

EFFECTS OF INCARCERATION OF OFFENDERS ON THEIR FAMILIES A GERMAN VIEW

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"It is better to prevent crime
than punishing them"
Cesare Beccaria (1738-1794)

ABSTRACT

The public debate on offenders and crime, in the public and often in scientific literature, focuses largely on current crime, the crimes committed and the sanctions imposed. The very important question against which the perpetrator became the perpetrator is largely ignored. Furthermore, the collateral damage of a sanctuary, such as incarceration, to existing family members, especially children, is largely ignored. An overview of existing research results on the consequences of custodial sentences on the wives and children of detainees, particularly from Germany and the USA, will be given. Previous studies have clearly shown that the detention of a parent, especially the mother, generally has very negative effects on the socialisation of one's own children, especially to contribute to a delinquent development of the same. It should be noted that detainees largely come from disadvantaged social circumstances, which contributes to the transmission of deviant behaviour to the next generation.

Keywords: discussion of criminal behaviour, background of crime, wives and children of offenders, negative effects of incarceration, transmission of crime to next generation

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1. Introduction

The discourse on criminality in both the media and the specialist literature largely refers to (serious) crimes committed, the damage caused and the sanctions imposed. Less discussed, especially in the public sphere, is the question, which is particularly important with regard to crime prevention, which specific circumstances have contributed to the development of his criminal behaviour in the perpetrator, although criminological research has provided substantial results on this for years (Blokland and Newbeerta 2005). In the same way, there is also less discussion about the social side-effects, for example, of an outright sanction, especially imprisonment, for relatives of the perpetrator, such as his own family and existing children. However, internally meaningful criminological research results are now available for this too (see Thiele 2016).

A differentiated presentation of the background to the development of an offender would raise the politically relevant question of the role played by the social conditions under which he grew up in terms of his criminal development (see Ramsbrock 2020). The "fate" of the offender, his generally unfavourable living conditions, can contribute to the understanding of his criminal behaviour and, above all, provide evidence of effective preventive measures (Kury 1979). A discussion of the impact of detention on one's own family, especially for children, would also cast a critical eye on custodial sentences and possible collateral damage. Advocating for harsh sanctions, such as long prison sentences, to increase internal security in a society would become more questionable from a criminal policy point of view.

Cunningham (2001, p. 35), for example, rightly points out: "The purpose of a prison sentence is to punish offenders, not their children". However, according to Walter (1999, p. 132), a brief glance at the sentences of prisoners already reveals that "the claim of a targeted punishment of the delinquent found guilty is not fulfilled in criminal practice ... that the initiated evil of punishment 'scatters' and perhaps hits innocent relatives harder than the identified criminal".

The restrained discussion of the corresponding collateral damage of a custodial sentence is also encouraged by the fact that the issue of the detention of a family member is, as far as possible, concealed by the families concerned, in order to avoid stigma tending tendencies, especially against children, as far as possible. The families concerned are themselves interested in ensuring that these circumstances do not come to light, which rather prevents a socially critical discussion. This contributes to the fact that little is known about the children concerned, even though their number is significant, especially in the United States, with the prevailing sanctions policy and the enormously high, highest in the world, incarceration rate. "The children of parents involved in the criminal justice system have no voice because they are invisible to the larger society",

Cunningham (2001) speaks of "forgotten families" (Reed and Reed 1997, p. 152). The effects of sanctions on those affected other than the perpetrator are discussed under the keywords "collateral consequences" (Hagan and Dinovitzer 1999), "collateral damage" (Feig 2015) or "third party impact" (Roberts and Watson 2017).

Article 9 of the UN Convention on the Rights of the Child (UNICEF 1989) states that a child may not be separated from them against the will of his parents unless this is necessary for the child's benefit. It is stressed: "Children should not be separated from their parents unless it is for their own good. For example, if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might harm the child" (The United Nations Convention on the Rights of the Child 1990). In accordance with paragraph (3), States Parties must respect the right of the child, who is separated from one or both parents, to "maintain regular personal relationships and direct contact with both parents, insofar as this does not affect the best interests of the child" (Feige 2019a). The family rightly plays an important role in society, Article 6 of the German State Law (Deutsches Grundgesetz) emphasizes the special responsibility of the state for its protection. In prison, however, "and here especially in the execution of the long-term custodial sentence, the state is now obviously acting in a more disturbing, if not destructive, manner of marriage" (Neibecker 1984, p. 335). As Ebbers (1993, p. 49) emphasizes, "the special protection for marriage and the family enshrined in the Basic Law (Grundgesetz - GG Art. 6) is subordinated to the perpetrator-oriented premises of legal and enforcement practice".

Both in public debate and in (criminological) research, the subject of family members of detainees is largely neglected, only in recent years have more and more relevant studies been carried out. According to the German Institute for Human Rights (Deutsches Institut für Menschenrechte) (2017, p. 81), studies on the effects of the detention of a parent on the affected children in Europe have been the subject of increasing research since 2001 (Besemer et al. 2018). Flynn and Eriksson (2017, p. 437) emphasize: "Albeit children of prisoners can be severely affected by parental incarceration, criminological research has only recently begun taking an interest in their experiences". Millar and Dandurand (2018, p. 228) stress: "There is a wealth of research demonstrating that these decisions can have a significant, even traumatic impact upon an offender's dependent children. For example, the children of parents serving a sentence of imprisonment often end up in the care of the state and are at greater risk of victimization and criminal involvement. For these children, their parents' predicament is often a disruptive and potentially a traumatic experience that can affect their development and social adaptation". According to Martin (2017, p. 2), children of imprisoned parents are on average six times more likely to be imprisoned themselves over the course of their lives (Cox 2009). Contacts between detainees and family members can, if the contacts are good, promote resocialization, "family support is one of the biggest factors in a successful re-entry experience" (Martin 2017, p. 4).

In the following, key research results on the topic in the German and international fields will be briefly presented and discussed.

2. The Discussion in Germany

The punitive attitudes of the population have intensified in recent years against the background of the experience of increasing problems in society, for example in connection with the increased number of immigrants, but also an increasingly experienced complexity of the way of life and a decline in the confidence in the policy to solve upcoming problems (Kury and Redo 2018). According to Calmbach et al. (2020, p. 566), the seriousness of the situation and the "confusing conditions in the world" reinforce the trend of "regrounding", the longing for belonging, support and orientation, which has contributed to a renaissance of classical virtues such as decency, fidelity and order among young people.

On the political side, calls for harsher penalties are often used to win voter approval. For example, at its closed session at the beginning of January 2020, the CSU Land Group in the German Bundestag (CSU-Landesgruppe im Deutschen Bundestag) (2020, p. 4) called for a reduction in the criminal liability rate to less than 14 years for serious crimes. Forensic research, on the other hand, has shown convincingly for decades that a tightening of criminal sanctions makes it difficult to achieve a reduction in crime in a society (see. Kury and Shea 2011; Dölling et al. 2011; Kury 2021). Especially in the case of young people, and especially children, help and educational measures are appropriate.

Politicians are unwilling to make decisions, often on the background of their own ignorance of relevant criminological research results, but above all on the background of their primary interest in being re-elected, primarily in the context of criminal prevention and to focus on aid to those affected (Kury and Schüßler 2019). It is difficult to win elections by working towards a more constructive prison system and supporting the relatives of detainees. Family-related detainees, many of whom belong to socially underprivileged groups and do not have a lobby, have long been little noticed in criminal research, in order to avoid stigma, but only in recent years has the number of studies, especially in the international field, the USA and the UK, increased (Besemer et al. 2018; Millar and Dandurand 2018). In Germany, too, more and more counselling and support is being offered to those affected (Thiele 2016; Bundesarbeitsgemeinschaft für Straffälligenhilfe e.V. 2020).

In her study, Kern (2002) asked wives of imprisoned male partners about the effects on them and existing children (see i.e. Kury and Kern 2003a; 2003b; Kury and Kuhlmann 2020). More than half of the women

were completely surprised by their partner's imprisonment, their lives changed suddenly and dramatically, as did those of the children, who are even more vulnerable to events than adult women. According to Turney (2014, p. 1628), the father's imprisonment also influences the relationship between mother and child, such as their parenting behaviour, since she now bears the sole responsibility. A central question for the mothers, especially of younger children, was to what extent they should be informed about the detention of their father in the first place, or to be told that the father could not come home because he had a lot of work and therefore had to stay permanently in the "company" (see Cocon e.V. Freiburg 2020).

Busch et al. (1987) estimate that in the 1980s about 50,000 children and adolescents in Germany were affected by the detention of a parent. According to estimates by the German Institute for Human Rights (Deutsches Institut für Menschenrechte) (2017, p. 80), around 64,000 prisoners have minor children (Döbber 2020). Thiele (2016, p. 49) estimates that up to 10,000 children are affected by the detention of a parent each year for the state of Baden-Württemberg alone (Zwönitzer et al. 2013, p. 329). Thiele (2016, p. 49) rightly emphasizes in this context: "The external effect of incarceration on relatives is not only a marginal phenomenon of the penitentiary, but of great importance. Not only marriage and marriage protection, but also family and their protection are therefore not only of theoretic relevance for the design of the penal system, but also of practical relevance". Children must go to prison if they want to see their father or mother (Bieganski et al. 2013, p. 4; Döbber 2020).

Feige (2019a, pp. 9f.) points out that there is no official data on the number of children of prisoners in Germany, which indicates that such information is not considered to be particularly important politically. As of 31 March 2017, a total of 181 prisons with 64,193 detainees were registered throughout Germany, of which 5-6 % were women. Pramer (2021) emphasizes a worldwide number of prisoners, currently around 11 million. According to Döbber (2020), there are around 800,000 children across the EU with at least one parent in detention. 25% of the children affected were conspicuously psychologically stressed, often reacted with distraught and confused, especially at the beginning of the incarceration. Older children are more likely to suffer from eating disorders, drug addiction and become more likely to commit crimes themselves (see Kury 1979). Good contact with the detained parents is crucial for the resilience of the children, with the often-limited opportunities for visits being a problem.

It should be noted that the detention of a parent is usually only one of several stress factors and not in all cases. On the one hand, incarcerated fathers have no contact with their children before they are incarcerated, but on the other hand, other stress factors are usually added to the children, such as lack of support, guidance and controls due to family problems, poverty, unfavourable living conditions, alcohol/drugs in the family or social isolation. Millar and Dandurand (2018, p. 230) rightly emphasize: "... it is hard to determine whether

parental criminal justice involvement and imprisonment cause an increase in risk for children or whether this increased risk can be explained by the presence of other disadvantages in these children's life" (Murray et al. 2009).

Especially if the father has been imprisoned, which is usually the case, in Germany about 95% of the detainees are men, there is usually, in addition to the loss of social ties, a financial disadvantage of the families (Busch 1989, p. 134). Robertson et al. (2016, p. 206) stress that it can also be a relief for some children if a parent, such as an abusive father, is removed from the family, but the research clearly shows that this is rather the exception, "that most children suffer following parental imprisonment". In the detention of the father, especially for male children and adolescents also lacks the central identification figure. It is important to note that children of detained parents often grow up in poor social conditions before the incarceration.

Römer (1967, p. 37) found in his investigation that a large part of the children concerned suffered from hostility that were given to them by neighbours, especially other children. According to the author's findings, the more severe criminality of one's own children can be attributed to a considerable extent to environmental stigma (cf. Condry 2007). Parents of prisoners are often classified in public as bad parents, "inmate mothers are not only seen to offend against society, but also against their role as mothers" (Cunningham 2001, p. 37; Farrell in 1998). Beichner and Hagemann (2016, p. 85) emphasize that the mother's imprisonment has much more negative effects on children or adolescents than those of the father, they speak of "detrimental effects of mothers' incarceration on children". According to Walter (1999, p. 133), the "widespread view that the family is, as it were, to blame for the fact that it has a criminal parent is untenable", that is a form of "Sippenhaft" (Liability of the family).

Wildeman et al. (2017, p. 8) found that the detention of a parent also can have a negative effect on the teacher's attitude towards the students concerned. Family members of detainees do not play a role in the perception of the public or in politics, the causes of their destiny are largely attributed to them in a predominantly capitalist-oriented society, where everyone is responsible for themselves.

The 145 children aged 7 to 17, interviewed in the COPING study and partially interviewed, expressed a massive burden due to the detention of a parent, and an increased risk of mental illness was observed accordingly (Döbber 2020). In their situation, the children cited regular contact with the detained parent as helpful (Bieganski et al. 2013, p. 9). Even after Döbber (2020), the limited opportunities for visits and contact for the children concerned are a significant problem. In Germany, the standard visit time in closed execution is between one and four hours a month – too little to maintain the bond with one's own children. A "mother-child execution", in which women who have become criminals live together with their children,

was only offered in 13 German prisons in 2018. In some German prisons, living with children is only possible for one year. The length of telephone contacts varies in individual prisons. In Bavaria, only letter contact is possible in many prisons (Döbbler 2020). The German Institute for Human Rights (Deutsches Institut für Menschenrechte) (2020) recommends that all prisons in Germany allow video contacts of children to their imprisoned parents.

It is rightly pointed out time and again in the literature that ties with the family also play a major role in the reintegration of offenders released from prison (Hermes 2011). For example, Holt and Miller (1972) were able to demonstrate a positive effect of visits by detainees to their recidivism rate. The recidivism rate is significantly lower when a return to the spouse is made (20% vs. 47.9%). Mitchell et al. (2016) found in their meta-analysis of the relapse-preventive effect of visits to prisoners in custody that those who were visited showed 26% fewer relapses after their release. Visits in particular, which took place about a year before release from prison, had a positive effect, with a 53% decrease in reciprocity within a year of release.

At the same time, this indicates a huge financial saving effect, given, for example, that the custodial sentence is the most expensive criminal penalty (Kury 2020; see Smith 2014). In Germany, the average daily cost of detention in 2010 was €109.38 per inmate (FragDenStaat 2011). According to Pramer (2021), the cost per day for each inmate in Austria is €130.14. Reducing the number of detainees would free up significant financial resources that could be spent more effectively on alternatives, in particular for more effective preparation for dismissal and post-detention. According to Böhnke (2021), one in three prisoners released will relapse in the first three years after his release, as the money for rehabilitation projects is lacking. In reality, against the background of existing convincing empirical-criminological research results, it is a question of a rational redistribution of existing financial resources. Examples from abroad provide successful acceptances, such as the Engelsborg family home in the catchment area of Copenhagen, in which the needs of the children of detainees are put at the centre (Bundesarbeitsgemeinschaft Straffälligenhilfe e.V. 2013; see also Thiele 2016).

In recent decades, further programmes have been set up in Germany to support relatives of detainees, although there are still significant gaps in some cases, and in many cases, there is also no secured financial support. For example, Caritas Deutschland (2013) offers extensive and concrete assistance for prisoners and relatives, even after release (see i.e., Caritas Deutschland 2018). The UN, for example, also refers to the rights of the children of detainees (Committee on the Rights of the Child 2011). The Bundesarbeitsgemeinschaft für Straffälligenhilfe e.V. (2020) refers under the keyword "Family/Children" to 195 institutions in Germany that offer concrete help and support (see i.e., Caritas Deutschland 2013; 2018).

In this context, however, it is also clear that there is a difference in willingness in the individual German Länder to open up the penitentiary to family contacts. Since the federalism reform in 2006, the necessary legal basis for the penal system has been laid down in corresponding state regulations. As Thiele (2016, pp. 28f.) emphasizes, the state regulations do not deviate from the objective of the resocialization of the detainees, but the "execution goals in some federal states are reoriented". The problem with the importance of resocialization is "the tendency of some federal states to simply declare the goal of resocialization as a mere task by law, and to define other equal or even higher-ranking goals. There is a fear here that enforcement tends to be negatively affected. The equality of resocialisation and protection of the general public runs the risk that all practical decisions in areas of penitentiary, where reintegration and security aspects collide, will always be decided at the expense of resocialisation" (Thiele 2016, p. 44). This is especially true in times of increasing punitive public attitudes.

For example, the Law on the Execution of Prison Sentences in Schleswig-Holstein in Germany – Landesstrafvollzugsgesetz of 21. 07. 2016 states in Section 8 ("Execution and Integration Planning" – "Vollzugs- und Eingliederungsplanung") (5): "Persons and institutions outside the enforcement of the reintegration of offenders and directly affected members of the family must be included in the planning as far as possible". Paragraph 24 ("Familienunterstützende Maßnahmen" - "Family Support Measures") emphasises that the relationship of prisoners with their minor children should be particularly maintained. According to Paragraph 41, contacts with the outside world must be encouraged and Paragraph 42 states that the total duration of visits is "at least two hours a month", with special support for visits by relatives, the total duration for this is increased by a further two hours, and further: "In the case of visits of minor children of the prisoners, the total duration is increased by a further two hours". The Saxon Penitentiary Act (Sächsisches Strafvollzugsgesetz - SächsStVollzG) of 16 May 2013 states in Section 26 ("Besuch" - "Visit") (1): "Prisoners may receive four hours of visits per month". It is also stressed that the head of the prison can provide for longer visits, visits by relatives are particularly supportive, and unattended visits lasting several hours can also be authorised. On the other hand, the Law on The Execution of Justice in Baden-Württemberg/Germany ("Gesetzbuch über den Justizvollzug in Baden-Württemberg") of 10.11.2009 emphasizes in Section 19 ("Pflege Sozialer Beziehungen" - "Caring for Social Relations") that the total duration of visits is at least one hour per month. In accordance with paragraph (3), visits shall be authorised "if they promote the treatment or integration of prisoners". Section 87 regulates "cooperation with third parties in the event of dismissal", the probation service (Bewährungshilfe) is mentioned, also with regard to a "preparation for dismissal" according to Paragraph 89, the family is not given special importance.

In particular, it should be noted that the separation between detainees and family can be mitigated, in particular by the establishment of generous visits for relatives in the prisons and the support for such visits, with

positive effects on the relatives, the detainees and their integration into society. A survey of German prison staff showed that "offers and sensitivity to the rights and needs of children exist within prisons in many ways, but by no means as a reliable structure for all children in every prison" (Feige 2019b, p. 34; Thiele 2016). The analysis by Feige (2019b, p. 9) makes it clear that the possibilities for children to visit their imprisoned parents are very different throughout Germany, they are "primarily regarded as the right of the imprisoned parent and are rarely aligned with the needs or even rights of the visiting children". The minimum visit time varies considerably between the Länder, even after this analysis, ranging from one to four hours per month in the individual institutions. The results of the 2017 survey conducted by the German Institute for Human Rights (Deutsches Institut für Menschenrechte) of 173 law enforcement institutions in Germany show that in 4.8% of institutions the maximum visit time for children is one hour per month, in 9.6% for two hours, in 12.0% for three hours and in 24.1% for four hours (Feige 2019b, p. 23). 32.5% of institutions allow a maximum of up to three visits per month (2019b, p. 25). As far as the child-friendly design of the visiting rooms is concerned, 50.6% were classified as rather non-child-friendly and 20.5% as not suitable for children (2019b, p. 28). Only 19.3% of institutions have a child or family representative who takes special care of the children of detainees. According to the results of the 2012 COPING study, the existing "structural separation of justice and social assistance network (...) is according to the specialist staff one of the largest problems" (Feige 2019b, p. 35).

The practical implementation of the legal regulations also varies significantly between the individual institutions, depending on the decision-making authority. Against the background of the growing recognition that "regular, high-quality contact of the children with the detained parent can help to promote their development and resilience" (Feige 2019b, p. 10), the Committee of Ministers of the Council of Europe (Ministerkomitee des Europarates) has adopted a list of recommendations to strengthen the rights of children of detained parents (2019b, pp. 16ff.). Feige (2019b, p. 20) emphasizes in this context: "The right of the child to deal with his parents as well as the dutiful right of parents to deal with their child is of great importance at German, European and international level. Contact with their parents is a fundamental and human right of children, even if their parents are in custody. This was explicitly emphasised by the UN Committee in Geneva, which is responsible for monitoring the implementation of the UN regulations." In its campaign "Not my crime – still my sentence", the European network "Children of Prisoners Europe - COPE" has also approached political leaders accordingly.

In some prisons for women, it is possible that babies or toddlers and their mothers will be placed in custody together in order to avoid separation, a practice that is not uncontroversial on the side of criminology. Paragraphs 80 and 142 of the Prisons Act (Strafvollzugsgesetz - StVollzG) regulate the placement of children in their mothers' detention centres (Bereswill and Hellwig 2012, p. 186). According to Paragraph 80 of the

StVollzG, if the child of a prisoner is not yet required to attend school, the child of a prisoner can be placed in the mother's penitentiary "if this is in his best interests". This is to avoid damage to the child as far as possible and to strengthen the responsibility of the mother. According to Paragraph 142 of the StVollzG, institutions for women are "to provide facilities in which mothers can be placed with their children". According to Calliess and Müller-Dietz (2000, p. 694), the provision aims to create the possibility "that children do not have to be separated from their mothers ... However, from the point of view of Article 3 of the Basic Law (Grundgesetz), the same possibilities must also be created for fathers in cases where these and not mothers are the appropriate socialisation persons. According to the results of socialization research, it is not a mother-child relationship that is understood as a matter of nature for a successful socialization, but the intensive caring relationship with a contact person in general, who, like the mother, can also be the father." In the meantime, mother-child departments in prisons are regulated in the individual state penitentiary laws.

A total of 13 German prisons have corresponding departments for women with babies or small children (Siebert 2018). The duration of cohabiting life in prison is regulated differently in the prisons (see i.e., Döbber 2020). Kaiser et al. (1992, p. 329) emphasized that, despite criticism, the establishment of mother-child departments in women's institutions is to be welcomed, since the separation of the child from the mother is often more harmful than growing up in a prison children's home. According to Walter (1999, p. 134), on the other hand, it seems necessary to "explore alternatives in which neither mother and child are incarcerated, but both are left in freedom ... Especially in the first phase of life, in which mother and child are particularly closely related, one can hardly distinguish between the well-being of the mother and that of the child, which is why a theory according to which the mother is to be punished and the child spared from all this misses the realities".

Feige (2019b, pp. 36ff.) discusses concrete proposals, recommendations to the federal and state governments, for a more far-term development in terms of improving the situation of wives and children of detainees. A systematic statistical registration of the number and age of the children of detainees is needed. "The decision-makers in the judicial or administrative proceedings shall make it mandatory to explain to what extent the rights of children have been taken into account in the proceedings and what the consequences have been for the judgment. To this end, legislation should be put in place to do so, following the recommendations of the UN Committee on the Rights of the Child" (2019b, p. 36). In the prisons, a clear and binding human rights framework should be implemented in all federal countries, "the anchoring of a family-oriented mission statement". The offers for telephone contacts and other possibilities of electronic communication should be expanded. "Within the prisons, there should be a contact person who specifically promotes and supports contact between children, the imprisoned parents and, where appropriate, other family members" (2019b, p. 37).

3. The situation in the USA

In the international field, especially in the USA and the United Kingdom, there are now significantly more studies on the situation of wives and children of detainees. As far as the debate in the United States is concerned, this is particularly evident in the context of the enormously high incarceration rate there, which has fallen only slightly in recent years. The country still has the highest incarceration rate internationally, and thus relatively the most families affected by imprisonment of a relative. At present, 2.3 million inhabitants in USA are affected by various forms of detention. The US has 4% of the world's population, but it also has 25% of the world's prison population. About 1 in 4 male and 1 in 3 female prisoners are in custody in the United States. Between 620,000 and 730,000 people are released from prison each year (Duffin 2020). Half of all adult citizens, some 113 million, currently have a family member who is in custody or has been detained in the past (Frd.us 2018; BBC 2018). These figures do not include the 4.6 million people under probation supervision. Nationwide, 1 in 37 citizens are under some form of surveillance by the Criminal Justice System (Bureau of Justice Statistics 2012).

Hagan and Dinovitzer (1999, p. 130) emphasized years ago that some large states in the United States are now spending the same amount or more money "to incarcerate young adults than to educate their college-age citizens." 52% of all men and women in prison are parents (Sentencing Project 2017), 75% of women in prison are mothers (Bureau of Justice Statistics 2000; Kajstura 2019). The vast majority of detainees have poor or no education and are poor (Bureau of Justice Statistics 2003; Bohm and Haley 2017). Two-thirds of incarcerated parents, both fathers and mothers, do not have a high school degree (University of Wisconsin Institute for research on poverty, o.J.).

The consequences of the detention of a family member on the rest of the family are not much noticed here too (University of Wisconsin Institute for the Research on Poverty, o.J., p. 137). Numerous studies show that the father's imprisonment increases the likelihood that children and young people will also later become criminals and go into custody. Murray (2007, p. 55) speaks of a "cycle of punishment". According to Miller (2006, p. 472), the increasing number of children with imprisoned parents in the USA carries the risk that this will create "one of the largest at-risk populations in the United States".

According to RT-Deutsch - Reuters (2016, p.1) more than 5 million children and adolescents in the United States have one parent in detention, with some "appalling effects of incarceration" on children. Over a period of 40 years, the number of children who had to give up their father while they were awake because he was in custody had increased by around 500%. However, all this is usually little public attention, which is

mainly due to who is affected: 60% of those convicted are people of colour, especially of African American origin, who make up almost 40% of the detainees, even though their share of the population is less than 14%. One in three black people born today must expect to be imprisoned at some point in his life (Mauer 2011). Carter and McCarthy (2020, p. 2) point out: "Parental incarceration affects children who are already disadvantaged, and its effects depend in part on pre-existing relationships."

The number of women in prison in the US is significantly lower than that of men in the US and internationally, but it shows striking characteristics. The number of female detainees has risen twice as much, by 834% in the last 40 years, making them the fastest growing part of the US prison population. The increase is twice as high for African American women as for whites (The Sentencing Project 2018). The backgrounds of their criminal behaviour are very different from those in men and depend on their specific social position and traumatic experiences (Chesney-Lind and Shelden 2004; Kajstura 2019). Social assistance systems are significantly less available than in Germany, for example (Case and Deaton 2020).

More than 2.7 million children in the U.S. have a detained parent, making 1 in 28 children. However, the differences between the different ethnic groups are enormous. In terms of origin, 1 in 9 (11.4%) children from African American families, 1 in 28 (3.5%) Children from Hispanic families and 1 in 57 (1.8%) children from white families. About 10 million children in the United States have had to experience a detained parent in their lives. Nearly half of these children were under the age of 10 when their parents were detained (Pew Research Center 2020; Mauer et al. 2007). In the meantime, studies are available, especially in the USA, which clearly demonstrate the long-term traumatic consequences for the affected children, whose increased likelihood of their own later imprisonment (see Foster and Hagan 2016). One of the first studies already examined the difficult financial problems of the families of detainees (Bloodgood 1928). The influence of a parent's incarceration on the children clearly depends on contextual conditions, especially the child's sex and the living conditions.

The available research convincingly suggests that the imprisonment of a parent is a significant turning point in the child's life, which has implications not only for the likelihood of his own criminal behaviour, but also for the level of education achieved, future income and the design of intimate relationships (Hagan et al. 2020; Miller in 2006). The absence of a parent due to imprisonment leads to more problems than an absence for other reasons (Geller et al. 2012). Neglect and ill-treatment of a child, which is more common in the case of single parents due to the detention of a parent and the resulting excessive stress, play a significant role in terms of subsequent conspicuous and, above all, criminal behaviour (Tang 2019; Kury 2014).

4. Discussion

The negative effects of the detention of a parent on families, especially on the children, have been clearly demonstrated time and again in international studies worldwide, such as Great Britain (Murray 2007; Murray et al. 2014), the Netherlands (Van de Rakt et al. 2012), Denmark (Wildeman and Andersen 2017), Australia (Flynn and Eriksson 2017; Besemer et al. 2018; Farrell 1998) or Germany (Kern 2002; Feige 2019a; 2019b; Thiele 2016). For example, when Cunningham (2001, p. 35) emphasizes that the purpose of the custodial sentence is to punish the perpetrator, but not his children, he points to a central problem. However, if there are children with whom the perpetrator has contact, co-punishment is ultimately difficult to avoid, only the effects can be mitigated.

The engagement to keep the prisoners in contact with the families is different in German prisons and depends also on the workload of the staff. Some prisons offer more time for visits of family members, including children, in some regions there exist special institutions which support these contacts, for example by probation officers. All together there should be done more to support the contacts between prisoners and family members to increase the chance of a successful reintegration of offenders in society and to prevent the next generation of criminal behaviour.

Walter (1999, p. 134) rightly calls for the search for alternatives to keep both in freedom with regard to the detention of mothers with children. The closed penitentiary burdens and partly destroys family relations, above all also burdens the next generation, thus also questioning the resocialization ideology of deprivation of liberty as a whole. Alternatives clearly show that the prison rate could be significantly reduced without compromising the safety in a society (Galli 2020). Since politicians are interested to be (re-)elected, public education is of considerable importance.

The largely overlooked negative effects of the custodial sentence on the relatives of detainees further call this sanction into question. Kaiser et al. (1992, p. 532) rightly emphasized almost 30 years ago that "there is still too little discussion in the official debate that families of offenders are involved into community psychologically, socially and economically in the wake of the criminal act and its consequences. There is a great need for integrated social assistance before, during and after imprisonment". The demand is still valid today. Criminal policy, especially the sanctioning of offenders, should be much more serious about the side effects of the prison system if the perpetrators are to be effectively rehabilitated. According to Paragraph 2 of the German Prisons Act (Strafvollzugsgesetz), it is primarily the task of the custodial sentence, the aim of which is to enable the prisoner to "live a life without criminal offences in the future in social responsibility". As international research shows in a consistent and convincing way, family members in particular play an important role in this (Thiele 2016).

Criminal policy and prison practice must become more sensitive to the issues at stake and recognise the importance of the problem. Walter (1999, p. 129) emphasized more than 20 years ago: "Where data on the penal system are collected and processed depends on the theoretical preconceptions and the ideas of importance derived from them. So far, these have centred on the full-time administration and the prisoners, hardly on the people whose fate is largely determined by that of a prisoner". Above all, criminological research in this area must also be intensified. Thiele (2016, p. 44) rightly points out that marriage and family are very important in two functions: "They are the prisoner's main link to social reality outside the prison and for the released offender to solve problems following incarceration."

In the context of criminological research, for example, further clarification of questions is important such as: under what conditions the absence of a parent as a result of detention has what negative effects on the socialisation of children, what role the contacts play before detention, the sex of the detainees or children, how these effects are at different ages of the children, whether the effects depend on the offence of the detainee, the importance of the conditions of socialisation accompanying detention or other members of the family. Ultimately, it is also necessary to continue to examine how damage to the offspring can be reduced by the design of the custodial sentence, such as visiting opportunities, the role played above all by the prison service in the design of detention and procedures to the outside world (Ramsbrock 2020) and how an alternative approach can be implemented politically and in practice in prisons. In the individual federal states, there are clear differences (Thiele 2016).

Above all, the public must also be more informed about the problem since politics is primarily geared to the ideas of the citizens. Here also criminology can play an essential role. The development in the USA (see Kury et al. 2009) shows that the most harsh action against criminals ultimately leads to a dead end. The detention of a parent, as international research clearly shows, contributes significantly to a deviation in the criminal behaviour of children. Criminal behaviour is thus passed on to the next generation rather than ended.

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