OB Ethical Paper

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OB Ethical Paper Outline

Society’s view on prisoners are that they are second class citizens. The general consensus is that they have forfeited their right to be treated as the average person, once they committed their crime. Unfortunately, the same applies to women when they are incarcerated. Though while there is much to be desired from the treatment of prisoners, especially those that are women, one does wonder if there is a reason behind it all. Committing a crime that is legally and morally wrong can determine a lot about the character of a person, and so there can be some justifications for denying certain rights to criminals. When it comes to women who are incarcerated, determining what their rights are can be complicated. So, the question arises, should incarcerated women be allowed to keep their children?

The history of incarcerated women keeping their children begins in 1901 in New York with The Bedford Hills Correctional Facility. This facility was the first prison to create a prison nursery. It is with this new concept, that the concern of the ethics of having and keeping a child in a prison began. Since then the concerns have just grown, “there are reasons to be particularly concerned about women in prison, among them the fact that their number has increased 646 percent between 1980 and 2010. Of the 200,000 women in prisons and jails in the United States, more than two-thirds have children under the age of 18. Mother-infant programs are mostly concerned with infants born in prison, which is a much smaller percentage of children affected by incarceration. About four percent of women enter state prisons pregnant and give birth there” (Pishko, 2015). With the increase of women who are incarcerated, and the majority of them being pregnant and giving birth in the prison, the pressure to determine the ethics of the situation increases. Though while there are concerns and disagreements with the topic, there are also individuals who endorse the idea, “In recent years, there has been an increase in public and government support for the establishment of prison nurseries and other programs for female prisoners and their children. This support is primarily due to the 832% increase in the number of women in United States prisons since 1977” (Elmalak, 2015). The decision is torn between two sides, and until a decision can be made, the debate will continue.

**Public Interest**

The interest in this topic falls on many individuals. For starters, incarcerated mothers are interested because they are the ones who must make the decision of if they will allow their children to grow up in the prison system with them. They also need to consider if keeping their child with them in prison will create any long-lasting effects. Healthcare professionals are also affected and should be interested, because there needs to be an understanding of what interventions may be necessary for these populations -such as postpartum services-, and if the benefits outweigh the risks in terms of health. Last but not least, the most important factor in this decision, is the local and state governments. This is because prisons can generate money or cost a lot of money depending on the programs it may have. In a prison nursery program, it can save money for state and local governments, and so their interest in this topic also is not only due to the ethics, but also the economics of their decision.

**Supporting**

With any ethical concern, both sides need to be considered. Each brings facts and rationale for whether or not their decision is the right one, and this topic is no different. With the argument supporting incarcerated women keeping their children, it begins with the mother. A mother has the right to be with her child if she proves no risk to him/her. The bond between a mother and her child is one that can mean life or death for the child. Separating a child early on can harm the mother-child bonding which can lead to issues later on for both the mother and the child, “separation was associated with significantly worse anxious/depressed scores, even after controlling for risks in the caregiving environment. Findings suggest that prison nursery co-residence with developmental support confers some resilience in children who experience early maternal incarceration. Co-residence programs should be promoted as a best practice for incarcerated childbearing women” (Goshin, Byrne & Blanchard-Lewis, 2014). If the child is the main focus in these situations, the consequences of what happens when a child is denied their right to be with their mother should be considered.

It is not only the bonding between the mother and child that should bring concern about separation, but also the health of both parties. America’s maternal and neonatal care is based on separation of mother and infant, but there is no scientific rationale for separating a newborn from their mother. Meanwhile, there is a scientific rationale for having “Zero Separation” between the mother and the child. “For the infant, the promotion of Zero Separation is based on the need for maternal physical inputs that regulate the physiology of the newborn. There are harmful effects of dysregulation and epigenetic changes caused by separation. Skin-to-skin contact is the antithesis to such separation; the mother’s body is the biologically ‘normal’ place of care, supporting better outcomes both for normal healthy babies and for the smallest preterm infants. In the mother, there are needed neural processes that ensure enhanced reproductive fitness, including behavioral changes (e.g. bonding and protection) and improved lactation, which are supported by the practice of Zero Separation” (Bergman, 2014). If it is backed by medicine and science to keep a mother and her child together, then prisons should follow the same mentality if they truly care about the health of the mothers and children.

It should also be considered that, allowing a mother to raise their child can increase motivation and allow them to “clean up their act” which leads to reduced recidivism, “a study found 33% of pregnant prisoners who were separated from their babies returned to prison while only 10% of those allowed to raise their babies while incarcerated came back. That reduction in recidivism saves $30,000 per year for each former prisoner who would otherwise have returned to prison and helps make up for the $24,000 cost to keep a baby with its imprisoned mother” (Clarke, 2016). The purpose of a prison is to provide punishment for those who have broken the law, unfortunately, there is not as much focus on preventing previous offenders from returning. It would be a socially responsible decision to acknowledge the reduction in recidivism that allowing incarcerated mothers to keep their children does in the prison system. Not only that but it would be an economically responsible decision as well. The prison system brings money to the government, and so it would be in its best interest to take advantage of the savings that this decision would make. With the money saved, more can go towards more important government-funded organizations and programs.

**Opposing**

With every decision, allowing incarcerated women to keep their children, is not without fault. Incarceration is a form of punishment for those who do not abide by the law, it is not a place a child -who has committed no crime- should be forced to live. It is cruel and unethical to enforce a punishment on a child based on what the mother has done. At the end of the day, a prison is not the real world and it cannot replicate the real-world environment a child would need. Even a prison that endorses this choice states, “but of course, it's no substitute for living in the real world. There is so much we can't replicate. There are no cars or dogs or people playing football around them in the park. Our environment is very sterile for a child. They can't learn about going out to play unsupervised with friends, or have access to IT, or learn road safety or the things that they will need to keep themselves safe in the outside world. And it can be hard to socialize an 18-month-old in a unit where all the other children are babes in arms" (Vallely, 2012). Lack of proper socialization is a commonly known cause of incarceration, and so by allowing the children to live in that environment, it could lead to a continuing trend of incarceration, which is not a future that a child should have. Not only that but in some prisons with nurseries, some allowances that women would normally have in there may not be permitted in these programs. In prison systems with nurseries, the mother’s free time can only be spent with the baby, which can cause stress to the mother and in turn lead to more harm than good. One mother in this prison nursery system stated, “and though they let you put your baby in the nursery to go to doctor's appointments, they won't let you do it to go to the gym. You get no time to yourself. There is nothing here for you to do except be a mum. It is all just baby, baby, baby in here" (Vallely, 2012). It often recommended for new mothers to create time for themselves, to reduce the stress of having a baby. The same is not always done with incarcerated mothers. By enforcing that all their free time be based on their child, this can cause the mothers to view their children to be burdensome rather than a privilege to have. This can lead to many negative implications when considering the bonding between the mother and child, and how the mother may treat them in the future.

Once again, finances must be considered in this debate. Funding is always an issue in prisons. It is known, that prisons can barely provide adequate care to incarcerated women, can they be trusted to provide adequate care for pregnant women, new mothers, and children? It was found “The Rebecca Project for Human Rights and the National Women’s Law Center gave 38 states failing grades ‘for their failure to institute adequate policies, or any policies at all, requiring that incarcerated pregnant women receive adequate prenatal care.’ Lack of funding, perceived threats to security and a system built on hierarchy and tradition are all barriers to positive change within correctional facilities” (Kotlar, Kornrich, Deneen, Kenner, Theis, Von Esenwein & Webb-Girard, 2015). It is already debatable if adding nurseries to prisons is a “positive change”, to take the risk of allowing them to spread throughout the United States would be irresponsible, especially seeing how prisons cannot support their regular adult population.

It is also the fault of the public to always assume that the main caretaker of a child can only be the mother. When the father or other family members are present, they can be an alternative guardian for the children. There are other options that can be explored other than forcing a child to live in a prison. The mother is not always the sole candidate to properly raise a child.

**Reflection**

As a nurse, it is important to look at topics and understand both sides and regardless of my opinion, what could be for this patient population. Regardless of what environment I work in, ethical concerns like this one can arise, and so it is important to educate one’s self on the laws and policies of the organization and the government, to protect not only the patient but one’s self.

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