

Community-Based Solutions for Alternatives to Parental Incarceration

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I. Introduction

Children of Incarcerated Caregivers (CIC) has tracked state legislation throughout the United States that provides alternatives to incarceration for primary caregivers.¹ Alongside the notable progress occurring in state legislation, many community-based programs, mainly non-profit organizations, have implemented programs to reduce parental incarceration.

The focus of this report is on two programs: ReMerge in Oklahoma City, Oklahoma and the ARC Maternal and Infant Program in Madison, Wisconsin. Both programs tailor their services to prevent the incarceration of mothers who are facing non-violent criminal charges by providing counseling and substance abuse treatment to women who have legal custody of minor children or infants, or are pregnant.

II. ReMerge, Oklahoma City, Oklahoma

ReMerge is a nonprofit organization, 501(c)(3), that was created in 2011 and is based in Oklahoma City, Oklahoma.² ReMerge was formed with intentions to address the high rate of incarceration of women in the state of Oklahoma, which “has incarcerated more women per capita than anywhere else in the world for nearly three decades.”³ The organization has a robust pre-trial diversion program for women who (1) are facing nonviolent felony charges in Oklahoma City and (2) are mothers who have legal rights, or custody, of at least one child.⁴ Eligible women gain access to ReMerge by requesting a diversion screening when they are charged with criminal felonies.⁵

¹ *Reports on Alternatives to Parental Incarceration*, Children of Incarcerated Caregivers, <https://cicmn.org/legal-advocacy/reports-on-alternatives-to-parental-incarceration/>.

² *About Us*, ReMerge Oklahoma, <https://www.remergeok.org>.

³ *Id.*

⁴ *Id.*

⁵ Interview by Bautista, S., with ReMerge staff (March 2023)(hereinafter “ReMerge Interview”).

The diversion screening is conducted using the Ohio Risk Assessment System (ORAS),⁶ which measures a person’s risk of recidivism, determines their substance abuse needs and barriers to treatment, and considers the person’s child care responsibilities.⁷ After the diversion screening is complete, a district attorney, assigned specifically to work with the Oklahoma County Treatment Courts, has discretion to approve or deny the diversion request.⁸ Once an individual’s diversion screening is approved, they enter a plea and are placed with ReMerge.⁹

The ReMerge program is a comprehensive program that typically lasts two years and has four phases that equip participants with a foundation for recovery by enhancing their parenting and practical skills to rebuild their lives and reduce recidivism after their graduation from the program.¹⁰ Each program phase has distinct objectives, such as certain skill-development goals, with the continued expectation that the participants remain sober.¹¹ In order to determine when an individual is prepared to “phase up,” ReMerge staff discuss the progress of each participant, as a group, and decide whether the mother has developed the skills necessary to progress.¹² Throughout the program, participants are provided with mental and physical healthcare, a case manager, a therapist, a child reunification program manager, and an education and employment coordinator.¹³ Participants are also required to reside in the housing facilities of partners of the ReMerge program.¹⁴ Additionally, each participant is represented by the same public defender and followed by the same prosecutor and judge, which helps ensure consistency in their evaluations.¹⁵ These

⁶ Edward J. Latessa, et al., *The Creation and Validation of the Ohio Risk Assessment System (ORAS)*, 74 Federal Probation: A Journal of Correctional Philosophy and Practice, 1, 2 (2010) https://www.uscourts.gov/sites/default/files/74_1_2_0.pdf.

⁷ ReMerge Interview, *supra* note 5.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ ReMerge Oklahoma, *supra* note 2.

¹⁴ ReMerge Interview, *supra* note 5.

¹⁵ *Id.*

state officials conduct regular check-ins with participants, which typically occur on-site at ReMerge facilities rather than in a court setting.¹⁶ The judge meets with each program participant monthly to assess their progress.¹⁷ ReMerge also has a probation and parole officer embedded within the program.¹⁸

Although ReMerge retains connections with various state officials, the organization does not receive direct funding from the state of Oklahoma, aside from the in-kind funding the organization receives to employ the ReMerge probation and parole officer.¹⁹ Currently, the main source of funding for ReMerge operates through a Pay For Success Model, a public-private partnership created by Oklahoma House Bill 2670 in 2019, which provides funding from private investors towards programs that promote a social benefit.²⁰ Through the Pay For Success Model, ReMerge has a contract with the Oklahoma Department of Corrections (DOC), which provides that the DOC will allocate funds to ReMerge if the organization shows successful outcomes such as saving the state money by reducing the vast costs of incarceration.²¹ In Oklahoma, it costs approximately 23,000 dollars per year to incarcerate an individual.²² By demonstrating that the ReMerge program keeps participants out of prison for three years, the organization receives reimbursement for two years of funds that would otherwise be used to fund their yearly incarceration.²³ The Pay for Success Model has been instrumental in assisting ReMerge with

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *ReMerge Receives Pay for Success Contract with OK Dept. of Corrections, Impact Accelerator, Velocity* (June 7, 2011), <https://www.velocityokc.com/blog/member-news/remerge-receives-pay-for-success-contract-with-ok-dept-of-corrections-impact-accelerator#:~:text=Through%20a%20contract%20with%20the,successful%20outcomes%20of%20ReMerge%20programming.>

²¹ *Id.*

²² ReMerge Interview, *supra* note 5.

²³ *Id.*

reaching its goals, but the hope is that the Oklahoma legislature will provide consistent funding for ReMerge.²⁴

Since 2011, ReMerge has graduated a total of 181 women, who are mothers to 455 minor children.²⁵ Following their graduation from the program, the mothers are reunified with their children and are eligible to have their charges dismissed.²⁶ The current capacity at ReMerge facilities is 68 participants, but the organization hopes to expand to 75 in the near future.²⁷ Based on the internal tracking systems of ReMerge, the recidivism rate of graduates from the last three years is 4%, which is substantially lower than the statewide recidivism rate of 20%.²⁸

The ReMerge team attributes the success of the organization, in part, to the partnerships ReMerge has built with other organizations in Oklahoma City.²⁹ The staff members acknowledge that they cannot be experts in every subject matter; rather, the team partners with outside organizations to assist ReMerge in various areas impacting program participants, such as domestic violence and nutrition support.³⁰ The tight-knit community of Oklahoma City has provided for a strong, supportive environment that believes in the ReMerge mission.³¹

²⁴ *Id.*

²⁵ *See* ReMerge Oklahoma, *supra* note 2.

²⁶ *Id.*

²⁷ ReMerge Interview, *supra* note 5.

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

III. ARC Maternal and Infant Program, Madison, Wisconsin

ARC Community Services, Inc., established in 1976, is a private, non-profit agency, 501(c)(3), that is based in Madison, Wisconsin.³² The organization created the ARC Maternal and Infant Program (MIP) in 1993 as a response to state legislation, Wis. Stat. § 301.049 “Mother-young child care program,” which calls for the Wisconsin Department of Corrections (DOC) to administer a program that allows women in prison or on probation or parole to retain physical custody of their young children.³³ Eligible women can participate in the program if (a) they are pregnant or have a child who is under one year of age, (b) they consent to participate, and (c) the DOC approves. Wis. Stat. § 301.049(2)(b). The program must offer specific services, including a stable, safe, and stimulating environment for each participating child. Wis. Stat. § 301.049(3). Under the statute, the DOC “shall purchase the services of a private, nonprofit organization to administer the mother-young child care program.” Wis. Stat. § 301.049(4). ARC’s contract with the DOC, pursuant to this legislation, assured continuous state funding for MIP’s maintenance.³⁴

ARC MIP’s philosophy is to provide trauma-informed and gender-responsive services that are distinct from traditional, male-centered models of care.³⁵ The organization provides substance abuse treatment and community corrections programs for women that are 18 years or older, are pregnant or have an infant, and have substance use disorders.³⁶ The majority of women who gain access to ARC MIP receive a referral from the Wisconsin Department of Corrections after the department evaluates the risk and substance abuse levels of the woman.³⁷

³² ARC Community Services, Inc. 2021 Annual Report, 1, 2, <https://arccommsserv.com/images/pdfs/2021-ARC-Annual-Report.pdf>.

³³ARC Maternal and Infant Program, ARC Community Services, Inc, <https://arccommsserv.com/maternal-and-infant-program.php>. See Wis. Stat. § 301.049.

³⁴ Interview by Bautista, S., with ARC Community Services, Inc. staff (April 2023)(hereinafter “ARC Interview”).

³⁵ *Id.*

³⁶ ARC Community Services, Inc, *supra* note 32.

³⁷ *Id.*

ARC MIP is licensed by the state of Wisconsin as a community-based residential treatment facility for pregnant or postpartum women and their infants.³⁸ The program is heavily entwined with the medical system because it provides support with birth and postpartum care.³⁹ The ARC MIP facility has 12 beds, where infants reside with their mothers as the mothers receive intensive parenting education, case management, and substance use disorder treatment.⁴⁰ The program is generally 6 months long, during which the women typically begin it in their last trimester and complete the program 3 months after giving birth.⁴¹ Women who have already given birth may still participate in the program if their child is less than 1 year of age at the date of entry into ARC MIP.⁴² Program participants receive 20 hours of treatment per week, which includes meetings with case managers, social workers, and psychoeducation groups.⁴³ While the program does not offer childcare services, it does provide “baby holding” services where individuals from the local community donate their time to temporarily watch the infants while their mothers undergo treatment sessions.⁴⁴ Volunteers go through intensive background checks to ensure the safety of the infants.⁴⁵

Because ARC MIP’s funding largely relies on a contract with the DOC, it is crucial for ARC MIP staff to build trust with participants who are initially skeptical that a program working with the correctional system is seeking to get them out of the system.⁴⁶ ARC MIP staff embrace the fact that trust with participants must be earned. They highlight the relational nature of women

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ See *ARC Community Services, Inc. 2021 Annual Report*, *supra* note 31, at 31.

⁴² *Id.*

⁴³ ARC Interview, *supra* note 33.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

and focus on building strong relationships with the program participants.⁴⁷ ARC MIP staff also highlight that trauma-informed care is necessary in approaching their relationships with the women, who are often survivors of trauma.⁴⁸

ARC MIP staff urge others engaging in similar programs to follow a trauma-informed, gender-responsive approach to the services provided to mothers.⁴⁹ They feel that community partnerships are also impactful, as they note, for example, that with a program like ARC MIP that serves populations of pregnant women and infants, it is crucial to have the medical system incorporated in the work of the program.⁵⁰

IV. Conclusion

Programs like ReMerge and ARC MIP provide examples of community-based solutions that aim to reduce parental incarceration and prevent intergenerational harms caused by the incarceration of family members and parental figures. Reported strengths of these programs, per interviews with facilitators, include community partnerships, a family-oriented approach, and robust programming tailored to the unique needs of the participants. These and other program features provide useful considerations for those seeking to promote the best interests of children in relation to parental incarceration.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*