

Programs for Incarcerated Mothers

February 2003

Office of Performance Evaluations
Idaho State Legislature



Report 03-01

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Rakesh Mohan
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February 20, 2003

Members
Joint Legislative Oversight Committee
Idaho State Legislature

At the direction of the Joint Legislative Oversight Committee, we have completed a review of programs for incarcerated mothers and their children. We examined programs available in Idaho and other states that address the special needs of incarcerated female offenders and their children. I respectfully submit this completed report for your consideration.

Idaho offers visitation, camp, and reading programs for incarcerated mothers and their children. These programs are similar to those offered in the other states we surveyed. Only limited evaluation information is available on the effectiveness of these programs.

We appreciated the cooperation of Department of Correction staff. This review was completed by AJ Burns (team lead), Lewissa Swanson, and Brook Smith. Ned Parrish served as technical reviewer.

Sincerely,

A handwritten signature in black ink that reads "Rakesh Mohan".

Rakesh Mohan

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Programs for Incarcerated Mothers

Abstract

The Joint Legislative Oversight Committee asked us to review programs for incarcerated mothers and their children, including institutional nursery programs. We were also asked to describe Idaho's programs, and to identify programs in other states, that might be successful in reducing the reincarceration rate for incarcerated mothers and reducing the likelihood that their children will offend in the future.

Idaho offers visitation, camp, and reading programs for incarcerated mothers and their children. These programs are similar to those offered in other states we surveyed. Unlike 6 of the 14 states we surveyed, Idaho does not offer a nursery program. Our review of Idaho and other states' programs showed that only limited evaluation information is available on the effectiveness of these programs. Likewise, little or no cost information is available for these programs in Idaho and other states.

Introduction

This brief review examines the unique challenges faced by incarcerated mothers and their families, and some of the negative impacts of incarceration on their children and society. It describes programs for incarcerated mothers and their children available in Idaho and in other states, and where available, provides information about the effectiveness and costs of these programs. We conducted this review in response to a request by the Joint Legislative Oversight Committee. The request focused on programs offered while the mothers were in prison and therefore does not discuss community-based or transitional programs. Because the scope of this review was limited to describing the available programs related to incarcerated mothers in Idaho and other states, it does not include any recommendations.

In conducting our review, we interviewed prison administrators in Idaho, contiguous states, and states with known programs for incarcerated mothers. We reviewed information on women in Idaho's prison system, and spoke with Department of Correction staff about programs offered. We also examined literature on the impact of incarceration on mothers and their families, and programs available to incarcerated mothers in other states.

Unique Challenges

There are differences between the challenges faced by incarcerated mothers and fathers.

Although male and female inmates have much in common, there are differences between the challenges faced by mothers and fathers who become incarcerated. One key difference relates to who cares for the children during the parent's incarceration. Ninety percent of incarcerated fathers report that while incarcerated, their children live with the children's mother. In contrast, only 28 percent of incarcerated mothers report their children live with the father during the mother's incarceration. Instead, her children are most often cared for by a grandparent or other (non-parent) relative, with about 10 percent placed in foster care, as shown in Exhibit 1. During the mother's incarceration, individual siblings may be cared for by several different people, and separated from one another. Some children change caregivers one or more times during the mother's incarceration.¹ Because of these differences, children of incarcerated mothers more often experience family disruptions than do those of incarcerated fathers.² These disruptions may contribute to negative outcomes for the women, their children, and society.

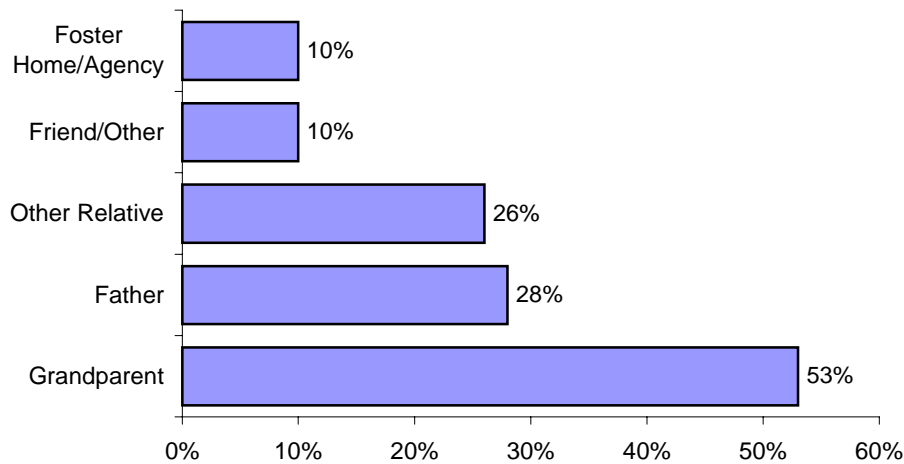
Since incarcerated women tend to be the primary caregiver for their children and fathers are often not present, the mother's role in the child's development is especially important. Separation from the mother may have long-term effects on the children. Positive interaction between a mother and her child during the child's early years is thought to be critical to the development of healthy social relationships and personality growth.³ Children of incarcerated mothers exhibit developmental difficulties with respect to trust and bonding, autonomy, the ability to get along

¹ Reed, D. and Reed E., "Children of Incarcerated Parents," *Social Justice* (Fall 1997), 7.

² Gabel, K. and Johnston, D., *Children of Incarcerated Parents* (New York: Lexington Books 1995), 21.

³ Carlson, Joseph, "Prison Nursery 2000: A Five-Year Review of the Prison Nursery at the Nebraska Correctional Center for Women," *Journal of Offender Rehabilitation*, vol. 33, no. 3 (2001): 76-77.

Exhibit 1: Where Children Stay While Mother Is Incarcerated



Note: Percentages add to more than 100% because many mothers report that they have more than one child and the children may be sent to live with different relatives/caregivers.

Source: U.S. Department of Justice, Bureau of Justice Statistics, *Incarcerated Parents and Their Children* (2000), 1.

with others, and with relationships to authority.⁴ Teachers report that children of incarcerated parents often exhibit behavior and learning problems in school.⁵ Infants and young children may also experience developmental delays. Mothers separated from their children at birth may not feel the need to reunite with their children after release and leave their children with a substitute caregiver.⁶

Disruption of the mother-child relationship may also have far reaching impacts on society in terms of future criminal activity. The causes of criminal behavior are complex and can be influenced by many factors. One factor may be related to parental bonding. Research suggests the absence of the parental bond may contribute to the delinquency of the children of

⁴ Reed, D. and Reed E., "Children of Incarcerated Parents," *Social Justice* (Fall 1997), 10–11.

⁵ Human Rights Watch, "*Collateral Casualties: Children of Incarcerated Drug Offenders in New York*," vol. 14, no. 3G (June 2002): 13; Reed, D. and Reed E., "Children of Incarcerated Parents," *Social Justice* (Fall 1997), 10.

⁶ Carlson, Joseph, "Prison Nursery 2000: A Five-Year Review of the Prison Nursery at the Nebraska Correctional Center for Women," *Journal of Offender Rehabilitation*, vol. 33, no. 3 (2001): 77.

Over half of the children never visit their mothers.

incarcerated mothers. It is estimated that at least one in ten children of incarcerated parents will be incarcerated themselves as juveniles or adults.^{7, 8}

Maintaining the mother-child relationship can be difficult once the women are incarcerated. Children are often unable to visit or visit infrequently, with over half of the children never visiting their mothers.⁹ Reasons for the lack of visitation include the distance between the child's residence and the correctional facility, resistance of the child's current caregiver to allow visitation, or refusal of the mother to see her children due to shame and embarrassment.

Current programs for incarcerated mothers focus on strengthening the mother-child relationship and increasing visitation between the mother and her children. Although the research on the effectiveness of these programs is limited, maintaining the mother-child relationship may:

- reduce the likelihood that mothers will reoffend.
- reduce the likelihood their children will be incarcerated in the future.
- increase the likelihood, especially in the case of children born during incarceration, that the mother will want to reunite with her children after release.¹⁰

Incarcerated Mothers in Idaho

Idaho has three in-state facilities that house female inmates: the Pocatello Women's Correctional Center, the South Boise Women's Correctional Center, and East Boise Community Work Center. The Department of Correction's incarcerated female

⁷ Kazura, Kerry, "Family Programming for Incarcerated Parents: A Needs Assessment Among Inmates," *Journal of Offender Rehabilitation*, vol. 32, no. 4 (2001): 69.

⁸ Denise Johnston, M.D., *Center for Children of Incarcerated Parents*, interview with Lewissa Swanson, Evaluator, *Idaho Office of Performance Evaluations*, 13 November 2002. Johnston estimates the risk of incarceration for male children to be approximately 50 percent.

⁹ U.S. Department of Justice, Bureau of Justice Statistics, *Incarcerated Parents and Their Children*, Mumola, Christopher J., NCJ 182335 (2000): 1.

¹⁰ U.S. Department of Justice, National Institute of Corrections, Information Center, Longmont, Colorado, *Services for Families of Prison Inmates, Special Issues in Corrections* (February 2002): 1.

population has increased 340 percent during the past ten years and, as shown in Exhibit 2, totaled approximately 600 women in 2002.¹¹ This rate is nearly three times higher than the male population increase of 129 percent during the same period. The Department of Correction estimates the population of incarcerated women will continue to increase at a rate of approximately 18 percent a year for the next five years.

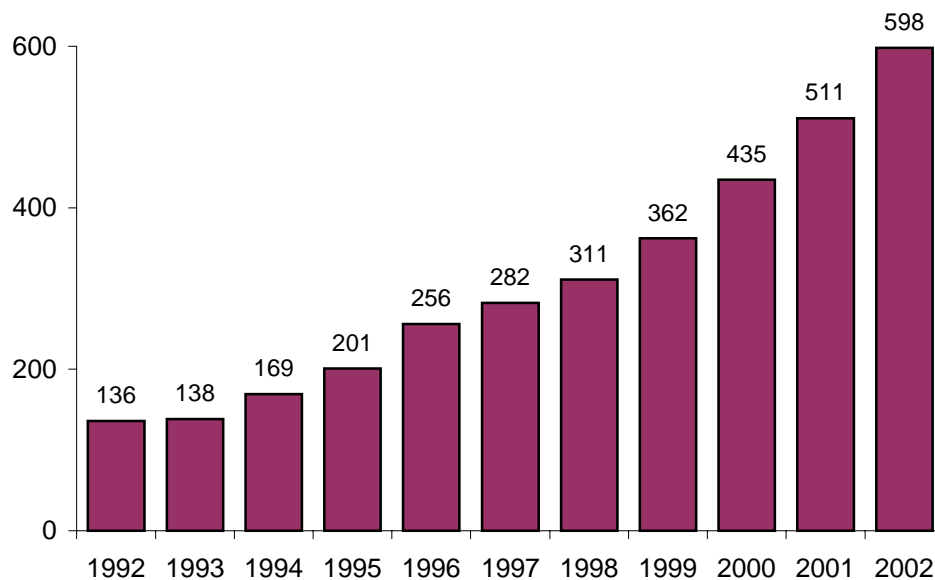
According to the Department of Correction, 70 percent of incarcerated women in Idaho have dependant children, and on average, 5 or 6 women are pregnant at any one time at the Pocatello Women’s Correctional Center. The department reports that 20 children were born to incarcerated mothers in 2002.

70 percent of incarcerated women have dependent children.

Most of Idaho’s incarcerated women are non-violent offenders. Approximately 80 percent of the women were convicted of substance abuse or property crimes in 2002, as shown in

¹¹ Women in the Department of Correction’s custody are held at the Pocatello Women’s Correctional Center, East Boise Community Work Center, and in county jails.

Exhibit 2: Number of Incarcerated Female Offenders in Idaho, 1997–2002



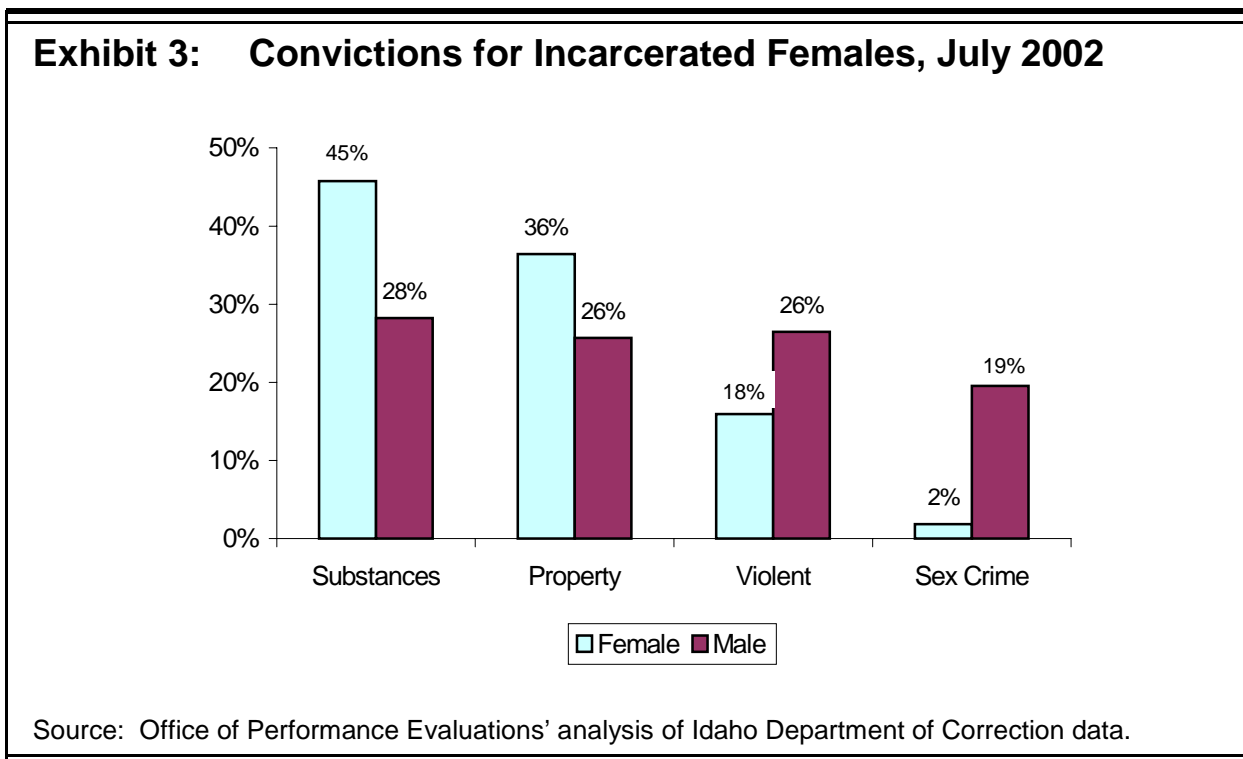
Source: Office of Performance Evaluations’ analysis of Idaho Department of Correction data.

Exhibit 3. The department reports that since 1990, there has been a major increase in the proportion of women imprisoned for substance abuse. In 2002, 45 percent of female inmates were convicted of substance abuse related crimes, compared to only 13 percent in 1990.

Programs for Incarcerated Mothers in Idaho

The Department of Correction offers programs to strengthen the relationships between incarcerated mothers and their children and to facilitate family reunification. All three women’s facilities have some form of visitation program. The Pocatello facility also offers a one-week extended visitation program called Camp Share and a mother-child literacy program called Read to Me.¹²

¹² All of the Idaho women’s facilities offer parenting classes to strengthen parenting skills and facilitate interactions. However, these programs were not examined as part of this review because they do not include direct physical interaction between the mother and her children as a component of the program.



Child Visitation Programs

The department offers child-friendly visitation opportunities for mothers and children. The Pocatello facility has a special visitation room for mothers and their children, which allows the mother and child to visit in a friendly atmosphere. This room has books, toys, and a small outdoor play area adjacent to the visiting room to facilitate the interaction. Although the other two women's correctional facilities do not have special visitation rooms, department officials told us that they do allow visits to take place in an outdoor yard area and in the social worker's offices. The Pocatello and East Boise facilities also offer extended visitation hours in conjunction with the holiday season.

Camp Share

Camp Share is a one-week program at the Pocatello Women's Correctional Center for eligible incarcerated mothers and their children. Annually, 15 to 20 women and 30 to 40 of their children participate in the program. Appendix A describes eligibility requirements for the Camp Share program. As part of the program, mothers and children participate in counseling and planned recreational activities throughout the day. Children spend the night at a local community center and participate in activities coordinated by community members in the evenings. Camp Share has been running for seven years and receives much of its funding from a partnership with the Bannock County/Portneuf Medical Center.¹³ The appendix also provides available cost information for the program.

15 to 20 women inmates and 30 to 40 of their children participate in Idaho's Camp Share each year.

Nursery Programs

Idaho **does not** have a nursery program. Pregnant inmates are transported to a local hospital to give birth. Children born to incarcerated mothers are separated from the mother and placed with an alternative caregiver as soon as the mother is able to return to incarceration. Appendix B provides detail about births to incarcerated mothers in Idaho between 1996 and 2002.

¹³ Portneuf reports they provide at least \$13,700 to support the one-week camp, but noted that not all costs were included in this amount. Budget includes salaries for social workers, travel, education, and miscellaneous expenses. Appendix A provides a list of the personnel and services provided.

Collaborative Read to Me Literacy Program

The Pocatello facility also offers a literacy program available to all women inmates called “Read to Me” in collaboration with the Methodist church. Volunteers tape record mothers reading an age appropriate book aloud, and the tape recording and book are sent to the child. The volunteers teach the women the importance of reading to children, help them select books, and teach them how to read to the child. This program began in 1998 and serves 75 inmates at any one time.

Programs for Incarcerated Mothers in Other States

To learn more about programs available to incarcerated mothers and their children, we interviewed officials from 14 states with programs that require interaction between incarcerated mothers and their children, and reviewed available literature.¹⁴ We found that most of the states surveyed had visitation programs, and some had summer camps and nursery programs. In addition, some states partnered with community groups to offer a variety of other special programs.^{15, 16} Exhibit 4 provides a breakdown of the types of programs offered in other states.

Visitation Programs

Eleven of the 14 states we contacted offered some form of visitation program. Visitation programs in other states vary from special visitation rooms to overnight stays. Seven of the 14 states had a special visitation room or facility where children and mothers could touch and talk. These visiting areas generally had books, educational materials, and other materials that would aid the interaction between the mothers and their children. Officials in three states reported they offered extended or special visitation programs during the holiday season, and five states reported having an overnight visitation program. Overnight visitation programs were usually restricted to children 13 years old or younger.

¹⁴ Interviews included the contiguous states of Washington, Oregon, Montana, and Wyoming.

¹⁵ Our review was limited to programs offered while the mother is in prison, and did not address community-based programs.

¹⁶ U.S. Department of Justice, National Institute of Corrections, Information Center, Longmont, Colorado, *Services for Families of Prison Inmates*, Special Issues in Corrections (February 2002).

Exhibit 4: Programs for Incarcerated Mothers in Idaho and Other States

	<u>Visitation Programs</u>			<u>Summer Camp Program</u>	<u>Nursery Program</u>	<u>Community Collaboration Programs for Children</u>
	<u>Special Day Visitation</u>	<u>Other Special/Holiday Visitation</u>	<u>Overnight Visitation</u>			
California						
Idaho	X	X		X		X
Illinois	X	X		X	X	
Minnesota		X	X			
Montana	X	X				X
Nebraska	X		X		X	
New York	X	X			X	
North Carolina						X
North Dakota		X				
Ohio	X	X		X	X	X
Oregon	X	X				X
South Dakota ^a			X		X (30 day)	
Tennessee			X			
Washington	X	X	X	X	X	X
Wyoming						X

^a Inmates are required to take a parenting class regardless of age or parental status.

Source: Based on interviews with correction administrators in other states.

Camp Programs

Administrators interviewed from three states said they had a one-week summer camp program similar to Idaho’s Camp Share. During the day, these programs generally offered counseling and other planned activities for mothers and their children designed to facilitate relationship building. The programs include opportunities for mothers and their children to interact individually and in groups. The children spend their evenings in the community.

Nursery Programs

Officials from 5 of the 14 states reported they had long-term nursery programs, and one state had a short-term nursery

Of the 14 states we interviewed, 6 had in-prison nurseries.

program. Most of these programs have been implemented within the past ten years, although the New York program has been in existence since 1901.

The nursery programs in New York, Illinois, Nebraska, Ohio, and Washington each allow mothers to have their children with them from birth until the child is 12 to 24 months old. To qualify for these programs, the mothers must be eligible for release by the time the child meets the program's maximum age limit.

Typically, mothers in the nursery program share a special room or cell with their child, and take the child to in-house childcare that is either run by Early Head Start staff,¹⁷ specially trained inmates, and/or volunteers. Most programs require mothers to participate in parenting classes. Mothers fulfill their educational and programming requirements while their children are in daycare.

South Dakota's short-term nursery program allows mothers to care for their newborns for 30 days. The program reportedly incurs no financial burden to the state. Mothers pay approximately \$200 prior to giving birth and stay with their child for 30 days in a handicapped cell. Each mother selects another inmate to act as a "babysitter." The babysitter stays in the cell with the mother and child, and the women take turns caring for the child while eating and participating in outdoor recreation.

Community Collaborative Programs and Services

Many states partnered with community groups to offer a variety of programs and services. These collaborative programs varied from state to state. Several states offered literacy programs similar to Idaho's Read to Me program. Other collaborative programs included parent/teacher conferences via video conferencing, and Girl Scouts Beyond Bars. Volunteers staff many of these programs and supplies are donated through community groups, eliminating or reducing the need for state general fund monies.

Costs of Programs in Other States

During our interviews, we asked states about the state general fund costs associated with their programs. Other states generally

¹⁷ Early Head Start is a federally funded, early childhood education and daycare program.

were not able to provide cost information for visitation, summer camps, or other specialized programs. In some cases, programs were funded through private and federal grants, and many relied on volunteers. When asked about the costs for security personnel and programming space, officials most often reported these costs were absorbed in the overall facility budget and not considered as a separate cost.

Cost information was available for prison nursery programs in Nebraska, Ohio, and New York. However, differences in staffing levels and the use of volunteers make cost comparisons difficult.

- The Legislative Budget Office of Ohio reports the state's in-prison nursery has an annual operating expense totaling \$91,250 per year for 20 children, and incurred start up costs of \$83,000.¹⁸
- University of Nebraska researchers report the annual cost for the Nebraska nursery program is \$107,014 per year, and includes the cost of having a program coordinator, security personnel, and a caseworker.¹⁹ The program serves an average of 9 babies per year.
- The Superintendent of the Bedford Hills nursery program in New York estimates the cost of the nursery program to be \$95,000 per year for approximately 20 children, which includes \$60,000 per year for pediatric services and \$35,000 for supplies. The state operates the program in partnership with an area religious institution. However, the costs borne by the religious institution were not available.²⁰

Officials in Nebraska and Ohio reported potential cost savings associated with the elimination of the need for foster care and other general fund supported family programs. Officials with the Ohio Department of Rehabilitation and Correction estimate the state's nursery program saves approximately \$35,000 in general fund revenue annually by reducing adoption and foster care expenses. Nebraska Department of Correctional Services officials suggest their program might eliminate foster care costs of \$17,500 per year per child (national average), but did not

¹⁸ Fiscal Note and Impact Statement, Sub HB 661, 125th Leg., (Ohio 2000).

¹⁹ Carlson, Joseph, "Prison Nursery 2000: A Five-Year Review of the Prison Nursery at the Nebraska Correctional Center for Women," *Journal of Offender Rehabilitation*, vol. 33, no. 3 (2001): 80.

²⁰ Elaine Lord, Superintendent, *New York State Department of Correctional Services*, Bedford Hills Correctional Facility, letter to Lewissa Swanson, Evaluator, *Idaho Office of Performance Evaluations*, December 26, 2002.

provide an estimate of the number of children who would have been placed in foster care if the nursery program had not been available.

In addition, potential cost savings may be realized by reducing the number of mothers who return to prison, and by reducing the likelihood that the incarcerated mother's children will be incarcerated themselves. For example, the average cost to incarcerate an inmate at the Pocatello Women's Correctional Center is approximately \$64.86 per day, or \$23,674 per year.²¹ Currently, however, there are no estimates available for overall cost savings either in Idaho or other states we surveyed.

Effectiveness of Programs

None of the 14 states we contacted had evaluated their visitation or camp programs.

None of the 14 states we contacted measured the effectiveness of visitation or camp programs. State officials reported they considered these approaches as good practice for working with incarcerated mothers and their children, and did not consider them separate "programs."

Officials in Nebraska and New York reported they evaluated their nursery programs. However, the documentation we reviewed did not provide details about the study methods. The results presented below are based on their published reports. The actual research reports were not available for review, so the results could not be verified. It should be noted that in both cases, the results compare the reincarceration rates of women who participated in the nursery program with all female inmates. Nebraska also compares nursery program participants with mothers who gave birth while incarcerated, but did not participate in the nursery program. However, Nebraska's results were based on information from several different time periods, making comparisons difficult.

- Nebraska reported that after three years, nine percent of the participants in the nursery program were reincarcerated, compared to 33 percent for women who had children while in prison, but had to give them up. The reincarceration rate for all women at the Nebraska Correctional Center for Women was 17 percent.²²

²¹ Idaho Department of Correction, *FY2003 Financial Report* (2002), 7.

²² The 17% reincarceration rate was the most recent available (FY94-95) while the 9% rate for mothers was reported for January 1991 to November 1994. Carlson, Joseph, "Prison Nursery 2000: A Five-Year Review of the Prison Nursery at the Nebraska Correctional Center for Women," *Journal of Offender Rehabilitation*, vol. 33, no. 3, (2001): 86.

- New York reported that after three years, 13 percent of the participants in the nursery programs returned to prison, compared to 26 percent of all women inmates.²³ They did not provide any reincarceration information for women who gave birth while incarcerated and did not participate in the nursery program.

Readers are cautioned against drawing conclusions about the effectiveness of nursery programs based solely on these reports. Although the reincarceration rates for mothers who participated in the nursery program appear favorable when compared to all female inmates, the Nebraska research suggests that mothers who gave birth but did not participate in the program may have a higher likelihood of reoffending. The reliability of these results is unclear.

None of the 14 states we contacted, or any of the literature we reviewed reported the long-term effects of programs for keeping the children of incarcerated mothers from being incarcerated themselves. Until long-term, independent longitudinal studies are conducted for these purposes, it is difficult to estimate the effect of programs on children's incarceration rates.²⁴

Summary and Conclusion

Currently, Idaho has about 600 women in Department of Correction custody. The department estimates 70 percent of its female inmates are mothers. Idaho provides visitation and camp programs for incarcerated mothers and their children at the Pocatello Women's Correctional Center. The department does not have an in-prison nursery program.

The factors influencing criminal behavior are varied and complex. Current thinking by practitioners in women's corrections is that strengthening the relationship between incarcerated mothers and their children is one way to increase the likelihood that mothers

Nursery programs in two states were found to be effective, but the reliability of those results is unclear.

²³ New York State Department of Correctional Services, Division of Program Planning, Research and Evaluation, *Profile and Three Year Follow-Up of Bedford Hills and Taconic Nursery Program Participants: 1997 and 1998* (2002), 21.

²⁴ New York, Oregon, and Washington are partnering with outside consultants to conduct long-term studies. Since children do not usually exhibit criminal behavior until they reach their teens, conclusive results are not expected for a number of years.

will not be reincarcerated, and the likelihood that their children will not be incarcerated themselves. The Department of Correction's visitation and camp programs are similar to visitation and camp programs offered by other states. The people we interviewed and related literature we reviewed advocated the use of visitation and camp programs, but their effectiveness has not been evaluated.

For mothers who give birth while incarcerated, there is some limited information suggesting that in-prison nursery programs reduce the likelihood of reincarceration. These programs are projected to reduce foster care and adoption costs. Based on national estimates, ten percent of children born to incarcerated mothers are placed in foster care while the mother is incarcerated. If this estimate holds true in Idaho, only 2 of the 20 infants born to incarcerated mothers in 2002 would require these services. Determining the cost effectiveness of these programs would require a comparison of the overall costs of the program to (1) any savings realized through foster care and adoption services, (2) any potential cost avoidance from reducing the reincarceration rate, and (3) the number of women potentially served by the program. No estimates of cost effectiveness are presented in this report because detailed program cost information for Idaho and other states is not available, and reincarceration information is limited.

Appendices

Appendix A: Idaho's Camp Share Program

Participation in Camp Share

To participate, women must:

- Not have been convicted of a violent or sex crime
- Have completed a parenting class (28 hours)
- Have a recommendation from the case management team
- Not have any disciplinary problems
- Be within a year of release
- Pay \$25 per child

Participation in 2001

- 15–20 mothers
- 30–40 children (aged 7–14 years)

Funding for Camp Share

Pocatello Women's Correctional Center pays for:

- Staff time for security personnel and PWCC programming staff
- Use of facilities and supplies, including water, ice, tents, PA systems, and copies

Portneuf Medical Center (formerly Bannock County Medical Center) paid \$13,700 in 2002 for the one-week camp, which included the costs for:^a

- ten counselors
- supplies
- transportation

Other funding provided by:

- Incarcerated mothers who must pay \$25 per child (assistance available if needed)
- Community organizations which often offer free nights of swimming for the children, sponsor dinners, and donate food and other supplies

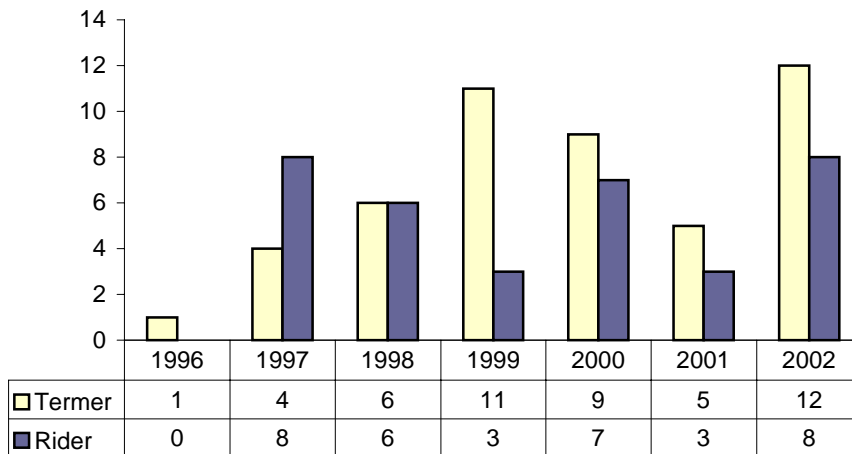
^a Only partial cost information was available from Portneuf Medical Center.

Source: Based on the Office of Performance Evaluations' analysis of Portneuf's data and department staff interviews.

Appendix B: Children Born to Incarcerated Women, 1996–2002

Idaho does not have a nursery program, although the possibility was discussed at the August 2001 Board of Corrections meeting. Currently, once the mother gives birth, her baby is placed with a relative, the father, or in foster care. On average, 5 or 6 women are pregnant at the Pocatello Women’s Correction Center at any one time. During 2002, 20 women gave birth while incarcerated at the Pocatello Women’s Correction Center.

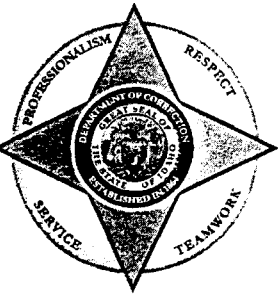
Female prisoners are either sentenced to directly serve their full term (termers), or are sent to a 120-day rider program for assessment (rider). Women who successfully complete the rider program are returned to the community; those who are unsuccessful are sent to prison to complete their full sentence. As shown, approximately 60 percent of the women who give birth while incarcerated in Idaho were termers and about 40 percent were on the rider program.



Births to Inmates

Source: Office of Performance Evaluations’ analysis of the Department of Correction’s data.

Response to the Review



IDAHO DEPARTMENT OF CORRECTION

"Protecting You and Your Community"

DIRK KEMPTHORNE
Governor

THOMAS J. BEAUCLAIR
Director

January 31, 2003

Rakesh Mohan, Director
Office of Performance Evaluations
P.O. Box 83720
Boise, ID 83720-0055

Dear Director Mohan:

I would like to thank you and your staff for your work on the Female Inmates and Their Children report. It is clear that your staff conducted a significant amount of research and we are grateful for their efforts.

The Idaho Department of Correction realizes the importance of providing opportunities for incarcerated women to bond with their children. As you indicated in your report, we have done so by establishing child-friendly visiting rooms and participating in programs such as Camp Share. Our priority is to provide offenders with the tools to succeed once they are released from prison, but because our resources are limited, we must focus on areas that truly lead to a reduction in crime.

Before the Department could ever consider implementing a nursery program, a policy decision would need to be made by the Idaho legislature to accept the responsibility for children in prisons. The Idaho Department of Correction does not currently have the funding or authority to operate such a program.

While the idea of a nursery program in prison may sound like a favorable idea, it is important to note that eighty percent (80%) of women have jobs when they come into prison and seventy percent (70%) have dependent children. They are the lowest risk to the community, yet have the fastest growing incarceration rate in the Idaho correctional system. Though a number of these women are pregnant, the subject needs to be looked at on a broader basis. Judges in Idaho indicate that when they are faced with sentencing a pregnant drug user, prison is the only alternative. Clearly judges need alternatives when sentencing pregnant females. As no such alternatives are available, we could potentially increase the incarceration rate of pregnant females by operating a nursery program within the prison system. A better idea would be to establish options in the community. These women should be housed in the least restrictive environment possible, and collaboration within our counties and agencies is needed to build the infrastructure that would make this possible.

The Idaho Department of Correction is also faced with the reality that 22% of Idaho's incarcerated women are housed in county jails due to lack of space in the prisons. Department

of Correction staff do not have day to day involvement with these offenders or their programming. Our resources are limited in both prison space and available programming opportunities.

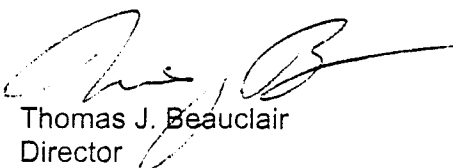
We surveyed the inmate population at the Pocatello Women's Correctional Center in early January to determine the level of interest in a nursery program. Of the nearly 300 inmates who received the survey, only ten responded and indicated that they would be interested in such a program. Of the ten, five had given birth in the previous year, two were expecting in the coming months, and three had given birth prior to 2000. Of the eight children that were born in prison, one was adopted, one is being cared for by his father, and the other six are being cared for by the inmates' parents or another family member. It does not appear that there is significant demand for a nursery program.

Our legal department looked into the legal issues associated with operating a prison nursery program. In addition to the fact that we do not have the legal authority to develop such a program, they stated that the increased potential for liability for injury to infant children would require a review of current insurance coverage. Only a handful of states have implemented nursery programs and there is little reported case law. An Idaho program is not something anticipated by the State's insurance carriers and obviously, there are extraordinary possibilities for exposure to liability that could occur during the operation of such a program.

The Idaho Department of Health and Welfare and the courts oversee the care, custody and treatment of minor children in Idaho. There are numerous child support, child custody and infant medical care issues that raise legal concerns that would likely involve the Department of Correction if a nursery program were implemented. We could anticipate being brought into litigation involving disputes over custody between parents and family members or legal disputes by the child's mother if participation in the program is terminated or curtailed due to disciplinary or other reasons. Additionally, exclusion of some mothers from the program, while allowing participation of others, would likely generate litigation against the Department by female inmates. There is also a strong likelihood that male inmates, desiring to maintain family ties with their children will file suit on equal protection grounds.

We can see the benefits that a nursery program could bring to offenders, but there are many concerns, which we have pointed out. While our focus will continue to be to provide programming that leads to a reduction in crime, we will remain cognizant of the importance of building strong family ties and involving parents in lives of their children.

Sincerely,



Thomas J. Beauclair
Director

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<u>Pub. #</u>	<u>Report Title</u>	<u>Date Released</u>
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