



## Rethinking criminal justice reform: A Family-centered approach

By Christopher Bates | Friday, August 6, 2021

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“When one person goes to prison, their entire family goes with them.”

These are the words of Alice Marie Johnson, a mother, grandmother, and great-grandmother who served 21 years in prison before President Donald Trump commuted her sentence in 2018 and ultimately pardoned her.

Johnson recounted her experience in a recent webinar on [criminal justice reform](#) with Sen. Mike Lee and others. After she was convicted and sentenced to life without parole for her role in a drug trafficking operation, Johnson was sent to prison 1,500 miles from her children.

Being so far away was extremely challenging for both Johnson and her family. As Johnson tells it, she never once received a visit from her children “because they didn’t have the means” to travel so far to see her. Only after she was transferred closer to home were her children able to come and visit.

Unfortunately, Johnson’s experience is not unique. In a nationwide survey of inmates conducted by the Department of Justice, 45% of federal inmates with children and 59% of state inmates with children reported that they had *never* received a personal visit from their children. Although phone calls and, in some facilities, video calls provide additional ways to stay in touch, the high cost of such calls can create significant barriers for many inmates and their families. According to one report, depending on the distance, calling home from prison can cost as much as \$1.20 *per minute*, an amount that can quickly add up for family members who may already be struggling to make ends meet.

Innocent children, more than anyone else, suffer at the hands of outdated policies. For decades, studies have found that parental incarceration is associated with a variety of negative outcomes for children, including poorer physical and mental health, decreased financial stability, and poorer performance in school. Children with incarcerated parents are at increased risk for illegal drug use, antisocial behavior, and future incarceration themselves.

At the same time, family relationships are a critical component of the reentry process for individuals who have completed their sentences. Family members serve as a crucial link in the search for employment and are the most common source of housing in the weeks following release. Equally important, family members provide crucial emotional support as former inmates seek to readjust to life on the “outside.” Studies have found that the strength of an individual’s family ties is one of the most important determinants of successful reentry.

Yet, all too often, policymakers overlook the centrality of the family in the debate over criminal justice reform. It’s time to change that. This fall, the Orrin G. Hatch Foundation will publish a new report highlighting the benefits of a family-centered approach to criminal justice policy. Taking a

proper account of the needs, challenges, and potential positive impact that family members can have on individuals in the criminal justice system can lead to better policy outcomes and a fuller understanding of the consequences of criminal justice decisions.

To begin, a family-centered approach to criminal justice reform concentrates on sustaining family relationships during incarceration.

A recent [study](#) found that nearly half of state inmates housed within 50 miles of home had received a visit in the month prior to being surveyed. Visitation rates steadily declined as the distance from home increased – from 40% for inmates housed 50 to 100 miles from home to 26% for inmates housed 100 to 500 miles from home to only 15% for inmates housed more than 500 miles from home.

Research shows that increased visitation is associated with reduced recidivism, as well as greater parental involvement following release. More can and should be done to house inmates closer to home and to reduce the costs of phone and video calls for family members unable to make in-person visits.

A family-centered approach to criminal justice reform also focuses on reducing barriers to reentry. When a formerly incarcerated individual is able to obtain steady employment and stable housing, the person can begin again to provide for his or her family and serve as a source of emotional support. Recidivism and reincarceration, by contrast, lead to further cycles of separation and instability.

Reducing barriers to reentry can include, among other things, repealing laws or policies that deny employment or housing eligibility to individuals with criminal convictions, reforming occupational licensing laws that restrict employment opportunities, providing incentives to employers to hire formerly incarcerated individuals, and considering so-called “clean slate” initiatives that provide for record sealing or even expungement in certain circumstances.

A family-centered approach can also inform conversations about sentencing policy, as well as what sorts of acts should carry criminal penalties in the first place.

For many years, sentencing laws have focused on goals such as deterrence and incapacitation without adequately considering the effects that unduly long sentences can have on family members and children. Recalibrating the discussions to focus on how much (and when) punishment is actually *necessary* to accomplish the goals a given law is seeking to achieve can better account for the consequences of incarceration on all of the affected parties.

Concrete steps could include additional reforms to mandatory minimums, further reducing the sentencing disparity for crack and powder cocaine, and ending the unfair practice of allowing judges to take into account acquitted conduct during sentencing. Steps should also include a review of the thousands of criminal laws and hundreds of thousands of criminal regulations to identify offenses that are duplicative or unnecessary or that could be better enforced through civil penalties.

Finally, a family-centered approach can inform police reform discussions by highlighting the importance of interpersonal relationships and the need to ensure that officers have strong ties to the communities they serve. Increased transparency and accountability can help to strengthen and repair frayed relationships, as can consistent (and consistently applied) use-of-force standards.

Conservatives should be committed to developing and supporting a family-centered approach to criminal justice reform. As lawmakers and policy experts consider changes to prison, reentry, sentencing, and policing policies, Johnson's teaching needs to be at the center of all we do. When one person goes to prison, their entire family goes with them.

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*Christopher Bates is a legal fellow at the [Orrin G. Hatch Foundation](#) and a visiting scholar at Southern Virginia University. He formerly served as a chief counsel on the Senate Judiciary Committee.*