

## **SUPPORT FOR CHILDREN OF IMPRISONED PARENTS IN NEW SOUTH WALES**

**Organisation:** Community Restorative Centre (CRC)

**Date Received:** 28 February 2020

## CRC SUBMISSION INTO THE INQUIRY INTO SUPPORT FOR CHILDREN OF IMPRISONED PARENTS

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## INTRODUCTION

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The Community Restorative Centre (CRC) welcomes the opportunity to present a submission to this critical inquiry. We note that we also welcomed this opportunity in 1997 at the Upper House Inquiry into Children of Prisoners, and that many of our observations and recommendations in terms of the barriers and challenges for children or prisoners remain identical to the barriers and challenges identified by CRC- and noted by the upper house inquiry more than twenty years ago. We note that this experience is shared by our colleagues at other critical (and critically under-funded) NGO service delivery organisations, including SHINE for kids. We note that CRC and SHINE are two of only a few service delivery organisations in NSW that are committed to specifically supporting incarcerated populations, and their families and children. CRC has worked for close to seventy years to support families (as well as their children), to maintain contact during incarceration, and also at the critical point of transition from custody.

CRC currently receives \$160,000 per annum in Corrections funding to provide family support and brokerage to families with a loved one in prison. Demand consistently exceeds what we are able to provide. The amount that we have been funded from Corrections has *decreased* over the last five years, despite the continuing increase in demand for this service. Last year we had to make the difficult decision to no longer employ a designated family case-worker to support families of incarcerated populations. CRC has run a family case-work service for more than thirty years. This service had only ever constituted one part time worker, but had been a highly valued part of CRC's service delivery. As described in some more detail below, we are no longer funded to provide longer term support, casework and counselling to families. This has left a dramatic gap in the service landscape for families of incarcerated populations.

When working in this space, it is difficult not to judge the seriousness with which respective state governments have taken the issue of supporting children of incarcerated populations, with reference to their financial and service delivery commitments in this space. At the time of writing this commitment is minimal. CRC would dearly love to see this change, and see the support needs of this often invisible population genuinely recognised, and the services working to provide this support, adequately funded.

## STRUCTURAL CONTEXT

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There are a range of structural issues that should at the outset frame the rest of the recommendations noted in this report. Addressing all of these structural issues is perhaps outside of the scope of this inquiry but it is worth noting these briefly here, as the issues facing children of imprisoned populations cannot be separated from the political appetite for over-incarceration. We know there are currently 13,635 people locked up in prisons in NSW- although the flow through population- that is people leaving prison each year, is closer to 20,000. We know about 1/3 of that population are on remand. We know that people on remand suffer all the same hardships as sentenced prisoners but with almost no services or post-release support. We also know that 10% of people in prison have come from primary homelessness, and around 26% have come from unstable accommodation – or secondary homelessness. We can estimate conservatively that at *least* 4000 people each year are released from prison into homelessness. We know that around 70% of people in prison have problematic alcohol and other drug use. We know that around 60% have mental illness, and around 15% have a cognitive impairment. We know that close to 24% of women in prison were themselves in Out of Home Care as Children. We know that Indigenous people are massively over-represented at all stages in the criminal justice system. We know that the majority of people in prison are themselves victims of crime. 70% of women in prison are themselves survivors of trauma as children or adults. We know that in the women's prisoner population at least 61% of women are parents. There are two reasons why I want to point to all of this in the context of this inquiry. The first is that ultimately, community responses to supporting children of imprisoned parents should involve responses that are ultimately about significant de-carceration and diversion from criminal justice system settings. The reality is that many imprisoned parents should not be imprisoned in the first instance. There are multiple strategies to achieve this, many of which have been well-documented in previous government inquiries. This submission is less focused on these systemic processes of de-carceration, than it is with addressing the difficulties for children of prisoners and their families within the existing system as observed by CRC. The second reason for pointing to the high levels of complexity of imprisoned populations relates to this. Service delivery supporting children of imprisoned parents involves working across a range of complex areas of disadvantage, including the disadvantage that is brought about as a consequence of criminal justice system involvement. Specialist organisations in the NGO sector require funding to provide expert (and non-judgemental) service delivery which recognises the unique barriers faced by incarcerated populations and their families. This includes a great deal of advocacy work navigating both justice and welfare sectors.

## THE WORK AND PHILOSOPHY OF CRC

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The Community Restorative Centre is the lead NGO in NSW providing specialist support to people affected by the criminal justice system, with a particular emphasis on the provision of post-release and reintegration programs for people with multiple and complex needs on release from custody. CRC has over 69 years' specialist experience in this area. All CRC programs aim to reduce recidivism, break entrenched cycles of criminal justice system involvement, and build pathways out of the criminal justice system. CRC works holistically to do this, addressing issues such as homelessness, drug and alcohol use, social isolation, physical and mental health, disability, employment, education, family relationships, financial hardship and histories of

trauma. Clients who participate in CRC's long-term intensive reintegration programs have recidivism rates of 12% over 2 years (measured using BOCSAR's tracking service). CRC works with both individuals and their families in the process of reintegration. Working with families and children of incarcerated populations has always been a critical part of the work.

## HISTORY AND FOUNDING PRINCIPLES

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CRC was founded in 1951. The principles underpinning its establishment still form the foundations for much of CRC's service delivery. People released from prison have paid their debt to society and have the right to re-establish their lives in the community without stigma, stereotyping or discrimination. They should be offered support that eases their transition back into the community, improves their life options and assists them to build pathways out of the criminal justice system. Families of prisoners should not be punished or suffer from discrimination by the justice system. They should be entitled to support to minimise the effects of having a relative or loved one imprisoned. This support should help sustain their relationships with their relatives in prison, and enable the re-establishment of family upon release of the prisoner, if in the best interest of all parties. People should leave prisons in a better physical, emotional and educational state than when they entered. They should be given a sense of personal dignity and worth and real chances to obtain employment or other forms of community connection and re-establish themselves in the community. Many prisoners are people who have experienced significant social and economic disadvantages that underpin their offending and re-offending. People require support to move out of this cycle. All clients of CRC have the right to support that is non-judgmental and preserves their confidentiality and dignity.

## VISION

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A just, safe and inclusive society that is working towards decriminalisation and de-carceration.

## PURPOSE

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CRC supports individuals, families and communities impacted by the criminal justice system, and works for positive social change.

## VALUES

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1. Social disadvantage is an underlying cause of incarceration and people should not be criminalised or discriminated against as a consequence of their disadvantage.
2. Australia's history of colonisation and oppression is reflected in and a cause of the relationship between Australia's Aboriginal and Torres Strait Islander people and the criminal justice system.
3. The application of the law reflects broader inequalities and is not always just.
4. Imprisonment is overused, is a failed response to crime, causes more harm than good and leads to more imprisonment.
5. For as long as there are prisons, they should be fair, just and humane environments which respect universal human rights.
6. There is a need for community based alternatives to the criminal justice system.
7. People who have been released from prison should not experience perpetual punishment.
8. The families and kin of people who are incarcerated are often serving an invisible sentence and require acknowledgement and support.

All CRC services utilise a human rights framework which recognise the inherent value of all people and aim to create genuine opportunities for people affected negatively by the criminal justice system; People leaving prison and their families have the right to be treated fairly and have the ability to make genuine choices about building pathways *out* of the criminal justice system and into the community.

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## CRC SERVICES DIRECTLY SUPPORTING CHILDREN OF PRISONERS

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### TIRS

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CRC's Telephone, Information, Referral and Support (TIRS) service provides information and referrals to anyone impacted by the criminal justice system, including families, people in prison and people on release from prison. The service is also available for any service provider or individual seeking information relating to imprisonment, release, or the broader criminal justice system. Family members face multiple practical and emotional difficulties when they have a loved one involved in the criminal justice system. Finding information about prison operating procedures can be confusing and difficult. For example, knowing how to book a visit or finding where someone is being held can be stressful and complicated. Family members often call with concerns about the safety of their loved ones. Families also report concerns about the range of issues involved with surviving on the outside with young children. These issues are discussed in more detail below. The TIRS service is able to provide specialist knowledge of the justice system and prison procedures to assist families to navigate what is often a cumbersome and confusing system. The TIRS service receives calls about a diverse range of issues in relation to correctional centres, services and assistance for those being released, along with issues about the broader criminal justice system. Postrelease accommodation remains a common query, with many callers being concerned about their loved one being released into homelessness or very unstable and short-term crisis accommodation. There are also regular calls from people seeking referral to CRC's services and other sources of post-release support. Many callers require assistance with issues related to drug and alcohol, mental health and trauma.

CRC has either self-funded, or relied on philanthropic support to provide TIRS. It remains the only service of its kind in NSW. *Last year, TIRS supported 1119 callers, 568 of these were families- and most of these families included children.*

**NSW Government should provide ongoing and recurrent funding so that CRC is able to guarantee the ongoing operation, and expansion of the TIRS service. TIRS is a critical part of the service sector landscape for families of people in prison in NSW.**

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### FAMILY CONTACT COORDINATION AND SUPPORT SERVICE

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CRC's Family case-work program is no longer funded via CSNSW. The funding provided by CSNSW as part of the Contact Coordination and Support Service currently means that we are no longer able to offer families our longstanding case-work service. Until last year the caseworker position provided advocacy and emotional support to families, alongside the administration of brokerage funds for prison visits. The administration of brokerage is a critical but time-

consuming and administratively heavy task. Under the current funding arrangements we are no longer able to provide support as well as administer brokerage.

There is a significant gap in the service landscape in the community sector with regard to services that are able to provide support to families at the critical point of release, including family based support (where the family as a whole is the client). Reintegration, arrest, entry into prison, court processes, and times of ill-health in prison are all highly stressful points for families. Throughcare and post-release programs require a holistic approach to supporting families with children throughout both the sentence, and at the critical point of release and beyond. This is especially the case with Aboriginal and Torres Strait Islander communities. Our observation is that our Aboriginal and Torres Strait Islander projects (especially those projects in Far West NSW) utilise a holistic family based approach, even though we are regularly only funded to work with an individual. Best practice in Aboriginal and Torres Strait Islander casework and throughcare requires a whole of family and whole of community approach. **There is a need for a properly funded family casework service that has the capacity to support families during the period of incarceration (see more detail below) as well as at the point of release and reintegration. This service should work in collaboration with services set up to support people on release from prison.**

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#### FAMILY CASEWORK

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**There is an urgent need for funding to allow CRC to resume the provision of family casework for families of imprisoned parents.** CRC's service provided non-judgmental support, information, referral, counselling, advice and advocacy for families of people in prison in NSW. Our family caseworker supported family members through the stressful period of incarceration, and also in the planning of release and family reintegration following a period of imprisonment. When a person goes to prison their family can be left feeling scared, anxious, angry or embarrassed, as well as trying to understand a system they know little about. They may also feel socially isolated yet reluctant to seek support because of the stigma attached. By providing support and information, this service allows families to focus their energy on the important tasks they face, such as caring for children and preparing for visits.

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#### TRAVEL ASSISTANCE AND BROKERAGE

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Keeping in touch with someone in prison can be costly, both financially and emotionally. For those having to travel long distances the impact can be even greater. CRC's travel assistance and brokerage project provides financial assistance to families experiencing financial hardship who are travelling long distances to visit a family member or kinship relative in a NSW prison. This can include reimbursement for petrol, public transport fares, taxis, and in some circumstances, overnight accommodation. CRC provides this service in recognition of the importance of maintaining family ties and connection during a period of imprisonment. CRC consistently experiences higher demand for the service than what the funding caters for. As noted in more detail below, **expansion of this service to meet demand, and also allow for more frequent reimbursement (the current limit is one claim every 12 weeks) would be beneficial to many families.**

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#### VIDEO PRISON VISITS

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The Contact Coordination and Support project also facilitates video visits for family members who are unable to travel to visit loved ones. CRC is an approved venue for facilitation of video visits for people who are unable to travel to visit family members and friends in remote prisons. The costs for families and friends visiting prison can be high – physically, emotionally and financially. Many are unable to make regular visits due to time, distance or poor health and children may miss out on other activities if weekends are taken up by constant travel. By giving families the opportunity to keep in touch via video visits, CRC can provide a positive alternative for those who cannot always make the journey to a prison.

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#### 2018/2019 FAMILY SERVICE: OCCASIONS OF SERVICE

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Counselling/Support by CRC Caseworker	440
CRC - Family Support Group	114
CRC - Travel Brokerage	816
Other	26
Video Conferencing	386
<b>Total</b>	<b>1782</b>



## THE EXISTING SERVICE LANDSCAPE FOR CHILDREN OF INCARCERATED PEOPLE IN NSW

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Community based services catering specifically to the needs of families affected by the incarceration of a loved one in NSW are notably limited. At the time of writing, organisations aside from CRC providing specific support for this client group include SHINE for kids (targeting support to children of people in prison), the Prison fellowship (particularly the Angel Tree Christmas giving program), and Kairos prison ministry, which offers weekend retreats for families of people in prison to connect with each other and offer mutual support, and Locked Out (voluntary support to Muslim families). I have attached some notes from the founder of Locked Out (working closely with CRC) as an appendix to this submission for the committees reference also.

### THE IMPORTANCE OF SPECIALIST SERVICES

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CRC's clients frequently report barriers to accessing mainstream support services. Reasons include embarrassment, shame or stigma, concerns about the reactions of workers, and a perceived or actual lack of understanding of the criminal justice system amongst mainstream providers. By contrast, families tend to feel comfortable communicating with and expressing their needs to specialist services, especially when staffed by workers with in-depth knowledge of the correctional system and particular issues associated with criminal justice system involvement.

Although it may well be possible to build the capacity of mainstream services with regard to this issue (and CRC frequently runs training courses in order to do this), it is very clear that families prefer services where there is an understanding of both the pragmatics (who to call if concerned about a loved ones health, how to check if a loved one is still in the same centre etc) and the culture of life inside. **There is a need to explore how existing specialist services might better meet the demand and need of families supporting loved ones inside, and those who are preparing for release.**

## KEY ISSUES FOR FAMILIES AND CHILDREN OF IMPRISONED POPULATIONS

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Families of prisoners report that they feel that they are also 'serving a sentence' while they are supporting somebody who is inside. When people are released from custody there are often complex family issues that need to be addressed. Many families have been primary and secondary victims of the crimes carried out by their family member. Sometimes there is the need for mediation and restorative processes to be implemented in order to address this. While a person is incarcerated, families are forced to continue their lives and adapt to the inevitable changes that occur such as: redefining family roles; implementing new coping mechanisms; child maturation; and the development of new peers and social structures. When someone leaves custody there is frequently an intense and at times lengthy period of adjustment for all family members. Access and custody issues, parenting skills, rebuilding trust, are a few of the myriad of issues facing

offenders and their families upon release. Families supporting people in custody frequently also report high levels of anxiety.

The families and friends of prisoners in NSW constitute a unique group in that although they are not prisoners, they are also not completely 'outside' the prison system. They are often entwined with the police, the courts and the Corrective Services and they frequently spend a considerable amount of time travelling to and from correctional centres in order to spend time with their family member or friend inside. Imprisonment affects families socially, emotionally and materially. Partners and families of people in prison have to negotiate a complex range of changed circumstances while their loved one is in custody and a whole new set of challenges when their person is released. This is also the case for children of prisoners who may also experience developmental and behavioural difficulties as a consequence of the separation from a parent and the potentially devastating disruption of their bond and attachment to their parent.

In CRC's experience, supporting families (via the provision of both practical and emotional support) has the capacity to achieve the following outcomes and benefits:

- Ameliorate the impact of having a family member incarcerated on families and children
- Reduce offending behaviour through supporting the family / offender relationship pre and post release and
- Reduce the likelihood of the intergenerational cycle of offending
- Strengthen family bonds and reconciliation of family members affected by incarceration
- Maintain effective, non-threatening, communication between families and offenders during the period of incarceration
- Encourage people in prison to fulfil family commitments (and retain an identity outside of the criminal justice system)
- Assist families and people leaving prison with the transition from custody to the community
- Reduce post-release family violence

## VISITS TO CORRECTIONAL CENTRES

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One of the major barriers to maintenance of family contact is the cost, both financial and emotional, of travelling to visit family members in correctional centres. While the CSNSW funded brokerage service is well utilised by families, CRC consistently experiences higher demand for the service than what the funding caters for. **Expansion of this service to allow for more frequent reimbursement (the current limit is one claim every 12 weeks) would be beneficial to many families.** At the time of writing for instance, CRC has just written to users of the service to advise them that no brokerage funding for travel will be available until July as the amount for this year has been used. CRC has wherever possible sourced philanthropic funds to make up for the financial shortfalls of this service and also limitations with regard to plane travel. **However, families of people in prison (most of whom are supporting children) would benefit from consistency of funding support for services that enable them to stay in contact with their loved ones.**

There are a raft of issues that have been faced by families with children visiting Correctional Centres that remain very similar to those raised by the Inquiry in 1997. CRC hears regularly from families, (and witnesses on our regular visits to Correctional Centres) the difficulties faced by families with children visiting Correctional Centres. Families regularly report receiving poor treatment by staff. They experience rudeness, are given inconsistent (and often incorrect

information). They are turned away from visits after having travelled long distances, sometimes for reasons they don't understand. Their loved ones are regularly moved to different centres without them being informed. They have lengthy waiting periods (often resulting in shortened visits), and there is frequently a lack of facilities for children. There are ongoing issues with access to healthy food, nappy changing areas, and toilet breaks resulting in visits being terminated. The experience of visiting for the majority of families CRC works with is deeply unpleasant, and in some cases traumatic. The structure and culture of visits; including the way in which family members are greeted, the information provided to families, and the way visits themselves are monitored and supervised requires urgent reform. The needs of the children in these situations, who are witness to often incomprehensible behaviour and processes should be paramount in thinking through this reform. In summary:

- Family members should be warmly welcomed and encouraged to visit Correctional Centres
- Their visit experience should be one of warmth and respect from Corrective Services staff.
- Waiting times should be reduced, and waiting areas should be made hospitable and welcoming
- If there are delays in access visits, visitors should be provided with up to date information as to the nature of the delay.
- Family members should always be informed of any changes to access if they have booked their visits. Family members should be informed of lock downs as soon as is practicable, and should also be informed if their loved one has been moved.
- Family members should have access to basic facilities during both their visit and while waiting for their visit, including: toilets, nappy-changing facilities, shade and shelter from the elements, fresh water, and support when required when looking after young children.
- There should be signs and directions as to where to go for visitors
- Staff (either Corrections or other) should wherever possible come out from behind the desk to assist families and visitors when they are visiting.

## BARRIERS TO REINTEGRATION FOR FAMILIES WITH CHILDREN

Almost 20,000 individuals were released from NSW adult correctional centres in 2018/2019. 51.3% of these people will return to prison within two years. The absence of stable, secure and affordable accommodation is one of the most significant risk factors for re-incarceration. On average, 24% of people in prison in NSW spent the six months prior to their incarceration in primary or secondary homelessness. More than 4,000 people are released from prison each year with nowhere suitable to live. There is a clear body of evidence demonstrating that not only are homeless populations over-represented in prisons, but that the experience of imprisonment itself increases the likelihood of homelessness on release. For incarcerated parents who have been separated from their children and are looking to resume care, securing safe and secure accommodation post-release is a critical part of this process. Housing pathways post-release are currently woefully inadequate. Any strategy to support children of prisoners must have accommodation at the centre of post-release planning. CRC has written extensively on post-release barriers to reintegration including housing, and has developed and implemented a highly

successful model of post-release support with housing at its centre. We are very happy to talk about this model in more detail to the committee should this be of interest.

## POLICY, STRATEGY AND NEXT STEPS

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The current CSNSW Families Strategy notes the importance of the maintenance of family contact during a period of imprisonment as constituting a key factor in the reduction of re-offending. There is an acknowledgement of the importance of families in supporting people in custody, and the benefits of assisting families to visit, and stay connected. While this strategy is a useful document, its rhetorical commitment to families is not in any way matched by any budgetary or resource commitments to services or cultural changes that would significantly improve the lives of families and children of imprisoned parents. There appears to be an ongoing disconnect between the good-intent of CSNSW with regard to supporting families, and the reality on the ground. There is still minimal consultation with community sector providers or people with lived experience of incarceration when it comes to program design, visits area design and post-release service design. The Family Matters Strategy frames family support primarily in relation to its capacity to reduce offending. CRC notes that the provision of support to families and children of imprisoned parents should be a priority regardless of the extent to which this impacts on recidivism.

The unique needs of families and children of imprisoned parents require an adequately funded response. This submission outlines a number of potential programs identified just within CRC, which require only minimal budgetary commitment on the part of government, but which would make an enormous difference in the lives of families and children of incarcerated populations. NGO's like SHINE and CRC would welcome the opportunity to share their on-the-ground expertise, and be genuinely part of any government response emerging from this inquiry. Once again, we appreciate the opportunity here to contribute and look forward to continuing this dialogue.

[REDACTED]

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For over thirteen years, working in various roles within the social and community services sector, I feel I have been in a privileged position to engage with the diverse Australian Muslim communities across a range of areas. It has been a confronting, yet humbling experience. The Australian prison population has been on the increase for the last ten years, with around 10,585 adult prisoners incarcerated in NSW in 2014; the majority of them born in Australia and male. The Corrective Services NSW Bulletin Magazine in December 2014, states that Muslims make up about 9 per cent of the NSW prison population. Far too many considering that Muslim's make up only 2.2% of the Australian population. Whilst there has been a great deal of work done by state and federal departments and agencies in the last few years, I have often been confronted by how few resources and adequate support mechanisms exist for families struggling with the changing dynamic caused when a loved one is incarcerated. The call for more culturally and religiously sensitive support mechanisms, has been echoed by social service providers and families for many years. There are special issues for our community however that require focused attention, particularly around the stigma of having a family member in jail.

For an Australian Muslim family, incarceration presents a tricky balancing act, between knowing how to provide families and the jailed person the support they need and while preserving their confidentiality and other cultural sensitivities. Much of the work of supporting an incarcerated son, father or husband falls on the women in a family. These women feel locked out; locked out of the system, the process, their loved one's life, their community and society as a whole. [REDACTED]

[REDACTED] Australian Muslim mothers, sisters, wives, aunts, nieces and grandmothers, who share their personal stories of what it is like to have a family member in jail. While there is no doubt that the entire family suffers when a loved one goes to jail, [REDACTED] intentionally focuses on women's viewpoints. Their stories are a testimony to how women are particularly overburdened with the responsibility associated with having a family member in jail.