

Goucher College

What about the Children?: The Effects of Mass Incarceration on Family and the Importance of
Nurturing the Parent-Child Relationship in Alternative Forms of Justice

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Introduction

Over the past 50 years, the phenomenon of mass incarceration has been characterized by the outstanding growth in the United States' prison system and population, which stems more from law and policy changes than from fluctuations in crime rates (Clear 4). The effects of mass incarceration are all-encompassing, reaching everywhere from job discrimination against formerly incarcerated individuals to the decay of affected communities and families (Clear 9). It is structurally violent in nature, meaning it ignites "violence between individuals, social groups, social classes, and entire peoples...which tends to thwart human needs and to interfere with [the] spontaneous, healthy development" that allows human beings to achieve their full potential (Gil 29). Accordingly, a structurally violent society is one "whose policies inhibit the realization of people's basic needs" (28). Mass incarceration in the United States is a perfect example of such a society, where people of color make up 67 percent of the prison population, despite accounting for only 37 percent of the nation's overall population ("Criminal Justice Facts"). In fact, the violence that saturates society through mass incarceration is so severe that writer and civil rights advocate Michelle Alexander argues that it is essentially "the new Jim Crow" by comparing its disproportionately devastating effects to those of the violently racist, "separate but equal" Jim Crow era (Alexander). Such structural violence limits social capital, known as the informal relationships and networks that promote trust and prompt aid and establishment of norms among a group of people, in communities afflicted with high incarceration rates (Putnam 3). This paper discusses the structurally violent nature of mass incarceration in the United States, beginning with a comprehensive look at the origins and repercussions of mass incarceration, reentry, and recidivism. Secondly, special focus is given to describing how families, particularly children, are affected by a parent's incarceration. Thirdly, the paper will describe how currently and formerly

incarcerated parents experience their relationships with their children. Finally, the paper will end by arguing that the parent-child relationship should be highlighted in alternative forms of justice to promote community healing, improve the reentry process, and disrupt the structurally violent system of mass incarceration.

Methods

Qualitative information for this paper was gathered in October of 2018 from two interviews with formerly incarcerated individuals who are leaders at the Baltimore non-profit movement, Turnaround Tuesday. The movement was launched in 2015 with the mission to “prepare ‘returning’ citizens and unemployed citizens to reenter the workforce and take an active role in transforming their communities” (“Turnaround Tuesday”). These interviews were conducted over the phone and compiled anonymously, with the titles “Participant R” and “Participant Q” being assigned randomly to the individuals interviewed and any subsequent files or documents containing their information. The research compiled and presented here is limited by the short span of time available to conduct research and interviews, as well as the small size of the research team. While the information gained from the interviews provide a look at how formerly incarcerated individuals experience their relationships with their children, the small number of interviews and their geographic concentration show that they are a mere glimpse of the complex, varied experiences of formerly incarcerated individuals across the United States. For a more comprehensive review of these perspectives, future studies should complete more qualitative interviews with participants from a variety of geographic locations in the United States.

A Review of Mass Incarceration and Recidivism in the United States

In order to understand the context of its structural violence, the sheer size and scope of mass incarceration must first be understood. Currently, there are 2.3 million people in the United States' prison system (Wagner & Sawyer). This number is much higher than any other nation's incarceration rate, with Rwanda coming in second at an incarceration rate of 434 per 100,000 people, which is only 64 percent of the United States' 670 per 100,000 people incarcerated ("Criminal Justice Facts"). The rate was not always so high, with only 196,429 incarcerated individuals just over four decades ago in 1970 ("Incarceration Generation Timeline"). Since then, the imprisonment rate has quickly grown by 500% ("Criminal Justice Facts"). The size and speed of growth in the incarceration rate is exacerbated by the congruent growth in sentence lengths. From 1990 to 1998 the average sentence of a prisoner grew by more than 25% (Travis 250). Despite decreases in violent crimes over the past 20 years, the number of people serving life sentences has skyrocketed from 34,000 in 1989 to 161,957 in 2016 ("Fact Sheet"). Each year, 630,000 people reenter society after incarceration, with two-thirds returning to prison again, often in the first few years of their release (Tucker & Cadora 5).

The beginning of mass incarceration in the United States can be traced back to changes in law and policy that began during the 1970s (Clear 8; "Fact Sheet"; Wacquant 96). Laws were passed to legalize policies like stop-and-frisk, which allows police to detain, question, and search individuals provided that they have reasonable suspicion of a crime (Alexander). These policies led to violations of the constitutional right against unreasonable searches and seizures to ensure security of one's own person and property (U.S. Const. Amend. IV). Such searches became common in poor communities of color, fueled by and fueling racial stereotyping and implicit biases that could not be argued as unconstitutional without the near impossible proof of conscious and intentional biases (Alexander). Then, in the 1980s, policy changes from President

Nixon's War on Drugs exacerbated the penalties for drug use and possession in an effort to combat the era's high crime rates (Duvernay). As a result of these policies, half of all people serving time in federal prisons landed there on drug charges ("Drug Policy"). The number of people currently in prison for drug charges is larger than the total number of people in United States' prisons in 1980 ("Criminal Justice Facts"). Mandatory prison sentences became common for drug crime convictions during the War on Drugs (Clear 8). Additional changes resulted in drastically different penalties between the use and possession of crack and powder cocaine. The sentencing time for one ounce of crack cocaine became the same as the sentencing time for 100 ounces of powder cocaine (Duvernay). The main difference between these two forms of cocaine is not physical effect, but rather the user population, with crack cocaine being cheaper and more widely used by poor black populations, while powder cocaine is more expensive and prevalent among the white middle class (Clear 55; Duvernay). Despite the minute differences in the drug use between black and white populations, black people are six times more likely than white people to be imprisoned for drug charges ("NAACP Criminal Justice Fact Sheet"). Drug markets are predominantly located in poor urban areas where young men of color distribute drugs, so it was inevitable that drug policies allowing search and seizure would cycle back to racial bias and disproportionate sentencing of people from these communities (Clear 56).

While the role of mass incarceration's founding drug and sentencing policies was to reduce crime, prison populations have had steady growth despite the constant fluctuation of crime rates since 1973 (Clear 4). Instead of targeting crime, the motivations behind mass incarceration's discriminatory and unlawful policies are driven by a racially charged agenda. Mass incarceration, and the policies that surround it, have been described as a "comprehensive and well-disguised system of racialized social control" that serves a purpose eerily similar to the

legal racial segregation and discrimination that took place during the Jim Crow era (Alexander). It is widely documented that the group most targeted by mass incarceration is young black men from poor neighborhoods (Alexander; Clear 3; Duvernay). Overwhelming disparities in the racial makeup of prison populations show that black people account for a whopping 40 percent of U.S. prisoners, despite being only 13 percent of the total U.S. population (Wagner & Sawyer). Other racial groups also have higher presences in the correctional population than they do in the general population; Latinos represent 16 percent of the general population and 19 percent of the correctional population and Native people represent 1 percent of correctional populations but just 0.9% of the total population (Wagner & Sawyer). Conversely, white people have a much higher percentage of people, 64, represented in the U.S. population compared to the correctional population, where they are only 39 percent (Wagner & Sawyer). These racial inconsistencies have created a society that is structurally violent toward people of color, making them more likely to be incarcerated and face reentry challenges that limit access to economic and personal mobility.

The difficulties of experiencing incarceration do not end upon release from prison. Returning citizens face many difficulties in the reentry process; economic challenges are especially present, with individuals having difficulty finding jobs, accumulating assets, and paying off debt upon reentry to society (Turney & Schneider 2076). Returning individuals are also prone to experience medical and psychological problems as a result of their incarceration (Clear 9). Although there are now many more people transitioning from life in prison to reentry into society than there were prior to mass incarceration, there are far fewer programs and resources centered around reentry (Travis 252-253). High recidivism rates are the norm, with five out of six state inmates released in 2005 already experiencing another arrest by 2014 (“2018

Update”). Most people in prison come from racially and economically segregated sections of major urban areas and return to these areas upon release, creating a cycle of incarceration that exacerbates already present economic inequalities in their neighborhoods (Wacquant 114). An individual’s incarceration ripples throughout their community, affecting economic and social life and decreasing social capital among neighbors and families (Clear 5).

The Effects of Mass Incarceration on Families and Children

Zooming in on the criminal justice system’s effects on communities, incarceration plays a huge role in families by influencing parents’ relationships with their romantic partners and children. In the United States, 30 million children have a parent with a criminal record (“Episode 6”). A parent’s incarceration has been linked to stunted emotional, psychological, and behavioral development in their children (Clear 139; Johnson & Waldfogel 98). These development issues manifest in various ways like depression and delinquency (Johnson & Waldfogel 98). High rates of delinquency are common among children with incarcerated parents (Clear 139; Johnson & Waldfogel 98). Demonstrative of this is the fact that children with a parent in prison are six times more likely to be involved in the criminal justice system than those without are (“Episode 6”). In creating systems that cause children of incarcerated individuals to experience hardship, inequality, and developmental challenges, the United States government has created a system that is not only structurally violent toward people who are incarcerated, but also one that inhibits the security and developmental needs of children with incarcerated parents.

Since men are incarcerated at much higher rates than women, children more regularly experience paternal incarceration over maternal incarceration (“Criminal Justice Facts”). The difference in gender of an incarcerated parent correlates to differences in their child’s living situation. Having an incarcerated father makes a child twice as likely to experience homelessness

at some point in their lifetime (“Episode 6”). Children with incarcerated fathers tend to live with their mothers, while children with incarcerated mothers are more likely to live with a grandparent or other relative (Johnson & Waldfogel 110). Those with incarcerated mothers are also more likely to interact with the child welfare system, as are black children, who are 30 percent of the population of children living in foster care despite being only 15 percent of children in the United States (“Episode 6”). In addition to a parent’s incarceration, other individual and environmental factors like poverty and mental illness worsen a child’s chances of entering the child welfare system (Johnson & Waldfogel 121).

Some of the largest barriers in maintaining healthy parent-child relationships during and after parental incarceration are issues with contact and financial stability. Beyond the inevitable distance created between a parent and child during incarceration, many parents found it difficult to maintain regular contact with their children during their sentence (Comfort et al. 7; “Reentry and Parenting” 41). The most common forms of communication are letters and phone calls, but visits are more complicated endeavors (Edin et al. 48). Mothers play a key role in determining the extent of incarcerated fathers’ relationships with their children, and the mother and father’s relationship is viewed as a crucial indicator of how much contact a parent will have with their child during and after incarceration (Comfort et al. 7; Edin et al. 56-57; Kelly-Trombley et al. 96 “Reentry and Parenting” 40; Western et al. “Incarceration” 23). Other family members’ perceptions of the incarcerated parent may also determine how often a parent has contact with their child, particularly in cases where the incarcerated parent is a juvenile male (Nurse 91). Even when the other parent facilitates contact between the parent and child, the incarcerated parent’s physical absence during milestones like the child’s first words or high school graduation create emotional and psychological differences in their relationship (Comfort et al. 9; Edin et al.

53). Financially, distance of the prison and high phone and gas bills are common barriers that put distance between parents and their families (Comfort et al.10). One study found that one in three families with an incarcerated loved one go into debt from the expenses of maintaining care and contact of that person (“Episode 6”).

How Incarcerated Individuals and Returning Citizens Identify with Parenthood

Despite all the challenges that incarcerated parents face in maintaining healthy relationships with their children, most parents state that the relationship is very important to them (Kelly-Trombley et al. 107). They are often extremely optimistic about their reentry relationship with their children, with fathers in one study citing that they saw reentry as a second chance to build a relationship with their daughters (Kelly-Trombley et al. 106). When asked how having children had impacted his life, one formerly incarcerated man in Baltimore responded, “Tremendously. It gave me a deep appreciation for womanhood. It has allowed me to mature as a person and allowed me to be more flexible in my own opinion and understanding about life.” (Participant R). Other studies reiterate this sentiment, with fathers citing that having a daughter led them to have more positive attitudes toward and respect for women, particularly the child’s mother (Kelly-Trombley et al. 102). Having children is seen as a turning point in many fathers lives that can lead parents away from criminal activity; as they view the rewards of having children and being in their lives as too important to risk the repercussions of criminal activity (Edin et al. 53, 72). In contrast, the financial burden of parenting can also lead some, especially juvenile fathers who have less access to parenting resources and typically high levels of child support debt, to criminal activity as a means of making ends meet (Nurse 93). Another formerly incarcerated parent highlighted both the personal joy and financial challenge of raising children in her response, stating,

Greatly. [Having children] has greatly impacted my life. Let me just say that one of the best pleasures is to be a mother, although I struggled in the beginning having so many kids so close together and not having much of a formal education or work history I always relied on the children's dad who had you know most of the work history and the experience to be the breadwinner in the family. (Participant Q).

Fathers especially see themselves as protectors of their children and name parenthood as a central part of their self-identity (Kelly-Trombley et al. 104). Parents carefully considered the risks and rewards for having their child visit them in prison, often opting to maintain contact through phone calls and letters so their children would not be exposed to the prison environment (Comfort et al. 10; Kelly-Trombley et al. 103).

Solutions: How Alternative Justice and Reentry Support Should Focus on the Parent-Child Relationship

Based on the expressed significance of parenting in the lives of currently and formerly incarcerated individuals, and the extent to which their incarceration affects their children, it is clear that measures must be taken to foster and support parent-child relationships in the criminal justice system. Healthy parent-child relationships have been linked to smoother reentry experiences and lower recidivism rates (Kelly-Trombley et al. 102; "Reentry and Parenting" 41). One form of alternative justice, justice reinvestment, focuses on redistributing the 54 billion dollars the United States spends annually on incarceration to other sectors that strengthen social capital and lower recidivism rates (Tucker & Cadora 4). By prioritizing personal and public relationships in the reentry process, justice reinvestment aims to create a shared consciousness and responsibility for a prisoner's reentry into society (4). Providing financial aid like child support to families via justice reinvestment could lift some of the barriers that were placed

between individuals and their children during incarceration, allowing parents to focus on developing healthy relationships with their children. These relationships, in turn, promote a positive self-identity and strong incentive for remaining out of prison.

Another alternative form of justice, restorative justice, focuses on engaging a variety of community members in the rehabilitation and punishment of criminal offenders (Bazemore & Stinchcomb 15). Neighbors, family members, and victims may be joined together to discuss an offense and make plans for redemption and reentry. In this process, parenting identity and an individual's role in a family unit can help former offenders create a positive self-image that promotes healthy, pro-social behaviors like selflessness through caring for their children (16). Parents in prison acknowledge and express remorse over the emotional pain and harmful effects that their criminal activity and subsequent incarceration had on their children (Kelly et al. 105). Current prison systems do not offer many resources to help incarcerated parents to make amends and apologies for the way their actions impacted their children. Restorative justice offers a solution to this problem through the creation of restorative conferences, which bring the family, friends, and community members of the offender together to discuss the issues at hand and determine appropriate ways to move forward and heal as a community (17). Hearing their children and other family members discuss how they felt and were impacted by a parent's incarceration in restorative conferences can act as a strong motivator for changed behavior and reduced recidivism (17).

Other solutions include increasing state-provided and funded parenting support following instances of parental incarceration. Since strong ties to family often go hand-in-hand with a prisoner's successful reentry into society, sentencing should take into account the proximity of a prison to the offender's family and help to promote contact between children and parents. Often,

when children enter the foster care system their parents face difficulty locating and regaining custody of them (“Episode 6”; Johnson & Waldfogel 122). Enhanced collaboration between child welfare and criminal justice systems when a child is placed into foster care during a parent’s incarceration should also be adopted to promote parent-child relationships following a prisoner’s release. Financial assistance in paying for the cost of calls and transportation should be provided in cases where families have difficulty affording contact with their incarcerated loved one (Comfort et al. 10). Familial motives of crime, such as when a parent’s need to provide for a child prompts them to participate in criminal activity, should be taken into account in sentencing and be appropriately factored into prison selection (Edin et al. 72). Additionally, providing support to reentering citizens with high child support debt can alleviate some of the circumstances contributing to a parent’s recidivism (Nurse 93). In order to assist with psychological distress and trauma of parent’s incarceration, counseling resources should be available to both parents and children during incarceration and reentry (Comfort et al. 11). By investing in practices and programs that help parents and children grow closer and heal after the parent’s incarceration, the justice system promotes an influential and positive personal relationship and self-identity that benefits not just the formerly incarcerated, but also their children and families.

Conclusion

In conclusion, the United States’ system of mass incarceration is one that permeates all levels of society through its structurally violent effects on those who are incarcerated, their family members, and the communities they come from. The racist drug policies of the 1970’s and 1980’s show that mass incarceration is a system designed to strip people of color of their basic human rights by placing an astronomical proportion of the population behind bars and

further segregating poor neighborhoods of color. The limitations imposed on citizens upon reentry, such as job discrimination and stigma, further the extent to which the system truncates healthy human development and upward mobility. Children and families also face structural violence in the system, with children of parents commonly experiencing behavioral and psychological development issues as a result of parental incarceration. Still, incarcerated parents are extremely optimistic about their relationships with their children and roles as parents moving forward. This optimism may be used as a foundation for creating and fostering alternative forms of justice, such as restorative justice and justice reinvestment, that promote healthy parent-child relationships and family healing to avoid recidivism. By supporting families, justice forms also support communities and offer a platform for decreasing recidivism rates, improving reentry experiences, and ultimately beginning the deconstruction of the United States' structurally violent institution of mass incarceration.

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Research Strategy

The foundation of my research process grew from the body of sources Professor Bess presented early on in the course. These books, articles, and data were published by experts in the field and acted as important stepping stones for starting my research. I then gathered additional supporting scholarship through the Goucher Library's online databases. After my initial investigation was complete, I moved to develop a research question through our class's partnership with the Baltimore non-profit jobs movement Turnaround Tuesday. Since we were compiling and conducting research for their use, I wanted to choose a topic that would give them helpful information. Attending the movement and learning more about its needs led me to focus my research on the effect mass incarceration has on families, looking especially at children. This time I had more difficulty locating useful sources, as there was less published research available on the impact mass incarceration has on families and children. I set an appointment with a Goucher research librarian to discuss these difficulties and develop search strategies around them. She showed me pertinent databases and helped me locate relevant academic papers I could start my next phase of research with. I used my culminating findings to develop questions I would ask graduates and leaders of Turnaround Tuesday in interviews regarding their relationships with their children. These interviews added important voices to the paper that demonstrate firsthand the way returning citizens experience and value their relationships with their children. Including the section on solutions was an important to me, as I wanted to not only to give the issue more visibility, but also to offer hope and potential pathways for action. This research process taught me to value collaborative research as well as the importance of synthesizing a variety of sources with distinct voices into a paper.