

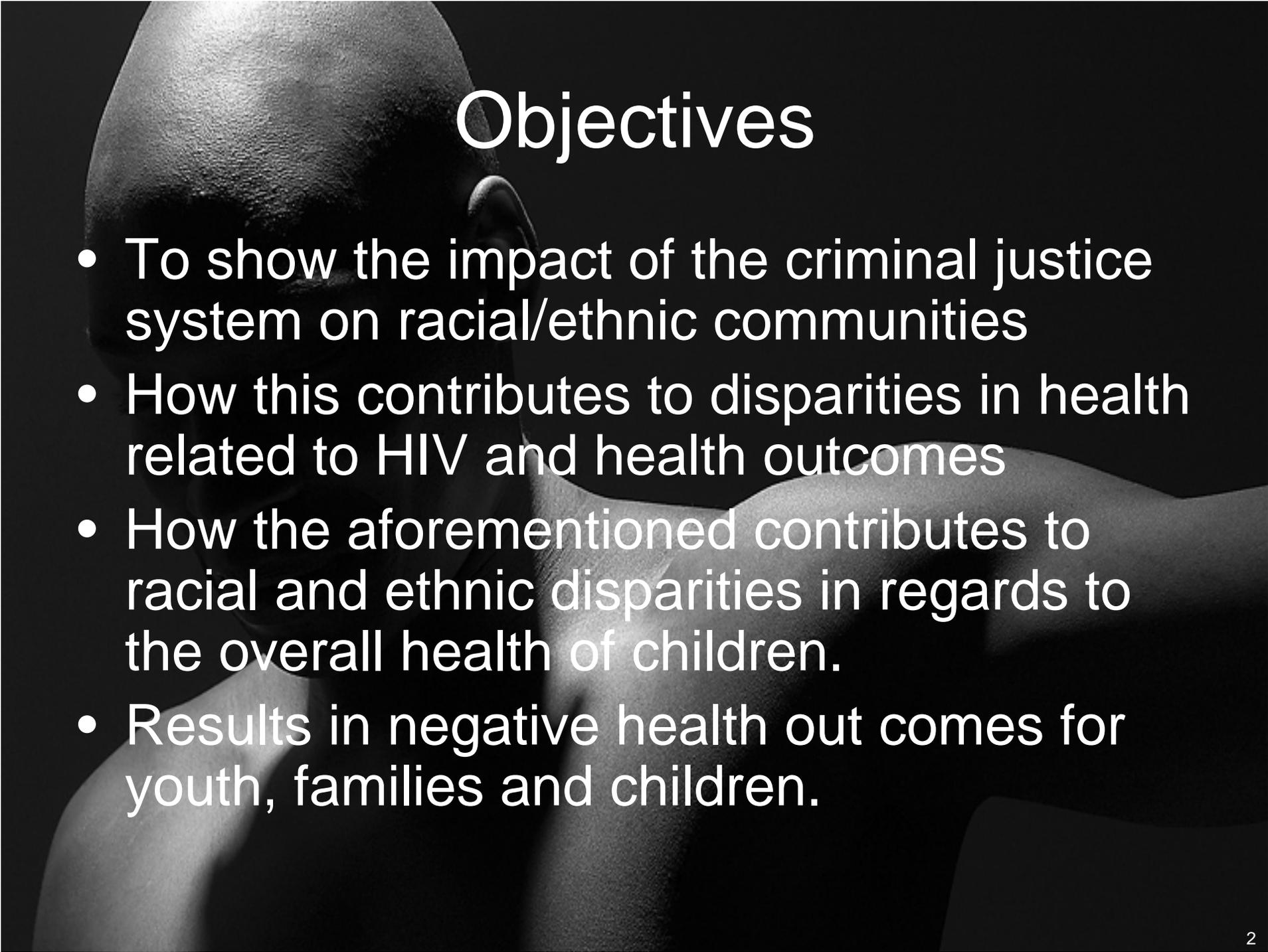
Criminal Justice, Drug Abuse, HIV, and Health Disparities: Implications for Children

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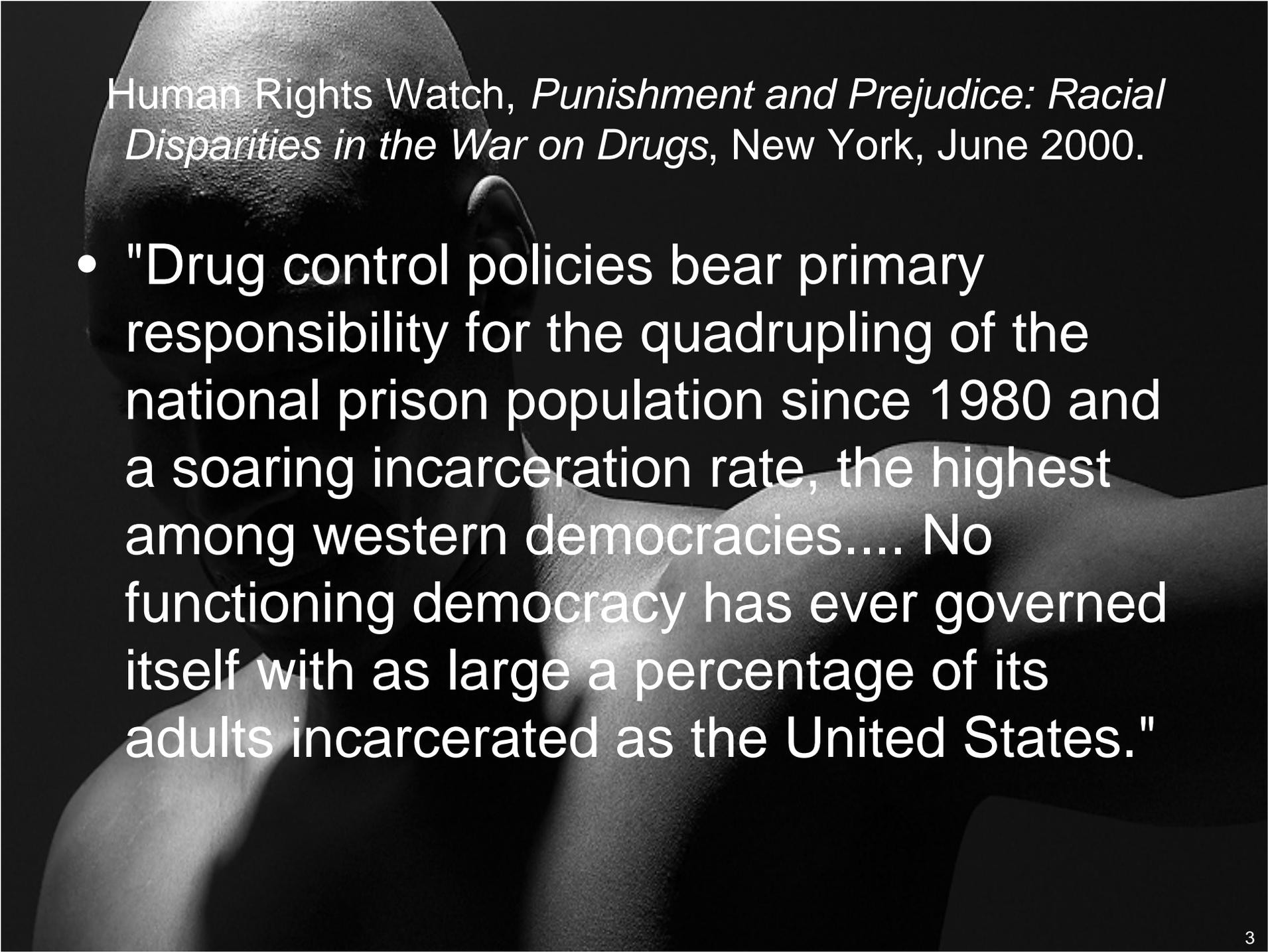
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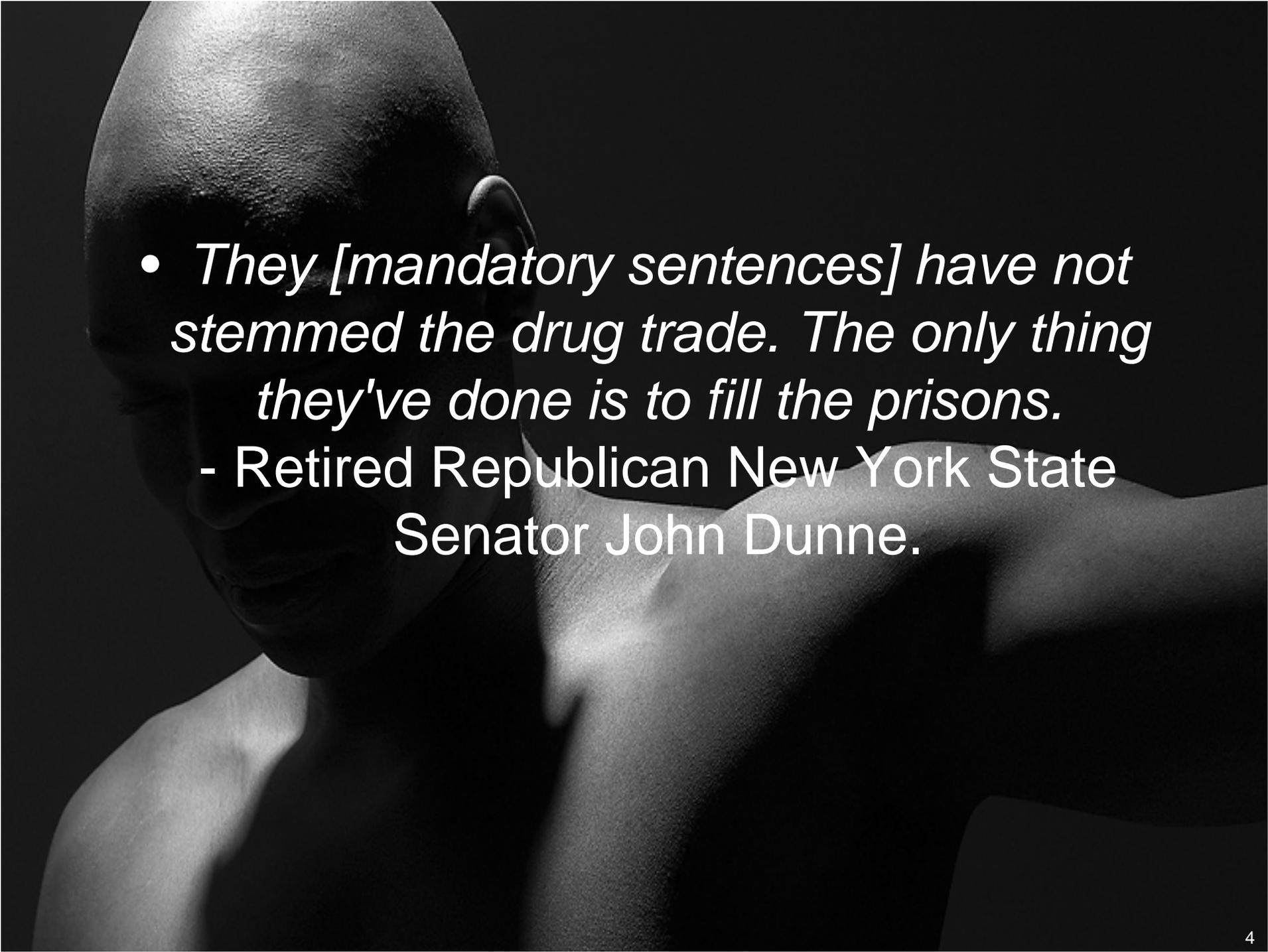
Objectives

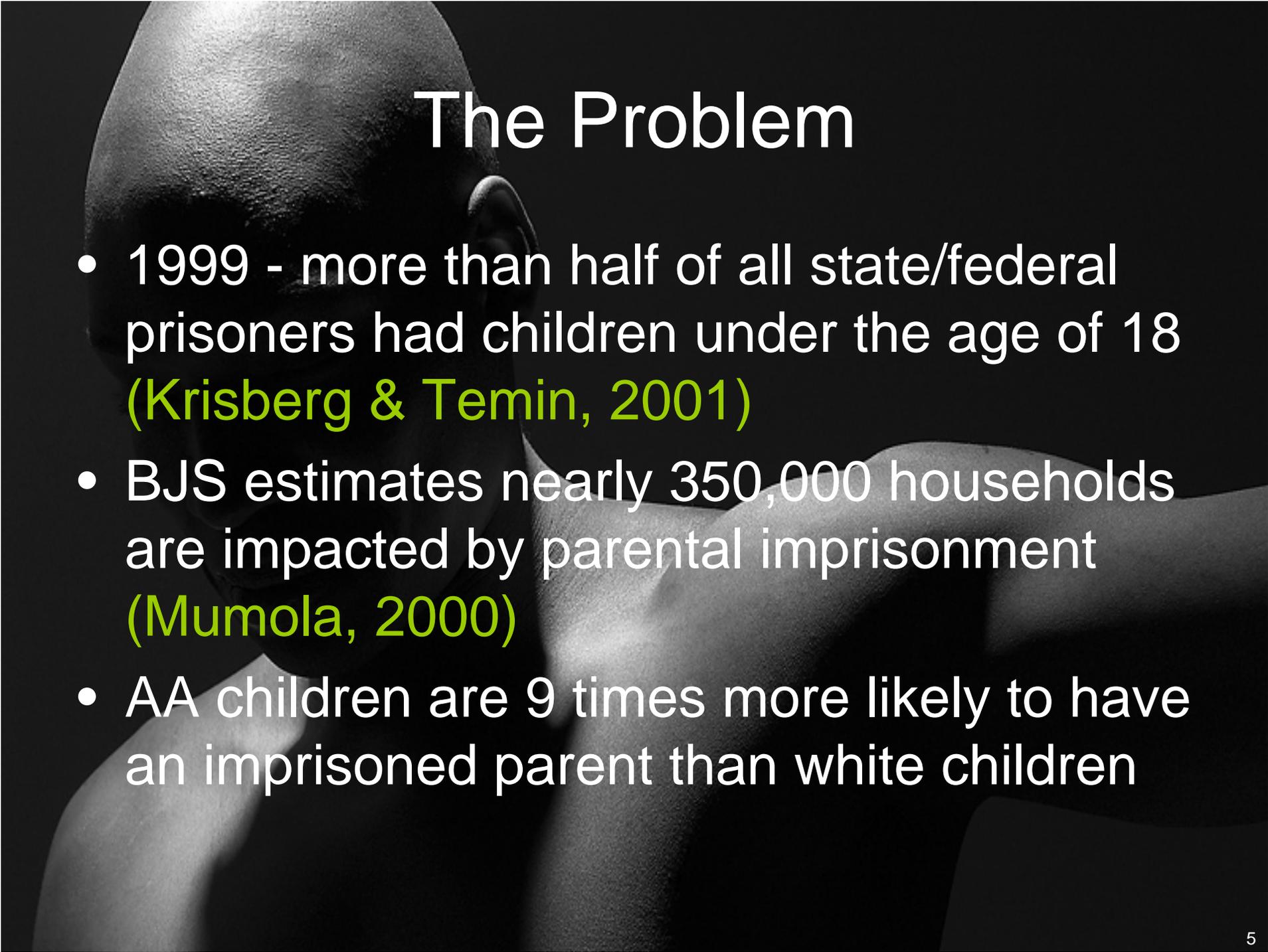
- To show the impact of the criminal justice system on racial/ethnic communities
- How this contributes to disparities in health related to HIV and health outcomes
- How the aforementioned contributes to racial and ethnic disparities in regards to the overall health of children.
- Results in negative health outcomes for youth, families and children.



Human Rights Watch, *Punishment and Prejudice: Racial Disparities in the War on Drugs*, New York, June 2000.

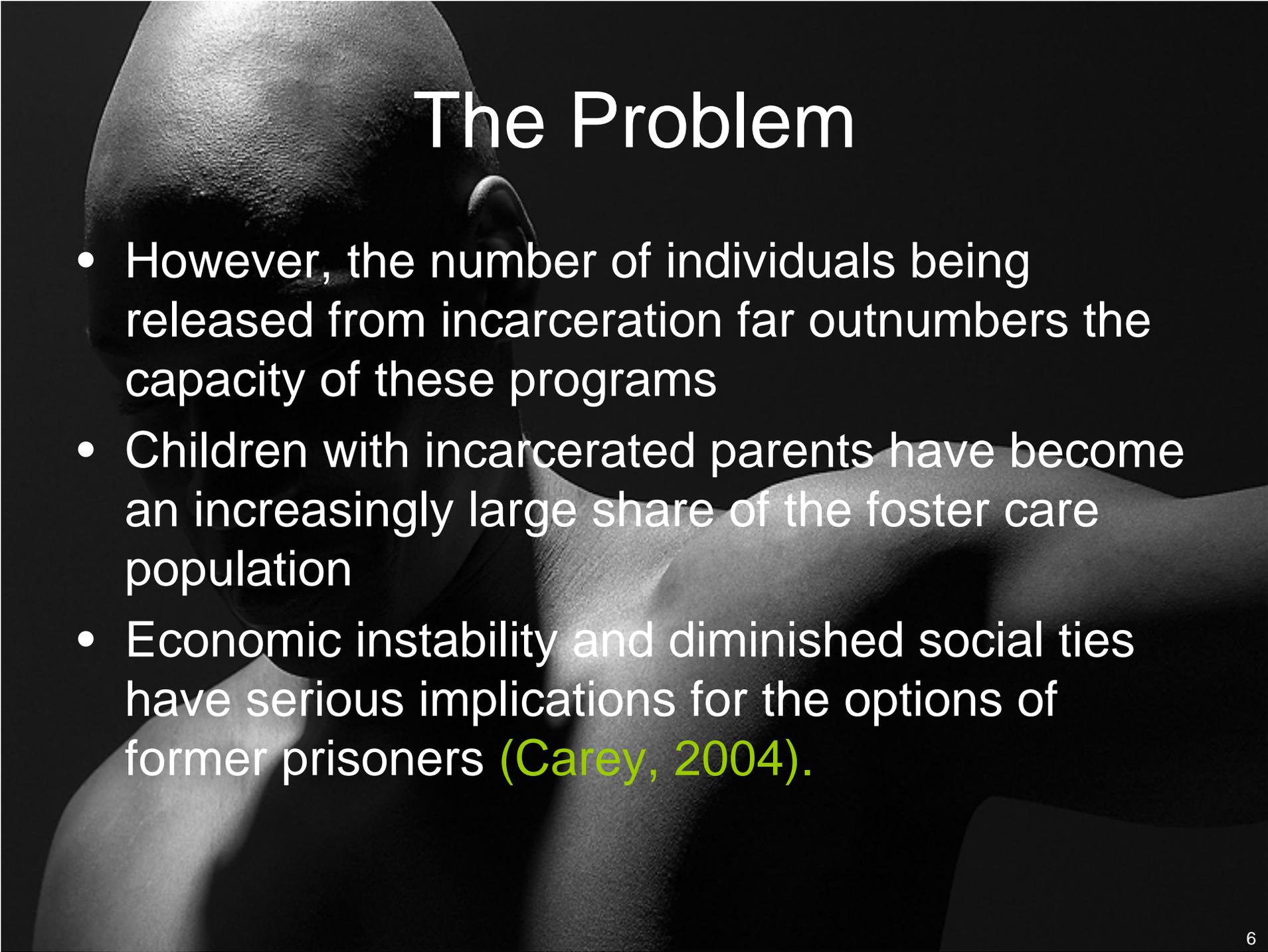
- "Drug control policies bear primary responsibility for the quadrupling of the national prison population since 1980 and a soaring incarceration rate, the highest among western democracies.... No functioning democracy has ever governed itself with as large a percentage of its adults incarcerated as the United States."

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- *They [mandatory sentences] have not stemmed the drug trade. The only thing they've done is to fill the prisons.*
 - Retired Republican New York State Senator John Dunne.



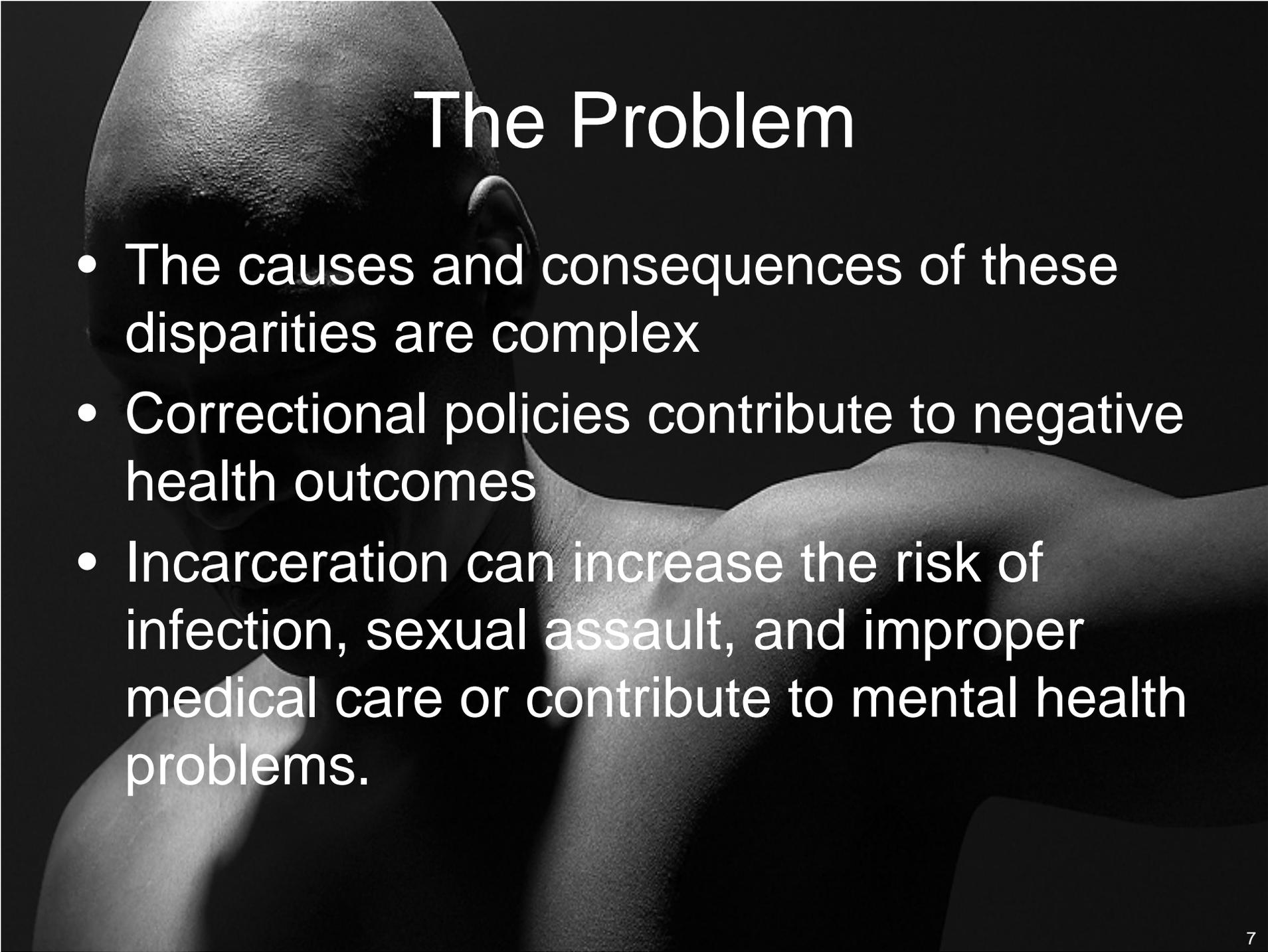
The Problem

- 1999 - more than half of all state/federal prisoners had children under the age of 18 (Krisberg & Temin, 2001)
- BJS estimates nearly 350,000 households are impacted by parental imprisonment (Mumola, 2000)
- AA children are 9 times more likely to have an imprisoned parent than white children



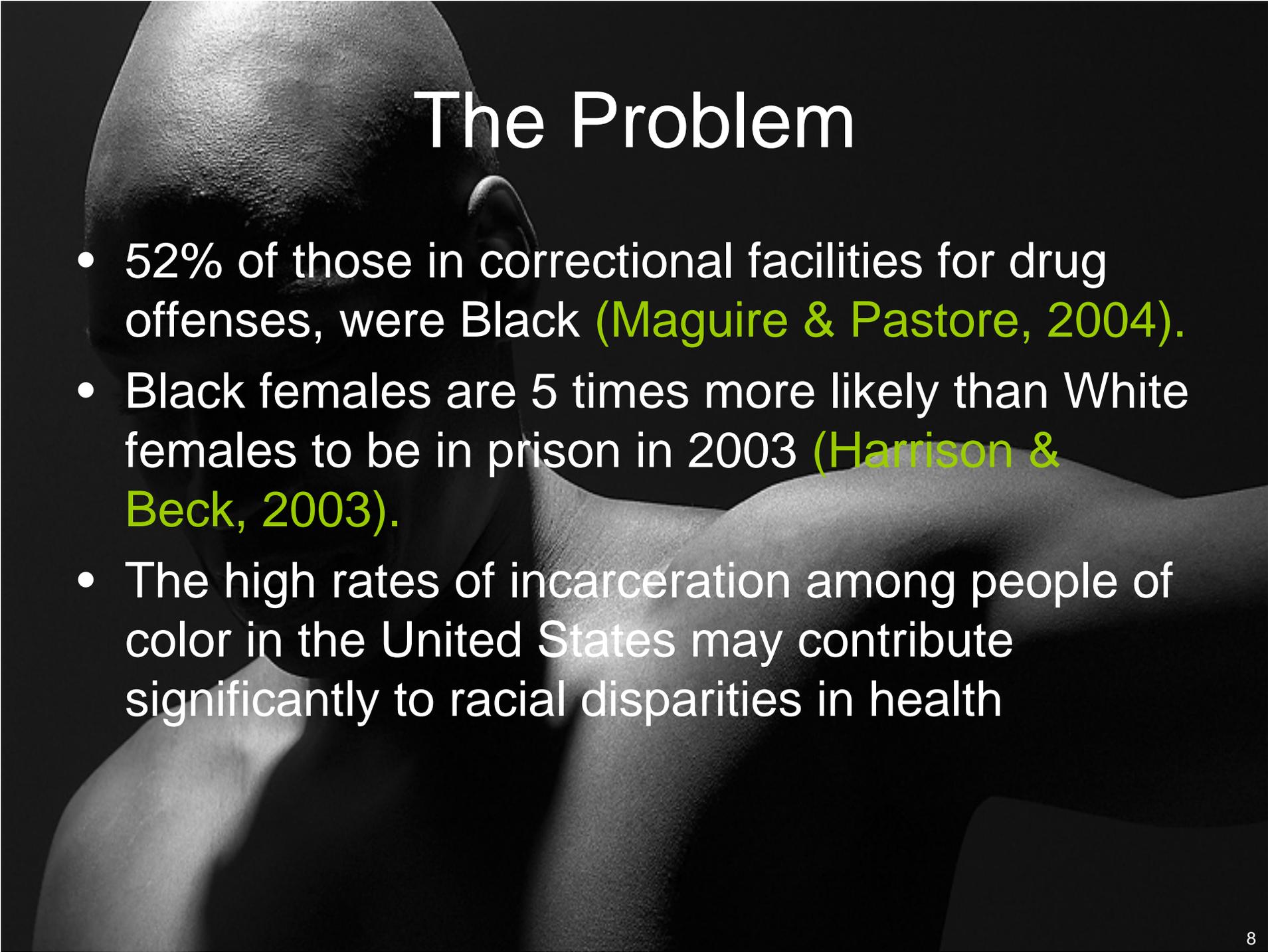
The Problem

- However, the number of individuals being released from incarceration far outnumbers the capacity of these programs
- Children with incarcerated parents have become an increasingly large share of the foster care population
- Economic instability and diminished social ties have serious implications for the options of former prisoners (Carey, 2004).



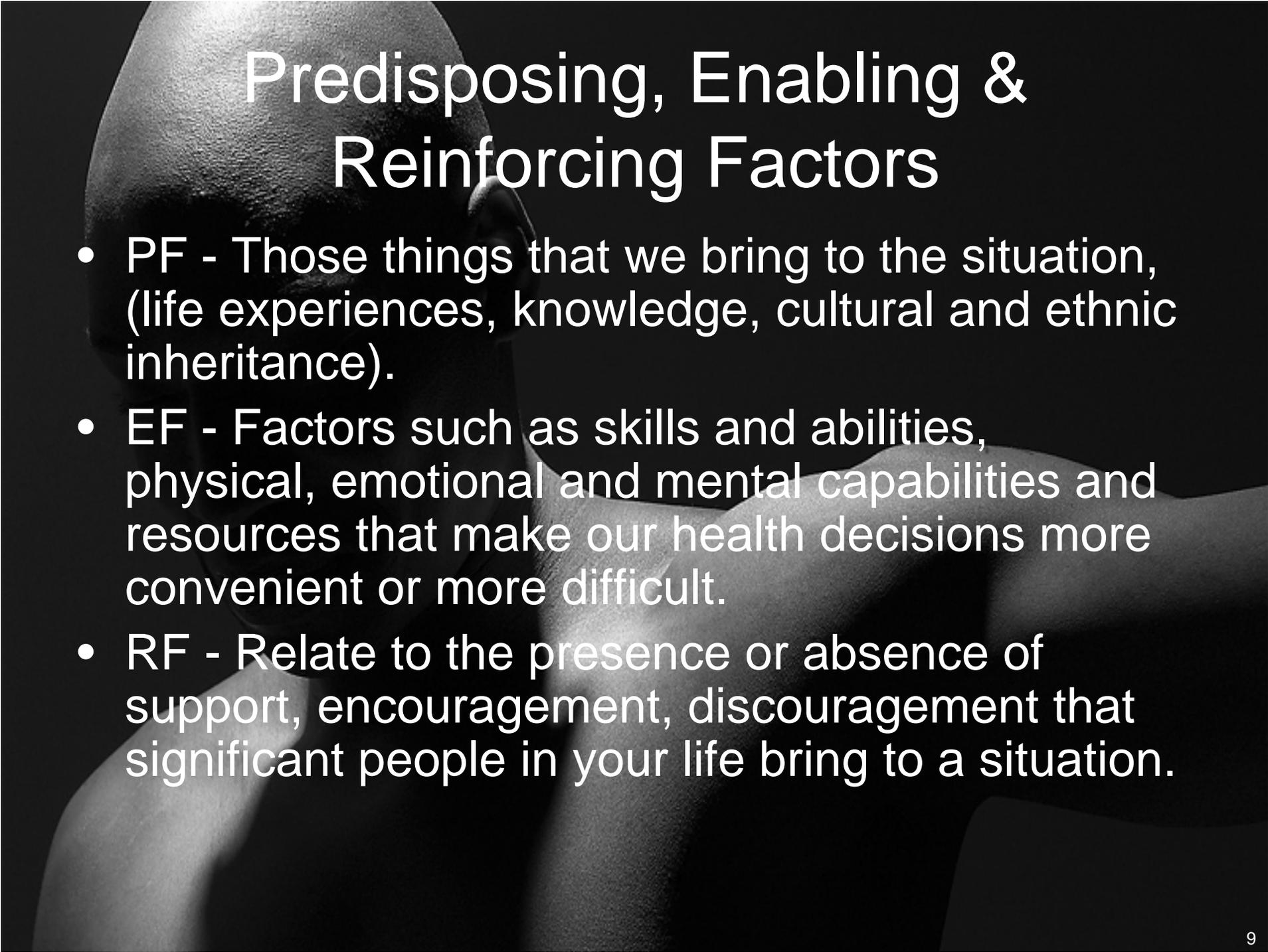
The Problem

- The causes and consequences of these disparities are complex
- Correctional policies contribute to negative health outcomes
- Incarceration can increase the risk of infection, sexual assault, and improper medical care or contribute to mental health problems.



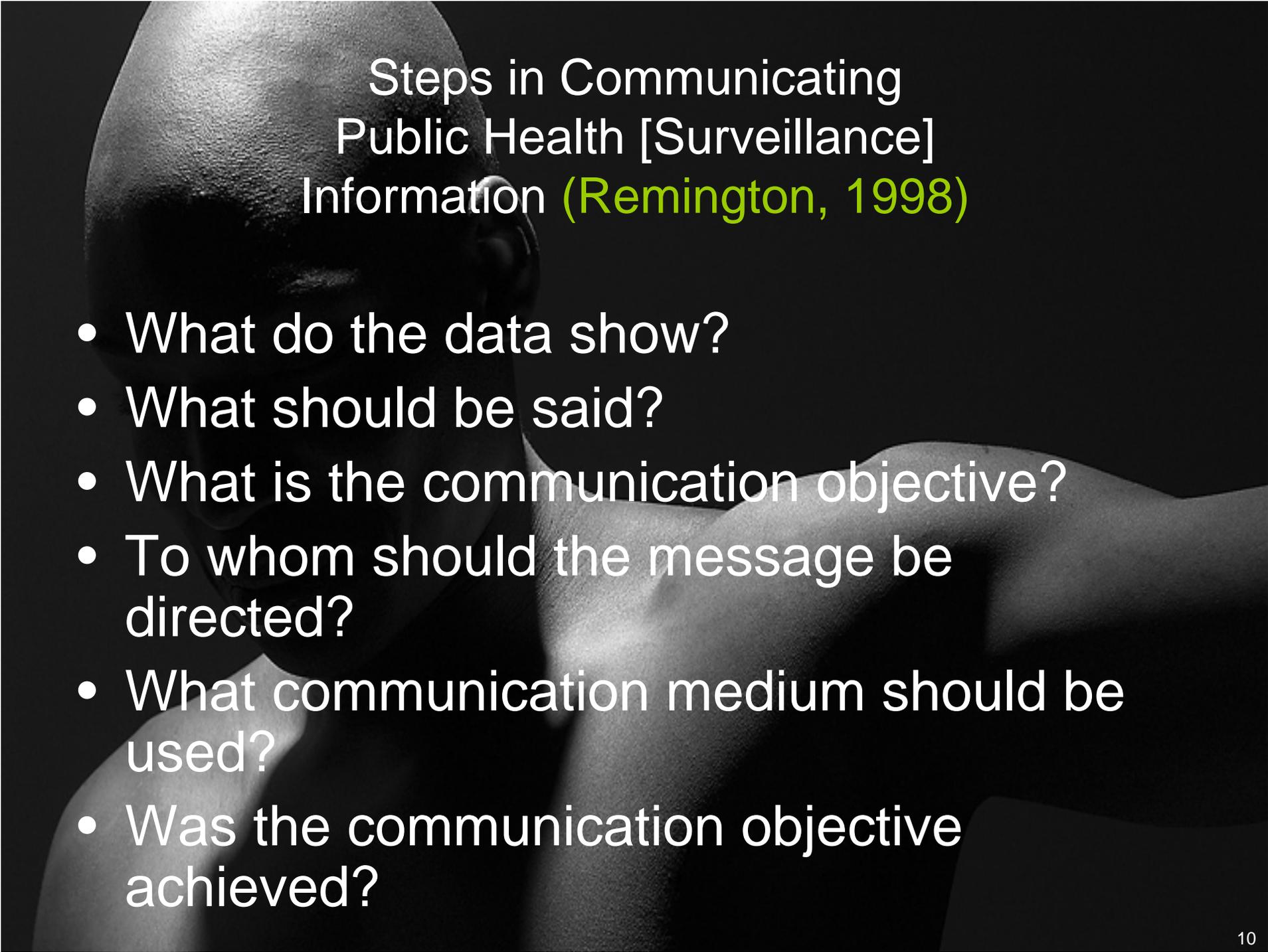
The Problem

- 52% of those in correctional facilities for drug offenses, were Black (Maguire & Pastore, 2004).
- Black females are 5 times more likely than White females to be in prison in 2003 (Harrison & Beck, 2003).
- The high rates of incarceration among people of color in the United States may contribute significantly to racial disparities in health



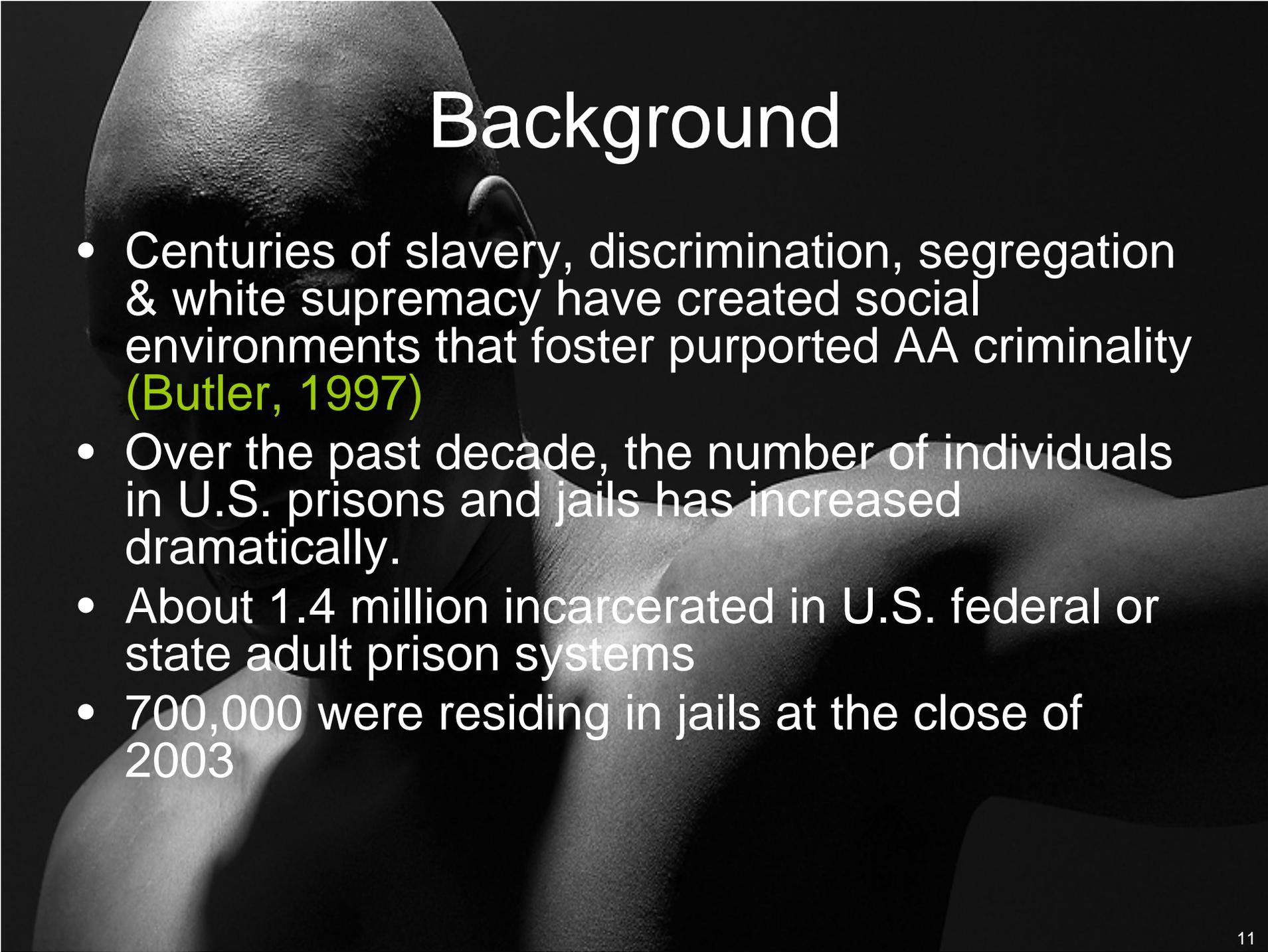
Predisposing, Enabling & Reinforcing Factors

- PF - Those things that we bring to the situation, (life experiences, knowledge, cultural and ethnic inheritance).
- EF - Factors such as skills and abilities, physical, emotional and mental capabilities and resources that make our health decisions more convenient or more difficult.
- RF - Relate to the presence or absence of support, encouragement, discouragement that significant people in your life bring to a situation.



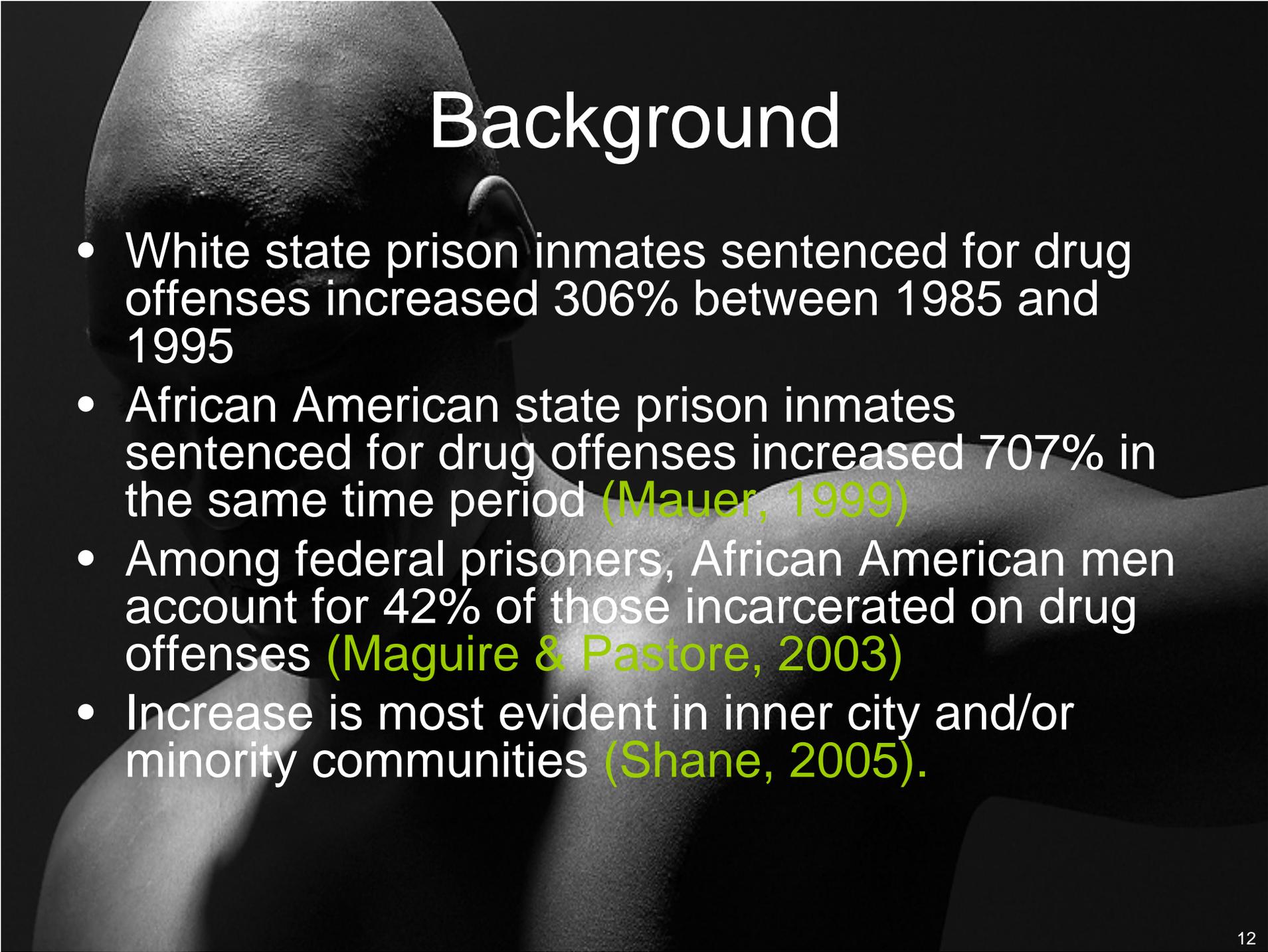
Steps in Communicating
Public Health [Surveillance]
Information (Remington, 1998)

- What do the data show?
- What should be said?
- What is the communication objective?
- To whom should the message be directed?
- What communication medium should be used?
- Was the communication objective achieved?



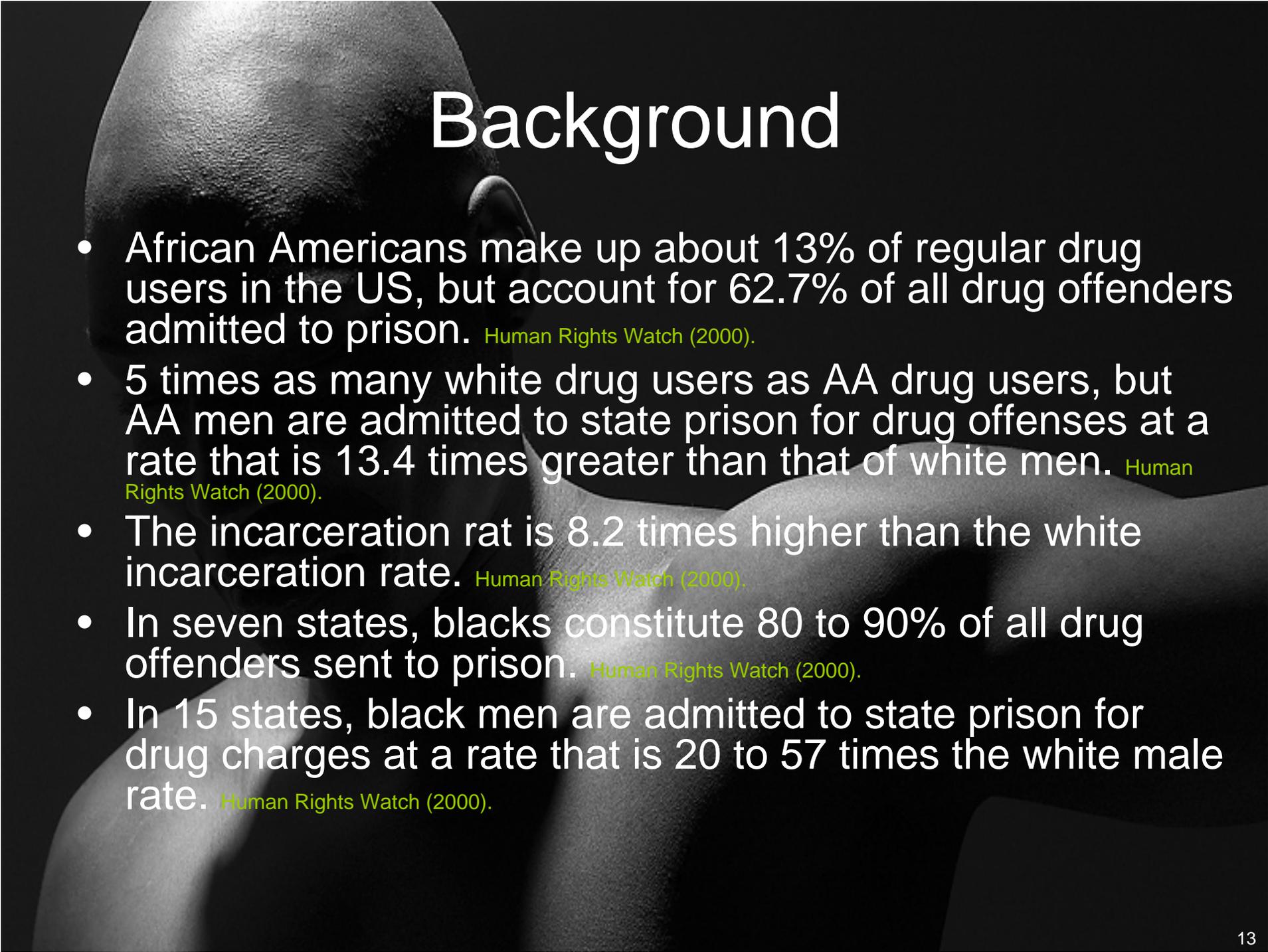
Background

- Centuries of slavery, discrimination, segregation & white supremacy have created social environments that foster purported AA criminality (Butler, 1997)
- Over the past decade, the number of individuals in U.S. prisons and jails has increased dramatically.
- About 1.4 million incarcerated in U.S. federal or state adult prison systems
- 700,000 were residing in jails at the close of 2003



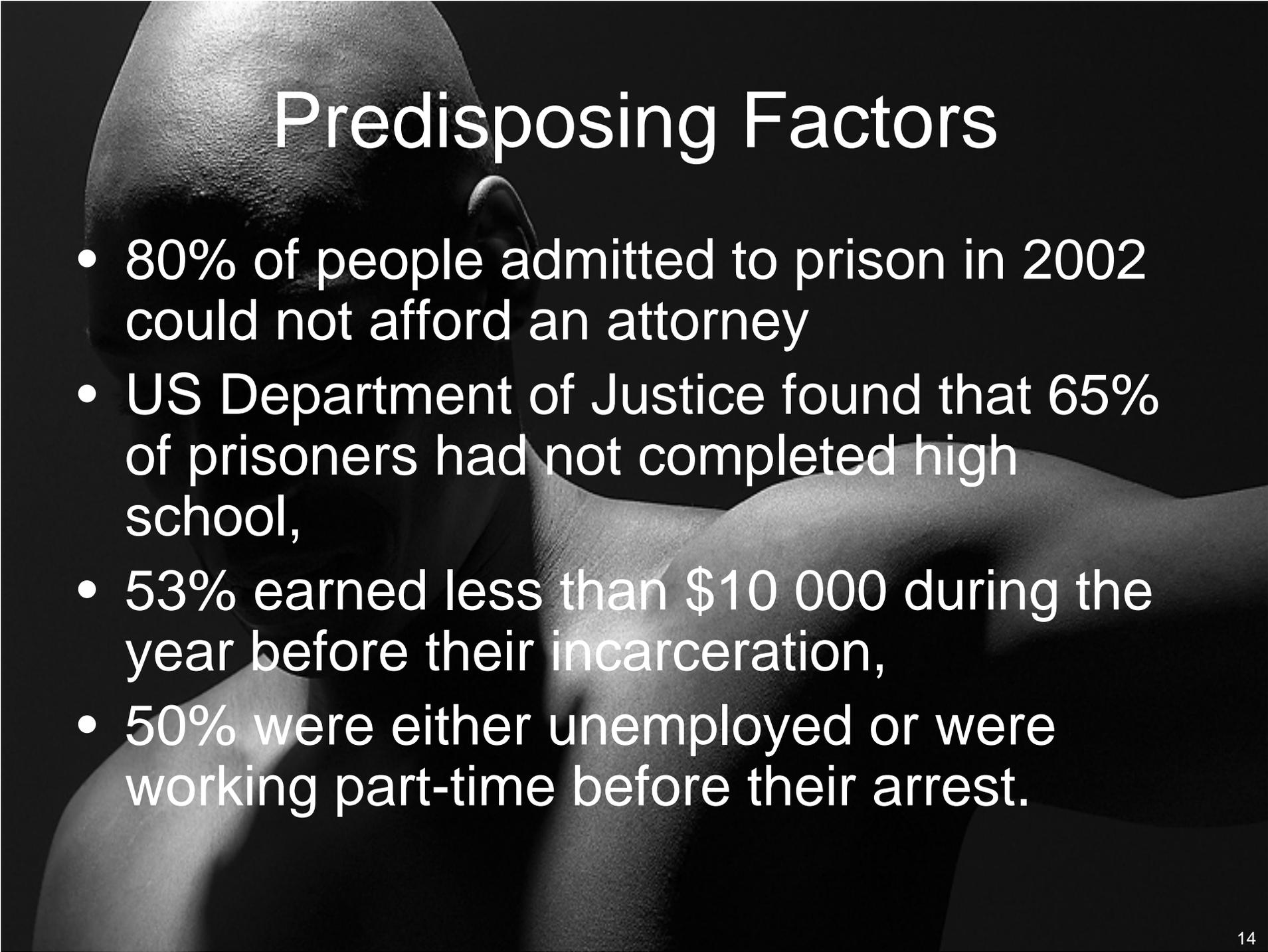
Background

- White state prison inmates sentenced for drug offenses increased 306% between 1985 and 1995
- African American state prison inmates sentenced for drug offenses increased 707% in the same time period (Mauer, 1999)
- Among federal prisoners, African American men account for 42% of those incarcerated on drug offenses (Maguire & Pastore, 2003)
- Increase is most evident in inner city and/or minority communities (Shane, 2005).



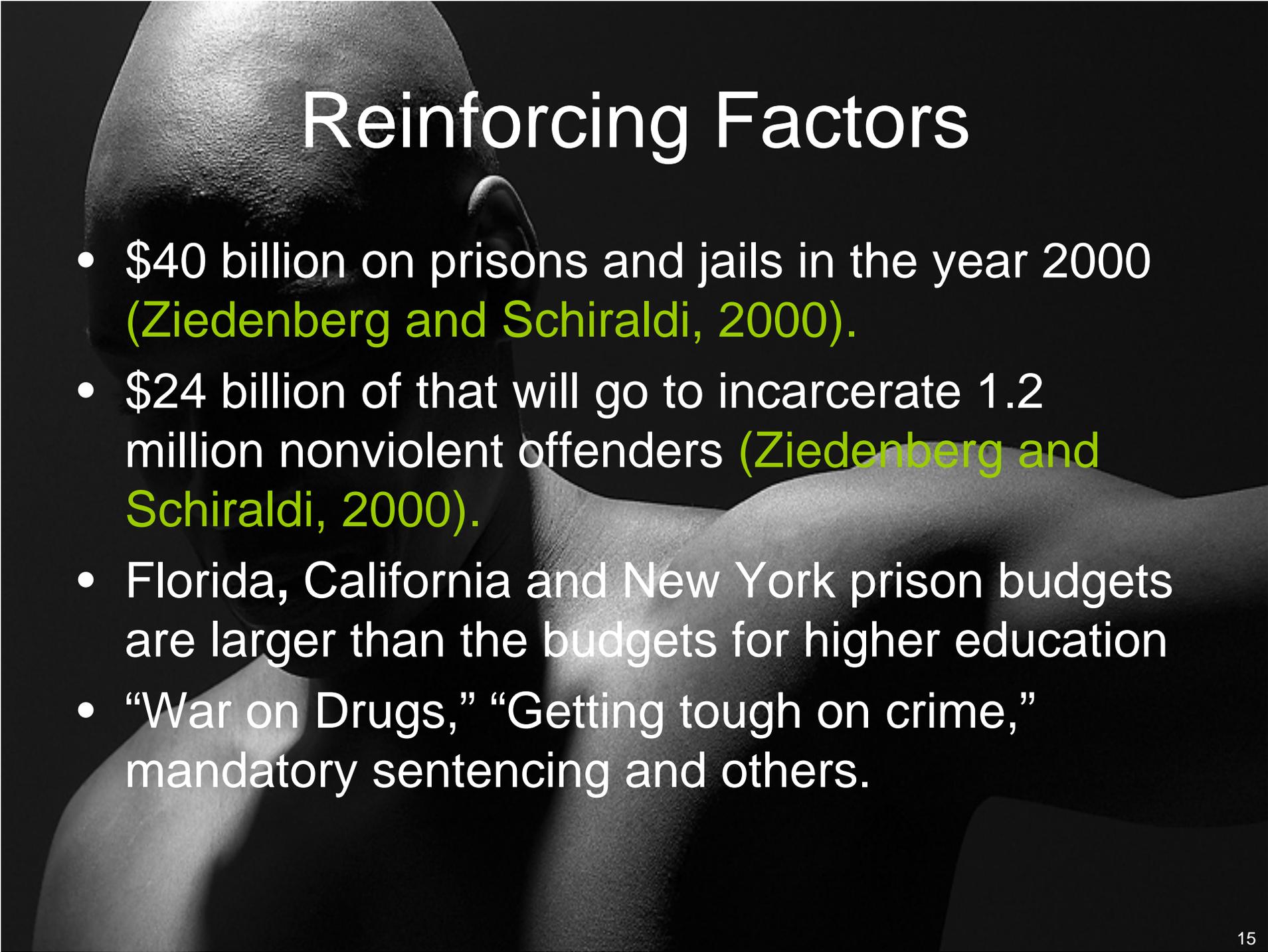
Background

- African Americans make up about 13% of regular drug users in the US, but account for 62.7% of all drug offenders admitted to prison. [Human Rights Watch \(2000\)](#).
- 5 times as many white drug users as AA drug users, but AA men are admitted to state prison for drug offenses at a rate that is 13.4 times greater than that of white men. [Human Rights Watch \(2000\)](#).
- The incarceration rate is 8.2 times higher than the white incarceration rate. [Human Rights Watch \(2000\)](#).
- In seven states, blacks constitute 80 to 90% of all drug offenders sent to prison. [Human Rights Watch \(2000\)](#).
- In 15 states, black men are admitted to state prison for drug charges at a rate that is 20 to 57 times the white male rate. [Human Rights Watch \(2000\)](#).



Predisposing Factors

- 80% of people admitted to prison in 2002 could not afford an attorney
- US Department of Justice found that 65% of prisoners had not completed high school,
- 53% earned less than \$10 000 during the year before their incarceration,
- 50% were either unemployed or were working part-time before their arrest.

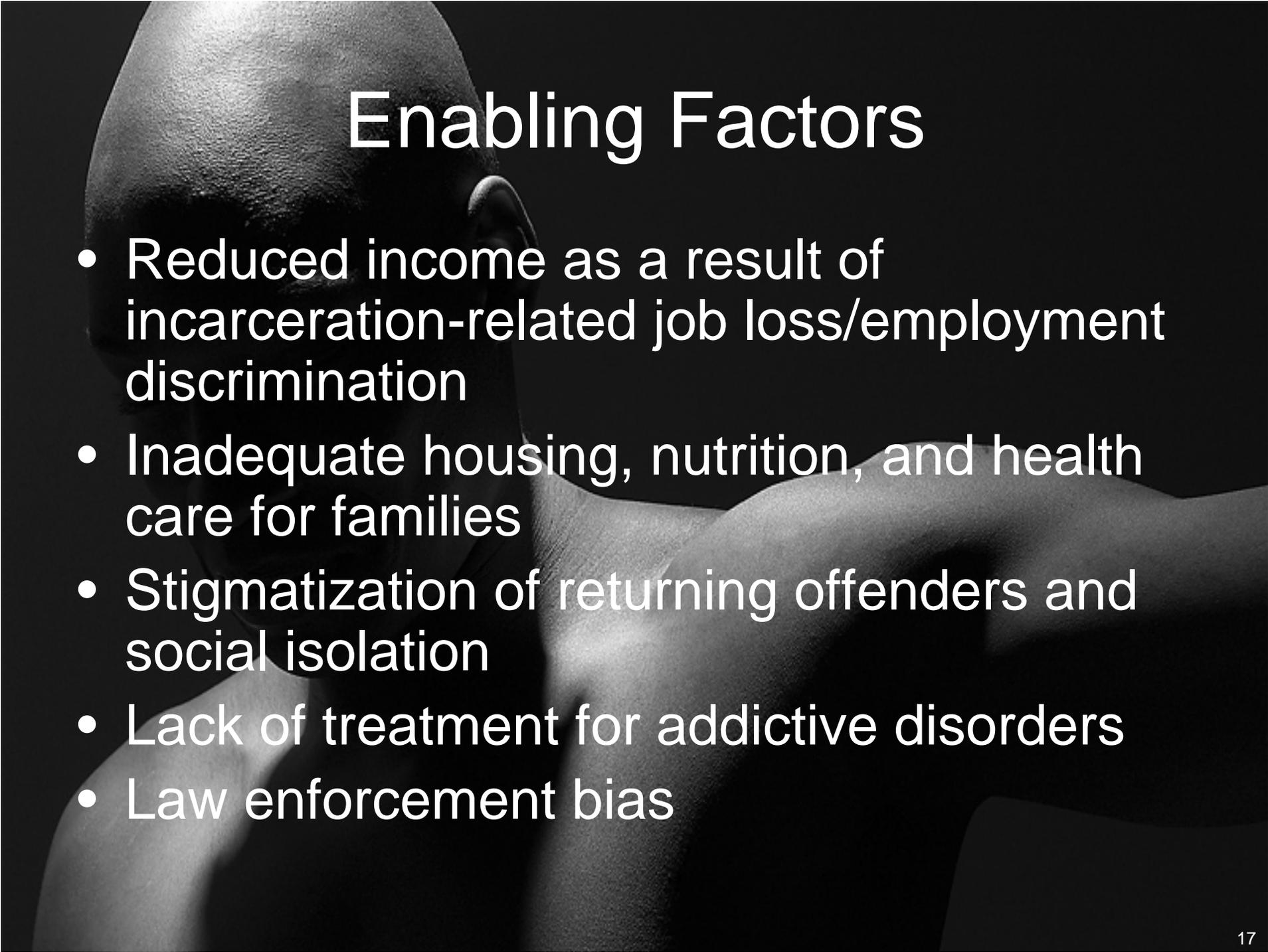


Reinforcing Factors

- \$40 billion on prisons and jails in the year 2000 (Ziedenberg and Schiraldi, 2000).
- \$24 billion of that will go to incarcerate 1.2 million nonviolent offenders (Ziedenberg and Schiraldi, 2000).
- Florida, California and New York prison budgets are larger than the budgets for higher education
- “War on Drugs,” “Getting tough on crime,” mandatory sentencing and others.

Reinforcing Factors

- Female prisoners can lose parental rights and have their children adopted or placed in foster care (25% are placed in foster care. (Farmer, 2002)
- US Adoption and Safe Families Act of 1997 parental rights should be terminated if a child has been in foster care 15 months.
- Some states are mandated to seek adoption for the “abandoned” children.
- The median sentence for females in state and local prisons is 60 months (Mumola, 2000).



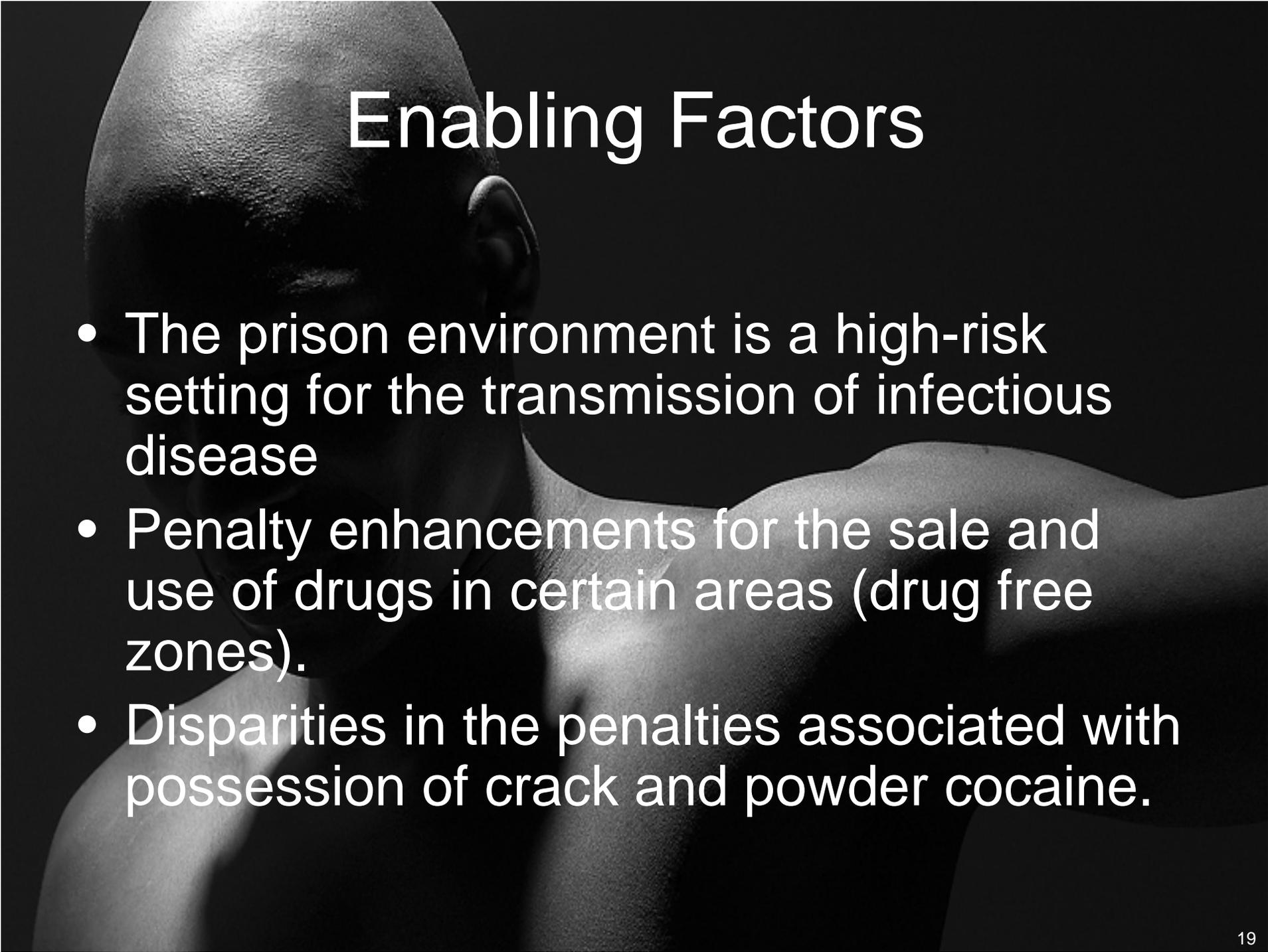
Enabling Factors

- Reduced income as a result of incarceration-related job loss/employment discrimination
- Inadequate housing, nutrition, and health care for families
- Stigmatization of returning offenders and social isolation
- Lack of treatment for addictive disorders
- Law enforcement bias



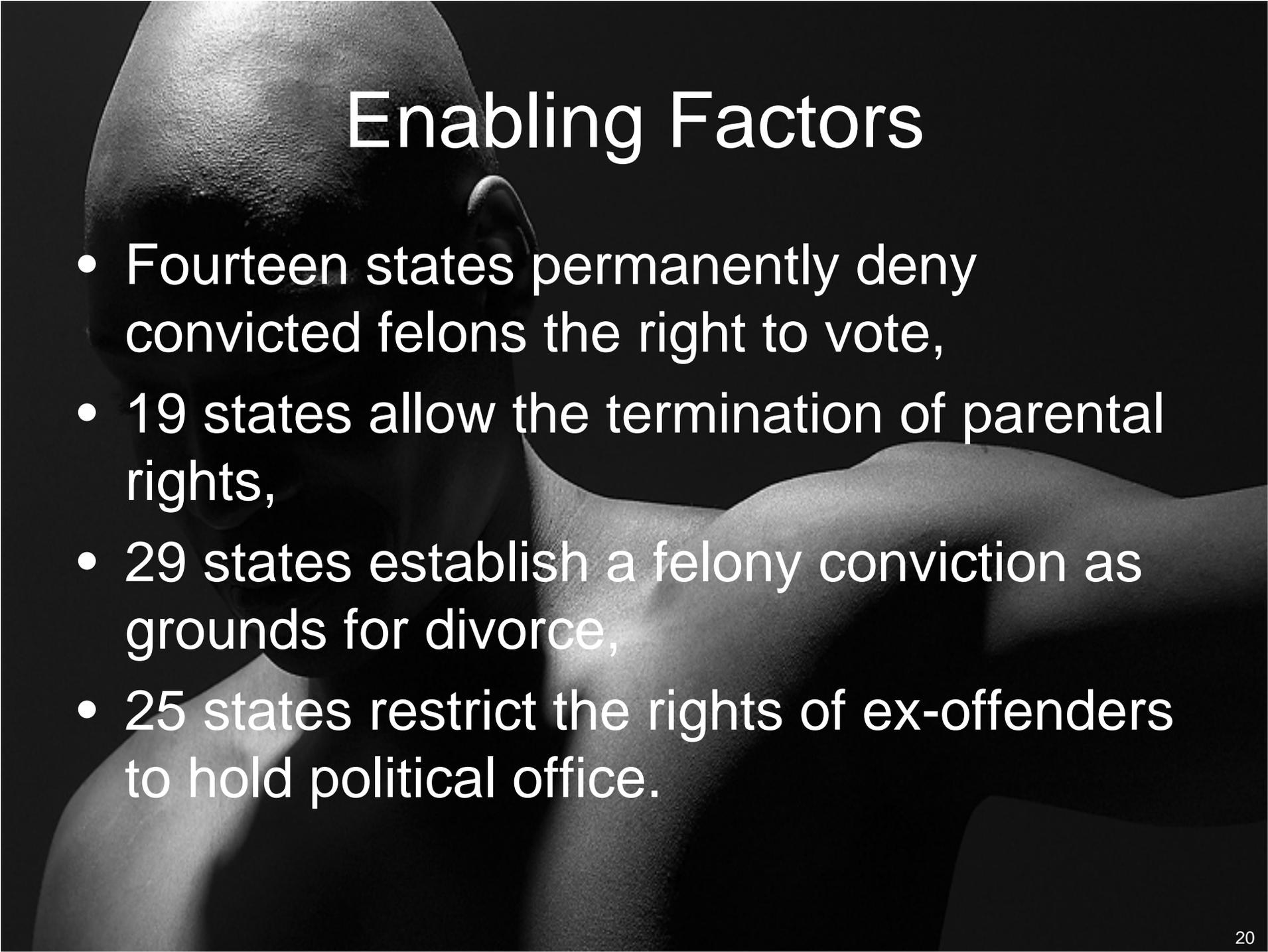
Enabling Factors

- The rate of incarceration among African American men went from 1 in 30 individuals to 1 in 15 between 1984 and 1997.
- 1999, 40% of all the juveniles in facilities were Black (Maguire & Pastore, 2002).
- Racially disparate in large part to U.S. policies towards drug offenses



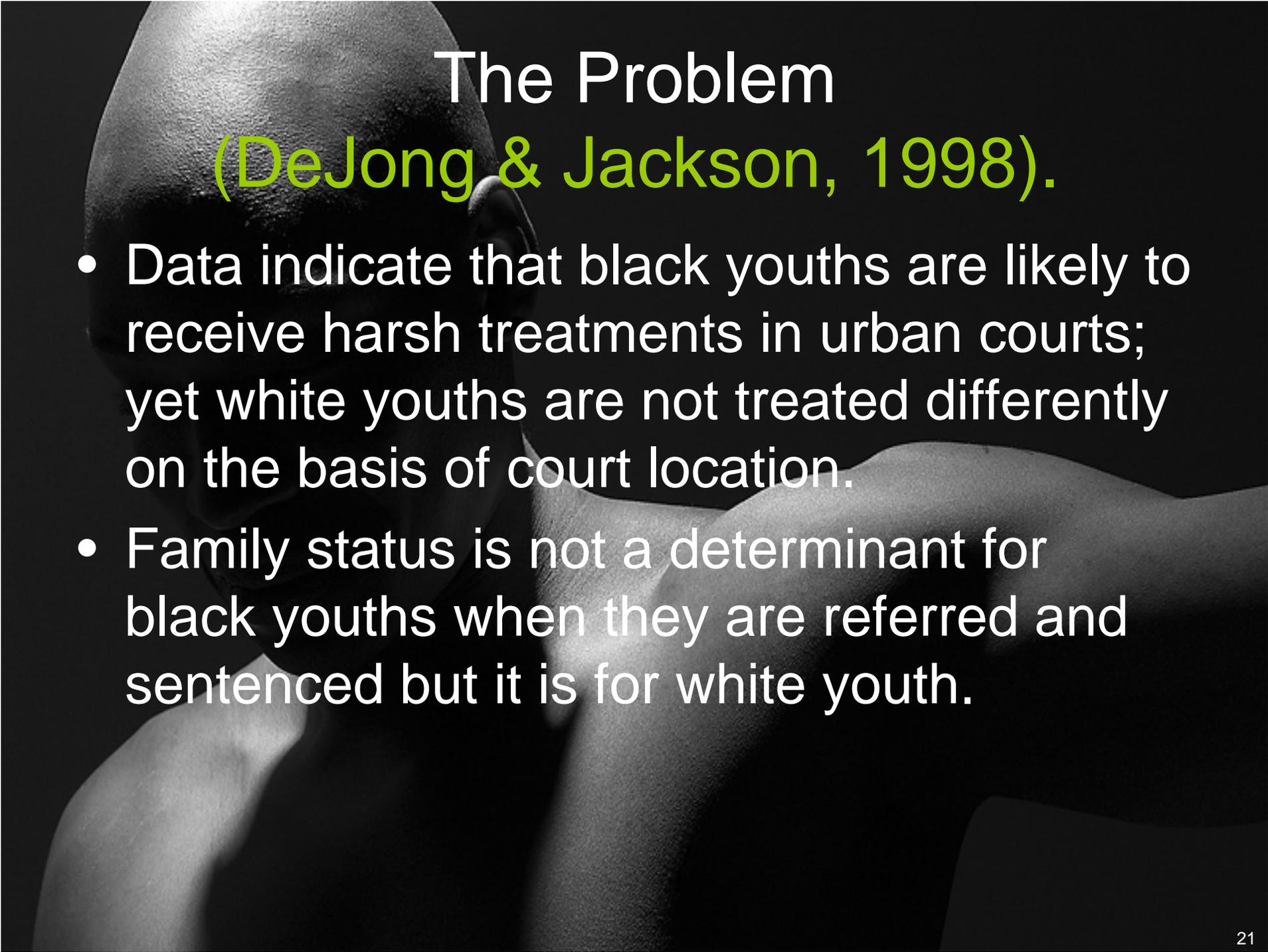
Enabling Factors

- The prison environment is a high-risk setting for the transmission of infectious disease
- Penalty enhancements for the sale and use of drugs in certain areas (drug free zones).
- Disparities in the penalties associated with possession of crack and powder cocaine.



Enabling Factors

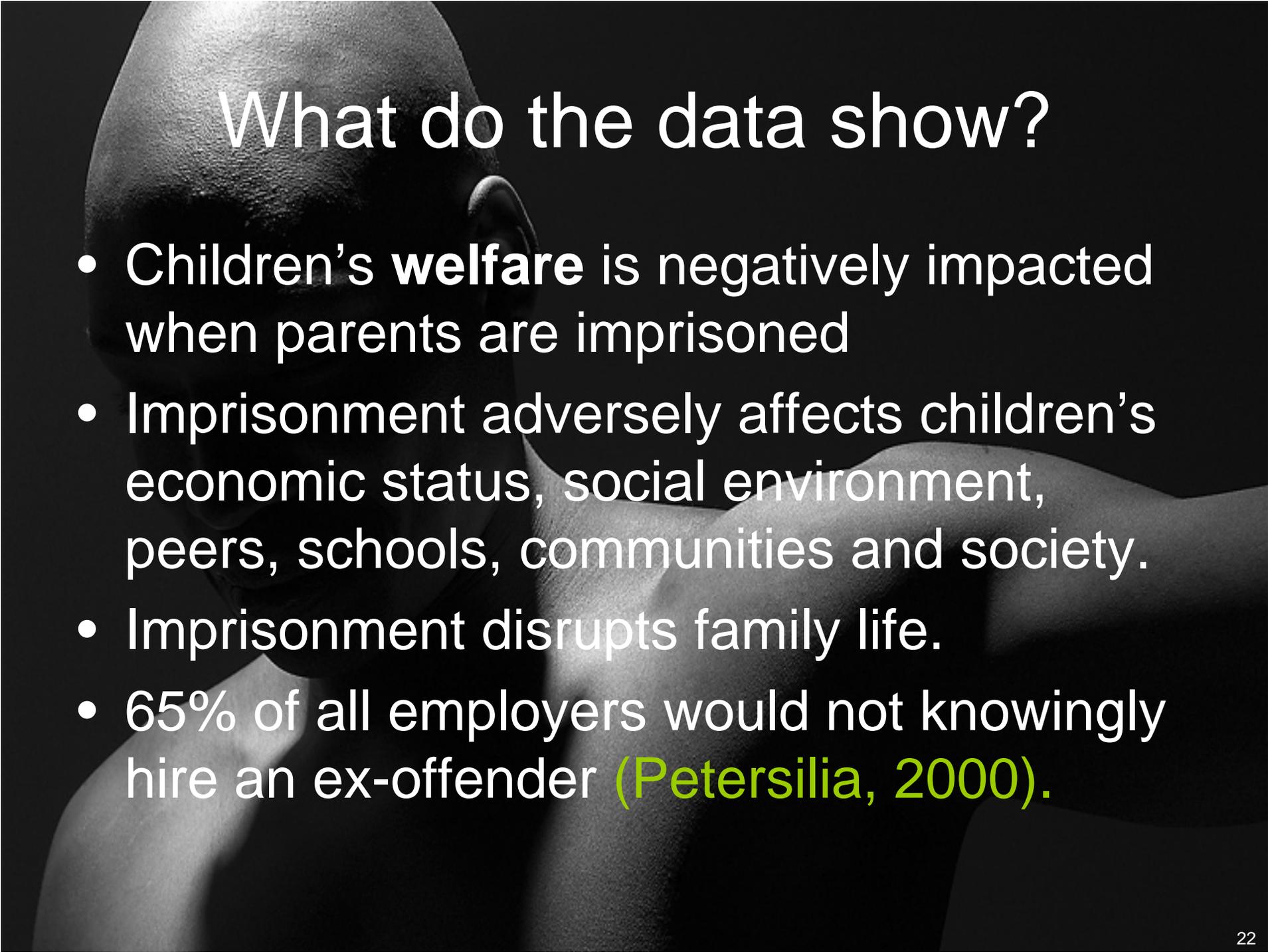
- Fourteen states permanently deny convicted felons the right to vote,
- 19 states allow the termination of parental rights,
- 29 states establish a felony conviction as grounds for divorce,
- 25 states restrict the rights of ex-offenders to hold political office.



The Problem

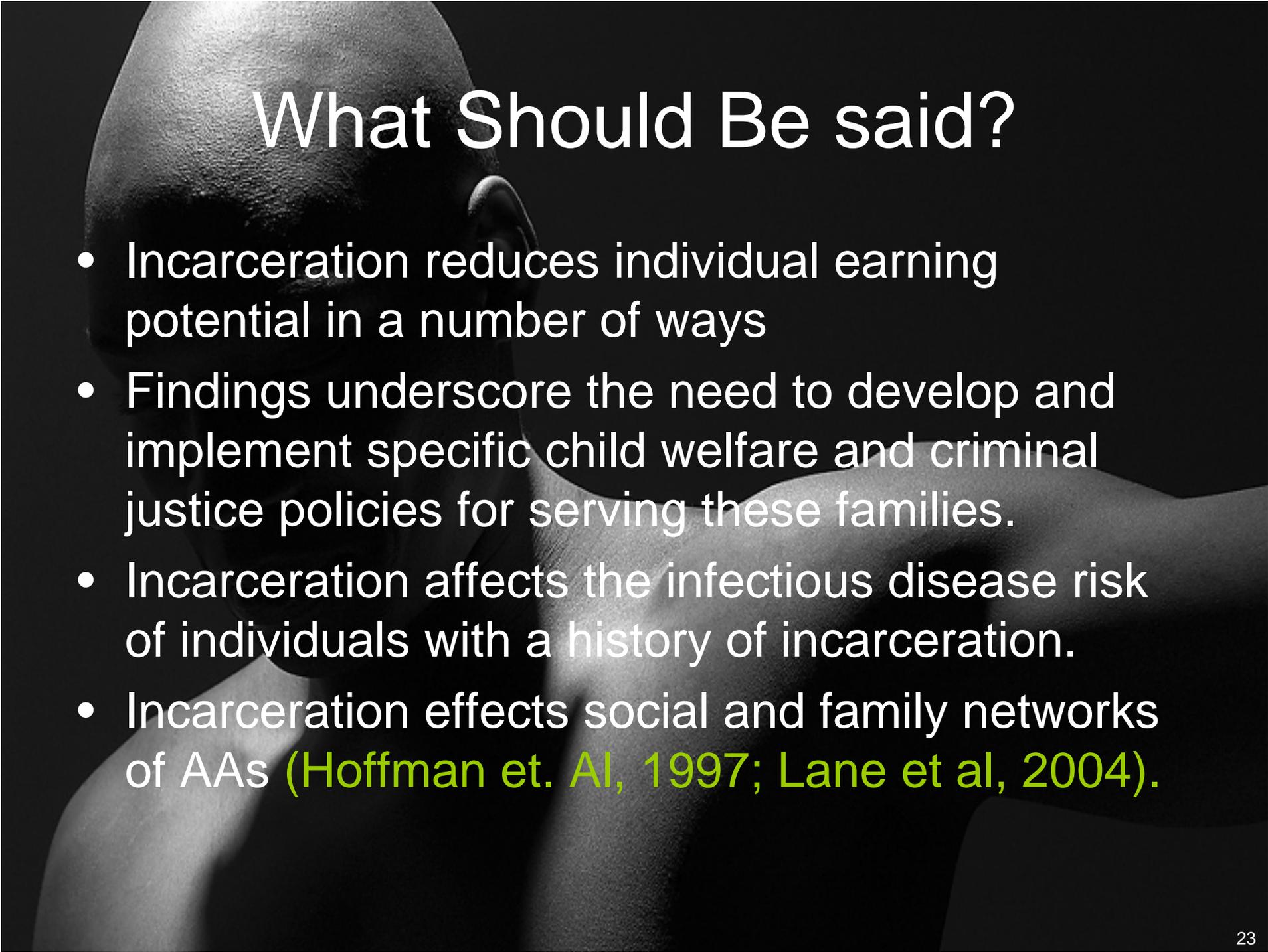
(DeJong & Jackson, 1998).

- Data indicate that black youths are likely to receive harsh treatments in urban courts; yet white youths are not treated differently on the basis of court location.
- Family status is not a determinant for black youths when they are referred and sentenced but it is for white youth.



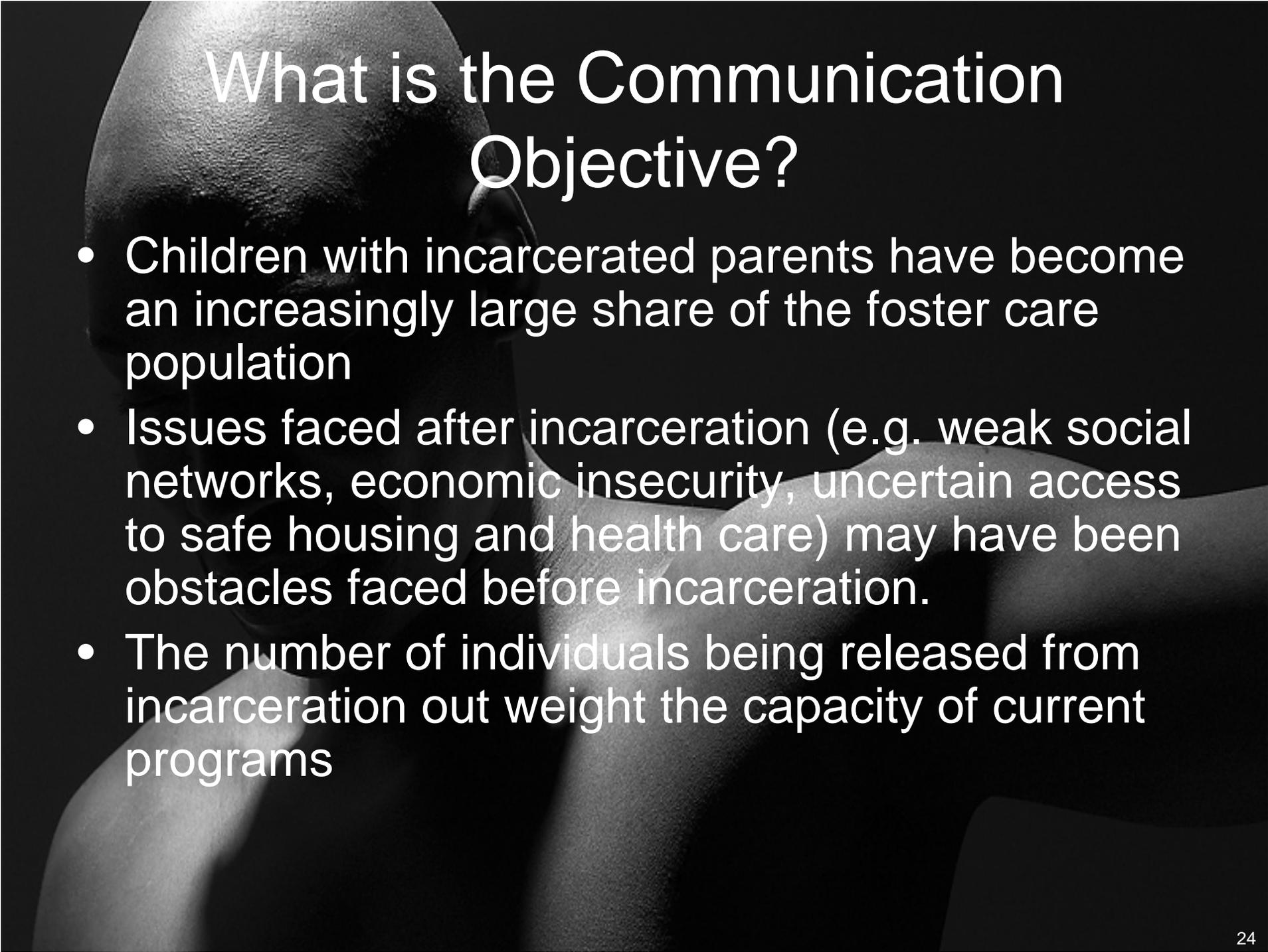
What do the data show?

- Children's **welfare** is negatively impacted when parents are imprisoned
- Imprisonment adversely affects children's economic status, social environment, peers, schools, communities and society.
- Imprisonment disrupts family life.
- 65% of all employers would not knowingly hire an ex-offender (**Petersilia, 2000**).



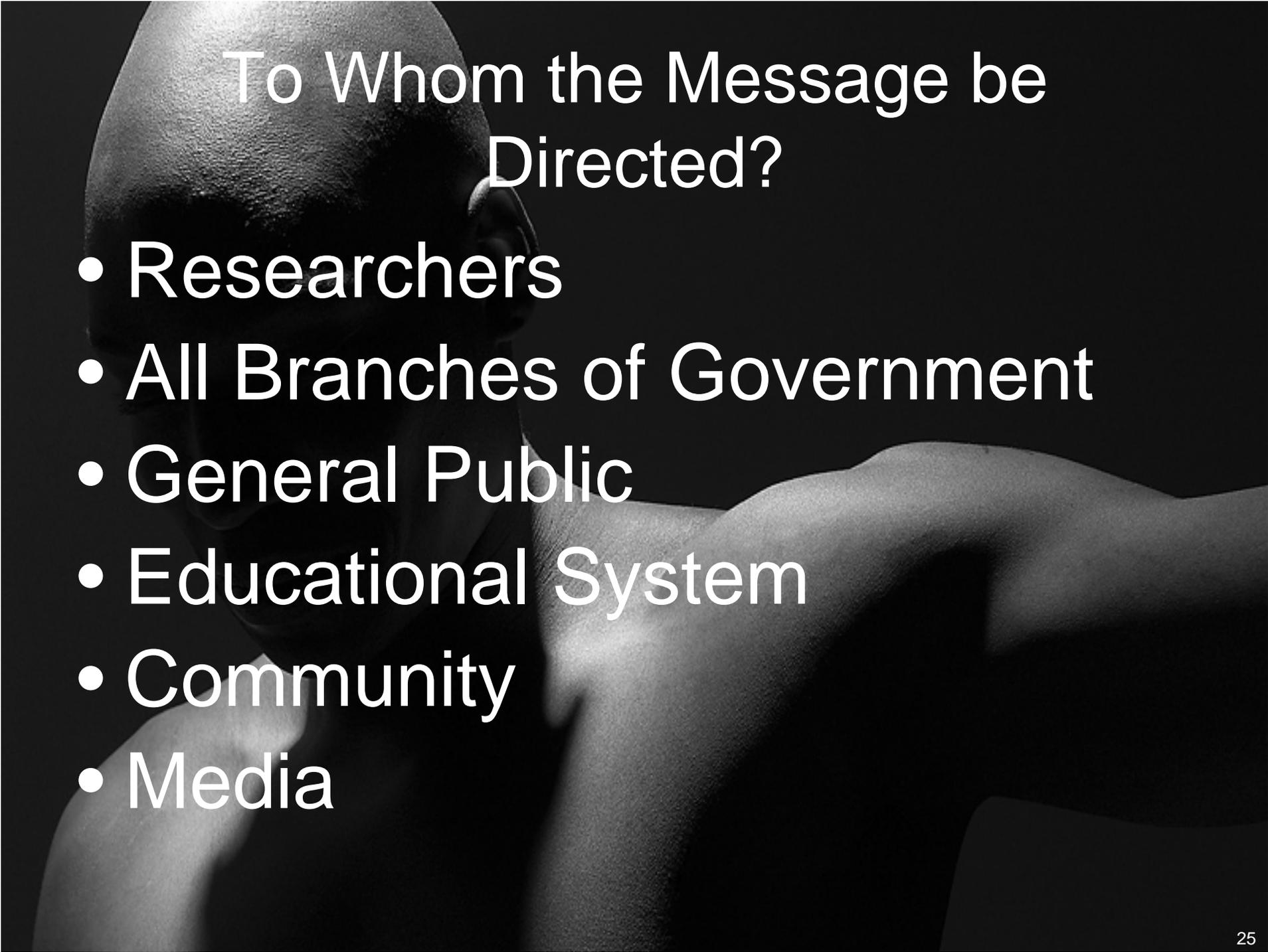
What Should Be said?

- Incarceration reduces individual earning potential in a number of ways
- Findings underscore the need to develop and implement specific child welfare and criminal justice policies for serving these families.
- Incarceration affects the infectious disease risk of individuals with a history of incarceration.
- Incarceration effects social and family networks of AAs (Hoffman et. Al, 1997; Lane et al, 2004).



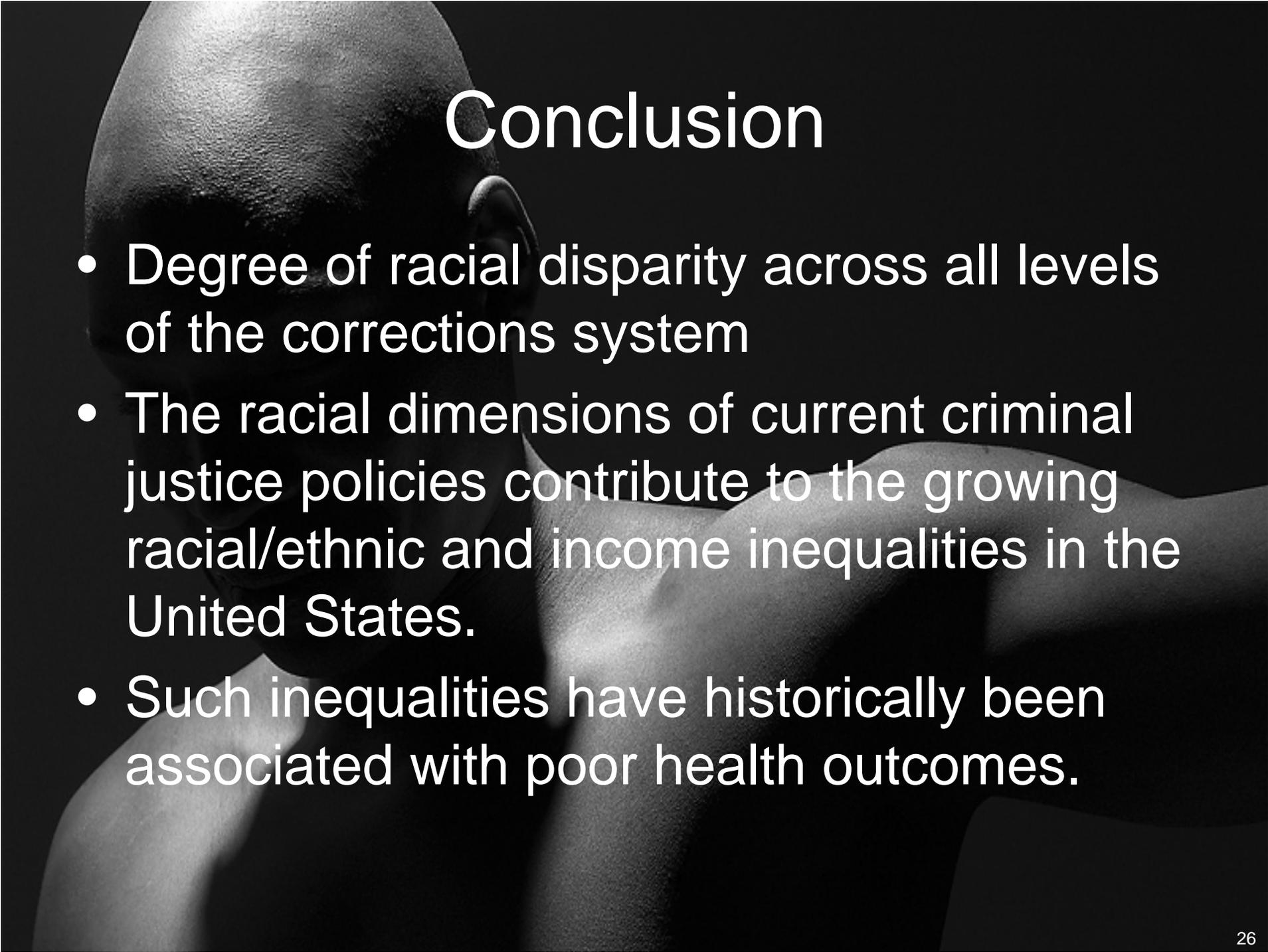
What is the Communication Objective?

- Children with incarcerated parents have become an increasingly large share of the foster care population
- Issues faced after incarceration (e.g. weak social networks, economic insecurity, uncertain access to safe housing and health care) may have been obstacles faced before incarceration.
- The number of individuals being released from incarceration out weight the capacity of current programs



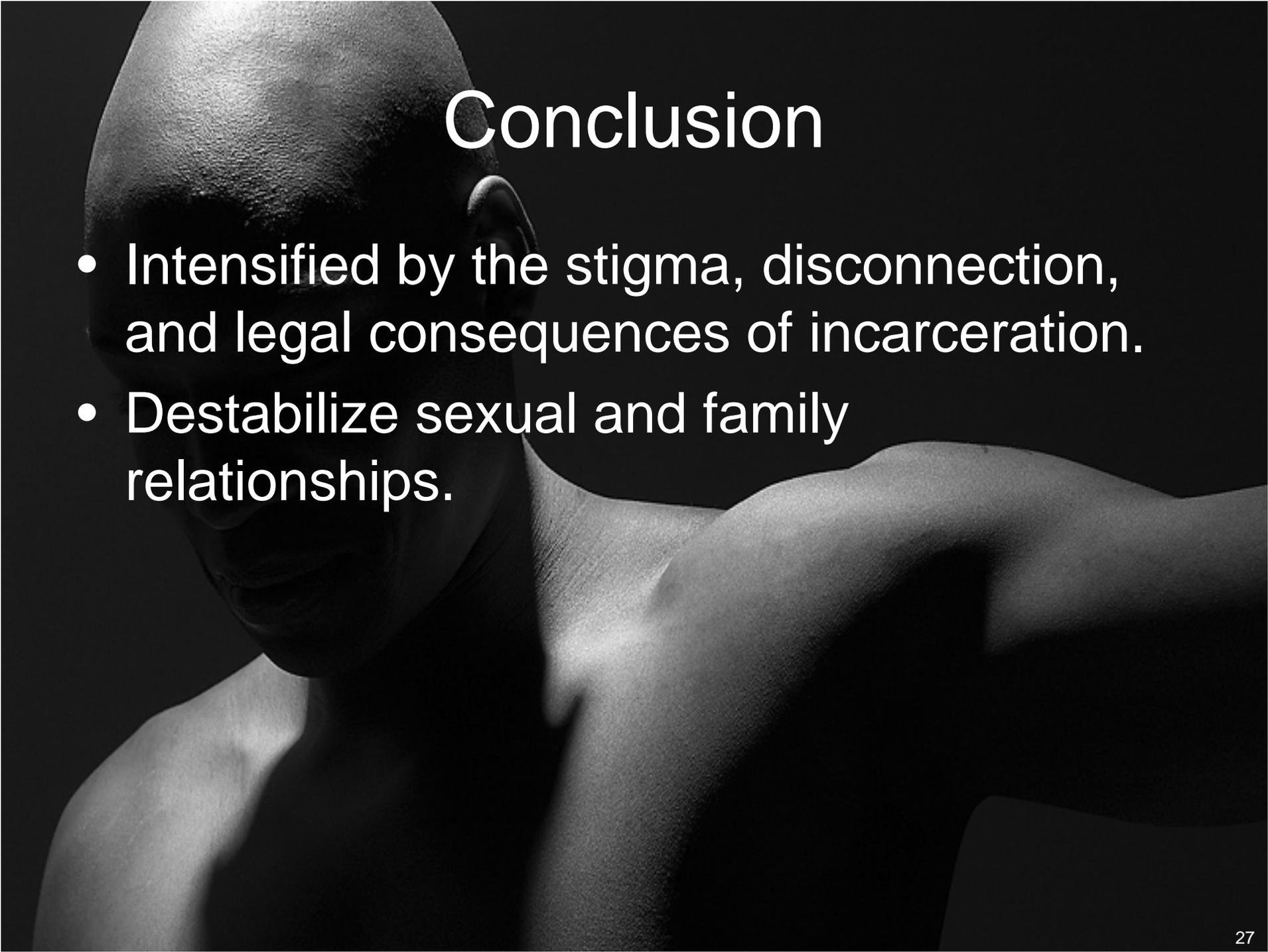
To Whom the Message be Directed?

- Researchers
- All Branches of Government
- General Public
- Educational System
- Community
- Media



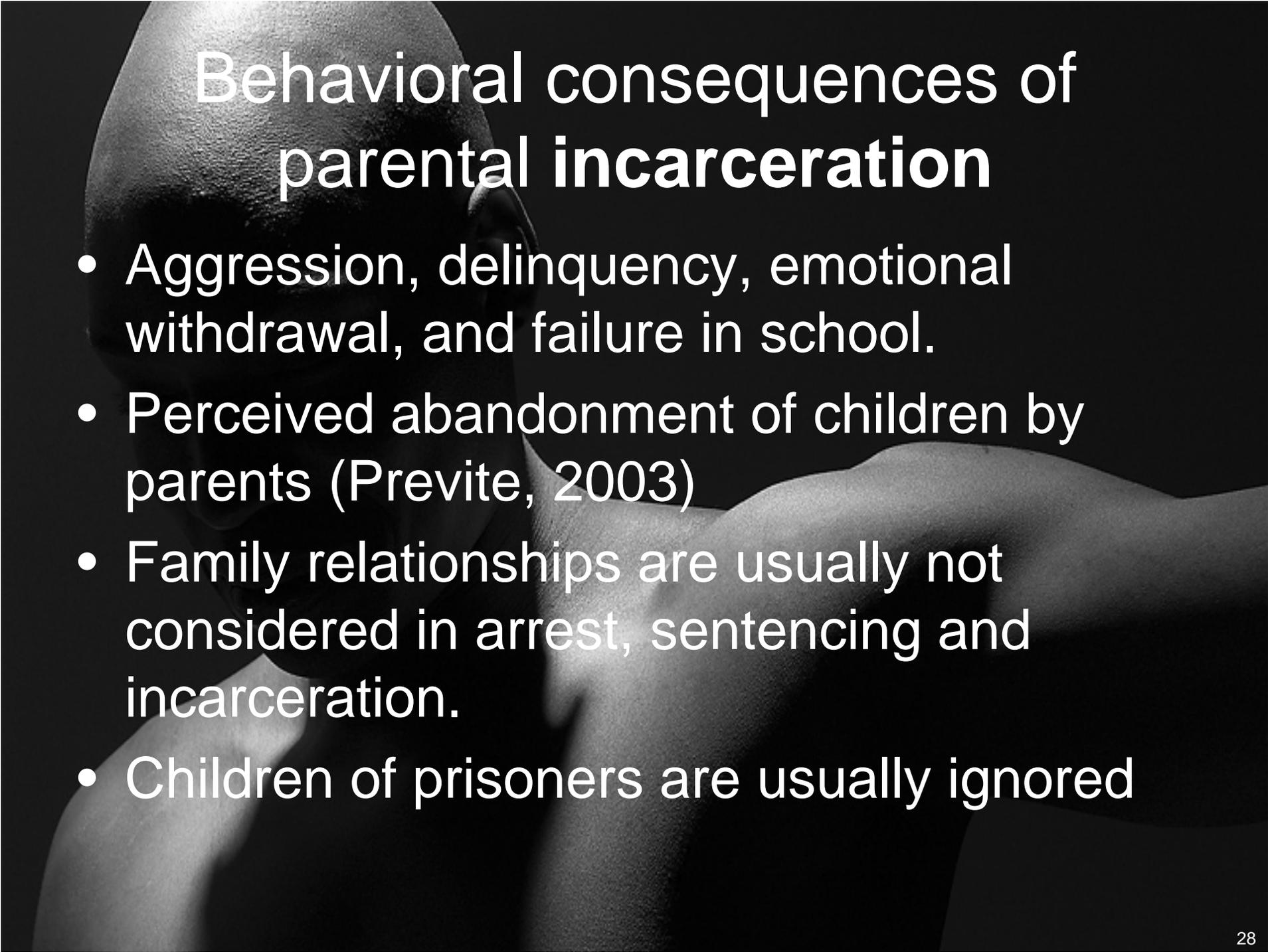
Conclusion

- Degree of racial disparity across all levels of the corrections system
- The racial dimensions of current criminal justice policies contribute to the growing racial/ethnic and income inequalities in the United States.
- Such inequalities have historically been associated with poor health outcomes.



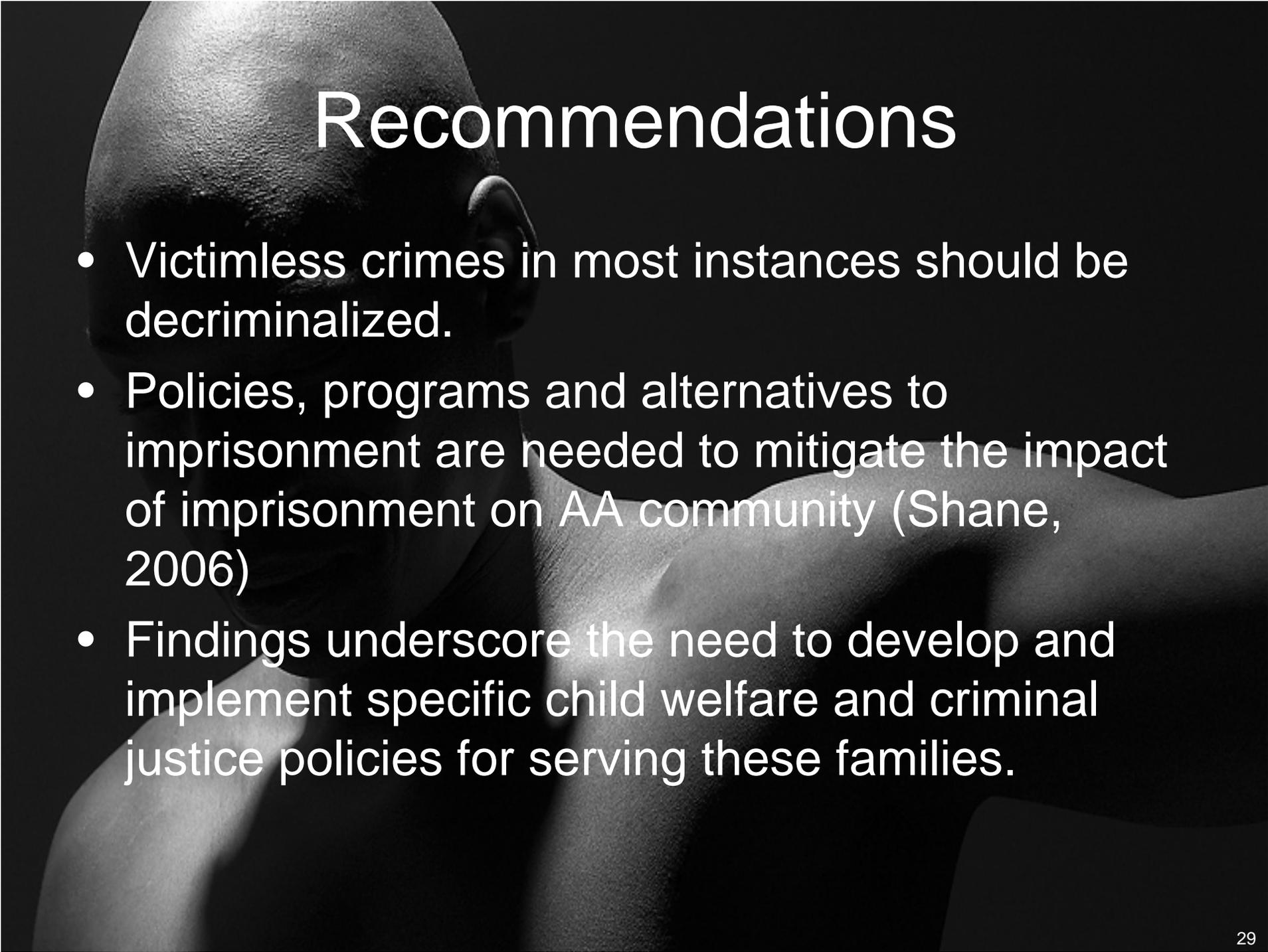
Conclusion

- Intensified by the stigma, disconnection, and legal consequences of incarceration.
- Destabilize sexual and family relationships.



Behavioral consequences of parental incarceration

- Aggression, delinquency, emotional withdrawal, and failure in school.
- Perceived abandonment of children by parents (Previte, 2003)
- Family relationships are usually not considered in arrest, sentencing and incarceration.
- Children of prisoners are usually ignored



Recommendations

- Victimless crimes in most instances should be decriminalized.
- Policies, programs and alternatives to imprisonment are needed to mitigate the impact of imprisonment on AA community (Shane, 2006)
- Findings underscore the need to develop and implement specific child welfare and criminal justice policies for serving these families.