Hidden Children

A study into services for Children of Incarcerated Parents in Sweden and the United States

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Introduction

Children of Incarcerated Parents an Overview

England & Wales has a prison population rate of 153 per 100,000 people\(^1\) and 140 prisons.\(^2\)

The children of incarcerated parents are a significant proportion of all children in England and Wales, with about 7% of children experiencing the imprisonment of a parent at some point during their school years\(^3\) and a total of approximately 160,000 children with a parent in prison each year.\(^4\) There are more children who experience the imprisonment of a parent than children who experience their parents divorcing,\(^5\) an average of two babies per week born to incarcerated mothers,\(^6\) and 25% of boys in young offenders institutions are fathers or about to become fathers.\(^7\) This is therefore clearly not a tiny minority group, and it is set to increase in line with the prison population, which reached a record high of 85,578 on 21 July 2011.\(^8\)

There has not yet been extensive research into this group of children and their needs are only partially identified and largely unmet, but there is an emerging consensus as to the likely outcomes for these children and they are, perhaps unsurprisingly, not positive. The children of prisoners are three times more likely to experience financial, emotional and mental health difficulties and to engage in anti social behaviour than other children.\(^9\) The link between having a parent who has been imprisoned for criminal activity and growing up to become an offender is in my view undeniable, with 65% of boys with a convicted parent going on to offend themselves\(^10\), an alarming statistic given that there are currently approximately 48,015 fathers and 2,769 mothers in prison.

This is a significantly sized group of children, who are in desperate need of informed and compassionate support. At the conclusion of this report, I make recommendations as to what this support should consist of and how it should be delivered in order to best empower those children and their extended families to break the cycle of intergenerational reoffending, live hopeful and fulfilling lives and reach adulthood equipped to make a genuine contribution to society.

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\(^3\) Bromley Briefing 2011, Prison Reform Trust


\(^5\) http://www.libdems.org.uk/home/200-babies-due-to-be-born-to-prisoners-this-year-howarth-37047303

\(^6\) Ministry of Justice and Department for Children, Schools and Families, Children of Offenders Review, June 2007

\(^7\) http://www.guardian.co.uk/society/2011/jul/22/jail-population-rises-record-high


The Swedish Case study

Background

Sweden has a prison population rate of 74 per 100,000 people and 55 prisons.

Of the three national groups of prisoners’ children I have either worked with or been researching as part of this project – those in England & Wales, the USA, and Sweden - those in Sweden are by far the most fortunate in terms of the support services available to them and the effectiveness of those services in minimising the harm caused to children by parental incarceration. In one respect at least, the provision of services to this group in Sweden is easier than in the other countries as there are far fewer children affected. The total prison population in Sweden is approximately 7000 people, of whom approximately 300 are women. There are correspondingly far fewer children in Sweden experiencing parental incarceration, with approximately 8 – 10,000 children having one or both parents in prison on any given day. In 2009, 16 children, all under the age of 2 years, accompanied their mothers into prison. The average time a child spent with their mother in prison was 3 months.

The approach to prison and criminal justice in Sweden is markedly different to that adopted in England & Wales or the USA. Swedish social policy has, since the 1980s, been looking at ways to reduce the use of shorter prison sentences as punishment for crimes, and to look instead at alternatives to imprisonment such as fines, probation, conditional sentences and community service. The Swedish Penal Code states that ‘In choosing a sanction, the court shall pay special attention to any circumstance or circumstances that argue for the imposition of a less severe punishment than imprisonment.’ The Penal Code further allows for the imposition of a less severe punishment than that proscribed for a particular crime by the Code if certain circumstances exist, such as that the perpetrator suffered severe bodily harm as a result of the crime or gave him or herself up and that there are special reasons for doing so and allows for the Court to grant an exemption from any sanction if, in view of the existence of certain circumstances such as those set out above, it would be manifestly unreasonable to impose a sanction.

The deprivation of liberty is considered the punishment, not the actual day to day experience of prison life, and the stated purpose of prison in Sweden is not to punish or deter future crimes or criminals, but to prepare the prisoners for their return into society and to counteract any adverse effects of the imprisonment. The imprisonment should from the outset prepare the prisoners for their release.

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12 http://www.eurochips.org/facts-and-figures/eu-detainees-total/
13 http://www.eurochips.org/facts-and-figures/eu-women-detainees/
14 http://www.riksbryggan.se/english.html
15 Ibid.
16 Swedish Penal Code, Chapter 30, Section 4
17 Swedish Penal Code, Chapter 29, Section 5
18 Swedish Penal Code, Chapter 29, Section 6
19 Basic Facts, published by The Swedish Prison and Probation Service, 2010
Assisting in the support of children of incarcerated parents in Sweden is the existence of the Ombudsman for Children, the rationale for this being that each child is an individual with her/his own rights, but that children and young people do not have a vote or formal means of influence. The Children’s Ombudsman’s Act 1993 identifies the tasks of the ombudsman as to represent the rights of children and young people, to drive through the implementation of the UN Convention on the Rights of the Child, and to monitor observance of the UN Convention on the Rights of the Child. To that end, the Ombudsman published a report entitled ‘Don’t punish the child’ in 2004, which addresses the issues facing the children of incarcerated parents and attempts to do so from the child’s perspective.

**Assist and pre-sentence remand**

The Swedish system has well developed methods of recording how many children of offenders there are and ensuring that relevant services are informed throughout the criminal justice process. This begins with arrest, at which point all offenders undergo an interview at the police station. This interview includes questions about the existence of and care arrangements for children, in most cases, particularly with male offenders any children are cared for by the other parent, but in the event that this is not the case or that there are no long term arrangements in place for the children, there is a duty upon the police to inform Children’s Services in the offenders Kommun (local authority) about the children and their situation. This simple questionnaire and referral at the police station provides children of offenders with a basic minimum standard of care at the moment they need it most. It also provides the Ministry of Justice and other government agencies with accurate and up to date figures of the numbers of children of offenders there are at any one time.

This is in contrast to the system in the UK. It used to be standard practice for Probation officers in the courts to check on the welfare of children whose parent (or parents) was or were in court facing criminal charges. Today, the situation is very different. Many parents in the UK are received into custody having not made any plans for their children’s care. In many cases they will hide the existence of their children from the police, courts and prison service through a fear that they will be taken away from them.

In some cases children are identified through pre-sentence reports but for non-statutory offenders, those serving less than a year in prison or going into a young offenders institution, and for those on remand, there is no comprehensive method of safeguarding the children of offenders at the start of the criminal justice process. The lack of a referral route from the Ministry of Justice to local authority children’s services not only leads to a huge gap in our understanding of how many children are affected by the arrest and imprisonment of a parent but in some cases leads to children being left at school or nursery while their sole carer is remanded into custody. This is clearly a potentially traumatic start to the imprisonment of their parent for these children. This again is a particular problem for women. Most of the women in UK prisons have children but only 9% of these are cared for by their father. It remains the case that unless the children of a short sentenced or remand prisoner are previously known to the local authority they are unlikely to come to their attention, despite the well-established links between parental imprisonment and poor outcomes for children.

**Pre-Sentence Remand**

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20 Prison Advice and Care Trust, Protecting the Welfare of Children When a Parent is Imprisoned. January 2011
In Sweden the police and prosecutor are allowed to hold a suspect for four days before asking a court to remand the suspect to custody until a trial. The court will not usually remand a suspect unless –

- The alleged offence carries a maximum sentence of over one year
- There is a risk of the defendant disappearing
- There is a risk of the defendant offending while on bail
- There is a risk of the defendant obstructing justice

If the prosecution is of the view that there is a risk of the defendant obstructing justice by interfering with witnesses, they can ask the court to impose restrictions on the defendant’s contact with the outside world while they are held on remand in remand centres (Hakte). These restrictions can have a huge impact on the children of offenders as they may include:

- Restrictions on contact with the outside world (including family members)
- Restrictions on contact with other prisoners
- Restrictions on contact with media (access to newspapers and television etc.)

In practice these restrictions are imposed routinely in cases with an element of domestic violence and with sex offenders but in a whole range of offences it is normal for family contact to be stopped and it is much more likely that a defendant will have restrictions on contact with their families than either of the other two restrictions set out above. 45% of remand prisoners in Hakte have restrictions imposed upon them. Once restrictions are imposed they are reviewed by the court every two weeks until the trial, with the defendant having to apply for individual phone calls and letters in the interim. Restrictions are routinely imposed until conviction and may continue if there is an appeal.

This process has a massive impact on family relationships as offenders can be held in Hakte for months and in a minority of cases years, without any contact at all, even by telephone, with their children. Nearly all of the children and families I interviewed while in Sweden found this process very difficult and the Swedish Government has been repeatedly criticised for the draconian nature of this system by the United Nations Committee against Torture and the Council of Europe but it still persists.

This system is in complete contrast to England and Wales where remand prisoners are not held separately from the convicted population. Also in England and Wales remand prisoners are entitled to more contact with their families than those that are convicted. Remand prisoners are entitled to six half hour visits every week although in order to reduce the administrative burden of this, prisons generally offer three hour long visits each week. Remand prisoners are also allowed to spend more money than convicted prisoners on the purchase of items such as postage stamps and telephone credit.

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**Sentenced Prisoners**

Once offenders have been sentenced in Sweden the system changes dramatically, they are moved from the remand centre to prison where any restrictions that were imposed are removed and contact can be restored between an offender and their children.

In Sweden the children of offenders have a right to contact with their absent parent and there are a range of measures in place to facilitate this, including:

- Prisoners are allowed free weekly phone calls home to their children
- Kommuns will pay the costs of children visiting their parent in prison
- Each prison has a children’s ombudsman who has responsibility for improving the facilities and process for children visiting the prison
- Private visiting rooms are the norm across the prison estate and visiting apartments are present in many prisons
- Some prisons offer overnight accommodation for visitors not using the visiting apartments
- There is no limit on the number of visits children can have
- There is regular use of temporary release for offenders to make home visits
- There is consistent authoritative advice to parents in prison to be honest with their children about their situation
- There are parenting groups in each prison

The Swedish prison system however does have a system of clearing visitors to visit and clearing numbers for phone calls, in order to prevent offenders contacting their victims. This can take some time and currently has to be done afresh at each establishment. Families I met complained that the delays in this system caused significant gaps in contact.

Children visiting prisons in Sweden can expect a much less formal arrangement than in England and Wales, where visiting takes place in large halls with play areas typically used to occupy children while their parents talk rather than for prisoners to interact with their children. In Sweden normal visits take place in private rooms that resemble sitting rooms. Once the visit has started children can play with their parents as they would at home, the parent is free to move around as they please and interact more naturally with their child. Visits would usually last for three or four hours compared to the one or two hours that is usual in England and Wales. In addition to this most prisons also have visiting apartments where children and the carer in the community can stay overnight or for a weekend. These apartments are fully furnished and equipped with kitchens to enable normal family life to proceed.

In Sweden there is a real focus on the quality of visits rather than the frequency, made necessary given the sparse population density in Sweden. Sweden is twice the size of the UK and has only a sixth of the population leading to many prisoners being held a long way from home. This problem is made worse by the prison system that contains national and regional centres for offenders with particular offences (domestic violence, sex offenders, drug related crime and economic crime) which leads to offenders needing to be held further away from home in order to complete the programmes that relate to their specific offence. In England and Wales the prison service aims to hold people within 50 miles of home but in practice many are held much further away from their families, particularly women as there are fewer women’s prisons and some areas, including Wales,
do not have any facilities at all. Some of the families I spoke to in Sweden mentioned that it can be difficult to book a visit by phone but I did not get the sense that the system was as problematic as in England and Wales where nearly all prison visits booking lines are very difficult to get through to.

In order to overcome the costs of visiting parents in prison, children in Sweden can have their cost paid by their Kommun, although some families I spoke to said that this was not well known and some Kommuns made it more difficult than others to actually access the funds. In England and Wales the Assisted Prison Visits Unit will pay for low income families to visit prisons up to a limit of one visit every two weeks. It should be noted here that Sweden is a wealthier country than the UK and that it has a much more redistributive system for taxation and welfare benefits meaning that while in the UK 16% of children live in poverty, the figure for Sweden is 3.6%\textsuperscript{23} - thanks in part to a generous welfare state. This general social safety net combined with the requirement on Kommuns to pay for travel means that the children of offenders in Sweden face fewer economic barriers to maintaining contact with their imprisoned parents than their peers in the UK.

In addition to or instead of visits, in the case of children unable to visit, prisoners in Sweden can call each child once a week free of charge. This is important as the cost of making a call from prisons in both countries is very high, particularly to mobile telephones. Despite this prisoners’ families and voluntary sector agencies consistently reported that keeping in touch by phone was difficult and the cost was too high.

In every prison in Sweden there are parenting groups co-ordinated by the Children’s Ombudsman. These groups are used to give parents the skills they need to maintain a relationship with their child

\textsuperscript{23}Child Well Being in Rich Countries; A comprehensive assessment of the lives and well being of children and adolescents in the economically advanced nations. UNICEF 2007
or children while they are in prison. These groups have a consistent message that it is better for children of all ages to be told the truth about their parent’s imprisonment and in some cases parents will not be able to access children and family interventions unless their children are informed. This is in contrast to England and Wales where while despite an acceptance that it is better for children to be told the truth and the fact that if children do not know the reasons behind their change in circumstances services designed to meet their needs cannot begin to help, most advice is that it is up to individual parents to decide what to tell their children.

**Support for Children in the community**

Like the UK, the children of offenders in Sweden fall between different government agencies with no individual department having responsibility for them. Into this gap have stepped a number of voluntary sector support agencies. The largest of these is RiksBryggan and its local associations (Bryggan). The first association was founded in Göteborg in 1998 with the national umbrella organisation following in 2002. By 2010 there were nine Bryggan organisations: Stockholm, Norrköping, Karlstad, Sundsvall, Borås, Malmö, Orebro, Vastervikand and Göteborg.

In common with other voluntary groups in Sweden RiksBryggan concentrates on improving outcomes for the children of offenders and looking at the criminal justice system from the child’s perspective. This is a different approach to England and Wales where there are many voluntary sector groups working with all of a prisoner’s family and friends, not exclusively from the children’s perspective. It is primarily because of this difference that Bryggan are based in the community rather than the prison setting.

RiksBryggan and its associations are financed predominantly through government funds and through a national fund that distributes unallocated inheritance money. There are some variations in the services run by the local associations, mainly due to differences in funding, but their core work, provided by all, is in offering children a safe space in which to meet others experiencing the same situation. To achieve this local associations are based in buildings similar to children’s centres in the UK. From this base the families are offered meaningful activities, clubs, local outings and summer camps. RiksBryggan have also developed a group programme specifically for children of

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**Bryggan Karlstad Annual Summer Camp**

In common with other Bryggan Associations Bryggan Karlstad runs a summer camp for children and families of offenders every year. In 2010 I took part in the camp at Sandvikengarden on Lake Vanern with over 20 families of prisoners.

The camp is an extension to Bryggans activities in the community and families that had taken part in the other events applied to take part in the camp. Bryggan provides the families with accommodation, food, transport and structured activities for them to participate in together.

In some cases Bryggan arranged for fathers to be released on temporary licence for the week in order to spend time implementing some of the things they had learnt through the parenting groups in prison.

I spoke to the families about their experience of the prison system and of Bryggan services and nearly all of the adults and children spoke of the importance of the sense of community provided by Bryggan, enabling children and carers to support each other. This access to peer support was as or more important to the families than the professional advice that Bryggan also provides.
prisoners which is delivered across the organisation as well as in some local authorities where it is delivered by social services staff.

A key difference between the services that are offered by RiksBryggan and the agencies in England and Wales is that in order to access RiksBryggan’s services parents must tell their children about their situation. This is advice that mirrors that of the prison service and others delivering a strong and consistent message to families that it is in the children’s interest to know the truth.

RiksBryggan also offers parenting groups delivered in prisons to help parents understand the impact of their imprisonment on their children.

By working in this way with both the children in the community and absent parents in prison RiksBryggan are able to support parents to take responsibility for their children and offer children of prisoners the specific services they need.

**Support for Children in Prisons**

In women’s prisons in Sweden, like in the UK, some women are able to have their children live with them. While in the UK this is only until a baby is 18 months old, in Sweden a child can stay with their mother until they are five providing this has been approved by the Ministry of Justice. This is made possible because of the more human scale of prisons in Sweden, the links that have been built up at specific prisons and the community childcare facilities.

**Children Living with Mothers at Sagsjon Prison**

Sagsjon is a prison near Göteborg that houses 38 women with substance misuse issues who have been sentenced to more than two years in prison. When I visited the prison I met the Children’s Ombudsman and some of the prisoners. I was shown a facility to house women and their children. This was a large house that can house several families at any one time. Women apply to the prison service to have their children stay with them until they are five. Mothers living in the house are responsible for cooking and cleaning the house. They also take their children to nursery in the local town while they participate in drug treatment and parenting groups.

Women who enter the criminal justice system tend to be more isolated than men, meaning those with children often have no option but to leave their children in the care of social services. This facility enables children to have continuity of care, from their mother, throughout the imprisonment of their mother.
USA Case Study

Background

The USA has a prison population rate of 756 per 100,000 people.\textsuperscript{24}

The United States has less than 5 percent of the world's population, but almost a quarter of the world's prisoners,\textsuperscript{25} with more than 1 in every 100 adults in the USA in prison.\textsuperscript{26} Women make up approximately 10% of the USA's prison population\textsuperscript{27}, and 75% of those women are mothers.\textsuperscript{28}

Imprisoning a mother is usually not solely a punishment for her, but for her children and extended family also, and it has been estimated that for every mother that is incarcerated, there are in the region of another ten people (children, grandparents, community) that are directly affected as a result.\textsuperscript{29}

Approximately 2% of the USA’s minor children have a parent who is incarcerated,\textsuperscript{30} this is about 1.7 million children,\textsuperscript{31} 22% of whom are under the age of five\textsuperscript{32} and many of whom will reach adulthood before their parent is released.\textsuperscript{33}

The impact of parental imprisonment on children has not been widely documented in the USA, but what is known at this elementary stage in the examination of this group and the evaluation of their needs, is that as well as the stark loss of a care giver,\textsuperscript{34} the imprisonment of a parent creates difficulties which often result in financial instability and material hardship, with financial problems the most severe for already vulnerable families and caregivers who support contact between the incarcerated parent and their child or children, instability in family relationships and structure, residential mobility,\textsuperscript{35} academic performance difficulties at school, behavior problems at school and shame, social and institutional stigma.\textsuperscript{36}

There are a number of projects set up to address the needs of the children of incarcerated parents in America, many motivated by the understanding that this group faces more cumulative risk factors than do their peers without an incarcerated parent, which increases the likelihood they will become

\textsuperscript{24}World Prison Population List, 8\textsuperscript{th} Edition, International Centre for Prison Studies, KingsCollegeLondon, Roy Walsmsley, 2008
\textsuperscript{31}Creasie Finney Hariston, Ph.D, Kinship Care When Parents Are Incarcerated: What we know, what we can do. Annie E. Casey Foundation, May 2009
\textsuperscript{33}Glaze L.E &Maruschak, L.M, August 2008
\textsuperscript{34}46% of all imprisoned parents lived with at least one of their minor children, prior to entry. (Mumola, C. J. 2000)
incarcerated themselves. However the disparity in service provision across America is a real problem. During my research I found examples of extremely good practice, with very motivated professionals and dedicated volunteers running effective projects, but these projects were usually relatively small, with limited funding and reliant on an uncertain supply of charitable donations. I also found that there were large areas of America without any services at all for prisoners’ children or where service provision was poor, and I found that the experience of the children of prisoners varied hugely from prison to prison.

**Arrest**

In the four states I visited; New York, Pennsylvania, California and Oregon, there is no consistent approach to safeguarding children at the point of the arrest of their parent or parents. While police stations sometimes refer children to social services if issues arise that individual police offices felt warranted intervention, there was no process of routinely asking about the care arrangements for children. This is in common with the UK.

**Court**

This is also true of the court process in all states except New York, where the Chief Judge has designed and is currently promoting a resource leaflet entitled ‘Be Sure Your Child Is Cared For and Safe’. This resource was available in the courts when I visited and the intention is for it to be made available at every stage in the criminal justice process. This leaflet informs prisoners about the short and longer term routes to securing care for their children as well as forms to ensure the new caregiver is able to access services such as healthcare for the child and make decisions about education on behalf of the child. This resource is an excellent example of a small cost effective intervention that once used consistently across the state would provide a safety net for the children of prisoners in New York.

**Pre-sentence remand**

The USA, in common with Sweden, holds remand prisoners in separate institutions to convicted prisoners. The remand population are held in county jails that are provided by local authorities and because of this, the regime and facilities, including children and families work, vary between different counties. These county jails ensure that, before sentencing, prisoners are usually held relatively close to their community, making visits more convenient.

**Visits**

None of the states I visited operated a booking system for visits, although in all cases visitors had to be approved by the jail before they came, visitors simply

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37 Children’s Justice Alliance, Parenting Inside Out, Breaking the cycle of international criminality and recidivism, October 2010

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**One Family Programme at San Francisco County Jail.**

Established in 2008 the One Family programme operates across all 6 sites of the San Francisco County Jail. It is available to all prisoners with children and offers the Parenting Inside Out parenting programme (PIO) alongside contact visits. These visits operate in child friendly rooms where the prisoners can spend time engaging in activities with their children without the other carer being present.

Alongside this the One Family programme is creating children friendly waiting rooms, visits rooms and educational materials to promote this work to children, parents and carers in the community.
arrived at the prison during visiting hours and the visit was provided. Unfortunately this system has led to anxiety amongst families about whether there will be enough space for them and how much time they will get during the day. It is not uncommon in the jails I visited for visitors, including children, to arrive for their visit in the middle of the night in order to ensure they were first in the queue. While in the UK visits booking is poorly administered it is clearly a better system for family members to spend hours on the phone rather than in person lining up outside the jail with their children.

### Virtual Visitation, Pennsylvania Prison Society

This videoconferencing program allows families to maintain contact with a loved one in prison. The Pennsylvania Prison society provides two family friendly visits rooms in its central Philadelphia location, these rooms offer video conferencing links to some of the more remote prisons in the state. The virtual visits provide an opportunity for families who might not otherwise have a chance to see their loved ones at all because of the high cost of travelling the long distances to state facilities in the north and west of the state.

Family members, incarcerated parents and staff all speak highly of this scheme which could easily be applied in the UK.

families living in the next county or needing to go to a nearby prison were unable to take advantage of this provision.

Visits in the state prison system operate in much the same way as the county jails where after the visitors were approved to visit they could visit by arriving at the prison at the visiting time. This process, like that for county Jails, lead to families arriving at the prisons long before the visit was due to start. The lack of a pre arranged start and finish time to the visit also lead to anxiety as visitors would be worried their visit would be terminated early on busy sessions to accommodate other visitors in the queue.

Facilities for visits varied greatly in the prisons I visited but most facilities were similar to the UK where visits take place in a large canteen like hall

It is also sometimes the case that a visit could be denied if the prisoner’s behaviour falls short of that required by the prison. This results in many children and families travelling to a prison only to be turned away at the door.

None of the states I visited offered any comprehensive support for children or families to offset some of the considerable costs involved in visiting some of the more remote establishments. There are some voluntary sector schemes that operate across the US but visitors spoke of a frustration with the inflexibility of this provision; many voluntary groups often only had funding to take residents from one area to one prison so

### Parenting Inside Out, Children’s Justice Alliance, Oregon

At the time of its design the Parenting Inside Out (PIO) course was the only evidence based parenting course specifically designed for parents in the criminal justice system. POI offers three curriculums for Jail, Prison and the community which are 24, 90 and 48 hours long respectively.

The Prison course is more intensive than the other two and many of the other programmes I saw across the US, consisting of 3 half day sessions a week for 12 weeks this compares to one half day session for most programmes. The programmes have been running with some anecdotal success while the Children’s Justice Alliance (CJA) conducts a randomised controlled trial to measure outcomes. The results of this trial were not available at the time of writing but the approach of the CJA in developing and testing this programme stands out amongst the varied provision available across the states I visited.
with restrictions on the contact between the prisoner and his/her family.

In New York and California the Department of Corrections run Family Reunion Programmes, these are overnight visits sometimes referred to as ‘trailer visits’ as the majority of them take place in mobile homes within the prisons although in some establishments they have built facilities similar to the apartments in the Swedish system. The use of these facilities is linked to the behaviour of the prisoner and is limited to certain family members (predominantly husband/wife or civil partner and children). These facilities combined with prison based relationship courses provide families with some of the support they need to maintain their relationships. This support is particularly needed in the USA environment of long sentences. Currently these schemes are run in state prison systems in six states: California, Connecticut, Mississippi, New Mexico, New York and Washington.

Parenting Programmes

In the all of the states I visited it was very common for parenting programmes to be run in county jails. I saw examples of courses run by the Osborne Association on Rikers Island in New York, as well as others run in Pennsylvania, Oregon and California. I also heard about many more. It was heartening to see parenting education as part of the regime in so many establishments but I was concerned that there seemed to be a lack of evaluation of the efficacy of individual programmes, which, combined with such a variety of provision could lead to resources being allocated to ineffective programmes.

In all of the state jails I visited across four states there was some sort of parenting course provision. Courts in the USA often direct that a prisoner must attend a parenting course as a part of their sentence and so a form of parenting education existed in all of the State Prisons I visited. The delivery of these courses was often contracted out to voluntary sector providers. While I saw excellent provision of parenting courses there was a massive variation in provision and few

<table>
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<tr>
<th>Washington State Family and Offender Sentencing Alternative (FOSA)</th>
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<tbody>
<tr>
<td>In June 2010 the State Legislature passed a bill supported by the Department of Corrections and the Department of Social and Health Services to provide an alternative to custody for some offenders with children: FOSA. This programme enables a judge to waive a prison sentence and impose a 12 month community order with conditions for treatment and programming instead. Offenders are supervised by a Community Corrections Officer who is responsible for a small caseload of offenders sentenced under FOSA.</td>
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<tr>
<td>Eligibility:</td>
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<tr>
<td>- Offender must have physical custody of minor child(ren) or be a legal guardian of a minor child with physical custody at the time of the offence</td>
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<td>- The high end of the offender’s sentence is more than one year</td>
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<td>- Offender may not have current or prior convictions for a felony sex and/or violent offence</td>
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<td>- Offender may not be subject to a deportation order</td>
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<tr>
<td>- Offender must sign a release of information waiver regarding current and/or prior child welfare cases</td>
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This legislation also allows for the release of prisoners to serve the last 12 months of their sentence on an electronic tag using Community Parenting Alternative orders. Under these orders the offender is placed under the supervision of a Community Corrections Officer in a scheme similar to those serving there sentence under the FOSA scheme.

The aim of these two programmes is explicitly to reduce the incidence of intergenerational offending within families coming into contact with the criminal justice system.
evaluated and accredited schemes.

**Sentenced Prisoners**

In the four states I visited once the offenders have been sentenced they are moved to the state prisons. State prisons were in many cases much further away from the cities where the prisoners’ families live. The state prison systems in all four states had no policy about locating prisoners near to their families. In two states, New York and Pennsylvania, prisoners families and professionals working with them suspected that some prisoners were held further from home as an additional punishment and could gradually work their way back nearer to home by engaging more constructively with the prison service. In many states, including California, prisoners are held in ‘out of state’ facilities. These are used as they are more cost effective than the expensive ‘in state’ facilities, because they are in areas where land and labour costs are low. These same areas are far away from the population centres where the prisoners’ families live. This, combined with the size of the United States and the sparse population leads to many people being held much further away from home than they would be if in prison in Europe.

One innovation that existed in all of the states I visited was the existence of online inmate locaters which provide instant information on the location of prisoners. There were mixed feelings about the existence of these tools amongst the families of offenders I spoke to. Many appreciated the information that these systems offered while some had concerns around privacy. These tools are common across the US and in at least one case, New Jersey, they contain information irrelevant to the task of establishing a prisoner’s location, including the offence committed and photographs. In most cases however the information given is simply the name, ethnicity, date of birth and location which are all needed by family members wishing to establish contact. The system that operates in England and Wales is very different; the prisoner location service has to write to prisoners who then write back to give their consent to be contacted before a potential visitor is told where they are. This process can take 40 days leading many families to try and circumvent the system by contacting individual prisons, chaplaincies and visitors centres directly.

**Support for Children in the Community**

Despite a hostile political environment across much of the United States making it difficult to finance provision for children of offenders, there is a huge amount of public money that is spent on mentoring schemes. This money is provided by the federal government and it finances one to one mentoring programmes across the US. Almost every voluntary sector group I visited had some sort of mentoring provision but it was difficult to find any objective evidence of the money spent on these actually providing positive outcomes for children as the mentoring schemes had not been evaluated.

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38 Washington Department of Corrections FOSA Brochure June 2010
As well as mentoring some voluntary sector agencies provide structured programmes aimed at children in the community. The Pennsylvania Prison Society’s Support for Kids with Incarcerated Parents (SKIP) programme is one such example. The society trains other professionals in the delivery of this 12-week support group for children aged 8-12. The curriculum is structured around games and activities that engender sharing, help children identify and describe their feelings, build self-esteem and develop coping skills.

Hour Children, New York City

Hour Children was established by Sister Teresa Fitzgerald in 1986 to provide support for women leaving prison and returning to New York. Since then Hour Children has developed an impressive holistic support programme for women and their children including housing, education and call based together in Long Island City.

Hour Children staff identify women in state prisons who have nowhere to live upon release and offers them suitable accommodation in one of its five residences that provide 12 permanent units and 40 transitional supported units. For residents of these units Hour Children provides nursery childcare and an afterschool club for older children enabling the women to take part in the Working Women Programme. This offers women a comprehensive programme in basic office skills, retail and building maintenance. Hour Children is able to offer the women work placements in their charity shops, food pantry, mentoring programme and after school club. This enables women that come from families with no experience of work to gain the skills they need and become familiar with the world of work for the first time. In addition to work placements the course offers a varied curriculum preparing them for work outside of Hour Children. Women on the programme are given a small wage enabling them to develop the skills they will need to manage their money without the support of Hour Children.

More important than any of this though is the feeling of equality and community that Hour Children has created across its services, women are accepted as part of the community and are expected to contribute to its success. When I visited I was struck not only by the dedication of Sister Teresa and her staff but that of the service users who were genuinely cared about and in response worked hard to contribute to the success of the organization as well as themselves.

Each year Hour Children offers this support to between 60-80 women and around 100 children. The results are remarkable with a reoffending rate of 4% compared with a state wide reoffending rate for women of 30%.

Support for Children in Prisons

In 1987 the United States was one of only four countries of 70 surveyed by the United Nations that routinely separated children from incarcerated mothers. Since this time there has been a move towards the provisions of prison nursery programmes but they are still rare - they only exist in 9 state systems including New York and California and in only one county jails system in Rikers Island.


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40 Hour Children Website HourChildren.org
in New York. In nearly all cases the children have to leave by the time they are 18 months old with the exception of Washington where children can stay at Gig Harbour until their third birthday.\textsuperscript{41}

The most substantial programme is that of Bedford Hills in New York established by the formidable Sister Elaine Roulet 20 years ago. This has places for 29 mothers and has become a model for others across the United States. In addition to the nursery, the Children’s Centre at Bedford Hills offers a whole range of programmes through a parenting centre, prenatal centre, infant day care centre, and a child advocacy office.\textsuperscript{42} These programmes enable mothers to participate in support groups, and gain information about child development and breastfeeding. Sister Elaine Roulet also worked with the prison to support children of mothers not participating in the nursery programme. She successfully developed an area of the visits room where mothers can interact with their children and play games. She also established a summer camp recruiting local host families to house children of women held at Bedford Hills overnight, so that during the day they can participate in activities with their mothers at the prison. When I met her Sister Elaine was still working with women and their families coming out of establishments in New York State. She offers support groups and assistance with issues like finance and housing.

**Recommendations for England & Wales**

The aims of this report were to look into how the criminal justice systems in these two nations take into account the needs of children throughout the process and what of this could be usefully applied to the UK context. While the US and Sweden’s criminal justice systems differ substantially they both have examples of good practice that in my view could be implanted in the UK and would improve the situation of children affected by parental imprisonment in the UK.

Despite the good will of many people working in criminal justice, children’s services and the voluntary sector in all three systems, the needs of many children of offenders go unmet. A key barrier to the provision of services for this group in the UK is a lack of information about these children, their number, needs or where they live from one year to the next. This lack of information has lead to a lack of focus on these children by the Ministry of Justice and local authority based children’s services. This issue was raised by the Ministry of Justice and Department for Education in 2009 where they highlighted the need:

- To improve the identification and support of adults experiencing problems who are parents or carers; and
- To coordinate the support that is provided by different agencies to the same family and in particular families experiencing significant problems.\textsuperscript{43}

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\textsuperscript{41} Women’s Prison Association. *Mothers, Infants and Imprisonment a National Look at Prison Nurseries and Community Based Alternatives*; May 2009

\textsuperscript{42} Johnston, Lauren. *Bedford Hills Correctional Facilities Blazes Trail*. Voices Unabridged; May 19, 2005.

\textsuperscript{43} Reducing re-offending: supporting families, creating better futures A Framework for improving the local delivery of support for the families of offenders Ministry of Justice and Department for Children Schools and Families 2009
When providing support to children of offenders there is a real need for timely interventions that fit into the key stress points in the process and are not unduly delayed. Children should be considered, informed and assisted to maintain contact at every stage in the process:

- Arrest
- Remand
- Sentencing
- Pre release
- Post release

**Visits and Direct contact**

In the case of the United States, Sweden and the system in England and Wales the overwhelming majority of children who would benefit from contact with their imprisoned parents have to wait often for weeks while phone numbers are checked and visitors are cleared in a system designed to protect victims. These systems of clearing visitors and phone numbers mean that in many cases children are denied contact with a parent at the very points they would benefit most from contact and reassurance from the person who has cared for them since birth.

During this time when a parent has been taken from a family home, children in the UK are often unaware of their situation making it very difficult for services to address their needs. This could be overcome by training staff across the sector to inform parents that it is in their children’s interest to be told the truth and supporting the parents in telling their children, in an age appropriate way, what is happening and how it will change their lives.

Once a parent is imprisoned they should be held as close to home as possible in order to facilitate contact with their children. Children’s access to their parents should not be linked to their parent’s behaviour as it is in the United States and England and Wales. The rights of prisoners to have access to visits should be rephrased as the right of children to have access to their parents, as is the approach in Sweden. This would overcome a problem that exists in many prisons across England and Wales where only children of the small number prisoners who are ‘enhanced’ (due to their good behaviour) are able to have access to family days, privileged visiting orders and other children and family interventions. There should also be a concentration on ensuring the everyday visits that form the foundation for most children’s relationship with their imprisoned parents are made more child friendly across the prison estate.

With so many children visiting prisons every day prison staff should receive training on how to talk to them appropriately and how to reduce the anxiety that the security process creates for many children. Staff need to be aware of the impact of the process on children in addition to safeguarding and child protection training.

**Indirect Contact**

In many cases most of a child’s contact with a parent is through letters and phone calls. In all three countries I looked at prison telephone calls are very expensive compared to the cost of making a call from a domestic telephone or telephone box. This issue is exacerbated by children being unable to make calls to the prisoners themselves. This creates a financial pressure on the carer outside of the
prison to send money into the prisons. It should be noted that Sweden does provide prisoners with one free ten minute phone call home to each child per week but this is often supplemented by paid for calls.

The methods for communication between prisons and the community seem inadequate given the advances in technology and the common use of mobile phones and the internet by children. Currently in the UK the majority of prisoners have no access to the internet and mobile telephones are banned throughout the prison system. Children’s contact with their parents would be hugely improved if the methods available for contact resemble those that they use in their everyday life and the prison authorities in all three cases should do more to enable children to contact their parents using telephones or email.

**Parenting education**

Prisoners in all three countries find it difficult to maintain a positive relationship with their children throughout their sentence, and while there is a comprehensive provision of parenting support in Sweden, this is not the case in the US or UK where provision is patchy with the courses available heavily dependent on the individual institution and many having no provision at all. The prison service should assist parents by ensuring that all parents in prison have access to parenting groups that give them the skills to enable them to be a good parent both throughout their sentence and on release. This provision would give parents the opportunity to be informed about their children’s development and play an active role in decisions about them.

**Children in Prisons**

While it is obviously the case that the overwhelming majority of mothers who are currently incarcerated should be managed in the community, there remains a need for a more consistently humane approach to be found for the few mothers that will still be sentenced to prison for more serious offences. In these cases the families should live in a child centred environment which should have none of the trappings of an institution. The best example of this that I saw was that in Sagsjon prison in Sweden where children live in a house and had regular access to community facilities.

**Children in the Community**

Children in the UK and US very rarely have the opportunity to be treated as children of offenders; they were very often treated as children experiencing poverty or parental substance misuse but very rarely was there an opportunity to address the very particular issue they experience through the imprisonment of a parent. The support provided in Sweden by RiksBryggan and others through their children’s groups offers a good example of how this provision can be developed in the voluntary sector and delivered by statutory services.

**Release**

Those working with prisoners on their resettlement plans should routinely take account of any children and offer specific support to both the prisoner and the family outside the prison to prepare the whole family for the release of the prisoner. There should also be also be an increased opportunity for prisoners to be released on temporary licence in order to facilitate overnight stays with their children especially during the period towards the end of a parents sentence.
Recommendations for the UK

General Recommendations

- At all stages; arrest, court, remand, conviction, transfer and release professionals ask an offender about the existence of and care arrangements for children. This information should be used to ensure that at all stages children are considered and adequately cared for. This information will also enable public bodies to plan services around the need in any particular area.
- All imprisoned parents should have access to parenting education at all stages of their sentence/period of remand. This education should cover parenting from prison as well as on release.
- A child’s contact with their parent should not be dependent on the good behaviour of the parent. Children and families interventions within prisons should be universal in the same way that housing, health, substance misuse and other services are. They should not be linked to the Incentives and Earned Privileges (IEP) scheme.

Remand

- Children’s rights and needs should be primary in the decision to remand a parent to custody

Sentencing

- The children’s rights and needs should be considered during the sentencing of a parent.
- In some cases involving non violent crimes the court should have an appropriate community order at its disposal similar to the Family & Offender Sentencing Alternative (FOSA) system used in Washington State
- In the case of primary and sole cares (in most cases mothers) of children custodial sentences should be an exception reserved only for serious offences

Contact through visits

- Children should have the right to visit their imprisoned parent within one week of imprisonment.
- Children should be informed in an age appropriate way about their parent’s imprisonment at the start of a sentence/period of remand.
- All parents in prison should have access to training and tools enabling them to plan successful contact with their children through visits, telephone, email and letter
- The Prisoner Location Service should be overhauled reducing the amount of time taken to inform families of a prisoner’s location.
- All staff working on visits should be trained in understanding the needs and rights of children. This should be in addition to knowledge of safeguarding and child protection.
- Children should be able to interact with their children on regular visits through
  - The provision of table top boxes containing activities for children to do with their parents
  - The provision of more private areas within prison visits facilities
The ability to have contact with an imprisoned parent in the absence of the community based carer.

- Children’s rights and the need to treat children sensitively should be taken into account during all of the security procedures.
- The visiting process at each prison should undergo regular independent inspections similar to the inspection of contact centres in the community.

Other forms of Contact.

- Mobile phones and the internet should be utilised for parental contact during imprisonment in order to reduce the current high cost often met by the children’s carer in the community.
- Children should be able to maintain contact through regular free telephone calls.
- There should be increased use of home leave as a way of improving a child’s contact with their parent.
- For children living a long way from their incarcerated parent a form of virtual visitation should be utilised, such as Skype.

Children Living in Prison

- The age limit for children living in custody should not be set but decided on a case by case basis in the best interests of each child.
- Children living in prison should have access to community facilities for day care and recreation.
- It should be recognised that the child is not a prisoner and so access to the outside community should be maximised.
- Parenting programmes for parents living with children should be offered as standard.

Release

- The rights and needs of children should be taken into account during resettlement planning.

Conclusion

No child should be punished for the offences of their parent, but the current situation in England and Wales means that many children are, albeit unintentionally, caused to suffer greatly during the imprisonment of their parents and so feel that they too are being punished. There is a great deal more that could be done in England and Wales, not all of it resource intensive, to change this and to significantly improve the experiences of children of incarcerated parents. By placing the child at the centre of policy considerations, we could begin to work towards the changes needed to support these children into contented crime free lives. I hope that this report will be able to contribute to this.