Mandatory Minimums Sentencing: Psychological Effects on Inmates, Developmental Effects on Children & Delinquency

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Mass incarceration is a problem in the United States. Each year, an unprecedented number of people are being incarcerated. Prisons are over capacity, and the number continues to increase. Strict sentencing structures have contributed to this mass incarceration crisis, including three-strikes-laws, truth-in-sentencing laws, or mandatory minimum sentencing laws. These practices are keeping non-violent offenders in prison for longer than necessary. In addition, the psychological and societal consequences for inmates and their families are destructive, especially for children. This research argues that strict sentencing structures are a strong predictor of future juvenile delinquency by inmates’ children.

Consequences for Inmates?

- Normal adaptive process of prisonization has become exceedingly prolonged and intense, due to mandatory minimum sentencing laws, three-strikes policies, and truth-in-sentencing legislation.
- Inmates, in general, face more problematic and challenging transitions in the return to life outside of prison, referred to as institutionalization.
- Previous research suggests that disadvantages of the psychological effects of prison on inmates for parenting and family life can be overwhelming (Haney, 2009).
- There is evidence that incarcerated parents continue to be negatively affected by the traumatizing risk factors they were exposed to in prison; the parent’s prison experience has done nothing to provide him/her with the tools or the information to protect their children from the same destructive experiences.

Consequences for Society?

- The social losses of incarceration have become progressively more condensed in minority communities, where more people have been exposed to the pains of imprisonment, for extended periods of time, in circumstances that impose psychological distress and probable long-term dysfunction, who will be returned to “communities that are already disadvantaged by a lack of social services and resources” (Haney, 2002) typically resulting in recidivism.
- “Incarceration breaks families apart, strains their economic resources, weakens parental involvement with children and leads to emotional and social isolation, and interferes with employment prospects for those who remain behind” (Civic Research Institute, 2013).
- Removing a parent from the family who is most likely the greater monetary supporter is likely to lead the family into poverty, if they already were not impoverished.

Consequences for Children?

- Removing a parent from his/her children will negatively affect that relationship; children withdraw emotionally from the parent and others, and may lash out by committing delinquent offenses.
- Prisoner re-entry can also be difficult and stressful for children. During a parent’s incarceration, children grow and change, and often form relationships with new parental figures. These “family conflicts can destabilize already fragile families and leave children confused and torn” (Christian, 2009).
- Children of incarcerated mothers, and fathers (Mallicoat, 2019), report when parents are separated from their children because of incarceration, the child often grieves as if the parent has died. These children endure fear, anxiety, grief, and distress.
- If children are not assisted, they may exhibit verbal and/or physical aggression, social withdrawal, hypervigilance, sexualized behavior, or other at-risk behaviors for delinquency (Bush-Baskette, 2000; Mallicoat, 2019).
- “Children of incarcerated women have a greater chance of being involved in the juvenile justice system, and children of inmates of either sex are five times more likely than other children to be incarcerated as adults” (Bush-Baskette, 2000). Incarcerating women, and sometimes fathers, perpetuates the cycle of incarceration.