

PRISON POLICY INITIATIVE

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Dear Kneyl,

I'm attaching *The Boston Globe* article about the case you mentioned in your letter. I don't know if you heard that in January, Judge Mark Coven decided to open an inquest into the death of Joshua Messier.

I tried to look for the \$3 million settlement for you, but I didn't have any luck. That is very exciting that you've been hearing from The Innocence Project. I wish you the best of luck.

I'm attaching two of our recent reports.

Sincerely,


Bernadette Rabuy
Policy & Communications Associate

Prisons of Poverty: Uncovering the pre-incarceration incomes of the imprisoned

By Bernadette Rabuy and Daniel Kopf
July 9, 2015

Correctional experts of all political persuasions have long understood that releasing incarcerated people to the streets without job training, an education, or money is the perfect formula for recidivism and re-incarceration. While the fact that people released from prison have difficulties finding employment is well-documented, there is much less information on the role that poverty and opportunity play in who ends up behind bars in the first place.

Using an underutilized data set from the Bureau of Justice Statistics, this report provides hard numbers on the low incomes of incarcerated men and women from before they were locked up.

Findings

The findings are as predictable as they are disturbing. The American prison system is bursting at the seams with people who have been shut out of the economy and who had neither a quality education nor access to good jobs. We found that, in 2014 dollars, incarcerated people had a median annual income of \$19,185 prior to their incarceration, which is 41% less than non-incarcerated people of similar ages.

The gap in income is not solely the product of the well-documented disproportionate incarceration of Blacks and Hispanics, who generally earn less than Whites. We found that incarcerated people in all gender, race, and ethnicity groups earned substantially less prior to their incarceration than their non-incarcerated counterparts of similar ages:

	Incarcerated people (prior to incarceration)		Non-incarcerated people	
	Men	Women	Men	Women
All	\$19,650	\$13,890	\$41,250	\$23,745
Black	\$17,625	\$12,735	\$31,245	\$24,255
Hispanic	\$19,740	\$11,820	\$30,000	\$15,000
White	\$21,975	\$15,480	\$47,505	\$26,130

Figure 1. Median annual incomes for incarcerated people prior to incarceration and non-incarcerated people ages 27-42, in 2014 dollars, by race/ethnicity and gender.

	Men	Women
All	52%	42%
Black	44%	47%
Hispanic	34%	21%
White	54%	41%

Figure 2. Percentage difference between the median annual incomes for incarcerated people prior to incarceration and non-incarcerated people ages 27-42, in 2014 dollars, by race/ethnicity and gender.

While the gap in income is most dramatic for White men, White men have the highest incomes. By contrast, the income gap is smallest for Hispanic women, but Hispanic women have the lowest incomes.

Not only are the median incomes of incarcerated people prior to incarceration lower than non-incarcerated people, but incarcerated people are dramatically concentrated at the lowest ends of the national income distribution:

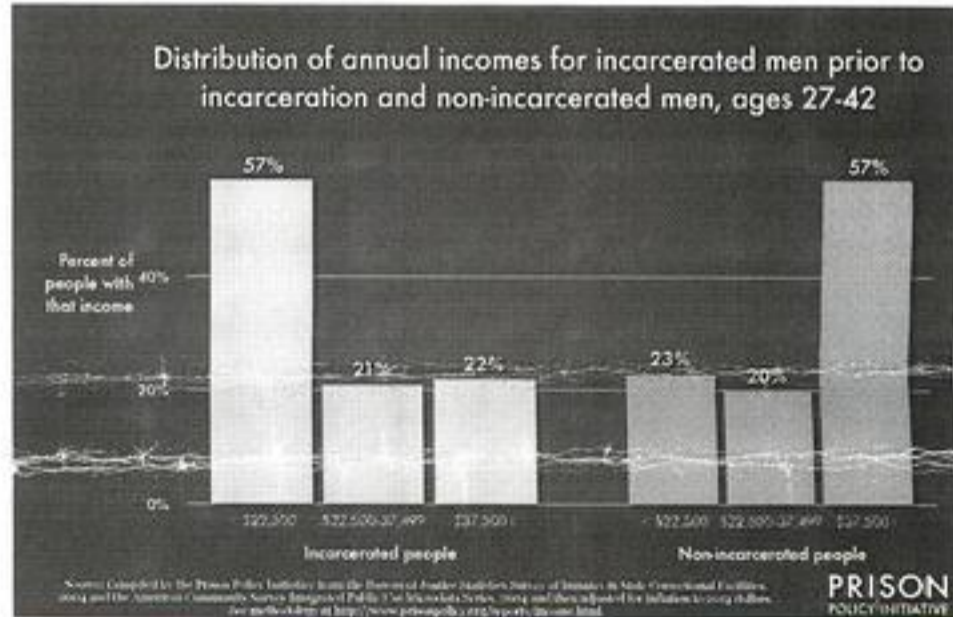


Figure 3. Incarcerated men are concentrated at the lowest ends of the national income distribution. The median incarcerated man had a pre-incarceration income that is 48% that of the median non-incarcerated man.

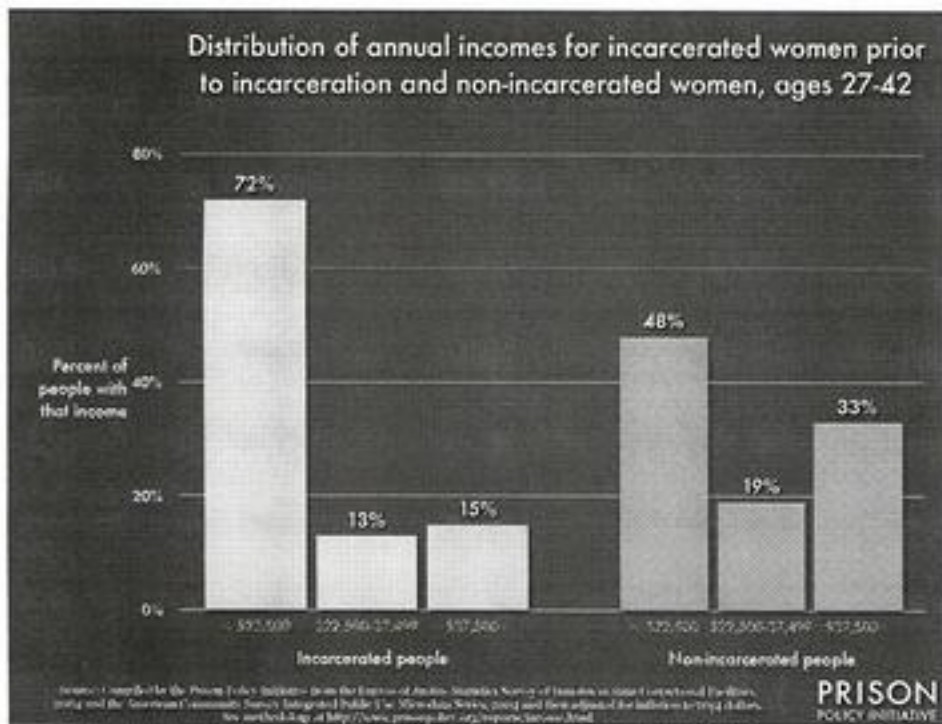


Figure 4. Incarcerated women are concentrated at the lowest ends of the national income distribution. The median incarcerated woman had a pre-incarceration income that is 58% that of the median non-incarcerated woman.

Conclusion

Our society has, in the name of being tough on crime, made a series of policy choices that have fueled a cycle of poverty and incarceration. We send large numbers of people with low levels of education and low skills to prison, and then when they leave just

as penniless as they were when they went in, we expect them to bear the burden of legally-acceptable employment discrimination.

Acknowledging, as this report makes possible, that the people in prison were, before they went to prison, some of the poorest people in this country makes it even more important that we make policy choices that can break the cycle of poverty and incarceration.

Reversing the decades-old policies that make it more difficult for people with criminal records to succeed may require political courage, but the options are plentiful and often straightforward. Federal, state, and local governments can repeal laws restricting incarcerated and formerly incarcerated people's access to welfare, public housing, Pell Grants, and student loans, and the private sector can voluntarily end its discrimination against people with criminal convictions. These reforms can help individuals succeed, but we will also need to explore how our single-minded focus on imprisonment blinded us to the needs of entire communities.

Permanently ending the era of mass incarceration will require reversing the decades of neglect that denied our most vulnerable communities access to good jobs, reliable transportation, safe housing, and good schools. Making these long-delayed investments in the basic building blocks of strong and stable communities will ensure that, once we turn the corner on mass incarceration, we never turn back.

For the footnotes and data sources to this report, see prisonpolicy.org/reports/income.html

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SEPARATION BY BARS & MILES:

Visitation in state prisons

OCT. 2015

PRISON
POLICY INITIATIVE

By Bernadette Rabuy and Daniel Kopf
October 20, 2015

Most of today's prisons were built in an era when the public safety strategy was to "lock 'em up and throw away the key." But now that there is growing interest from policymakers and the public to help incarcerated people succeed after release, policymakers must revisit the reality of the prison experience and the false assumptions of that earlier era.

Almost by definition, incarceration separates individuals from their families, but for decades this country has also placed unnecessary burdens on the family members left behind. Certainly in practice and perhaps by design, prisons are lonely places. Analyzing little-used government data, we find that visits are the exception rather than the rule. Less than a third of people in state prisons receive a visit from a loved one in a typical month:

Type/time frame	Percent receiving that contact
Personal visit in the past month	31%
Phone in the past week	70%

Figure 1. The data on how family ties are maintained in state prison shows that prison visits are rare while the telephone is a more common way of staying in touch. Thankfully, the FCC's upcoming order to cap the costs of calls home from prisons and jails should increase call volume.

Despite the breadth of research showing that visits and maintaining family ties are among the best ways to reduce recidivism, the reality of having a loved one behind bars is that visits are unnecessarily grueling and frustrating. As a comprehensive 50-state study on prison visitation policies found, the only constant in prison rules between states is their differences. North Carolina allows just one visit per week for no more than two hours while New York allows those in maximum security 365 days of visiting. Arkansas and Kentucky require prospective visitors to provide their social security numbers, and Arizona charges visitors a one-time \$25 background check fee in order to visit. And some rules are inherently subjective such as Washington State's ban on "excessive emotion," leaving families' visiting experience to the whims of individual officers. With all of these unnecessary barriers, state visitation policies and practices actively discourage family members from making the trip. The most humane and sensible government policies would instead be based on respect and encouragement for the families of incarcerated people.

Given the great distances families must travel to visit their incarcerated loved ones, it is inexcusable for states to make the visiting process unnecessarily stressful. Using the same dataset, we find that most people (63%) in state prison are locked up over 100 miles from their families, and unsurprisingly, distance from home is a strong predictor for whether a person in a state prison will receive a visit in a given month.

Locking people up far from home has the unfortunate but strong effect of discouraging visits. We found that among incarcerated people locked up less than 50 miles from home, half receive a visit in a month, but the portion receiving visits falls as the distance from home increases:

Distance	Percent visited last month
Less than 50 miles	49.6%
Between 50 and 100 miles	40.0%
Between 101 and 500 miles	25.9%
Between 501 and 1,000 miles	14.5%

Figure 2. Incarcerated people in state prisons report whether they were visited in the past month, by distance from home (in miles).

And while there are a variety of reasons why an incarcerated person might not receive a visit, the fact that most prisons were built in isolated areas ensures hardship on the families of incarcerated people. Studies of incarcerated people in California, Indiana, Maryland, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, South Dakota, and Tennessee found that distance is a top barrier preventing them from in-person contact with their families.

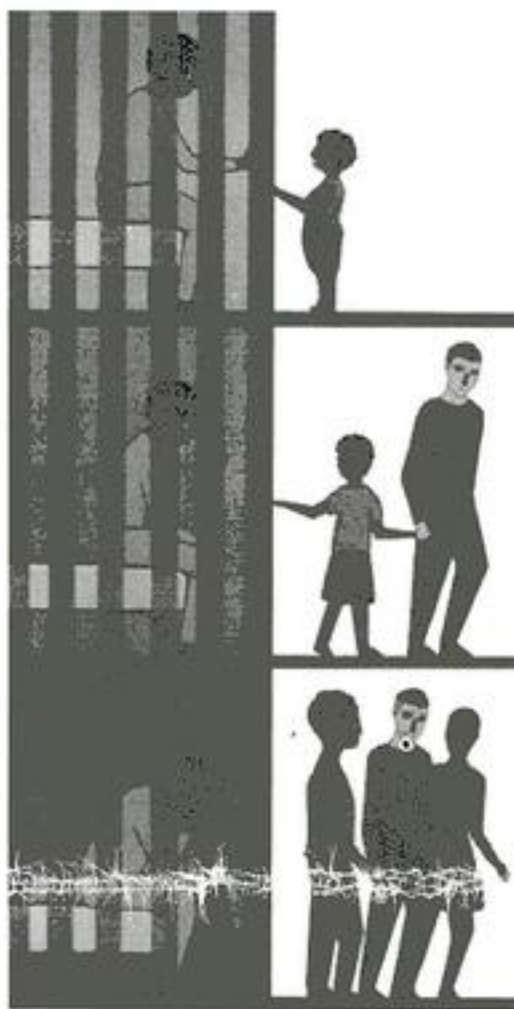
Millions of families are victims of mass incarceration, and policymakers are starting to understand that. Having established that large distances discourage visitation, this report makes several recommendations for how the U.S. criminal justice system can support — rather than punish — the families of incarcerated people. States should:

Use prison time as an option of last resort. Understanding how putting great distances between incarcerated people and their families is often damaging, states should implement alternatives to incarceration that can keep people home or closer to home such as Washington State's Family and Offender Sentencing Act, which allows judges to waive prison time and instead impose community custody for some primary caregivers of minor children. At the same time, states' criminal justice policies should match their rhetoric of decarceration. States such as California, Colorado, Connecticut, Hawaii, Mississippi, New Jersey, New York, South Carolina, and Texas should recognize that they have been able to successfully reduce both imprisonment and crime and lead the rest of the nation by closing remote prisons.

Eliminate and refrain from adopting visitation policies that dehumanize families and actively encourage visitation. States should recognize that incarceration is often an emotional and vulnerable time for families and should actively encourage visiting by making the prison environment as comfortable as possible. States such as California and Massachusetts should stop their unnecessary and dehumanizing strip and dog searches of visitors. States can enact family-friendly visitation programs such as the children's center in New York State's Bedford Hills Correctional Facility and Oakland Livingston Human Service Agency's program in Michigan that allows incarcerated fathers to have several hour-long visits with their children with room for activities. In the short-term, states can make visits more comfortable for families with children by making crayons and coloring books available.

Willingly cooperate with the Federal Communications Commission's upcoming prison and jail telephone regulations, and have the courage to reduce the costs to families even further. Stop making other forms of communication exploitative. Fortunately, the Federal Communications Commission (FCC) is finally poised to end \$1-per-minute phone calls from prisons and jails with its strong proposal to regulate local, intra-state, and inter-state calls as well as ancillary fees. The FCC will be encouraging states to view these rate caps as a federal ceiling. States can and should reduce the costs to families even further, and states such as Arkansas and Indiana should stop fighting the regulations. Further, states should avoid implementing video visitation as a replacement for in-person visits — as has been done in hundreds of local jails throughout the country — and avoid overly restrictive mail policies like those of the New Hampshire Department of Corrections that ban children's drawings and greeting cards.

Listen to the recommendations of incarcerated people and their families who can best identify the obstacles preventing them from staying in touch during incarceration. Families have long been saying that no matter how much they would like to



visit and see firsthand that their loved ones are safe, sometimes the money and time required make visiting incarcerated loved ones virtually impossible. The sad reality is that currently, a majority of incarcerated parents of minor children do not receive visits from any of their children during their prison sentence. Recognizing that their families are often the main source of hope for people during their incarceration and the main source of support upon release, correctional facilities should gather and seriously consider family input when making decisions about visitation and communication policies.

Implement programs that assist families who want to visit. The costs of visitation and communication literally drive some families of incarcerated people into debt. States should consider implementing free transportation to prisons as the New York State Department of Corrections and Community Supervision did before budget cutbacks

in 2011. Departments of Corrections should also consider video visitation as a supplement to in-person visits, especially for remote prisons. The Oregon Department of Corrections first implemented video visitation as a supplement to traditional visits in its two most remote prisons, and it has since expanded the technology to prisons throughout the state. States can also easily model video visitation programs after that of the Mike Durfee State Prison in South Dakota where, for 12 hours every week, incarcerated people have access to free video visits using Skype.

When faced with prison overcrowding, explore sentencing and parole reforms instead of prison expansion and out-of-state transfers. Often, when states are faced with prison overcrowding, they adopt band-aid fixes like sending people to out-of-state prisons where they will be even further from their families. More effective solutions are to first adopt low-hanging fruit reforms such as reducing the aging prison population or allowing primary caregivers to serve their sentences in the community, and then to explore larger-scale sentencing and parole reforms.

For the footnotes and methodology to this report, see
prisonpolicy.org/reports/prisonvisits.html

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