

Punishment Beyond the Legal Offender

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Abstract

In the United States, lawbreakers are treated as social isolates, and the sentences imposed upon them are conceived of as affecting a discrete individual. However, people who commit or are suspected of committing crimes are generally embedded in kinship webs and social networks that draw others into the ambit of the state's punishment apparatus. Through their association with someone convicted of a crime, legally innocent people have firsthand and often intense contact with criminal justice authorities and correctional facilities, they experience variants of the direct and indirect consequences of incarceration, and they are confronted by the paradox of a penal state that has become the primary distributor of social services for the poor in the United States. Collectively, studies investigating punishment beyond the offender contribute to the understanding of the wide and multi-faceted impact of punitive sanctions and spotlight the importance of considering this full range of repercussions when evaluating the scope of the nation's policing, judicial, and correctional policies.

INTRODUCTION

Throughout the processes of arrest, conviction, sentencing, and sanction, the criminal justice system in the United States and many Western countries is narrowly focused on the accused as a free-standing actor and target for reprisal. Indeed, standard means of modern-day punishment, such as probation, parole, and incarceration, are broadly conceived of as state measures imposed on an individual offender. Recently, however, researchers in law, sociology, public policy, public health, and other disciplines have begun to document the profound transformative effects that penalties ostensibly meted out to individuals have on families, intimates, and neighbors. These studies are mapping out the terrain of punishment beyond the offender, the ways in which legally innocent people are made to alter their behavior, reorient their expectations, suffer changes in their health, and otherwise experience the social and economic repercussions of punitive surveillance, confinement, and control.

Ten years ago, a review of academic publications on punishment beyond the legal offender could have comfortably encompassed the near totality of work available in English. Although exploratory literature on family members of inmates dates to the 1960s (with scattered working papers and theses appearing a few decades earlier; see for example Bloodgood 1928, Sacks 1938), publications remained scarce and largely underdeveloped theoretically until the turn of the century. One would have expected a more robust beginning given the thoroughness of the groundbreaking text in the field, Morris's *Prisoners and Their Families* (1965). This policy-oriented study based on interviews with 588 wives of male inmates in Great Britain examined how family responses to incarceration fluctuate according to an array of interpersonal, cultural, economic, and offense-related factors. Using these variables, Morris constructed a typology with eight situations predicting whether

marital relationships would be strained or strengthened by a husband's imprisonment, and she made specific recommendations for the "treatment of family problems as a whole" by prison and social services (Morris 1965, p. 10). Yet rather than inspiring derived studies, development of her analytical framework, or implementation of her suggested policy reforms, Morris's substantial contribution lay essentially untouched by the sparse and conceptually isolated publications of the next three decades, which appeared chiefly in psychology, social work, criminology, and corrections (see, for example, Gibbs 1971, Sack et al. 1976, Bakker et al. 1978, Daniel & Barrett 1981, Goetting 1982, Hinds 1982, Hannon et al. 1984, Lowenstein 1986).

A more integrated and theory-driven body of literature arose only as the U.S. carceral population neared the two-million mark at the end of the 1990s. The national incarceration rate, which previously had hovered around a stable mean of 150 inmates per 100,000 U.S. residents for half a century, began a spectacular and now infamous upward surge in the mid-1970s. By 2000, 702 of every 100,000 U.S. residents were behind bars, a rate six to twelve times higher than that of western European countries (Tonry 2001). Dramatic differences in the prevalence of incarceration among ethnic groups were prominent at the dawn of the new millennium: 13.1% of non-Hispanic black males between the ages of 25 and 29 were in prison or jail in 2000, compared with 4.1% of Hispanic males and 1.7% of white males in the same age group (Beck & Karberg 2001). Education levels further influenced one's likelihood of incarceration: Pettit & Western (2004, pp. 160–61) found that nearly 60% of African American men born between 1965 and 1969 who did not finish high school had been to prison at least once by 1999, compared with 18% of those with a high-school diploma or GED and with 5% of those

with a college education (see also Western 2006).¹

The massive expansion of the penal state and the concentration of its impact on specific populations saw a concurrent expansion of research in areas related to this new incarnation of American exceptionalism. Often prohibited by correctional administrators from undertaking studies of life inside jails and prisons or hampered in such attempts by institutional review boards (Wacquant 2002, Haggerty 2004), scholars turned their lenses to the multitude of deleterious effects of incarceration on the employment prospects (Western et al. 2002), health status (Hammett et al. 2002), housing options (Rubinstein & Mukamal 2002), and other critical life-chance indicators for people with a criminal record. As they did so, the social and kinship networks of inmates, probationers, and parolees came into focus: No longer simply characterized as lone wolves in orange jumpsuits, the seven million people under correctional control at any given point each year were discovered to come home to mothers, conceive children with partners, pool resources with friends, and mingle with neighbors. Furthermore, regardless of their own legal status, the lives of these relatives, intimates, and acquaintances were penetrated by the criminal justice system as they witnessed arrests, offered material and moral support to inmates, or received ex-convicts into their homes and onto their streets.

In this review, I chart the scope of the recent influx of interdisciplinary research conducted in the United States in this developing field, with the aim of enriching the reader's conception of the manifold ways people who are not the main targets of the criminal jus-

tice system nonetheless experience the effects of its disciplinary actions. Although it is common for social institutions and processes to have a secondary impact on those one step removed from their clientele (for example, a gravely ill person's family is deeply affected by a hospital's routines, policies, and personnel), the criminal justice system stands out for its general disregard of the likelihood of such reverberations occurring and its near total lack of infrastructure for responding to them when they do arise. Furthermore, the criminal justice system is distinct in that it is charged with exacting control and distributing punishment, and hence a spillover effect is inherently more corrosive to bystanders than that of an institutional process concerned with providing a social good, such as medical treatment or education.

To elucidate the breadth of the repercussions experienced beyond the offender and to stimulate new approaches to thinking about them, I use an organizational framework for this review that differs from the block categories of "impact on children and families" and "impact on communities" that have begun to typify the literature (Mauer & Chesney-Lind 2002, Travis & Waul 2003, Pattillo et al. 2004). I begin by considering the punitive effects felt by the family, friends, and neighbors of lawbreakers through their experiences of direct contact with criminal justice authorities and correctional facilities. Next, I examine how the unintended consequences of incarceration stretch beyond the inmate, affecting the health, economic opportunities, and social capital of surrounding kin and residents. And finally, I discuss the paradoxical effects that transpire when the criminal justice system becomes the most powerful social institution consistently available to poor Americans and by default assumes myriad functions previously handled by the social wing of the state. By seeking to untangle and clarify these three types of consequences, this approach emphasizes the wide range of obvious, subtle, and counterintuitive ways that state mechanisms organized to punish offenders profoundly

¹It is important to draw the distinction here between prison and jail: People who are sentenced to more than one year of incarceration typically are sent to prison to serve their time, whereas jails hold people awaiting sentencing and those sentenced to less than one year of detention. Pettit & Western's (2004) calculation does not include men's jail experience; therefore, the prevalence of incarceration, as opposed to imprisonment, among this group would be expected to be even higher.

influence the lives of people legally outside of their purview.²

CONTEXTUALIZING THE LITERATURE

I offer a few brief points to add context to this body of literature. First, the usual caveats and cautions apply regarding generalizability, attribution of causality, and the risk of selection effects. In this relatively young field, longitudinal survey research designed to study the relatives, social intimates, or neighbors of offenders is scarce, rendering it difficult to isolate causal relationships between variables. Similarly, qualitative studies often draw their samples of participants after the loved one's arrest, complicating recollections of life before the criminal justice system's intervention. In all forms of research, the marginalized socioeconomic status of the majority of people whose kin and associates are surveilled by the punitive wing of the state makes these populations especially vulnerable and thus subject to heightened concerns over the sensitivity of methods for eliciting personal information, particularly reports of illegal or stigmatized behavior.

Next, it is instructive to assemble an overview of the number of people concerned by this phenomenon. Nationwide in 2005, law enforcement authorities carried out an estimated 14 million arrests for all offenses except traffic violations (FBI 2005: note that data are not available on the total number

of unique individuals arrested). That same year, there were 4.16 million probationers and 784,000 parolees under active supervision in the United States, as well as 2.18 million people confined in the country's jails and prisons (Glaze & Bonczar 2006, Harrison & Beck 2006; this count excludes those held in juvenile facilities and police lockups). Males constituted 77% of those on probation, 88% of those on parole, 87% of jail detainees, and 93% of state and federal prisoners (Glaze & Bonczar 2006, Harrison & Beck 2006); females constituted the remaining percentage in each of these populations, with transgender people rarely if ever being accounted for in the data.

An estimated 1.1 million jail and prison inmates in the United States are parents to 2.3 million children; 90% of these parents are fathers (Parke & Clarke-Stewart 2003, p. 191). In interviews for the 1997 *Survey of Inmates in State and Federal Correctional Facilities*, 46% of imprisoned parents reported living with their minor children prior to their arrest, with mothers being more likely than fathers to report having been a residential parent (64% compared with 44% for state prisoners and 84% compared with 55% for federal prisoners) (Mumola 2000; similar figures are not available for parents detained in jail). Analyzing data from two birth cohorts, Wildeman (2007) estimates that 1 in 5 black children and 1 in 40 white children born in 1990 experienced the imprisonment of a parent by age nine, meaning that "racial disparities in the risk of parental imprisonment are larger than racial disparities in imprisonment rates and the lifetime risk of imprisonment." Wildeman also estimates that 43% of black children born in 1990 who had a parent who did not complete high school experienced parental imprisonment by their ninth birthday, underlining the emergence of parental imprisonment as "a historically novel form of childhood disadvantage for black children of low-education parents."

The 1997 *Survey of Inmates in State and Federal Correctional Facilities* documents that

²By necessity, this review does not aim or claim to encompass all conceivable aspects of punishment beyond the legal offender. One area in particular not addressed here is the ramifications of incarceration on the political process through denial of eligibility to vote or hold office. For an exploration of how the disenfranchisement of ex-felons affects political representation and electoral outcomes, see Manza & Uggen (2006) and Hull (2006); Foster & Hagan (2007) provide a discussion of the impact of paternal incarceration on young adults' political participation. Also outside the scope of this review are families of serious offenders' experiences of feeling punished by social condemnation (see Condry 2007) and the resultant construction of an identity as the "other victims of crime" (Howarth & Rock 2000).

20% of prisoners are married (Mumola 2000), but considering that nearly three times that many male state prisoners report having minor children, it appears that marriage status is not a reliable indicator of the full scope of inmates' romantic and sexual ties. Indeed, although marriage rates are particularly low among prisoners (Lopoo & Western 2005), various smaller-scale studies have found that upwards of 50% of men entering penitentiaries consider themselves to be in heterosexual relationships (Jorgensen et al. 1986, Carlson & Cervera 1991b, Grinstead et al. 1999), with less being known about the relationship status of women, jail detainees, or inmates with same-sex partners. Altogether, although data are not systematically collected on the family relations, romantic ties, or close friendships of arrestees, probationers, parolees, and inmates, the existing figures indicate that at least several million and possibly tens of millions of people each year experience the intervention of the criminal justice system in their lives via close kin or associates.

DIRECT CONTACT WITH CRIMINAL JUSTICE AUTHORITIES AND CORRECTIONAL FACILITIES

The direct actions and purposes of criminal justice authorities and institutions are centered on identifying, managing, confining, and disciplining wrongdoers. Police handcuff suspects and read them their Miranda rights. Correctional officers observe and regulate the behavior of inmates. Parole officers administer drug tests to and verify information about those in their caseload. Yet often the family, friends, or neighbors of lawbreakers are present when these activities occur, and the authorities then extend their surveillance and control to the other occupants of the supervised environment, whether they are a suspect's housemates, a jail inmate's visitors, a parolee's car passengers, or residents of a patrolled neighborhood. In these instances, people who have no warrant out for their own

arrest, face no criminal charges, and receive no sentence for confinement or mandate of postrelease supervision undergo conditions very similar to those of people charged with or convicted of a criminal offense. Although the duration of the incident may be shorter or the legal repercussions less severe, these experiences can have a profound impact.

Direct Contact in Homes and Neighborhoods

One example is the witnessing of an arrest. Given that an arrest can be a particularly dramatic event (especially if unanticipated or if the suspect resists being taken into custody), it is surprising how little research focuses on the numbers and responses of people who watch this pivotal moment unfold. Brief discussions of this event tend to be found in literature on children with incarcerated parents, for whom exposure to a vivid scene of police force and parental disempowerment is an early link in a chain of ensuing psychological trauma (Johnston 1995c, Parke & Clarke-Stewart 2003). Braman (2004, pp. 1–2), who conducted field research with families of prisoners in the Washington, DC, area, provides a harrowing description of a child's recollection of her father's treatment by the police:

[The police] chased him in the house, and I was sitting there screaming, like, "Daddy! Daddy!" . . . The police came, and they pushed him down on the floor. He got up and pushed them off and ran through the front door, so I ran behind him . . . [T]hey came and pulled my father from under the car and started beating him. And I was standing there looking at them beating my father with night sticks, and they dragged him through the alley and put him in the paddy wagon.

As this excerpt indicates, the capture of a suspect is the top priority during these procedures, with bystanders being either ignored or ordered to sit or lie in view of police officers

while the arrest takes place. If the police are attempting to catch a suspect off guard, an arrest will begin suddenly, often at an hour when people are likely to be asleep, and will be announced by verbal aggression, a display of weaponry, and possibly a show of force such as the kicking down of a door. The process of being taken into custody can incite high emotion, including fear and confusion, and in some cases results in asthma or heart attacks or other stress-related health crises among suspects (Ross 1998). Virtually no research has been conducted on the physiological response of witnesses to an arrest (Koehler et al. 2003), but one would surmise that similar panic reactions could be provoked. During the arrest, the family or friends of a suspect may hear or see their loved one engage in violent struggle, and they may watch the police ransack their residence in the search for evidence (LeBlanc 2003). Children who are present for an arrest at the very least experience the abrupt removal of their parent, most likely with no explanation beyond a general assertion that their mother or father has done something wrong. They also may be left unattended if the arrested parent is the sole caretaker and the police are not aware of them (for example, when children hide and the parent, fearing the loss of custody, does not alert the officers to their presence). Alternatively, they may be taken to the police station before being handed over to Child Protective Services if no substitute caretaker is available (Smith & Elstein 1994, Johnston 1995a, Norman 1995). The overall lack of coordination between the child welfare system and the criminal justice system has been criticized for routinely leaving children without immediate care, recourse for reunification, or mental health services following a parent's arrest (Bloom 1995b, Hairston 1998, Phillips et al. 2004).

Although an arrest is a powerful event, it is also limited in its frequency. People with close ties to those who have warrants out for their arrest experience more sustained forms of punitive control and surveillance. Goffman's (2006) ethnographic study of young men "on

the run" in West Philadelphia offers an illuminating portrait of the intense strains these warrants place on family and social life. Sometimes issued for serious illegal activities, but often only for minor infractions or failure to meet probation or parole conditions, warrants effectively become a barricade between the men and anyone known by the police to have ties to them because officers use the latter as indicators of where to find the former. Fearful of being taken into custody, the pursued men avoid showing up for the births of their children, family celebrations, and other occasions they would be expected—by both relatives and police—to attend. The primary way the police learn of these occasions is through information yielded by family members and social intimates, at times obtained by threatening people with legal repercussions, conducting disruptive and destructive searches of residences, or cajoling those seeking revenge for a personal affront. Indeed, as long as the police are unable to find the person for whom they have the warrant, they are guaranteed to spend more time monitoring and questioning those who are able to circulate legally and freely. This situation, combined with the warrantees' evasion of key gatherings, sows distrust, anger, and alienation into relationships while keeping family members and friends in more regular contact with criminal justice authorities than with the hunted young men.

Likewise, the U.S. Department of Housing and Urban Development's "One Strike and You're Out" eviction policy for public housing tenants brings surveillance and accusation into the homes of people who themselves are free of criminal charges. Under this policy, which was created through the Anti-Drug Abuse Act of 1988 and the Housing Opportunity Extension Act of 1996, local public housing authorities are required to administer leases that deem as grounds for eviction any criminal activity (with special emphasis on drug-related offenses) committed on or off the premises by the tenant or "any member of the tenant's household, or any guest or other person under the tenant's control" (Mele 2005,

p. 125). In a discussion of this policy, Mele (2005) skillfully dissects the peculiarity of a penalty that makes law-abiding tenants civilly liable for the alleged criminal conduct of others, regardless of whether this conduct takes place under their own roofs or whether the tenants even have any knowledge about the illegal activities—not to mention whether the culprit is actually convicted of the suspected crime. Importantly, the requirements for evidence in civil law are less exigent than for criminal law (for example, permitting hearsay testimony). As a result, this policy wraps low-income people in a web of distrust toward their neighbors (who may make claims of crimes) and their cohabitants (who may actually commit a crime). Public housing residents therefore find themselves in the double role of monitor and monitoree in an incessant struggle to avoid the calamity of eviction.

Similar circumstances affect those residing with people who are on probation or parole. Probation and parole conditions vary among jurisdictions, but they typically mandate check-ins between the supervisee and the assigned officer that include verifications of residential and employment status, plus the avoidance of all criminal activity and the compliance with any instructions given by the supervising officer. Special conditions may apply depending on the nature of the offense, for example, drug testing for actual or suspected substance users or restraining orders for those convicted of domestic violence (Petersilia 2003, p. 82). Although all supervision activities can occur in a local office, probationers and parolees are denied their Fourth Amendment right to privacy and must permit the search of their person, place, and property without a warrant by the police or a probation/parole officer (and, in many states, any accompanying law enforcement official). When they reside with other people, all areas of the living quarters fall under these search conditions unless a coresident can expressly prove that the supervised person is unable to access a specific area. In addition to weapons, alcohol, and illegal

drugs, some common articles—such as knives exceeding certain lengths, and various household tools—are forbidden to those under supervision, meaning that their coresidents are also prohibited from having these items on the premises. In addition, like arrests, residential searches may be unannounced and typically are conducted at odd hours in an effort either to verify that the supervisee is complying with a curfew or residential order or to try to catch people unawares. In a study of female partners of inmates at northern California's San Quentin State Prison (Comfort 2007, p. 190), one woman describes her frustration over the patrolling of her domicile once her spouse returned home:

We could be just getting done . . . having our little intimate time, and here comes somebody knocking at the door at seven o'clock in the morning . . . They have a key to our gate at the bottom of the [stairs], cuz it's like there's a gate and then there's the upstairs where you can come in, so [the parole officer] has the key, so he comes and he knocks on our door, and so by then I'm like, man! You feel so violated, you just feel like God! I can't even have no privacy!

Thus, coresidents are de facto subjected to the same processes and regulations as the supervisee, inspiring feelings of being intruded upon, monitored, and controlled as if they, too, were officially sanctioned.

Direct Contact in Jails and Prisons

Arrests, warrants, and probation or parole supervision draw the families and associates of offenders into contact with the criminal justice authorities while they are in their homes or neighborhoods, demonstrating the invasion of personal or communal space by disciplinary forces. A reverse dynamic transpires when people penetrate the highly regulated environs of correctional facilities to visit their incarcerated loved ones, a situation that confers the status of "quasi-inmate" upon the

outsider (Comfort 2003). Processes for visiting jail detainees and prisoners vary according to each institution's requirements, but the standard procedures for entering a correctional institution entail presentation of official identification, a visual review of one's attire, and passage through a metal detector. They also may include the interdiction of personal belongings (such as purses and cell phones), compliance with a dress code, a physical search, and extensive periods of waiting (Schafer 1991, Bandele 1999). Once inside the facility, visitors are subjected to the same scrutiny, general withholding of information, required obedience of institutional rules, and periodic reminders of their subordinate status as are inmates. In her study of wives of prisoners at California's Soledad State Prison, Girshick (1996)—herself the spouse of an inmate at the time of her fieldwork—details the many tribulations and humiliations she and her participants endure as they cross the penitentiary border. Of particular note are physical searches in which women must expose the lining of their undergarments for inspection, after which they are sometimes required to submit to a full strip search before being permitted entry to the institution (pp. 82–87). Girshick also illustrates how punitive measures are routinely exercised over free people owing to their association with prisoners even when they are not in the convict's presence:

One of the more insulting procedures for visitors is going through a car search. They are unannounced; when you drive onto the prison grounds, the normal route is blocked, so they cannot be avoided. . . . Car searches take a long time, usually hours, cutting into precious visiting hours. During a car search, everything is removed from your car, guards search all the compartments of your car and under seats, while dogs jump in every area to sniff for drugs (p. 84).

Much of the research on jail and prison visiting concentrates on children, who confront an array of physical and emotional stres-

sors when confined in an environment that diminishes their incarcerated parent's authority while simultaneously placing strict regulations on the child's behavior (Johnston 1995b). Correctional visiting rooms are notoriously ill-suited to children's needs, with few if any toys or games and with adult-sized institutional furniture, abundant restricted areas, and prohibitions on running, jumping, or otherwise moving energetically (Hairston 1998). Inmates and visitors are charged with controlling their children, the difficulty of which is exacerbated by the fact that young ones become bored quickly and are not allowed to wander from their parents (and therefore are barred from playing with other children). Meanwhile, adults are caught between having conversations with each other—the visit may be the only opportunity to have important discussions without the censorship to which mail and phone calls are subjected—and worrying that a correctional officer will sanction them for their children's behavior (Nurse 2002, pp. 42–48). The resultant tension and frustration are at loggerheads with family quality time and other intended benefits of visitation and have thus led to recommendations for significant change in visiting policies (Hairston 1996) and for enhanced parenting programs that support inmates' efforts to interact positively with their children (see Loper & Tuerk 2006 for a comprehensive review).

Other forms of staying in touch with people on the inside also bring nonoffenders into contact with criminal justice authorities. At most facilities, correspondence sent to and from inmates is subject to being read and censored by correctional officers, a process that degrades the letter writers and recipients and serves to reinforce awareness of their inferior status (Goffman 1961, p. 31). Likewise, phone calls between inmates and outsiders are usually monitored by correctional officers, who listen to all or a portion of the conversation and have the power to abruptly terminate the call if they deem the content to be offensive or suspicious (Fishman 1988b; Girshick 1996, pp. 62–63). For people who are intent on

remaining connected to an incarcerated loved one (or loved ones, as is increasingly the case in families with multiple members behind bars), the acts of visiting, writing letters, and having phone calls are not singular experiences, but rather substantial elements in the fabric of everyday life. Therefore, these kin and kith are repeatedly exposed over sustained periods of time to the penal regulation of their comportment, language, and daily schedule—even while in their own homes—as well as their food intake, appearance, and physical environment when at the jail or prison. This state of being intermittently monitored and controlled by correctional authorities results in the “secondary prisonization” (Comfort 2007) of the family and friends of inmates, a form of socialization to carceral norms similar to that observed among prisoners by Clemmer [1958 (1940)] and further theorized by Sykes (1958). By producing changes and disruption in the personal, domestic, and social worlds of people who are not themselves sentenced to confinement, secondary prisonization ultimately extends the reach and intensity of the transformative effects of the correctional facility.

UNINTENDED CONSEQUENCES: EFFECTS ON HEALTH, ECONOMIC OPPORTUNITIES, AND SOCIAL CAPITAL

We have seen a range of ways in which having contact with a suspected or actual lawbreaker can result in people without legal entanglements of their own being scrutinized and castigated by the authorities and institutions that exist to manage offenders. Yet the punitive effects of correction levied upon another person are not only experienced directly at the hands of the state; the imposition of punishment also can reverberate through kinship and social networks by triggering psychological or physical changes, reducing economic opportunities, and altering social relations. Although the sentence itself may propel

these transformations (for instance, a fine will diminish a family’s financial resources), they also may stem from what have come to be known as “collateral civil penalties,” or the secondary “sanctions on certain types of employment, housing, education, welfare eligibility, parental rights, and protections from deportation” (Mele & Miller 2005, p. 1) applied to people with criminal records. A developing literature explores these factors and their effects under the rubric of the “unintended consequences of incarceration” that decrease the chances of former jail and prison inmates being able to establish financially solvent, physically healthy, socially and civically integrated lives (Petersilia 2003, Travis 2005, Western 2006). In a meticulous overview, Hagan & Dinovitzer (1999; see also Foster & Hagan 2007) expand this purview by elaborating the thesis that family members and close associates also experience these unintended or collateral effects of incarceration, articulating the argument at the core of a nascent body of edited volumes published early in this decade (Mauer & Chesney-Lind 2002, Harris & Miller 2003, Travis & Waul 2003, Pattillo et al. 2004).

Mental and Physical Health

One cornerstone of the unintended consequences literature is the impact of parental arrest and incarceration on the mental health of children. Having an inmate parent has been correlated with emotional and behavioral disturbances such as depression, anxiety, and aggressiveness among children (Sack et al. 1976, Fritsch & Burkhead 1981, Gabel 1992). Although results of many studies must be interpreted cautiously against a backdrop of broader socioeconomic disadvantage, some children’s disorders clearly relate to a parent’s involvement with the criminal justice system. For example, Kampfner (1995, p. 95) reports that children of incarcerated mothers exhibit symptoms of post-traumatic stress disorder that include audio hallucinations of hearing their mother’s voice and “flashbacks

about their mothers' crimes or arrests." Likewise, Hairston's (1998, 1999, 2003) extensive work on issues related to maintaining contact with parents behind bars provides a substantial contribution to the understanding of children's mixed emotions of bereavement, guilt, anger at the authorities, and resentment toward the parent that unfold in the aftermath of a criminal conviction. Not surprisingly, children whose parent is taken into custody due to violence toward the remaining parent, another family member, or the children themselves have been found to suffer a complex interplay of such emotions, further intensified by conflicts of allegiance and profound feelings of betrayal (Kaplan et al. 1994).

Care and custody arrangements during a parent's absence play an obvious role in children's mental health. In the majority of cases, children continue to live with their kin after a parent's arraignment, although those with incarcerated mothers are much more likely than those with incarcerated fathers to reside with nonparent family members. Using data from the 1997 *Survey of Inmates in State and Federal Correctional Facilities*, Johnson & Waldfogel (2004, pp. 110–11; see also Mumola 2000) find that 78% of children with an incarcerated father live with their mother and 15% live with a grandparent or other relative, whereas among children with an incarcerated mother, 65% live with a grandparent or other relative, and only 17% reside with their father. The fact that mothers are more likely than fathers to be residing with their children before arrest (Mumola 2000) and the probability that their detention will result in their children's care being transferred to extended kin have drawn special attention to the plight of children with incarcerated mothers despite their low numbers compared with children with incarcerated fathers (Bloom 1995a).

The disruption in children's residential and care situations upon their mother's removal from the home leaves them prone to being placed into foster care. Indeed, Swann & Sylvester (2006) find that changes in the female incarceration rate explain 40% of the

increase of foster care caseloads, which more than doubled from 1985–2000. Although substantial numbers of all children with incarcerated parents suffer from multiple factors adversely affecting growth and development, "as the number of risk factors rises, children are increasingly likely to be residing with someone other than a parent and are particularly likely to be living in foster or agency care" (Johnson & Waldfogel 2004, p. 121). This finding is highly consequential with regard to the Adoption and Safe Families Act (ASFA), a federal law enacted in 1997 that has become a case in point of the collateral punishments suffered by convicts and their kin and "an example of the creation of negative social capital in communities that desperately need social resources to meet the needs of their families" (Hagan & Coleman 2001, p. 359). Under ASFA, if a child has been in foster care for 15 of the previous 22 months, the state must file for a termination of parental rights. Ostensibly, the child welfare system, including foster care and adoption, is designed to protect children from abusive or neglectful parents (for a powerful and penetrating critique of this system, see Roberts 2002). However, children may enter the foster care system not because of harm posed to them by their parents, "but simply because [the parents] are unable to care for their children due to the fact of their incarceration" (Barry et al. 1995, p. 147). For these children, ASFA significantly jeopardizes the possibility of postincarceration reunification with their parent: In 1997, incarcerated fathers expected to serve an average of 82 months for state prisoners and 105 months for federal prisoners, whereas incarcerated mothers expected to serve an average of 49 and 55 months, respectively (Mumola 2000). This effectively guarantees that parents whose children are placed in foster care at the beginning of their sentence will have their rights terminated years before their release from custody. When there is no history of abuse or neglect and children already have experienced the upheaval of parental imprisonment followed by

placement in foster care, being permanently removed from the custody of their parent exacerbates children's trauma, thereby adding to their disadvantage and increasingly the probability that they eventually will engage in illegal behaviors and wind up in juvenile detention themselves (Roberts 2002, pp. 200–20).

The strong concern for the suffering of society's most vulnerable members has had an unintended consequence of its own: With children absorbing the bulk of recent research attention in a fledgling field, adults who experience a loved one's incarceration have been left largely unstudied. A handful of scholars have addressed parents of offenders who commit grievous crimes (Beck et al. 2007, Condry 2007, Sharp 2005); the work of Green et al. (2006) uses longitudinal data to examine the effect of sons' incarceration on their mothers' psychological distress, finding a significant association between having a son who has been recently incarcerated and having poor psychological well-being. Given that the majority of inmates are male and were not the sole or primary caretakers of their children prior to arrest, it is curious that women with incarcerated partners have not attracted more notice, even if only in their capacity as mothers of inmates' children. This was not the case several decades ago, when early studies drew on theories of marital conflict, separation or divorce, and widowhood to explore the mental health issues affecting prisoners' wives (e.g., Kemp et al. 1982, Jorgensen et al. 1986). Using a standardized scale of grief, Daniel & Barrett (1981, p. 320) found that "in comparison with wives of prisoners of war and servicemen missing in action, more [wives of inmates] experienced emotional symptoms typical of grief." Similarly, Carlson & Cervera (1991a, p. 279) applied family crisis theory to the separation of husbands and wives due to men's incarceration, concluding that "the dual aspects of dismemberment and demoralization make imprisonment one of the most severe family crises." Qualitative studies of wives of prisoners also have documented depression and anxiety among participants, with higher levels

persisting among those who feel shame regarding their husband's legal status or who experience disapproval of their relationship owing to the man's lawbreaking and confinement (Fishman 1988a, Girshick 1996, Braman 2004).

The kin and associates of inmates not only experience their own reactions to the loved one's incarceration; they also are affected by the psychological impact of confinement on the offender. In an astute analysis, Haney (2003) notes that the increasing length of penal sentences in the United States has led to people spending longer periods of time in correctional facilities that simultaneously have become more dangerous because of overcrowding and become less oriented toward rehabilitation. This has intensified the institutionalization of prisoners—that is, people's "normal reactions to a set of pathological conditions" that result in "habits of thinking and acting that are extremely dysfunctional outside the prison walls" (Haney 2003, pp. 37–38; see also Rhodes 2005). Haney argues that many ex-prisoners show signs of dependence on external constraints to regulate their behavior, as well as signs of hypervigilance, suspicion, psychological distancing, the inclination to exploit others, diminished self-worth, and post-traumatic stress disorder (pp. 40–46), all of which make it difficult for them to form or reform supportive and trusting personal relationships. Nurse (2002) supplies empirical evidence of these troubles through her remarkably comprehensive study of juvenile fathers in the California Youth Authority system. Her observations of the impact of the correctional environment on inmates' means of disciplining their offspring are a salient example of the literal transmission of punishment from the offender to his kin:

In prison, rule infractions are dealt with swiftly and often harshly. The punishments employed are frequently arbitrary and have little relationship to the infraction committed The relationship between prison staff and inmates provides a potent model to

undermine or enhance the parent/child relationship The young men are exposed to a model of control maintained through fear and monitoring. As a result, the prison is, in effect, teaching men to use punishment as a way to manage their children (p. 52).

Thus, the mental health consequences of incarceration, one may argue, extend far beyond the sentenced individual, permeating the daily life of relatives, friends, and even people with no firsthand knowledge of the inmate (for instance, in the case of an infant too young to yearn for a father behind bars, but who still suffers from the imprisonment if the caretaking mother becomes clinically depressed). Typically, it is precisely in the neighborhoods where affordable mental health services are least accessible that incarceration is most prevalent (Cadora et al. 2003), creating a feedback loop of psychological disturbances fueled by corrections. The related question of how incarceration affects the physical health of the broader community has been raised by medical and public health scholars with increasing urgency over the past decade. Inmates have a disproportionately heavy burden of certain infectious diseases such as tuberculosis (TB), human immunodeficiency virus (HIV) and hepatitis C (HCV), compared with the general population (Macalino et al. 2004, MacNeil et al. 2005, Maruschak 2006). Recent studies have attempted to determine whether correctional facilities themselves play a significant role in disease transmission, or whether this is primarily due to the overlap in both behaviors that place people at risk for illness and that are criminalized (e.g., substance use, sex work) and certain factors associated with poor health and illegal activity (e.g., poverty), which leads to individuals who are likely to be exposed to disease also being likely to be confined in a correctional facility. The gathering of evidence and debates on this issue are ongoing (Hammett 2006, Johnson & Raphael 2006, Taussig et al. 2006). In either case, the prevalence of infectious diseases in jails and pris-

ons is indisputably high, with estimates that 25% of all people in the United States who are HIV-positive, 33% of those who are infected with HCV, and more than 40% of those who have TB will be confined in a correctional facility at some point in a given year (Hammett et al. 2002). In addition, incarcerated populations suffer disproportionately from numerous other health-jeopardizing conditions including substance use, exposure to violence, high-stress environments, and undiagnosed chronic disease (Conklin et al. 2000, Freudenberg 2001).

Correctional facilities may assemble a concentration of people with compromised health, but they do not permanently contain the majority of them. Each year, approximately 719,000 inmates are released from state and federal prisons, and more than seven million individuals exit the country's jails (Hammett et al. 2002, Harrison & Beck 2006). Freudenberg et al. (2005, p. 1725; see also Iguchi et al. 2005) have argued that the continual removal and reinsertion of people experiencing health problems "contribute to the disparities in health that distinguish low-income, urban communities with high incarceration rates and high proportions of Blacks . . . and Latinos from communities with lower incarceration rates and higher incomes." Much of the epidemiological and behavioral research needed to explain fully this dynamic is still in early stages, although several important indications have emerged that people who leave correctional institutions with undiagnosed or untreated illnesses present a health risk to those welcoming them upon their return, particularly their sexual partners. Studies show high levels of unprotected intercourse among male ex-offenders and their female partners shortly after the man's release from custody (Morales et al. 1995; Grinstead et al. 2001b, 2005), a behavior that may be prompted by the desire to reestablish intimacy, display trust, or conceive children after a long period of enforced sexual separation (Comfort et al. 2005). Auerswald et al. (2006) determined that partner incarceration mediated gender

differences in rates of sexually transmitted infections (STIs) among African American youth, supporting their hypothesis that adolescent females had higher rates of STIs compared with adolescent males, not due to greater sexual risk behaviors, but rather due to their involvement with partners who had spent time behind bars. In addition, the incarceration of a partner is also associated with greater prevalence of concurrent sexual relationships (that is, relationships that overlap in time), which facilitate a more rapid spread of STIs, including HIV (see Adimora et al. 2003).

Former inmates with untreated illnesses can unintentionally jeopardize the health of people with whom they do not have sexual contact as well. A study of more than 30,000 ex-convicts found the first two weeks of release from prison to be a particularly vulnerable time for participants, who had a mortality rate during that period 13 times higher than that of the general population, in large part due to narcotic overdoses (Binswanger et al. 2007). Among people who use illegal substances, sharing needles with released offenders and joining them as they resume their noncustody levels of substance use can place all involved at risk of overdose or of HIV or HCV infection (Ochoa et al. 2005). Meanwhile, the origins of multiple outbreaks of TB in nonincarcerated populations (a rarity in an era when TB has been virtually eradicated in the United States) have been traced to local jails in which some patients previously were detained, and low treatment completion rates for inmates with TB contribute to the development of drug-resistant strains of the disease that then may be carried into the general society (Farmer 2002, MacNeil et al. 2005).

Economic Opportunities and Social Capital

Another unintended consequence that has benefited from careful study of late is the diminishment of economic opportunities and resources for former inmates and their fam-

ilies. Principal among these is the stigmatization associated with a criminal record when obtaining employment, as documented by Pager's (2003) study that used an experimental audit approach in which matched pairs of men applied for entry-level jobs. All individuals presented roughly identical credentials; in one pair the members were African American and in the other they were white; and in each pair one member was randomly assigned to state that he had a criminal record related to a drug conviction for the first week of applications, with the pair thereafter rotating this identification on a weekly basis. Her results showed that having a criminal record decreased callback for an employment opportunity by half for white applicants and by two-thirds for black applicants. Even more striking, blacks without a criminal record were called back 14% of the time compared with 34% of the time for whites without a criminal record and 17% for whites with a criminal record. Blacks with a criminal record were called back a mere 5% of the time. Pager's results coincide with the findings of Western (2006) who, in a series of detailed analyses, describes the very bleak picture of employment opportunities for men, and particularly African American men, with a history of incarceration. More likely than not, these men already had few marketable skills and limited experience in the legal labor market prior to incarceration. However, incarceration is "a key life event that triggers a cumulative spiral of disadvantage" by reducing the level of wages, slowing the growth of wages over the life course, and "restrict[ing] the kinds of jobs that former inmates might find." As a result, "[m]en tangled in the justice system become permanent labor market outsiders, finding only temporary or unreliable jobs that offer little economic stability" (Western 2006, p. 109; see also Western 2002).

Clearly, the scarce employment opportunities and the meager wages available to former inmates will affect kin or intimates who rely on—or would like to rely on—an ex-convict for financial support. The

demographic profile of the average inmate indicates he was unlikely to be employed or to be receiving substantial wages prior to his arrest (Petersilia 2003, Kling 2006), although in poor families any contribution to domestic income or goods may make a critical difference. However, at the time of release from custody, parole officers, family members, and the lawbreaker himself often raise high expectations for turning over a new leaf of gainful legitimate employment and solid financial contribution to the household. The man's subsequent inability to obtain a steady post and his relegation to piecemeal jobs with substandard pay can have both a deeply demoralizing and an impoverishing impact on those in his inner circle because, with an additional adult in the household to feed and clothe, parents or partners of former inmates may find that their finances are stretched even further than they were when their loved one was behind bars (Davis 1992, Cooke 2005).

This is not to say that incarceration itself is cheap for the families and friends of inmates. Most jail detainees and prisoners are unable to receive incoming phone calls, and they make their own calls by phoning collect. Collect calls under any circumstances cost more than direct-dialed ones, but those originating from correctional facilities carry an even higher toll because it has become standard practice for telecommunications companies to levy surcharges on inmate-initiated calls and to bill them at rates upwards of three times—and in some instances five to ten times—the cost of a regular phone call (Hairston 1998, p. 626; Zoellner 2000). These contracts render a commission of up to 65% of the revenue from inmates' calls to the county for jails or to the Department of Corrections for prisons (McCosh 2001) and represent a heavy burden for low-income families. In addition, sending packages of food, clothing, tobacco products, and other supplies or depositing money in an inmate's institutional spending account can drain a family's financial resources (McDermott & King 1992). Further expenses during incarceration accrue

from visiting someone in jail or prison, which entails financial outlays for local or long-distance travel at a minimum, and often lodging, child care, refreshments during the visit, and income forgone if the visit occurs during work hours (Davis 1992). The combined costs of each of these forms of staying in touch can be significant: Grinstead et al. (2001a) found that poor women visiting a northern California prison spent an average of one-quarter of their income maintaining contact with a loved one during his incarceration.

Given the tremendous rate of incarceration in the United States and its concentration within certain populations, scholars have been able to document broad effects on the social capital of residents of impoverished neighborhoods resulting from the continual removal and return of convicted offenders. In a series of papers, Rose & Clear (1998, 2003, 2004) propose a theory of "coercive mobility" to elucidate high-incarceration neighborhoods' heightened instability and vulnerability to crime. Drawing on social disorganization theory, which argues that "in areas where residents are highly outwardly mobile, crime will flourish, because those locations will lack the stable infrastructure that is required as a foundation of informal social control" (Clear 2002, p. 182), Rose & Clear describe how the perpetual incarceration and reentry of significant portions of the adult population foster residential turnover and disrupt social networks. The upshot is increased socioeconomic disadvantage as levels of crime rise, feelings of community solidarity drop, and residents' quality of life is diminished. Lynch & Sabol (2004) find more ambiguous results using survey data to model the relationships between incarceration and community processes (e.g., participation in voluntary organizations). In their analyses, "residents were more willing to engage in informal social control as incarceration increased, but on the other hand, they exhibited weaker feelings of attachment to their neighborhoods, and they were not influenced to change either their levels of involvement in voluntary

associations or their neighboring activities” (Lynch & Sabol 2004, pp. 157–58). With the caveat that more research must be conducted to verify the generalizability of their results, Lynch & Sabol (2004) posit that their findings “substantially complicate our view of how incarceration affects communities” (p. 158) and reflect on ways in which studies of the impact of processes of coercion on neighborhood residents could be further developed and improved upon (see also Wacquant 2000).

Several domains of future study require attention as researchers refine our understanding of the neighborhood-level consequences of high-density incarceration. One example is the case of children whose own parents have never been incarcerated but who live in areas where the majority of their peers contend with this experience. Coping with friends, neighbors, and classmates who act out their pain or rage in the public spaces of schools and streets is liable to profoundly mark these youngsters’ development, even if their personal family unit remains intact. Indeed, the issues of schools filled with children of prisoners and parolees merit specific notice, as teachers and administrators are forced to spend more time managing the behavior of traumatized youth than providing academic instruction. Likewise, the increased policing of school environments exposes children who are not directly involved with the law to the questioning and apprehending of their classmates, and it subjects them to metal detectors, armed patrols, and other elements more commonly associated with detention centers (Devine 1997). More broadly, there exists a need to concretely assess the outcomes of the diversion of public resources from social institutions providing education, child care, food, and housing for primarily inner-city poor women and children to penal institutions that confine primarily inner-city poor men (Wacquant 2007). Investigations into these and other areas are likely to illuminate a wide-ranging spectrum of unintended consequences of incarceration that further com-

pound Western’s (2006, p. 8) diagnosis that “the penal system has emerged as a novel institution in a uniquely American system of social inequality.”

PARADOXICAL EFFECTS: JAILS AND PRISONS AS SUBSTITUTE SOCIAL SERVICES

The previous two sections establish the myriad direct and indirect ways sanctions aimed at individuals also punish surrounding family, friends, and neighbors. To balance this discussion, it is important to acknowledge the role correctional institutions have come to play in a society that has seen a significant retrenchment of social welfare services concomitant with the massive expansion of its carceral population (Currie 1998, Sidel 1998). Increasingly called upon to house the country’s destitute who are mentally ill, physically sick, and homeless, jails and prisons are turning into the nation’s primary delivery system of public goods for those at the bottom of the class structure, a situation that has a paradoxical impact on the kin and loved ones left behind.

Correctional Facilities and the Distribution of Social Welfare

The provision of health care provides the clearest example of this curious arrangement. Under the Eighth Amendment, inmates have a constitutionally guaranteed right to medical care. Although the treatment incarcerated people receive might be substandard to the point of gross violation of medical ethics and codes—as has been repeatedly found to be the case in an array of investigations and lawsuits (Finkelstein 2001, Jafari 2004, Sterngold 2005, Fleury-Steiner & Crowder 2008)—it still may represent an improvement over the nonexistent or seriously compromised services they encounter when they are not behind bars (see Abraham 1993). Cognizant of this fact and of the high prevalence of HIV, HCV, TB, and other preventable and/or treatable

illnesses among people confined in jails and prisons, scholars have identified correctional health care as a distinctive “public health opportunity” that should play a pivotal role in the administration of medical services to the poor (Glaser & Greifinger 1993; see also Hammett 2006). Indeed, as Freudenberg (2001) notes, correctional facilities are well positioned to provide screening for segments of the population at high risk for infectious diseases, monitor the regimens of those found to have treatable illnesses, deliver primary health care and medications to people who otherwise have no access to services, and diagnose and provide support regarding the management of chronic conditions such as hypertension or diabetes. In addition, the large numbers of inmates suffering from substance addictions and mental illness and the current political climate that essentially prevents these people from being diverted to noncarceral treatment programs [although see Carey et al. (2006) for an evaluation of California drug courts and Moore & Hiday (2006) on mental health courts] make penal institutions logical sites for the provision of drug treatment, therapeutic counseling, and psychotropic medications (Freudenberg 2001, pp. 224–27).

A similar state of affairs exists regarding other basic human needs and social benefits. Jails and prisons are notoriously dirty, physically uncomfortable, dangerous environments (see, for example, Irwin 1985), yet with scarce aid for affordable housing and inadequate services, they have become an important source of shelter for the poor (Wacquant 2007). Likewise, the quality of food in correctional facilities has been the subject of controversy and even lawsuits (Herel 2005, Paschenko 2006, Zernike 2006), but at the bare minimum inmates are unlikely to perish from starvation, a protection not afforded to those struggling for survival in the streets. Less dramatically, recent years have seen cutbacks in educational and life skill classes (such as literacy, GED preparation, parenting, and anger management) for detainees and prisoners, but some

institutions do offer these types of programs, and people who are able to take advantage of them show measurable benefits after release from custody (Adams et al. 1994, Gerber & Fritsch 1995, Bourke & Van Hasselt 2001). Thus, in the absence of social policies and assistance providing medical care, psychiatric treatment, housing, sustenance, education, and support services for America’s poor in free society, correctional facilities have become the central hubs for the distribution of public (but now carceralized) aid. These peculiar circumstances are attested to by the counterintuitive observation by scholars of the urban poor that people frequently look healthier and better cared for when they have just exited jail or prison than they did prior to confinement (e.g., Bourgois 1995, p. 109).

The provision of services by correctional institutions also affects the family, friends, and neighbors of inmates. For those who grapple directly with the untreated substance addiction or mental illness of a loved one, incarceration can bring a sense of relief—both because of the respite from the daily turmoil caused by the person’s difficulties and because of the hope that the inmate may finally receive some degree of care, however partial or inadequate, for troubles that are no longer addressed through conventional forms of social assistance. A study of women visiting their imprisoned partners in California (Comfort 2007) found that among many economically impoverished couples, the incarceration period represents a time of increased stability in the relationship because the penitentiary becomes responsible for managing men in significant need of psychological counseling, substance-abuse treatment, and job placement who otherwise seriously disrupt and sometimes jeopardize women’s lives. Women describe receiving letters and phone calls from prisoners and spending time with them in the confines of the penitentiary as contrasting favorably with the chaos wrought on their household

by men wrestling on the outside with drug addictions, connections to gangs, propensities toward domestic abuse, and involvement in the illegal economy. Fed, sheltered, medicated, and heavily patrolled for signs of drugs and violence, prisoners become motivated and able to focus on cultivating emotional ties to their partners, atoning for past behavior, and planning for the future of the relationship (see also Fishman 1990, pp. 162–72). A woman who previously had been battered by her partner and is now married to a different man who is serving a 20-year sentence reflects on this phenomenon:

We have a lot of men that's very immature that don't know how to treat a woman. For mine's, I know that his head was hard! And he didn't listen. So, this is his punishment It's a lot of good men behind walls! You know, it's just that it took them *to be* behind the walls to want to get theirself in order. And that's sad (Comfort 2007, pp. 173–74).

Clark (1995, 1996), herself serving a life sentence in a New York federal prison, documents similar transformations in incarcerated women's relationships with their children. The mothers in her study articulate that they were "saved" by imprisonment from brutal lives of addiction and violence, and that it was only once they were behind bars that they were able to discover a deep, albeit poignant, connection to their children: "Here then is the tragic paradox of imprisonment, which tears women from their children and their mothering roles, yet bringing some sense of relief in its terrible wake. Deprived of their children's daily presence, but also free of much of what distracted them, the mothers can finally think first about their children" (Clark 1996, p. 35; see Gonnerman 2004 for a contrast with mothers who were more stable prior to arrest). In a study examining the influences of fatherhood and incarceration in men's criminal careers, Edin et al. (2004, p. 69) make a parallel assertion, proposing that "prison may func-

tion as a turning point and an opportunity to redirect one's life for those fathers whose lives have become so out of control (usually because of alcohol or drug addiction) that they need a powerful shock or a highly structured environment, like prison, to break their downward spiral." Rather than seeing their incarceration as a rupture in their relationships with their families, the men in Edin's study who had this "turning point" experience used imprisonment as a "time out" that helped them reenter their children's lives as more committed, attentive fathers (see also Nurse 2002, pp. 61–71).

Repercussive Effects of Carceralized Aid

The many iterations, long-term consequences, and broader impact of the correctional facility as curious social service remain largely unexplored, but a range of outcomes and complicating factors can be conjectured. In some instances, it is possible that a period of incarceration could enable someone to obtain a targeted form of aid, which would result in a positive change in that person's life. Such is the reasoning assumed by advocates of educational, parenting, anger management, substance treatment, and other forms of rehabilitative programs behind bars: Equipping an inmate with a GED, an improved relationship with a relative, or an entry to Alcoholics Anonymous will provide a foundation for the desistance of criminal behavior and the (re)integration into law-abiding society. Of course, the creation and implementation of these types of programs are greatly impeded by political barriers to supplying services to convicts that the nonincarcerated general population does not freely receive (Page 2004). Yet in cases in which such programs exist and are successful, one would expect that everyone living with or near the released inmate would likely experience a ripple effect of the correctional services received, whether through more rewarding family relationships,

increased household resources, or enhanced neighborhood safety.

However, a more common scenario is that any treatment imparted during incarceration has little lasting impact. One reason for this, forcefully argued by Carlen & Tombs (2006, p. 340), is that “a prison is a prison,” that is, the “*essence* of a prison is its carceral logic, which inevitably erodes all in-prison reform attempts.” Being fundamentally punitive institutions, when correctional facilities do offer ostensible services, these services are inherently degraded by their organization around disciplinary rules, hierarchies, and timetables; by the possibility that the people administering them are incompetent and unable to obtain employment in a more prestigious setting [for example, as is often the case with prison doctors, who are allowed to work in penal settings when they have been barred from general practice (see Reiterman 2004)]; and by the very fact that they are being provided in an environment traditionally designed to intimidate, dehumanize, and control its occupants. Carlen & Tombs contend that this intrinsic conflict between the primary premise of carceral institutions (to confine offenders against their will) and any secondary goals of rehabilitation is insurmountable and should serve as the basis for relocating social services (and the people who commit crimes primarily out of need for social services) to noncustodial settings (see also McCorkel 2003).

A further reason for the fleeting influence of correctional treatment is that access to these programs or services typically stops at the gate of the facility, whereas the socioeconomic context of inmates’ home neighborhoods remains unchanged. People released from jail or prison therefore find that, rather than at least having their basic needs met and perhaps being able to participate in educational classes, employment training, or substance-use counseling, they are returned to the daily fight for food, shelter, and medical care in an environment of scarce economic opportunity and abundant hazards to

their physical and psychological well-being. Moreover, at the first signs that someone is in increased need of help (a positive drug test, a missed appointment with a parole officer), the threat of reincarceration is announced—and if a warrant is issued, people will reenter the cycle of dodging arrest by avoiding the people and places that might otherwise provide a support structure, such as teachers or medical providers (Goffman 2006). Concern for the public health implications of this situation has spawned efforts to provide postrelease case management for former inmates with specific health-related issues, such as HIV infection (Rich et al. 2001) or substance addiction (Richie et al. 2001). However, without widespread political support, these programs remain isolated examples, and the majority of ex-offenders are confronted with the loss of the modicum of support or treatment they may have been able to access while incarcerated, as social welfare services for the nation’s noncarceral poor are downsized or flat-out terminated (Wacquant 2007).

The delivery of compromised services by institutions of punishment and the abrupt termination of these services once someone leaves the carceral walls can create a predictable series of interactions between inmates and their loved ones. As described above, when people living in poverty—and especially those who have unaddressed health or mental health conditions—are incarcerated, they and their kin or intimates may experience a period of renewal in their relationships as the correctional facility treats (or merely patches over) outstanding difficulties and, as a result, belief in a better future seems possible. When inmates return home and the temporary support of the carceral apparatus is removed, dashed hopes compound the preexisting problems. Nurse (2004, pp. 85–86) deftly captures this sequence of events among juvenile fathers, who ardently want to frame their incarceration as a time of positive change both out of earnest optimism and out of the desire to convince the mothers of their children to

remain in romantic relationships with them. Yet once they are outside with little postrelease assistance to realize their commitments to household breadwinning and paternal involvement, the young men cannot but default on their promises, leaving their children and their children's mothers to cope with bitter disillusionment and frustration in addition to the barriers to smooth family functioning they faced before and during the father's incarceration.

For people who are repeatedly subjected to these cycles of raised expectations and inevitable letdowns, the incarceration of a partner, parent, or other intimate risks acquiring positive associations at a time when apologies can be offered, dialogues resumed, and futures planned. Some may be painfully aware that this periodic and perplexing improvement in relationships relies heavily on the penal institution's intervention in separating inmates from outside stressors and distractions, meeting their most outstanding needs for basic social assistance, and temporarily absolving them of responsibility to find legal employment or be financial providers, all of which permit them to focus on repairing kinship and social ties. In this instance, an acceptance of or even reliance on the correctional facility as a moderator of personal relationships may arise as it assumes the status of the most powerful and prominent social institution available to the nation's poorest citizens (Comfort 2007). Others, however, may take the view adroitly documented by Lynch (2001) among parole officers, who frame the failure of former inmates to find gainful employment, abstain from substance use, and otherwise succeed in society as a matter of personal choice and individual agency and not as depending on situational factors. An ex-offender's persistent return to old habits and inability to become a member of the sober, law-abiding workforce

despite the apparent advances he made while incarcerated may cause the people around him to believe that, as one parole officer asserted, "this man loves prison" (Lynch 2001, p. 54), and that efforts to supply emotional or practical support outside of the penitentiary's walls are wasted. Completing the cycle, the image of the incorrigible, institutionalized lawbreaker who has alienated his own family and demolished his social network is then used to justify further cutbacks in funding for postrelease services, deepening the marginality of ex-offenders.

CONCLUSION

This review has argued that various forms of discipline that are legally imposed on an individual lawbreaker in reality reverberate far beyond this narrow target, affecting kin, friends, and neighbors of the suspected or sentenced person. Elucidating how these legal bystanders experience direct contact with criminal justice authorities and institutions, the unintended consequences of incarceration, and the paradoxical effects of prisons and jails as substitute social services for the most downtrodden members of society crystallizes the importance of reflecting on who is situated within the ambit of a given punishment and what impact that penalty has on them. There is a pressing need for social science inquiry to nourish legal debates in this relatively new field, with a particular emphasis on systematic and integrated studies from sociology, anthropology, economics, psychology, and public health of the full impact of penal sanctions that cease to treat the legal offender as a social isolate. Any attempt to measure the full scope of the transformation of American society by the nation's policing and sentencing policies will be incomplete without such contributions.

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The author is not aware of any biases that might be perceived as affecting the objectivity of this review.

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