

New criminal offenses and increasing criminal penalties hurt New Mexicans and New Mexico –and here’s why!

Talking points for us to use when contacting our NM Legislators! Legislative Session, January 18 – February 17, 2022

“Tough on Crime” – In this legislative session, January 18 through 17, the legislative agenda is restricted to bills related to money – i.e., taxation and appropriation – plus any other bills the governor sets before the legislature. If history is a guide, Governor Lujan Grisham will send a number of bills to the legislature that either create new criminal offenses or increase penalties for existing offenses, or both.

These are “bad bills” – Most of the Democrats in the legislature know that these bills are ill-advised. Nonetheless, most will vote for the bills if and when they are called upon to vote. In many cases, enough Democrats will join the Republicans to pass these bad bills.

Let’s change our arguments – Most if not all of the Democrats have heard a standard set of sensible arguments about why these bills are not good for New Mexico. Because of the politics, these standard arguments don’t seem to be moving our legislators to vote from a more informed stance.

Our Talking Points – Below is a set of arguments different from what is usually presented. The format is a set of talking points derived from a quick review of a series of sources, followed by an excerpt from the source, and a link to the source. For some of you, one type of issue will strike you personally or touch your heart. Use that, and pull from the talking points that you feel strongly about.

People of Color are disproportionately incarcerated – Black, Latinx and Indigenous youth and adults suffer from the unequal treatment across the spectrum of the criminal legal system. Because of the racial and ethnic disparities in our state, the talking points listed below fall even harder on Black and Brown people.

Learn more here: <https://eji.org/reports/>
<https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/>
https://www.prisonpolicy.org/visuals/race_and_ethnicity.html

Contact Legislators – Once you have a set of talking points that means something to you, contact legislators (yours & on specific Committees. You don’t have to know specifics about the bills – we know that increased new criminal offenses and increased criminal penalties hurt New Mexicans. Tell the legislators, using talking points and any personal knowledge, that you care about this. Tell them to stand up and say no.

Key Democrats – The legislator most likely to listen to you is your own. Plus, there are legislators in key committee positions who could kill these bad bills before they ever get to the floor of the House or Senate. These legislators need to hear from all of us too. Democrats on key committees include the House Consumer and Public Affairs Committee, the House Judiciary Committee, and the Senate Judiciary Committee (final committee assignments will be made in first week of legis session).

Now, pick out your talking points and get to work speaking to the legislature!

Below you will find:

- **Talking points**
- **General excerpts from the source**
- **Link to source.**

Talking points:

1. **Intimate partner violence occurs more in disadvantaged neighborhoods;**
2. **Couples facing job instability or economic distress are more susceptible to intimate partner violence; and**
3. **The combination of individual money problems and living in a tough neighborhood is a catalyst for higher levels of violence.**

NOTE: Other sources below make clear that incarceration creates all three of these circumstances.

General points from the source: Does intimate partner violence occur more in disadvantaged neighborhoods? Are couples facing job instability or other economic distress more susceptible to intimate violence? Is the combination of individual money problems and living in a tough neighborhood a catalyst for higher levels of violence? An NIJ-sponsored study summarized in this Research in Brief answers yes to all three questions. By examining data from the U.S. Census and from the National Survey of Families and Households (NSFH), researchers explored the dynamics among household economics, neighborhood economics, and levels of intimate partner violence. What did the researchers find? Intimate violence is more prevalent and more severe in disadvantaged neighborhoods. It occurs more in households facing economic distress. When the economically distressed household is located in a disadvantaged neighborhood, the prevalence of intimate violence jumps dramatically: women living in these circumstances are most at risk. Because a higher percentage of African-Americans live in disadvantaged neighborhoods and face economic distress, they experience higher rates of intimate violence compared with whites. When comparing African-Americans and whites of similar income levels, the levels of intimate violence are similar. What were the study's limitations? The amount of data on minorities other than Hispanics and African-Americans was relatively small, limiting further analysis of other subgroups. Who should read this study? Victim service providers, researchers, State and local housing policymakers, law enforcement planners.

Link to the source: <https://www.prisonpolicy.org/scans/nij/205004.pdf>

Talking Point: The presence of prisons in a community increases the risk of community transmission of Covid-19 outside the prison.

General points from the source: Background: Our objective was to examine the temporal relationship between COVID-19 infections among prison staff, incarcerated individuals, and the general population in the county where the prison is located among federal prisons in the United States. Methods: We employed population-standardized regressions with fixed effects for prisons to predict the number of active cases of COVID-19 among incarcerated persons using data from the Federal Bureau of Prisons (BOP) for the months of March to December in 2020 for 63 prisons. Results: There is a significant relationship between the COVID-19 prevalence among staff, and through them, the larger community, and COVID-19 prevalence among incarcerated persons in the US federal prison system. When staff rates are low or at zero, COVID-19 incidence in the larger community continues to have an association with COVID-19 prevalence among incarcerated persons, suggesting possible pre-symptomatic and asymptomatic transmission by staff. Masking policies slightly reduced COVID-19 prevalence among incarcerated persons, though the association between infections among staff, the community, and incarcerated persons remained significant and strong. Conclusion: The relationship between COVID-19 infections among staff and incarcerated persons shows that staff is vital to infection control, and correctional administrators should also focus infection containment efforts on staff, in addition to incarcerated persons.

Link to the source: <https://www.mdpi.com/1660-4601/18/13/6873/htm>

Talking point: Cycling individuals through jail significantly increases community Covid-19 transmission.

General points from source: As jails and prisons remain leading sites of COVID-19 outbreaks, mass incarceration poses ongoing health risks for communities. We investigate whether short-term jailing of individuals prior to release may drive COVID-19 spread. We find that cycling individuals through Cook County Jail in March 2020 alone can account for 13% of all COVID-19 cases and 21% of racial COVID-19 disparities in Chicago as of early August. We conclude that detention for alleged offenses that can be safely managed without incarceration is likely harming public safety and driving racial health disparities. These findings reinforce consensus among public health experts that large-scale decarceration should be implemented to protect incarcerated people, mitigate disease spread and racial disparities, and improve biosecurity and pandemic preparedness.

Link to source: <https://www.pnas.org/content/118/21/e2026577118>

Talking point: Incarceration causes trauma for prisoners, guards, the families of both, and the entire community.

General info from source: The reach of the pain from our current correctional system extends beyond the barbed wire fences and into our homes, our schools, our churches, and our communities. It's in the soul of the 8-year-old girl who sits in the classroom wondering if her father will make it home safely from prison. It's in the touch of the mother pumping breast milk into the sink of her cell and longing to hold her newborn son. It's in the heart of the correctional officer who coaches the neighborhood soccer league but can't shake feelings of doom and fear. It's in the thoughts of the officer's wife as she kisses him goodbye and hopes that he returns home safely. The trauma generated by correctional institutions is real and felt by tens of millions of people every day. For this reason, I believe we must all make transformational changes in the here and now to reduce the harms caused by these systems. For more than ten years, I worked for and eventually led the Cook County Jail in Chicago, Illinois—one of the largest single site jails in the country with a population that ranged over time from approximately 10,000 people when I started in 2006 to approximately 6,000 people when I retired in 2018, plus a staff of approximately 2,300 people. During that time, I experienced dozens of encounters that cumulatively form my perspective on the scope of trauma in correctional facilities and the opportunities for harm reduction. I retraced the final moments of numerous men and women confined in the facility that died by suicide; I attended the funerals of staff members who died too soon as a result of being constantly overtaxed, both physically and emotionally; I visited the hospital beds of staff who had been assaulted; I looked in the eyes of men and women who were being disciplined, fired, and laid off; and I looked in the faces of tens of thousands of young children with tears in their eyes as they were leaving their loved ones at the massive jail complex. Nothing prepared me for the trauma that existed within correctional facilities. There was no playbook on how to defeat the feelings that kept me awake at night in anticipation of the next incident—a massive fight, a fire, a suicide, a hostage situation, a murder, an escape, a death, a rape—all things that I encountered several times during my tenure in corrections. These are the experiences of every person touched by correctional facilities. Staff see it; the people confined in the facilities live it; and family members hear about it. The traditional perspective of trauma views people who are incarcerated, staff, and communities as distinct entities. With this framing we cannot fully understand the mechanisms of trauma at work, nor the opportunities for harm reduction. This paper offers my perspective: I am a former jail warden, a family member of a person who was incarcerated, and a family member of a current correctional professional. In this paper, I redefine the scope of trauma in the context of incarceration, quantitatively and qualitatively. I explain where policy currently misses opportunities to reduce harm and how Sheriffs and Correctional Commissioners are constrained. Finally,

I propose a new framework for action that is both systemic and practical, ending with a case study and process and policy implications for correctional system leaders.

Link to the source: <https://squareonejustice.org/wp-content/uploads/2021/04/CJLJ8744-Harm-Reduction-Report-WEB-210427.pdf>

Talking points:

- 1. When New York City scaled back aggressive policing, crime went down.**
- 2. Poverty fell gradually over the 2010s, and wages rose fastest for workers near the bottom of the wage distribution. The dropout rate for public high school students had fallen to about half of what it was in 2007. And violence remained at a historically low level.**
- 3. The new approach relied on evidence-informed, theory-based strategies, like creating vibrant public spaces and summer youth employment, and toward community-oriented institutions and residents as central actors in the effort to build vital, safe neighborhoods while decreasing the reach of the justice system into the lives of New Yorkers.**

General info from source: It is hard to remember what New York City was like back in February of 2020, before a virus tore through its neighborhoods, demonstrations took over city streets, riot-gear police officers confronted New Yorkers in encounters streamed to the world, and a surge of shootings led to a summer of violence unlike any other in recent years. But it is important to think back. New York City, we argue, was taking gradual steps toward a new model of public safety and community strength. After decades of relying on aggressive, zero-tolerance policing designed to dominate city streets, the city was moving away from police enforcement and criminal justice system operations as the exclusive responses to violent crime. It was slowly turning toward a “lighter touch” approach that relied on evidence-informed, theory-based strategies, like creating vibrant public spaces and summer youth employment, and toward community-oriented institutions and residents as central actors in the effort to build vital, safe neighborhoods. Those strategies were part of an integrated approach to increase safety while decreasing the reach of the justice system into the lives of New Yorkers. This intrusion had sharpened cynicism, especially in communities of color, as to how much justice or safety the system delivered. The change was gradual and incomplete, but several data points suggest the new model was working. Crime declined as the city’s incarcerated population fell to a rate that more resembled the dramatically lower rates of the nations of Western Europe than the United States, and judges began to use different approaches to ensure accountability. Arrests also had dropped significantly over time, the New York City Police Department (NYPD) had mostly ended the use of stop, question, and frisk, and prosecutors had started to exercise their discretion to focus more on serious crime. As this lighter touch approach took hold, conditions in the city’s most disadvantaged neighborhoods did not deteriorate as some had predicted they would. Inequality in New York City remains staggering, but poverty fell gradually over the 2010s, and wages rose fastest for workers near the bottom of the wage distribution (New York City Mayor’s Office for Economic Opportunity 2020). The dropout rate for public high school students had fallen to about half of what it was in 2007 (New York City Department of Education 2021). And violence remained at a historically low level. Among more than 8.5 million people scattered around the five boroughs of New York, 319 were murdered in 2019, a fraction of the rate of other large American cities and a fraction of New York City’s own murder rate decades before. This history, though recent, may seem a distant memory after everything the city went through in 2020, but we believe it is crucially important to interpreting the events of the past year and to developing a plan to move forward. The tumult and trauma of 2020 reveal both how fragile and limited the city’s progress was, and how flawed the justice system is as the central approach to achieving safety. But what the city has experienced also adds urgency, and provides an opportunity, for a transformative change in the coming years. COVID-19 has

forced a distillation of the choices before us, and the fiscal crisis that has followed offers an opportunity to reshape how cities achieve safety and thriving neighborhoods. In this essay we lay out a model of public safety that shifts away from law enforcement and toward residents and local organizations, supported by access to organized government services, as the primary mode of achieving wellbeing. The old model relied on the surveillance, management, and removal of disadvantaged, marginalized New Yorkers from the city's streets for a wide variety of low-level violations. The new model is driven by the ideal of integration, and relies on weaving together a social fabric composed of residents and community institutions, upheld by the social supports that government budgets are intended to nurture. Importantly, the new model rests not on lofty ideals nor on the prevailing political whims of the moment, but on a body of the most rigorous evidence available. Law enforcement should continue to play a role in this new model, but the police (and other actors and institutions within the criminal justice system) need to be seen as just one part of a larger, collective, and civilian effort to build vibrant, safe neighborhoods through a heterogenous mix of strategies. We put forward a proposal to re-orient deployment of government resources and a demonstration project as tangible steps toward implementation.

Link to source: https://squareonejustice.org/wp-content/uploads/2021/03/Social-Fabric-A-New-Model-for-Public-Safety-and-Vital-Neighborhoods_Liz-Glazer-and-Pat-Sharkey_WEB_FINAL.pdf

Talking points:

- 1. Mass incarceration puts entire communities at risk for Covid-19 spread by damaging social and economic networks at a large scale.**
- 2. Of the \$1 trillion cost of mass incarceration, more than half is borne by families and communities.**
- 3. Incarceration puts an emotional burden on intimate partners and children that may lead to the breakup of the family and negatively affect the psychosocial development of children, as well as on extended family members.**
- 4. The destructive impact of incarceration on community cohesion leads to an increase in the crime rate.**

General info from source: . . . This is not surprising since communities of color are the most vulnerable to the structural problems listed above, which both increases their likelihood of having health conditions that make COVID-19 more severe (Millett et al, 2020) and makes it more difficult for them to mitigate the spread of the virus. Low-income communities of color also experience disproportionate rates of interaction with the criminal justice system, often resulting in incarceration. The detrimental effect of mass incarceration on community well-being has been well-documented by researchers (see Clear, 2007). We hypothesize that in addition, mass incarceration makes communities more vulnerable to public health crises, such as the COVID-19 pandemic, by damaging social and economic networks at a large scale. . . . The “tough on crime” paradigm that has been the basis of the U.S. response to crime since the 1970s brought about an era of mass incarceration with little return on investment. . . . If the benefits of mass incarceration are suspect, its costs are clear. The Center for Spatial Research at Columbia University has identified single city blocks with such density of prisoners at any given time that states are spending over a million dollars a year on incarcerating the residents of those blocks. Moreover, McLaughlin and colleagues (2016) estimate that the overall cost of incarceration is one trillion dollars (or 6 percent of the country's GDP), of which only \$80 billion are accounted for by correctional spending. This means that more than half of the costs of incarceration are social and paid by families and communities. Mass incarceration is not only financially costly but also incredibly disruptive to the social networks that are the basis for collective efficacy. Clear (2007) has proposed that incarceration works as a form of residential instability where the turnover of residents is not voluntary but coerced by the criminal justice system. He has used the term “coercive mobility” to refer to a

constant cycle of removal and reentry of individuals from and to the community, which creates “an environment where a significant portion of residents are constantly in flux—perhaps as many as 15 percent of parent-age, male residents a year” (Clear, 2007, p. 73). The incarceration of one individual in a disadvantaged neighborhood puts an economic burden on the family members left behind, not only because they are losing the earning capacity of one person but also because of all the costs that are associated with a criminal case and incarceration: bail, lawyers, court fees, commissary money, phone call fees, and travel to faraway correctional institutions to visit the incarcerated person, just to name a few. It also puts an emotional burden on intimate partners and children that may lead to the breakup of the family and negatively affect the psychosocial development of children, as well as on extended family members. Since state prisoners serve on average 2.6 years (Kaeble, 2018) and, in most states, jail sentences are capped at one year, it follows that the incarcerated individual will eventually return to the family and potentially cause more economic and emotional disruption. On the economic front, the labor market viability of the returning citizen is very limited, because the punishment does not end when the individual is released from prison or jail. Federal and state laws forbid individuals with criminal records from getting certain occupational licenses and 4 student loans, accessing public housing, and voting, among the most salient structural barriers to reentry. This means that the family is more likely to become dependent on the welfare system, even after their loved one returns from prison. On the emotional front, researchers have found that formerly incarcerated individuals suffer from a number of mental disorders caused or exacerbated by the incarceration itself, including post-traumatic stress disorder, institutionalized personality traits (distrust, difficulty engaging in relationships, hampered decision-making), social-sensory disorientation, and alienation (Liem & Kunst, 2013). This increases the likelihood of family conflict and violence in the community upon their return. Now, imagine this dynamic at a large scale. Hundreds if not thousands of mostly men (but also women at increasing rates) and their families going through this cycle within the same community over and over again. As Clear (2007) argues, “[w]hen oversubscribed social networks are forced to adjust first to a person’s being removed, and then must accommodate the 4 The National Inventory of Collateral Consequences of Conviction identified over 15,000 laws and regulations limiting occupational licensing for people with criminal records. person’s return, they are even less likely to shift attention to collective action at the community level” (p. 84). Concentrated incarceration thus weakens collective efficacy and increases social disorganization, leading to higher crime rates, the very thing that it is supposed to deter. Finally, not only does mass incarceration hurt the community’s ability to tackle social ailments but it also creates a perverse macroeconomics dynamic whereby public resources are shifted away from community improvement toward sustaining correctional institutions. As Clear (2007) notes, “[once] they are arrested and incarcerated, these people’s economic value is transformed and transferred into penal capital—the demand for salaried correctional employees to provide security. It’s also transferred to the locality of the prison, where the penal system’s employees reside” (p. 89).

Link to source:

https://www.prisonpolicy.org/scans/measuresforjustice/Incarceration_Weakens_Community_Immune_System_Preliminary_Results.pdf

Talking point: Higher levels of incarceration increase the percentage of community members reporting fair or poor health and community mortality.

General info from source: A collateral consequence of mass incarceration in the United States is its negative effects on population health. Using data from 2015, this study examines the relationship between incarceration rates and population health for a national sample of U.S. counties. To obtain unbiased estimates of the effect of incarceration on health, we use multivariate models which account for the endogeneity of incarceration rates when determining their effect on population health by employing an instrumental variable approach where the robust instrumental (exogenous) variable per capita corrections expenditures is

used to predict incarceration rate. We then estimate population health outcomes as a function of predicted incarceration rate alongside factors such as public health spending, indicators of health behavior and control variables in models explaining county-level population health. Consistent with findings from prior research on individuals, families and at the state level, results of our analyses indicate that higher levels of incarceration are associated with higher levels of both morbidity (percentage reporting fair or poor health) and mortality (life expectancy). Implications of these findings for health and criminal justice policy, as well as research, are considered.

Link to source: <https://www.sciencedirect.com/science/article/pii/S2352827319300874>

Talking point: Parental incarceration was associated with young adults' increased odds of having an anxiety disorder, having a felony charge, spending time in jail, not completing high school, becoming a parent when younger than 18 years, and being socially isolated.

Link to source: <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2748665>

Talking points:

1. U.S. poverty would have dropped by 20 percent between 1980 and 2004 if not for mass incarceration.
2. Children with incarcerated parents are nearly three times as likely to experience health conditions such as depression and anxiety and are also more likely to have speech and other cognitive delays.
3. These increased risks contribute to an intergenerational cycle of poverty, since any of these problems make it harder for children to succeed in school, which in turn may prevent them from graduating and/or finding a job that pays enough to support their own families—reinforcing hunger across generations.

General info from source: Mass incarceration has far-reaching effects in the United States. It poses a significant barrier to ending U.S. hunger and poverty by 2030—a goal the United States adopted in 2015. But the connection is not always obvious. This paper explains how mass incarceration increases hunger. In a study by the National Institutes of Health, 91 percent of returning citizens reported being food insecure. Many face difficulty securing a place to work and live after being released. In addition, 75 percent of returning citizens report that it is “extremely difficult” or “impossible” to find a job post-incarceration. Even once formerly incarcerated people manage to find jobs, they suffer a permanent reduction in their lifetime earning potential, by nearly \$180,000. This explains why 1 in 4 households headed by a returning citizen lives in deep poverty. In addition, incarceration frequently leads to hardships for their families. According to one study, almost 70 percent of households reported having difficulty meeting basic needs, such as food and housing, when a family member was incarcerated. U.S. poverty would have dropped by 20 percent between 1980 and 2004 if not for mass incarceration. Children with incarcerated parents are nearly three times as likely to experience health conditions such as depression and anxiety. They are also more likely to have speech and other cognitive delays.³ These increased risks contribute to an intergenerational cycle of poverty, since any of these problems make it harder for children to succeed in school, which in turn may prevent them from graduating and/or finding a job that pays enough to support their own families—reinforcing hunger across generations.

Link to source: <https://www.bread.org/sites/default/files/downloads/briefing-paper-mass-incarceration-february-2018.pdf>

Talking point: High rates of incarceration in low income urban neighborhoods lead to more crime because of family stress, neighborhood disintegration, and undermining community support systems.

General info from source: In the late 1990s, social scientists began to fear that the rise of imprisonment in high-poverty urban neighborhoods would lead to more crime rather than less. Drawing from decades of sociological research, they had a long list of reasons for why incarceration at high levels could become problematic: when many people experience it, prison becomes normalized and less of a deterrent; low-income households with a breadwinner in prison have difficulty supporting children at home, while also spending money and time assisting their incarcerated family member (the combination of a missing parent and family hardship becomes a recipe for juvenile delinquency); and the movement of people in and out of prison increases transiency in a neighborhood, making it more difficult for residents to get to know and trust one another so that they can lend each other support and work together to address neighborhood problems. Researchers have found substantial evidence to support these theories. Recent studies show many urban neighborhoods in the U.S. have reached a tipping point, where incarceration is hindering more than it is helping. The largest, most rigorous of these studies, commissioned by the National Institute of Justice, examined data from Boston and found that high rates of incarceration were leading to additional crime in the city's most disadvantaged neighborhoods. Last fall, MassINC and the Boston Indicators Project mapped incarceration in these neighborhoods, revealing visually the impact of incarceration in these communities in a way that this obscure academic research could not. The report gave leaders in Boston a useful tool for thinking about criminal justice policy and the allocation of public-safety resources to correctional facilities.

Link to source: https://massinc.org/wp-content/uploads/2017/09/geography.crime_report.8.pdf

Talking point: Children of incarcerated parents are more likely to: drop out of school, develop learning disabilities, including attention deficit hyperactivity disorder (ADHD), misbehave in school suffer from migraines, asthma, high cholesterol, depression, anxiety, PTSD, and homelessness.

General info from source: Research in criminal justice, health, sociology, epidemiology, and economics demonstrates that when parents are incarcerated, children do worse across cognitive and noncognitive outcome measures. . . . Independent of other social and economic characteristics, children of incarcerated parents are more likely to: drop out of school, develop learning disabilities, including attention deficit hyperactivity disorder (ADHD), misbehave in school suffer from migraines, asthma, high cholesterol, depression, anxiety, posttraumatic stress disorder, and homelessness. Each of these conditions presents a challenge to student performance.

Link to source: <https://files.epi.org/pdf/118615.pdf>

Talking point: Mass incarceration victimizes children of incarcerated parents financially and emotionally, with long-lasting effects.

General info from source: The saying is all too familiar: Do the crime, do the time. But in America's age of mass incarceration, millions of children are suffering the consequences of their parents' sentences and our nation's tough-on-crime practices. These children feel the absence of that adult — whether it is several nights in jail or years in prison — in myriad ways, even if they weren't sharing a home. They feel it when their refrigerator is bare because their family has lost a source of income or child support. They feel it when they have to move, sometimes repeatedly, because their families can no longer afford the rent or mortgage. And they feel it when they hear the whispers in school, at church or in their neighborhood about where their mother or father has gone. Incarceration breaks up families, the building blocks of our communities and nation. It creates an unstable environment for kids that can have lasting effects on their development and well-being. These challenges can reverberate and multiply in their often low-income neighborhoods, especially if they live in a community where a significant number of residents, particularly men, are in or

returning from jail or prison. And different obstacles emerge once parents are released and try to assume their roles as caregivers, employees and neighbors.

Link to source: <https://assets.aecf.org/m/resourcedoc/aecf-asharedsentence-2016.pdf>

Talking points:

- 1. Women bear the brunt of the costs—both financial and emotional—of their loved one’s incarceration; almost 25% of women and 40% of Black women are related to someone who is incarcerated.**
- 2. Families of incarcerated individuals frequently reported PTSD, nightmares, hopelessness, depression, and anxiety.**
- 3. Families are driven into deep poverty, including hunger, eviction, and health issues with little institutional support.**

General info from source: People with convictions are saddled with copious fees, fines, and debt at the same time that their economic opportunities are diminished, resulting in a lack of economic stability and mobility. Fortyeight percent of families in our survey overall were unable to afford the costs associated with a conviction, while among poor families (making less than \$15,000 per year), 58% were unable to afford these costs. Sixty-seven percent of formerly incarcerated individuals associated with our survey were still unemployed or underemployed five years after their release. Many families lose income when a family member is removed from household wage earning and struggle to meet basic needs while paying fees, supporting their loved one financially, and bearing the costs of keeping in touch. Nearly 2 in 3 families (65%) with an incarcerated member were unable to meet their family’s basic needs. Fortynine percent struggled with meeting basic food needs and 48% had trouble meeting basic housing needs because of the financial costs of having an incarcerated loved one. Women bear the brunt of the costs—both financial and emotional—of their loved one’s incarceration. In 63% of cases, family members on the outside were primarily responsible for court-related costs associated with conviction. Of the family members primarily responsible for these costs, 83% were women. In addition, families incur large sums of debt due to their experience with incarceration. Across respondents of all income brackets, the average debt incurred for court-related fines and fees alone was \$13,607, almost one year’s entire annual income for respondents who earn less than \$15,000 per year. Despite their often-limited resources, families are the primary resource for housing, employment, and health needs of their formerly incarcerated loved ones, filling the gaps left by diminishing budgets for reentry services. Two-thirds (67%) of respondents’ families helped them find housing. Nearly one in five families (18%) involved in our survey faced eviction, were denied housing, or did not qualify for public housing once their formerly incarcerated family member returned. Reentry programs, nonprofits, and faith-based organizations combined did not provide housing and other support at the levels that families did. Incarceration damages familial relationships and stability by separating people from their support systems, disrupting continuity of families, and causing lifelong health impacts that impede families from thriving. The high cost of maintaining contact with incarcerated family members led more than one in three families (34%) into debt to pay for phone calls and visits alone. Family members who were not able to talk or visit with their loved ones regularly were much more likely to report experiencing negative health impacts related to a family member’s incarceration. The stigma, isolation, and trauma associated with incarceration have direct impacts across families and communities. Of the people surveyed, about one in every two formerly incarcerated persons and one in every two family members experienced negative health impacts related to their own or a loved one’s incarceration. Families, including their incarcerated loved ones, frequently reported Post-Traumatic Stress Disorder, nightmares, hopelessness, depression, and anxiety. Yet families have little institutional support for healing this trauma and becoming emotionally and financially stable during and post incarceration. These impacts hit women of color and their families more substantially than others, deepening inequities and societal divides that have pushed many into the criminal justice system in the first place. Almost one in every four women and two of five Black women are related to someone who is incarcerated. Poverty, in particular, perpetuates the cycle of incarceration, while incarceration itself leads to greater poverty. Estimates report that nearly 40% of all crimes are directly attributable to poverty and the

vast majority (80%) of incarcerated individuals are low-income. In fact about two-thirds of those in jail report incomes below the poverty line. The research in this report confirms that the financial costs of incarceration and the barriers to employment and economic mobility upon release further solidify the link between incarceration and poverty. Most of all, this report's collaborative research found that while supportive families and communities can help reduce recidivism rates, these bedrocks of support lack the necessary resources to help incarcerated individuals serve out their sentences and reenter society successfully. It is not enough to reform the criminal justice system without considering its purpose and impact on communities. Institutions with power must acknowledge the disproportionate impacts the current system has on women, low-income communities, and communities of color and address and redress the policies that got us here. Additionally, society as a whole must rethink our approach to accountability and rehabilitation, shift perceptions, and remove barriers that prevent formerly incarcerated individuals and their families from getting another chance at life.

Link to source: <http://whopaysreport.org/wp-content/uploads/2015/09/Who-Pays-FINAL.pdf>

Talking point: Had the U.S. incarceration rate remained at its 1973 level, then the infant mortality rate would have been 7.8 percent lower than it was in 2003, and disparity between black and white infant deaths nearly 15 percent lower.

General info from source: Mass incarceration is one of a series of interrelated factors that has stretched the social and economic fabric of communities, contributing to diminished educational opportunities, fractured family structures, stagnated economic mobility, limited housing options, restricted access to essential social entitlements, and reduced neighborhood cohesiveness. In turn, these collateral consequences have widened the gap in health outcomes along racial and socioeconomic gradients in significant ways. For example, research in epidemiology indicates that had the U.S. incarceration rate remained at its 1973 level, then the infant mortality rate would have been 7.8 percent lower than it was in 2003, and disparity between black and white infant deaths nearly 15 percent lower.

Link to source: <https://www.prisonpolicy.org/scans/vera/on-life-support-public-health-mass-incarceration-report.pdf>

Talking point: The official poverty rate would have fallen considerably from 1980 to 2004 had it not been for mass incarceration.

General info from source: During the past thirty years, U.S. poverty has remained high despite overall economic growth. At the same time, incarceration rates have risen by more than three hundred percent, a phenomenon that many analysts have referred to as mass incarceration. This paper explores whether the mass incarceration of the past few decades might have impeded progress toward poverty reduction. Relying on a state-level panel spanning the years 1980 to 2004, the study measures the impact of incarceration on three different poverty indexes. Estimates are generated using instrumental variable techniques to account for possible simultaneity between incarceration and poverty. The evidence indicates that growing incarceration has significantly increased poverty, regardless of which index is used to gauge poverty. Indeed, the official poverty rate would have fallen considerably during the period had it not been for mass incarceration.

Link to source: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1348049

Talking point: High rates of incarceration can have the unintended consequence of destabilizing communities and contributing to adverse health outcomes.

General info from source: Community health pioneer Sidney Kark attributed high rates of syphilis in South Africa in the late 1930s to the socially destabilizing effects of migration related to the seeking of mining jobs. Extreme gender ratio imbalances in the areas surrounding the mines led to sexual behaviors that facilitated the transmission of such diseases. Social epidemiologist Mark Lurie has documented similar effects associated with HIV/AIDS in present-day South Africa. Because incarceration leads to a select portion of a community's residents being removed from their families and neighborhoods, it is tantamount to "forced migration," contributing to imbalances in neighborhood gender ratios and resulting in the potential for community health effects similar to those just described for South Africa. Moreover, such disruptions of families and social networks can degrade social cohesion and the norms that might otherwise prevent sexually transmitted diseases and teenage pregnancies.

Link to source: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2518603/>

Talking points:

1. **86% of women with an incarcerated loved one suffers severe depression, anxiety, anger, stress, or loneliness.**
2. **Women commonly take over child care responsibility for an incarcerated loved one's children.**
3. **35% of women with an incarcerated loved one experience homeless, eviction, or the ability to pay rent or mortgage on time as a result.**
4. **43% of women with an incarcerated loved one are forced to work longer hours, get a different job, or turn down an educational opportunity as a result.**
5. **80% of women with an incarcerated loved one have not physically touched their loved one within the past month; 26% have not touched their loved one in over a year.**

General info from source: Incarceration of a loved one negatively impacts the emotional wellbeing and physical health of women in various ways. Women reported that the incarceration of their loved one caused them to experience stress, anxiety, anger, depression, loneliness, migraines, insomnia, and fatigue. Eighty-six percent of women characterized the impact of a loved one's incarceration on their own emotional and mental health as 'significant' or 'extreme'. A majority (63%) of all women reported that their physical health has been significantly or extremely affected by a loved one's incarceration. These findings suggest that the impact of incarceration on women is psychologically and physiologically damaging. Incarceration may be an undetected or ignored driver of emotional, mental, and physical health crises among women.

The incarceration of a loved one is financially destabilizing. Women absorb the immediate financial costs of incarceration, such as attorney's fees, court fees, and bail, all at the same time that they may be losing the financial support of their incarcerated loved one. A third of women (32%) who responded to our survey lost their household's primary source of income when a loved one was incarcerated. Nearly 70% of women with incarcerated loved ones shared that they are their family's only wage earner.

During the period of a loved one's incarceration, many women are forced to deviate from personal plans that might have led to longer term stability in order to address the immediate needs of their loved one's incarceration and the needs of other family members. Women bear the costs of phone calls, prison visits, and commissary bills. Most commonly, women with incarcerated loved ones work more hours, change jobs, miss out on job opportunities, and cannot pursue their own education.

These impacts and their consequences can be longstanding: financial penalties in the form of restitution, fines, fees, and debt live on far beyond a loved one's incarceration. We found that the cumulative effect of financial challenges can lead to housing insecurity. A little over a third of women (35%) experienced

homelessness or other housing insecurity because of a loved one's incarceration. This number increased to more than half (56%) for women whose loved one was the primary income earner.

Extreme isolation is one of the central findings of our research. Using a scale constructed from answers to six questions that measured social and emotional loneliness, we found that the most typical score among women taking our survey was the highest score possible—meaning that women with incarcerated loved ones are extremely isolated. The physical presence of loved ones is instrumental to people's sense of connection, identity, and overall emotional wellbeing. The severity of the threat of isolation led former U.S. Surgeon General Vivek Murthy to declare that the United States is facing “an epidemic of loneliness” correlated with a reduction in lifespan similar to that associated with smoking.

The level of isolation experienced by women with incarcerated loved ones has social and political implications. Social isolation, when resulting from a system of laws and policies that render people less able to build political power based on their race, gender, or class, leads to political isolation, a new concept we are introducing in this report. Women with incarcerated loved ones are politically isolated, implicating the health of our social movements and the wellbeing of society at large.

In the midst of historic movements that are pushing for a radical re-envisioning of the foundational roles women play in our society, there is no more important goal for progressive critics of incarceration and gender equity advocates than apprehending the scope of incarceration's harm to women with incarcerated loved ones and listening to the strategies that women put forward to end this harm. This report aims to add to and enrich strategies for liberation, recognizing that when we focus on the liberation of women—especially Black and Brown women—we may all become more free.

Currently and formerly incarcerated women leaders have long advocated that mass incarceration is, in fact, a gender justice issue. Too often these expert voices have been ignored on this point. Notably, these advocates find themselves similarly situated to race justice champions who a decade ago were continuously silenced by progressive arguments that high rates of incarceration were a function of poverty and not of racial bias.

There are manifold forces that make the crisis of incarcerated women in this country invisible. This report seeks to avoid contributing to that erasure. Our hope is that through the uplifting of harm and power of women with incarcerated loved ones in the context of mass incarceration we may bring millions of women with incarcerated loved ones into full solidarity with the perspectives and demands of the movement led by incarcerated and formerly incarcerated women.

Link to full report: <https://www.becauseshepowerful.org/the-report/>

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