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Let's rehabilitate moms, not lock them up Incarceration-based drug policies make no sense

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TWENTY-FIVE YEARS AGO I met Sylvia, a smart, talented mother with dreams – like most moms – for her family, despite experiencing homelessness. Formerly in prison for a non-violent drug offense and caught in the cross hairs of the growing mass incarceration movement, she held on to her aspirations despite numerous roadblocks, pursuing work, housing, a drug-free life, and custody of her children.

Today, as costs rise and the opioid crisis intensifies, many states are reducing their reliance on incarceration-based drug policies. This month, the Massachusetts Legislature has the opportunity to endorse criminal justice reforms and disrupt soaring detention rates for women. The [Primary Caretakers Bill](#) opens the door to a second chance for mothers like Sylvia. The bill, officially titled “An act providing community-based sentencing alternatives for primary caretakers of dependent children who have been convicted of non-violent crimes,” needs and warrants your support.

Co-sponsored by Sens. William Brownsberger and Sonia Chang-Diaz and drafted by Andrea James, a formerly incarcerated mother and founder of [Families for Justice as Healing](#) (FJAH), this bill is gender neutral. However, the term “primary caretakers” overwhelmingly covers women. FJAH reports 65 percent of women in prison are mothers, and most of them were living with their children as the primary caretaker at the time they were convicted.

Better probation and parole policies and alternatives to imprisonment – such as drug treatment and support services – are proven to cost less than incarceration, reduce recidivism, and strengthen families and communities. Continuing to ignore the evidence that corroborates ending confinement for nonviolent low-level drug offenses is counterproductive and harmful to the emotional health and wellbeing of women and children. Existing data shows adverse impact on the quality of babies' attachment to mothers and probable classroom-related setbacks for school-age children. Further, relocation and placement with alternative caregivers are major disruptions which research has shown to be detrimental to children.

[The Sentencing Project](#) documents a profound change in the placement of women in the prison system over the past quarter century, resulting from more expansive law enforcement efforts, stiffer drug sentencing laws, and post-conviction barriers to reentry that uniquely affect women. The movement to lock up rather than rehabilitate harms the poorest and most vulnerable. The United States currently has the highest incarceration rate in the world with 1.2 million women under supervision of the criminal justice system, an increase of 700 percent since 1980.

Irrational sentencing such as mandatory minimums is counterproductive; mothers need supports to assist with re-integration into society since all low-level offenders will at some point return to society. As a service provider, I know a full complement of successful alternatives to imprisonment already exist – drug and alcohol treatment, job training, housing with onsite support services, and physical and mental health care. Judges must be given discretion to refer to these types of rehabilitation services and programs.

Mothers like Sylvia are often propelled into criminal activity by addiction in conjunction with traumatic histories of domestic and sexual violence. Punitive drug policies perpetuate fear and stigma and disproportionately harm at-risk populations. Stiff sentences stem from the notion that this is the only way to alleviate problems associated with drug use. To the contrary, drug use, drug-related deaths, and the cost to operate prisons and jails in this country are only escalating. The [Vera Institute](#) says the criminal justice system has gotten so big and so vast that virtually every American has some exposure.

My 25 years of experience helping and witnessing mothers lift their children out of homelessness is evidence that a rehabilitative approach is necessary, effective, and benefits society. Incarceration impedes mothers' ability to obtain housing, gain custody, and care for their children upon reentry. Redirecting

funds to alternative sentencing and expanding programs that result in recovery and stability is both a moral and economic imperative. I whole-heartedly embrace any bill that will alter the policies in place today that have given rise to mass incarceration and homelessness. Preventing incarceration matters – the damage it inflicts on mothers, children, and society as a whole, is immeasurable – and avoidable.

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