

**REPORT OF THE
DEPARTMENT OF CORRECTIONS**

**A STUDY OF PRISON PROGRAMS
THAT PROMOTE MATERNAL
AND INFANT BONDING**

**TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA**



HOUSE DOCUMENT NO. 37

**COMMONWEALTH OF VIRGINIA
RICHMOND
1995**

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EXECUTIVE SUMMARY

House Joint Resolution No. 206 requests the Department of Corrections to study the feasibility of allowing incarcerated mothers who have young children or who give birth in prison to keep their children with them to promote maternal and infant bonding. The Department was asked to study the costs compared with foster care; program design; effects on recidivism; outcomes experienced by the State of New York program; and the potential effects on the child.

New York State has operated prison nursery programs since 1930. Currently, programs are operated in two women's prisons with a total bed capacity of 50 inmates/infants. New York Corrections Law allows women who give birth in prison to keep the child for up to eighteen months of age, provided they participate in the nursery program. Only women serving sentences of five years or less are eligible for New York's nursery programs, with the typical inmate serving 23 months.

New York State's nursery programs allow inmates to live in single cells or dormitories with their infants. They participate in parenting classes, and are closely monitored and evaluated during interactions with their child. The women attend prison work programs and other treatment services available through the host prison facility. While the women attend programs, their babies are kept in a day care center operated by carefully screened inmates and volunteers. The day care centers require that mothers simulate the discipline of a working mother in the community by bringing the babies to and from day care on time.

The New York Department of Correctional Services reports a high level of success with their nursery programs. A report on participant demographics was recently issued and is attached to this report. However, no formal evaluation has been conducted to determine if the program has any effect on recidivism.

New York reports its per inmate/baby costs per month as being approximately \$1,165.00. When compared with maximum average Virginia Foster Care costs of \$365.00, even when allowing for inflated New York costs, Virginia foster care is less expensive. Additionally, under the Foster Care system, the infant's medical care costs are paid by Medicaid and the infant may be eligible for

assistance through Aid to Dependent Children. It appears likely that if babies are incarcerated with their mothers that medical costs would have to be paid by the Department of Corrections and that Aid to Dependent Children benefits may not be available.

A survey was conducted of the female inmates at the Virginia Correctional Center for Women in Goochland to determine the number who may be eligible for a nursery program because they have children eighteen months of age or younger, or are pregnant. The survey showed that approximately 4% of Virginia inmates fall into this category. Projecting this figure on the population of female offenders in Virginia state prisons, there would be 40 inmates potentially eligible for the program by virtue of their child's age. Using New York State's cost figures, the annual cost of the program would be approximately \$560,000.

The addition of a nursery program may complicate prison operations causing increases in less obvious costs. It is unclear what the liability to the Department is for infants who may be harmed by other inmates. Special foods would be needed. A separate unit would be needed to house the nursery program which allows mothers and infants to reside together, and provides facilities separate from the general population for recreation, day care, visiting and meals.

Issues of cost and prison operations are overridden by concerns for the welfare of the child. Many questions about the impact of the prison environment on an infant are unanswered. New York has not conducted any formal evaluations to examine the impact of the program on the child. Observations of New York program staff indicate that babies in the nursery program are more healthy, responsive and sociable than babies who would be raised by drug dependent mothers in the community. However, there is no comparison between nursery program babies and babies placed in good foster care programs. Many questions surround the possible impact of the program on the child including stigma, and whether or not the prison environment jeopardizes the safety and welfare of the infant.

In considering issues of nursery program costs and possible impacts on the child, there appears to be little evidence that in-prison residential nursery programs are beneficial to the child or to the taxpayers of Virginia.

The Department believes that family stability and good parenting skills may better equip an offender to become a law abiding citizen after release. Therefore, it is recommended that any funding which the General Assembly may make available for such services be directed not towards nursery programs which serve only 4% of the population, but towards family and parenting education programs which are available to a wide range of both male and female inmates. Using Virginia's MILK (Mothers/Men Inside Loving Kids) program as a model, these services may provide education and supervised visitation but do not require the residence of the child in prison.

BACKGROUND

House Joint Resolution No. 206 requests the Department of Corrections, in conjunction with the Department of Social Services to study the feasibility of allowing incarcerated mothers who have young children or who give birth in prison to keep their children with them in order to promote bonding and family stability. The Department was requested to examine the following issues: costs of prison care compared with foster care costs; the design of a program which would promote family stability and teach parenting skills; the potential effects on recidivism after participation in such program; the outcomes experienced by the State of New York whose program has been operating since 1930; and the potential effects of the prison environment on a child.

STUDY METHODOLOGY

In conducting this study, the Department analyzed New York State's Nursery programs which operate in two prison facilities for women. The Department also conducted a survey of female inmates incarcerated in the Virginia correctional system to determine the number who may be eligible to participate in a nursery program. The Department consulted with the Department of Social Services to determine costs and issues associated with the foster care program. The Department studied operational issues and the impact of such a program on the correctional system. Finally, and most importantly, the Department explored issues related to the impact of the program on the child.

NEW YORK STATE'S NURSERY PROGRAM

The New York State Department of Correctional Services operates nursery programs in two prison facilities, Bedford Hills Correctional Facility and Taconic Correctional Facility. Bedford Hills is a maximum security prison which houses approximately 750 women. It also serves as an intake/reception center for all women coming into New York's prison system. The nursery program at Bedford Hills has a capacity of 27 women and their infants.

The Taconic Correctional facility is a medium security facility which in addition to being a prison is the largest female

residential drug program in the country. Two-thirds of Taconic's population of 411 is programmed into drug and alcohol treatment. The nursery program at Taconic has a capacity for 23 women and their infants.

Philosophy:

New York State's philosophy is that inmates who maintain strong ties with their families during incarceration have a greater chance of positive rehabilitation and run a lower risk of recidivism. Participation in the Nursery program is designed to promote an unusually strong bond between mother and child. Added to this bonding process are parenting, educational, vocational, and substance abuse treatment programs which provide a strong foundation for lifestyle change.

Legal Authority:

The enabling legislation for the Nursery Program may be found in New York State Correction Law, Article 2, Section 611. An excerpt is included as Attachment 1 of this report. The Nursery Program legislation was enacted in 1930 and signed by then-governor Franklin D. Roosevelt and has remained virtually unchanged. The law provides that children born to incarcerated women may remain with the mother in the prison provided the chief medical officer certifies the mother is physically fit to care for the child. The child is allowed to remain in the correctional institution for up to one year of age. Provisions allow women who are near parole to keep the child for up to eighteen months; however, in no case may the child remain in prison after reaching eighteen months of age. When infants must leave the prison before their mother is released, as approved by public welfare they may be placed with the father or another relative. As a last resort the child will become a dependent of the county from which the mother was committed.

The New York statute requires that expenses of accommodation, maintenance and medical care be paid by the women, her relatives, or by any available funds of the state. In some cases, payment may be assumed by the locality of the committing court if the state institution certifies no funds are available.

Program Description:

Not every pregnant woman in the New York prison system is accepted into a nursery program. The applicant's criminal background, past parenting performance, disciplinary record and educational needs are assessed before determination of acceptance is made by prison administrators. Because an objective of the program is to avoid separation of mother and child, the program admits only women with short sentences, typically of 1 to 3 years.

Women accepted into the program are housed together in a separate unit of the prison. For up to six months after birth, the mother and child are housed in a single room. Thereafter, they may be placed in a dormitory with other nursery program participants, where the baby's bed is placed directly beside the mother's bed.

Women in the nursery program participate in a range of programs. They hold prison jobs and may attend a full battery of self-improvement programs including education, drug treatment, anti-violence and abuse survivors groups. A key factor in the nursery program is the women's required participation in parenting classes. The parenting classes cover issues such as prenatal care, postpartum depression, discipline, communication, child safety, and breaking the cycle of abuse.

As a part of the parenting classes, women spend time with their babies in the day care center where their interactions are closely monitored and evaluated. Formal evaluation of the mother's progress with her baby is completed once per month, and includes input from nursery staff, day care center volunteers and peer participants. The woman's participation in work and other program is evaluated once per quarter.

While the women attend work, parenting classes and other programs, the babies are kept in the day care setting. These day care centers are staffed by trained, carefully-screened inmate baby-sitters along with outside volunteers. Besides providing developmental care for the infants, the Centers require that the mothers simulate the discipline of a working mother in the community. They have to schedule their baby's feedings and naptimes around their program schedule and bring the babies to and from the day care on time.

Women may be terminated from the nursery program if their progress is not satisfactory, at which time the baby is placed with a relative or in the foster care system.

The New York Department of Correctional Services reports that two-thirds of the mothers and children are not separated. Most babies leave with paroled mothers, or leave when their mothers go to work release, so very little separation occurs. Of the one-third babies who are separated from their mothers, most go to live with family members. Less than ten percent of nursery babies are placed in foster care and many of these placements are temporary.

Staffing:

The Nursery program at Bedford Hills is staffed with 4 full time staff including 1 Program Director, 1 Manager, 1 Arts and Crafts Director, and 1 case-manager counselor. A number of volunteers assist. The Taconic program includes additional staff for substance abuse treatment programming.

Cost:

The Bedford Hills Program is funded from New York State's Department of Correctional Services' budget and costs \$392,000 annually. The Taconic Program is funded for approximately \$309,000 through a federal grant to work with mothers who are substance abusers. These costs are an overlay to normal prison operating costs, and do not cover medical and food costs of infants. These costs work out to be approximately \$14,000 per inmate/baby per year, or \$1,168 per month.

While New York's enabling legislation requires the mothers to pay for the costs of maintaining the child if possible, given the economic status of most participants, typically the State must bear the costs.

Costs of medical care and special diet needs are paid by the Correctional Services department. The Department is currently working with the New York State Department of Social Services in an attempt to secure Aid for Dependent Children and Medicaid coverage for infants housed in the prison nurseries.

Nursery Program Data:

The New York Department of Correctional Services recently completed a profile of participants in the Bedford Hills and Taconic Nursery Program. The report presents a statistical

"An additional and very important benefit of the program is its impact on the babies involved. Because of maternal background which generally involve drug usage, the pregnancies of most nursery candidates are considered 'at risk'. Despite this, the babies exceed all expectations. They are bright, healthy, and developmentally appropriate (most are advanced, particularly in gross motor skills). This may be due to the fact that once incarcerated, the pregnant inmates are given excellent medical care. Because of the communal setting, the babies are extremely social."

FEASIBILITY OF A NURSERY PROGRAM IN VIRGINIA

Analysis of Virginia Female Inmates:

To gauge the impact and cost of a nursery program on the Virginia Department of Corrections a survey was conducted to determine the number of women who are currently pregnant or who have children ages 18 months or younger.

As of November 29, 1994, the Virginia Department of Corrections has 1,399 female inmates classified as state responsible inmates (sentence of greater than 2 years and 60 days after Department receipt of the complete and final court order). These inmates are residing in state facilities and local jails.

The survey utilized a sample of inmates residing at the Virginia Correctional Center for Women in Goochland, which were identified as being younger than age 50 and being admitted to the Department after April 1, 1992.

From these criteria, 487 of the 669 Virginia Correctional Center for Women's inmates were identified. A random sample of 124 inmates was then selected which allows a margin of error of +/-8 within a 95% confidence interval. Currently the Virginia Correctional Center for Women's population (669 inmates) comprises 47.85 of the total female state responsible population.

From the sample of 124 inmates selected, 7 (6 percent) were identified as being either pregnant (2 inmates) or having children

younger than 18 months (5 inmates). Since the sample represented approximately 25% of the Virginia Correctional Center for Women's age and incarceration time identified population, it can be concluded that there are approximately 28 inmates, or 4 percent of the 669 inmates residing at Goochland, who are either pregnant or have children under the age of 18 months.

While the survey focused on the population at Goochland, it is important to remember that there are an additional 730 female inmates who are not included, for logistical reasons, in the survey. These inmates reside in the Department of Corrections' Pocahontas Correctional Unit #13 or in local jails. The mean age for this population is 32.2 with a range of 17 to 58. If the ratio of identified female inmates of 4 percent (28/669) was applied to this population, an additional 29 inmates would fall into this category.

Based on this survey, it is conceivable that at any one time there are 57 state responsible inmates who may have children within the age range of eligibility for a nursery program. This number does not take into consideration inmates who may be eliminated for sentence length restrictions (the average New York nursery participant serves 23 months), violent or child related crimes, or mental/physical health problems, which may reduce the number.

Program Description:

The parenting program offered by New York State appears to be a workable design. However, there is a model parenting program already operating in Virginia prisons called Mothers Inside Loving Kids, or MILK. The MILK program is sponsored by Parents Anonymous of Virginia which provides trained volunteers as staff who are assisted by Corrections staff. Inmates accepted into the program attend parenting classes and gradually transition into having observed visits with their children. They receive feedback from staff and volunteers on ways to more effectively parent their child. Classes are also offered for the guardians who care for these children while the mother is incarcerated. The MILK program provides an excellent model for a prison parenting program and also a model of collaborative work a State agency and a volunteer group. The MILK program is also offered in two male facilities.

Costs:

As determined by the Department's survey of Goochland inmates, there are an estimated 57 state responsible inmates housed in

State prisons and local jails who may have children 18 months or younger, or be pregnant. Applying the New York costs of \$14,000 per inmate per year for the day care and parenting portions of the program, Virginia's costs would be approximately \$800,000. To provide the nursery program to inmates housed only within the Department of Corrections at Pocahontas Correctional Unit and the Virginia Correctional Center for Women would reduce the number of inmates to 40 inmates, for an annual cost of approximately \$560,000.

It is important to note that this cost does not include costs for medical services, food, or clothing, or associated increased prison operational costs.

When compared with Foster Care, the costs of a residential prison nursery program appear higher. The Department of Social Services reported in 1994 House Document No. 71, Kinship Care In Virginia, that the average maximum monthly Foster Care cost for one child is \$379.00. This is significantly lower than the \$1,165 per infant nursery program cost reported by New York State.

Additionally, medical care for infants in Foster Care is covered by Medicaid, and the child may be eligible to receive additional support through Aid to Dependent Children. Under the in-prison nursery program model, it is possible that the Department of Corrections would need to assume responsibility for the infant's medical services.

Another significant cost would be the creation or renovation of a special housing unit for the program. A unit would need to be created which has a secure perimeter and isolates the babies from contact with the general population, but which allows the mothers to participate in work and ancillary program services provided by the host facility. The nursery program housing unit would need to have both single cells and dormitories; single cells for mothers with children under six months and dormitories for mothers with babies over six months. The Unit would need to contain sufficient room for a day care center, parenting classes, arts and crafts center, staff offices, recreation, visiting, and food service. The unit would need to contain or be located very close to a hospital or twenty-four hour infirmary.

Operational Considerations:

In addition to the more obvious costs of implementing a nursery program in Virginia prisons, there are numerous other issues which

overview of the legal and demographic characteristics of the 105 women who participated in the programs during 1992. Below is a summary of that report. The full report is provided as Attachment 2 to this study.

- o During 1992 there were 105 participants in the Bedford Hills and Taconic nursery programs.
- o Sixty-eight percent of the women were committed for drug offenses.
- o Sixty-nine percent of the women had a history of prior adult convictions.
- o Sixty-two percent of the women were committed from New York City.
- o The mean minimum sentence was 23.0 months; the median minimum, 18.0 months.
- o The ages of women ranged from 16 to 38, with 28 being the average and the median age.
- o Seventy-six percent of the participants were single.
- o Seventy-three percent of the women had other children.
- o The ethnic affiliation of most women was Black or Hispanic.
- o Women discharged from the program in 1992 spent an average of 7.3 months in the program.

Recidivism:

No information is available from New York concerning the impact of the nursery program on recidivism.

Impact of Incarceration on the Infant:

New York has not conducted any formal outcome evaluations or longitudinal studies to determine the impact of the program on the infant. The New York Department of Correctional Services provided the following comments with regard to the babies' adjustment while in the program:

may have operational impact and consequential costs. Some of those considerations are:

- o Additional staff will be needed to handle emergency and specialized medical care for babies twenty four hours per day. Officers and vehicles may be needed for transportation. Also the mother would need to accompany the baby to a hospital to authorize medical care, which could create risks to the community.
- o The babies may occupy space the Department may otherwise use to house inmates.
- o Special foods would be needed, both for babies and infants.
- o The day care program would have to meet the standards and licensure requirements established by the Code of Virginia.
- o There are liability considerations related to the safety and welfare of infants housed in a prison. Babies may be vulnerable to abuse by other inmates or the mother, or may experience accidental injuries or increased exposure to contagious diseases.
- o The program would require special training for prison staff, including correctional officers who may work in the Unit.
- o Separate feeding, recreating and visiting procedures and areas would be necessary requiring extra staff for supervision and escort.
- o Due Process Procedures would need to be established to determine an inmate's competency to be a parent. Special screening of inmates for the program, such as additional psychological evaluations, may be required.

Impact of Incarceration on the Infant

The primary and most important consideration in studying the feasibility of having infants live with their mother in prison is the effect this will have on the child.

There is no evidence from the New York Program to indicate what impact the program may have on the child over time. Based on anecdotal information, staff in New York's program have reported

that the babies are happier, in better physical condition, and more sociable than if they had been raised by drug dependent mothers in the community. However, there is no evidence to compare babies in the nursery program with babies properly placed in loving foster homes.

There are many unanswered questions about the impact of living in prison on a child. The situation could create a stigma and embarrassment for the child later in life. Also, the State would be endorsing as a role model a mother who may later commit more crimes and perhaps lead the child in the wrong direction. Spending the first eighteen months in prison may normalize the environment for a child, who may fail to be deterred by the prospect of imprisonment later in life. In prison, the child's welfare and safety may be jeopardized because of exposure to other inmates.

The Virginia Department of Social Services reports that a major difficulty for children is the transition to a Foster Care home. If the inmates is not to leave prison with her child or if the inmate goes to isolation or otherwise is terminated from the program, trauma may be created for a child who otherwise may have had a stable guardian or Foster Care home.

CONCLUSION AND RECOMMENDATIONS

The New York State Department of Correctional Services reports success with their nursery program, but there is no hard data to demonstrate the cost effectiveness of those programs, that they reduce recidivism, or that they have a long term benefit to the infant.

New York reports its per inmate/baby costs per month as being approximately \$1,165.00. When compared with maximum average Virginia Foster Care costs of \$365.00, even when allowing for inflated New York costs, Foster Care is less expensive. Additionally, under the Foster Care system, the infant's medical care costs are paid by Medicaid and the infant may be eligible for assistance through Aid to Dependent Children. It appears likely that if babies are incarcerated with their mothers that medical costs would have to be paid by the State and that Aid to Dependent Children benefits would not be available to the Corrections department.

The addition of a nursery program would complicate prison operations causing increases in less obvious costs, while only a few women, or 4% of the population, are served.

Issues of cost and prison operations are overridden by concerns for the welfare of the child. Many questions about the impact of the prison environment on an infant are unanswered.

In considering issues of cost and impact on the child, there appears to be no evidence that an in-prison residential nursery program is beneficial to the child or to the taxpayers of Virginia.

The Department believes that family stability and good parenting skills may better equip an offender to become a law abiding citizen after release. Therefore, it is recommended that any funding which the General Assembly may make available for such services be directed towards family and parenting programs which are accessible to a broad range of inmates, not just limited to parents with infants, and that these programs not require the child to live in a prison.

ATTACHMENT 1

§ 610

Note 15 :

guage which allegedly would be helpful in advancing his Islam religious faith did not deny prisoner his constitutional right to freedom of religion. People ex parte Wright v. Wilkins, 1961, 26 Misc.2d 1090, 210 N.Y.S.2d 309.

16. Proceedings for enforcement of section

Prison inmate's refusal to submit to pat frisk by female correction guard, even though such pat frisk would have

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Art. 22

violated inmate's right to religious freedom in that his Muslim beliefs prohibited physical contact between men and women outside marriage, would not be expunged from his record as remedy for violation of his constitutional rights since inmate's remedy lay in judicial challenge to policy of allowing female guards to frisk male inmates rather than in his personal refusal to obey. Rivera v. Smith, 1984, 63 N.Y.2d 501, 483 N.Y.S.2d 187, 472 N.E.2d 1015.

§ 611. Births to inmates of correctional institutions and care of children of inmates of correctional institutions

1. If a woman confined in any institution under the control of the state department of correction, or in any penitentiary or jail be pregnant and about to give birth to a child, the officer in charge of such institution, a reasonable time before the anticipated birth of such child, shall cause such woman to be removed from such institution and provided with comfortable accommodations, maintenance and medical care elsewhere, under such supervision and safeguards to prevent her escape from custody as he may determine, and subject to her return to such institution as soon after the birth of her child as the state of her health will permit. If such woman is confined in a penitentiary or jail, the expense of such accommodation, maintenance and medical care shall be paid by such woman or her relatives or from any available funds of the penitentiary or jail and if not available from such sources, shall be a charge upon the county, city or town in which is located the court from which such inmate was committed to such penitentiary or jail. If such woman is confined in any institution under the control of the state department of correction, the expense of such accommodation, maintenance and medical care shall be paid by such woman or her relatives and if not available from such sources, such maintenance and medical care shall be paid by the state. In cases where payment of such accommodations, maintenance and medical care is assumed by the county, city or town from which such inmate was committed the payor shall make payment by issuing payment instrument in favor of the agency or individual that provided such accommodations and services, after certification has been made by the head of the institution to which the inmate was legally confined, that the charges for such accommodations, maintenance and medical care were necessary and are just, and that the institution has no available funds for such purpose.

2. A child so born may be returned with its mother to the correctional institution in which the mother is confined unless the

MISCELLANEOUS PROVISIONS

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chief medical officer of the correctional institution shall certify that the mother is physically unfit to care for the child, in which case the statement of the said medical officer shall be final. A child may remain in the correctional institution with its mother for such period as seems desirable for the welfare of such child, but not after it is one year of age, provided, however, if the mother is in a state reformatory and is to be paroled shortly after the child becomes one year of age, such child may remain at the state reformatory until its mother is paroled, but in no case after the child is eighteen months old. The officer in charge of such institution may cause a child cared for therein with its mother to be removed from the institution at any time before the child is one year of age. He shall make provision for a child removed from the institution without its mother or a child born to a woman inmate who is not returned to the institution with its mother as hereinafter provided. He may, upon proof being furnished by the father or other relatives of their ability to properly care for and maintain such child, give the child into the care and custody of such father or other relatives, who shall thereafter maintain the same at their own expense. If it shall appear that such father or other relatives are unable to properly care for and maintain such child, such officer shall place the child in the care of the commissioner of public welfare¹ or other officer or board exercising in relation to children the power of a commissioner of public welfare of the county from which such inmate was committed as a charge upon such county. The officer in charge of the correctional institution shall send to such commissioner, officer or board a report of all information available in regard to the mother and the child. Such commissioner of public welfare or other officer or board shall care for or place out such child as provided by law in the case of a child becoming dependent upon the county.

3. If any woman, committed to any such correctional institution at the time of such commitment is the mother of a nursing child in her care under one year of age, such child may accompany her to such institution if she is physically fit to have the care of such child, subject to the provisions of subdivision two of this section. If any woman committed to any such institution at the time of such commitment is the mother of and has under her exclusive care a child more than one year of age the justice or magistrate committing such woman shall refer such child to the commissioner of public welfare¹ or other officer or board exercising in relation to children the power of a commissioner of public welfare of the county from which the woman is committed to be cared for as

ATTACHMENT 2

State of New York
Department of Correctional Services
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PROFILE OF PARTICIPANTS
The Bedford Hills and Taconic Nursery Program
in 1992



Mario M. Cuomo
Governor



Thomas A. Coughlin III
Commissioner

PROFILE OF PARTICIPANTS
The Bedford Hills and Taconic Nursery Programs
in 1992

This report presents a statistical overview of the legal and demographic characteristics of the 105 women who participated in the Bedford Hills and Taconic nursery programs during 1992. This statistical profile is illustrated by the case histories of seven participants.

DIVISION OF PROGRAM PLANNING, RESEARCH AND EVALUATION

1993

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PROFILE OF PARTICIPANTS
The Bedford Hills and Taconic Nursery Programs
in 1992

SUMMARY

1. During 1992, there were 105 participants in the Bedford Hills and Taconic nursery programs.
2. Sixty-eight percent of the women were committed for drug offenses (see Table 1, p.2).
3. Sixty-nine percent of the women had a history of prior adult convictions (see Table 3, p.4).
4. Sixty-two percent of the women were committed from New York City (see Table 4, p.5).
5. The mean minimum sentence was 23.0 months; the median minimum, 18.0 months (see Table 5, p.6).
6. The ages of the women ranged from 16 to 38, with 28 being the average and the median age (see Table 7, p.7).
7. Seventy-six percent of the participants were single (see Table 8, p.8).
8. Seventy-three percent of the women had other children (see Table 9, p.9).
9. The ethnic affiliation of most women was black or Hispanic (see Table 10, p.9).
10. Women discharged from the program in 1992 spent an average of 7.3 months in the program (see Table 11, p.10).
11. Of the seven women profiled in this report, four women and their babies were discharged together; two women placed their babies in foster care and one sent her baby home to live with her mother.

INTRODUCTION

The Department of Correctional Services (DOCS) administers a program for women who are pregnant (or recently gave birth) when committed to Department custody. Section 611 of the Correction Law authorizes DOCS to provide care for the mother and the infant.

What is now Bedford Hills Correctional Facility, the Department's only maximum security facility for women, remained the only site of a prison nursery in the state, as well as the nation, for decades. The prison nursery first opened in 1901. With the significant increase in female commitments, the Department opened a second nursery at Taconic Correctional Facility in 1990. The Bedford program has a capacity for 27 women and their infants, Taconic for 23.

Bedford Hills and Taconic are neighboring facilities, as a result, staff from the two nursery programs work closely together. Bedford Hills designates the security classification for each woman which determines the facility and program placement of the inmate. Taconic, a smaller, medium security facility, provides comprehensive programming for women with a history of alcoholism or substance abuse (CASAT).

There is considerable interest by a variety of parties in the operation of the nurseries and in the characteristics of the participants. This brief report, with the accompanying case profiles, provides an overview.

There were 105 participants in the two nursery programs during 1992. Sarah S. (pseudonym) is representative of these women.

Sarah

Sarah S., 25, from New York City, was sentenced to DOCS for a period of 16 months to 4 years for her involvement in a number of drug sales. Sarah, like many of the women in this study, was arrested after selling cocaine to undercover New York City Police Department (NYPD) officers.

The sale and the use of illegal drugs is nothing new to Sarah. Her father died of a drug overdose and her mother is also an addict. Sarah lived in various foster homes and began using drugs when she was fifteen. She has had previous contact with the criminal justice system.

Sarah gave birth to her second child at Riker's Island while awaiting sentencing. Until her incarceration, she received no prenatal care. The father of this child was also incarcerated at Riker's Island. Sarah's previous child lives with relatives in another state.

Sarah remained in the Taconic nursery with her baby for 7 months. While in the nursery, she participated in a drug treatment program and like all nursery participants, was involved in parenting classes. Sarah was paroled from Taconic and she and her baby entered a halfway house.

Commitment Offense

Sixty-eight percent of the women were committed for drug offenses.

Table 1

COMMITMENT OFFENSE TYPE		
OFFENSE TYPE	FREQUENCY	PERCENT
Violent Felony	14	13.3
Other Coercive	6	5.7
Drug Offenses	71	67.6
Property & Other	11	10.5
Youthful Offender	3	2.9
TOTAL	105	100.0

Juanita

Juanita R., 31, was on parole when she was arrested in Queens for selling cocaine. Her earlier sentence to DOCS also involved the sale of drugs. Juanita had completed the Shock Incarceration Program and was a participant in New York State Division of Parole's Shock Program. Three years earlier, she received a five year probation sentence, once again for the sale of a controlled substance.

Juanita separated from her husband several years ago and he is raising their two children. After this separation, she had another child who is in foster care. Between incarcerations, Juanita had been living on the streets and selling cocaine to support herself and her addiction.

She and her fourth child participated for 10 months in the Taconic Nursery program. Juanita was placed in the day reporting program and she took her baby with her to a halfway house. Later, she was paroled to the same halfway house.

Table 2

COMMITMENT OFFENSE		
OFFENSE	FREQUENCY	PERCENT
Violent Felony Offense	14	13.3
Murder 2nd	1	1.0
Robbery 2nd	6	5.7
Assault 1st	2	1.9
Burglary 2nd	2	1.9
Crim. Poss. Weapon 2nd	2	1.9
Arson 2nd	1	1.0
Other Coercive	6	5.7
Att. Assault 2nd	2	1.9
Robbery 3rd	2	1.9
Crim. Neg. Homicide	1	1.0
Conspiracy 2nd	1	1.0
Drug Offenses	71	67.6
Sale	52	49.5
Possession	19	18.1
Property and Other	11	10.5
Burglary 3rd	1	1.0
Forgery 2nd	4	3.8
Grand Larceny 4th	3	2.9
Crim. Poss. Forged Instr. 2nd	1	1.0
Crim. Poss. Stolen Property 4th	1	1.0
DWI	1	1.0
Youthful Offender	3	2.9
Burglary	1	1.0
Drug Offense	2	1.9
TOTAL	105	100.0

Prior Adult Criminal Record

Sixty-nine percent of the women had a history of prior adult convictions.

Table 3

MOST SERIOUS PRIOR ADULT RECORD		
PRIOR RECORD	FREQUENCY	PERCENT
No Prior Arrest	19	18.1
No Prior Conviction	14	13.3
Conviction No Jail	18	17.1
Prior Jail Term	41	39.0
Prior Prison Term	13	12.4
TOTAL	105	100.0

Paula

Paula V. was arrested on two separate occasions by the NYPD for selling crack. For these offenses she received concurrent sentences that carried a minimum of 2 1/2 years and a maximum of 5 years. Paula had one previous felony conviction for selling drugs which resulted in a 1 year jail sentence.

When Paula was a teen she was placed in a group home by her mother because she was beyond her mother's control. About this same time, her father, who had maintained only minimal contact with his family, was killed in a drug deal. When she was 16, Paula gave birth to her first child. This child is being raised by the father and paternal grandmother. A second child lives with Paula's mother.

Paula's third child was born at Riker's Island while she awaited transfer to DOCS. Paula kept her baby with her in the Taconic nursery until the child's first birthday. At that time, the baby was placed in foster care. Paula later transferred from Taconic to Esmore, a private residential treatment center. She absconded from this facility after two months and has not returned to the custody of DOCS.

Region of Commitment

Sixty-two percent of the women were committed from one of the five counties comprising New York City.

Table 4

REGION OF COMMITMENT		
REGION	FREQUENCY	PERCENT
New York City	65	61.9
Suburban New York	14	13.3
Upstate Urban	15	14.3
Upstate Rural	11	10.5
TOTAL	105	100.0

Sharon

Sharon S. was committed to DOCS after violating the conditions of the probation sentence she received for possession of a forged check. Altogether, Sharon has been arrested 25 times, predominantly for shoplifting. Sharon states that her crimes are motivated by her cocaine addiction and the need for personal items for herself and her children.

Probation reports indicate that Sharon was raised in an unstable home environment that included suspected sexual abuse by her mother's live-in boyfriend. Sharon began running away from home during her mid-teens and supported herself, in part, through shoplifting. In her early twenties, Sharon was shot in the stomach by another woman who suspected that Sharon was carrying her husband's baby.

Until her latest arrests, this 26 year old from a large upstate city, lived with her children in her mother's home. For several months, the children were placed in the care of her aunt since Sharon's mother was also incarcerated in the local county jail. In addition to monitoring by the probation department, Sharon was placed under the supervision of child protective services after her second child was born with traces of cocaine in his system.

Prior to giving birth to her third child, Sharon participated in substance abuse counseling at Taconic. After spending five months in the nursery program, Sharon was paroled and returned upstate with her baby to live in her mother's home.

Minimum Sentence

Seventy-three percent of the women were sentenced to a minimum term of two years or less, with a mean of 23.0 months and a median of 18.0 months.

Table 5

AGGREGATE MINIMUM IN MONTHS		
MONTHS	FREQUENCY	PERCENT
12	25	23.8
16	6	5.7
18	25	23.8
20	1	1.0
24	20	19.0
28	2	1.9
30	7	6.7
36	10	9.5
42	3	2.9
48	3	2.9
54	2	1.9
60	1	1.0
TOTAL	105	100.0
MEAN 23.0		MEDIAN 18.0

Table 6

GROUPED AGGREGATE MINIMUM		
MONTHS	FREQUENCY	PERCENT
12-17 Months	31	29.5
18-23 Months	26	24.8
24-35 Months	29	27.6
36-47 Months	13	12.4
48-71 Months	6	5.7
TOTAL	105	100.0

Age at Reception

Age at reception ranged from 16 to 38, with 28 being the average and the median age.

Table 7

AGE AT RECEPTION		
AGE	FREQUENCY	PERCENT
16	1	1.0
17	2	1.9
18	1	1.0
19	7	6.7
20	3	2.9
21-24	26	24.8
25-29	37	35.2
30-34	24	22.8
35-39	4	3.8
TOTAL	105	100.0
MEAN 28.0		MEDIAN 28.0

Cecilia

Cecilia T., at age 38, is one of the oldest participants in the nursery program. Cecilia had no misdemeanor or felony convictions until she was in her mid-thirties. Since then, she has been arrested three times for felony drug charges and is now a second felony offender.

Cecilia never worked because of a variety of medical conditions and was maintained on public assistance. Before entering a methadone treatment program, Cecilia was a heroin addict for several years. At the time of her latest arrest, she was drinking heavily and using crack. Cecilia's three older children are in the legal custody of her mother.

While at Taconic, she participated in CASAT. Cecilia kept her fourth child with her for one year before giving the baby to her mother. Subsequently, Cecilia was transferred to a residential treatment facility in New York City and hopes to be paroled to a halfway house.

Marital Status

Seventy-six percent of the participants reported they were single at the time of admission to DOCS.¹

Table 8

MARITAL STATUS		
Status	FREQUENCY	PERCENT
Single	80	76.2
Married	18	17.1
Divorced	1	1.0
Separated	4	3.8
Common Law	1	1.0
TOTAL	105	100.0

Julie

Julie W. was sentenced to 1 1/2 to 3 years in state prison following her conviction for selling 5 vials of crack to a NYPD undercover officer. This was Julie's second felony conviction for drugs after a ten year string of misdemeanor convictions for prostitution.

The oldest of six children, Julie, like most of her siblings, was given up for adoption. She resided with her adopted family until her mid-twenties but was homeless for the two years previous to incarceration. Julie is single and supported herself and her crack addiction through prostitution and the sale of drugs.

Julie's first child was born during her incarceration at Taconic. She remained in the nursery program for three months, at which time she was paroled. Both Julie and her baby entered a halfway house in New York City.

¹ Marital status, like ethnic affiliation, is self-reported by the inmate at initial classification.

Children

Inmates are asked at initial classification to report the number of their living children. Adult offspring may be included in this count. Seventy-three percent of the women had other children.

Table 9

LIVING CHILDREN		
CHILDREN	FREQUENCY	PERCENT
0	28	26.7
1	21	20.0
2	19	18.1
3	18	17.1
4	9	8.6
5	2	1.9
6	3	2.9
7	3	2.9
8	1	1.0
TOTAL	105	100.0

Ethnicity

The ethnic affiliation of most women was black or Hispanic.

Table 10

ETHNIC STATUS		
ETHNICITY	FREQUENCY	PERCENT
White	12	11.4
Black	64	61.0
Hispanic	28	26.7
Unknown	1	1.0
TOTAL	105	100.0

Program Time

The amount of time the women spent in the nursery was calculated to determine how many women remained for the maximum allowable time (twelve months in most cases, longer if release is presumptive).

For the 73 women discharged in 1992, there was a fairly even distribution up to 12 months, with an average and median of 7.3 months. Of the women who left the program prior to 12 months, some were released on parole or were transferred to community programs. Others sent their baby to live with a relative or friend. Finally, some women placed the child in foster care.

Table 11

TIME IN PROGRAM (1992 DISCHARGES)		
MONTHS	FREQUENCY	PERCENT
Under 1 Month	2	2.7
1 Months	7	9.6
2 Months	4	5.5
3 Months	3	4.1
4 Months	6	8.2
5 Months	7	9.6
6 Months	6	8.2
7 Months	6	8.2
8 Months	4	5.5
9 Months	6	8.2
10 Months	8	11.0
11 Months	8	11.0
12 Months	2	2.7
13 Months	2	2.7
14 Months	1	1.4
17 Months	1	1.4
TOTAL	73	100.0
MEAN 7.3		MEDIAN 7.3

Rae

Rae F. has an extensive criminal history which has resulted in 15 convictions as an adult, three of which were felonies. Most of her offenses were for theft. At the time of her latest arrests, she was on parole.

Rae was raised by her father and stepmother in New York City. She obtained a GED and worked as a nurse's aide, but probation reports indicate that she supported herself through her criminal activity. In the past, Rae admitted to the use of cocaine. Rae's first child is in the care of her aunt.

Rae's second child was born one month after she entered DOCS. Rae kept her baby for ten months, at which time, the godmother picked the child up for placement in foster care. Subsequently, Rae entered a residential treatment program in New York City, but was returned to general confinement after it was discovered that she had been using drugs.

Thirty-two women remained in program in 1993. Their program time is calculated using April 1, 1993 as a constructed termination date.

Table 12

TIME IN PROGRAM (1992-93 CASES)		
MONTHS	FREQUENCY	PERCENT
3 Months	4	12.5
4 Months	9	28.1
5 Months	2	6.3
6 Months	6	18.8
7 Months	3	9.4
8 Months	3	9.4
9 Months	3	9.4
10 Months	1	3.1
11 Months	1	3.1
TOTAL	32	100.0
MEAN 6.3		MEDIAN 6.1

CONCLUSION

The portrait which of the typical 1992 nursery participant is that of a single woman in her late twenties who had other children prior to her latest pregnancy. She was committed to DOCS from New York City for a drug offense and received a minimum sentence just under 2 years. She had previous contact with the criminal justice system and had served either a prior jail or prison sentence. The 1992 nursery participant spent an average of 7.3 months in the program.

A more detailed report concerning the discharge histories of nursery program participants is being considered. A preliminary analysis indicates that of the 90 women discharged from the Taconic nursery program from June 12, 1990 through April 20, 1993, 38 mothers were paroled from the Department with their babies; 1 mother entered the Department's day reporting program and took her infant with her and 51 women who remained in the custody of DOCS placed their children with others. Twenty-five of these babies were placed with a grandparent, 4 with their fathers, 16 with a relative or friend of the mother and 6 were placed in foster care.