-incarcerated-parent>

## Public Facing Advocacy Writing

As mass incarceration in the United States exploded between 1970 and 2014, the rate of women held in jails increased over [14-fold](#).

Today, the total number of incarcerated women including in state and federal prisons is more than seven times [higher](#) than it was in 1980.

And the estimated 1.2 million women who are under the control of the criminal legal system are not suffering the effects of mass incarceration and mass supervision alone. More than 58 percent of women in [state and federal prison](#) and nearly 80 percent of women in local jails have children who are minors.

Over [five million children](#) in the United States have experienced the incarceration of a parent. For children whose mothers are currently in jail or prison, Mothers Day is likely to be marked by absence, powerlessness, and pain.

These children represent one of the strongest reasons why the United States must move its criminal legal system away from one that focuses on punishment and confinement and toward one that invests in public safety by building healthy communities.

The vast majority of women in jail have been accused or convicted of [non-violent offenses](#). [Thirty-two](#) percent are booked into jail on property charges, 29 percent on drug charges, and 21 percent on public order charges. Many of the women who will spend this Mothers Day in jail, traumatically separated from their children, have not even been proven guilty of the crimes of which they are accused. They simply lack money to purchase their freedom pretrial by paying bail.

Forcing people who cannot afford to pay bail to spend the duration of their criminal legal proceedings behind bars is always an injustice. And for people with children, extended pretrial detention can be catastrophic. Mothers who may already be struggling to provide for their families can lose their jobs, their housing, and even custody of their children. Research has shown that women facing minor charges are more likely to plead guilty than men [likely because they are single parents](#) who need to be released to care for their children.

Jailing parents and all people pretrial and for low-level offenses that do not threaten public safety is a cruel and counterproductive misuse of resources. It traumatizes parents, making it more difficult for them to focus on caring for their children when they are released. It also traumatizes children, who suffer even during their parental visits due to [restrictions on hugs](#) and other expressions of familial affection. During the COVID-19 pandemic, in-person jail and prison visits have been limited or suspended entirely, further limiting contact between parents and children.

The impacts of parental incarceration can be long-lasting for children, even after their parents are released. [Research](#) links the incarceration of a parent to health problems, emotional difficulties, behavioral problems, low school engagement and grade retention, and more.

In some cases, parental incarceration also results in the permanent legal severing of a family. Women who spend more than [15 months in prison](#) are more vulnerable to losing their parental rights permanently.

The devastating effects of mass incarceration and its impact on the relationships between parents and children fall heaviest on people living in poverty and [people of color](#). Families that were already struggling can be pushed to the brink when a parent is incarcerated. Incarceration leads to a sharp decline in family income and exclusion from post-incarceration employment and housing. It also permanently harms a person's access to the legal economy, making it less likely that parents who have experienced incarceration will be able to find safe ways to feed, clothe, and house their children.

Far too many women will spend this Mothers Day behind bars. We must drastically decrease the number of people in jails and prisons so that another generation of children won't suffer needless separation from their parents as a result of policies that are inhumane and counterproductive to achieving public safety.

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