



# Alternative Sentencing for Pregnant and Lactating Inmates

New Mexico Breastfeeding Task Force  
[www.breastfeedingnewmexico.org](http://www.breastfeedingnewmexico.org)

## The Need

Between 1980 and 2014, the number of incarcerated women in the US increased by more than 700%, rising from a total of 26,378 in 1980 to 215,332 in 2014. Though many more men are in prison than women, over the last 35 years, the rate of growth for female imprisonment has outpaced men by more than 50%. **New Mexico incarcerates more women per capita than the national average** (63 per 100,000). (The Sentencing Project, 2015).

In 2014, the imprisonment rate for African American women (109 per 100,000) was more than twice the rate of imprisonment for white women (53 per 100,000). Hispanic women were incarcerated at 1.2 times the rate of white women (64 vs. 53 per 100,000) (The Sentencing Project, 2015).



Primarily designed for male offenders, the U. S. correctional system is struggling to meet the specialized needs of its female inmates. On average, **6–10% of incarcerated women (~10,000) are pregnant**, with the highest rates in local jails. Data on rates of pregnancy in juvenile facilities are limited, but indicate higher rates

than in adult facilities (ACOG, 2011). Pregnancies among incarcerated women are often unplanned and high-risk and are compromised by a lack of prenatal care, poor nutrition, domestic violence, mental illness, and drug and alcohol abuse. Delivery services for incarcerated pregnant women are expensive and should be provided in a licensed hospital with facilities for high-risk pregnancies when available.

In addition to the numerous health benefits, breastfeeding is correlated with increased bonding and attachment between mother and child. "Non-breastfed children have a 2.6 times higher chance of experiencing abuse than breastfed children" (Strathearn et al, 2009).

The American Congress of Obstetricians and Gynecologists strongly supports breastfeeding as the preferred method of feeding for newborns and infants. "It is important to **avoid separating the mother from the infant. Prison nurseries or alternative sentencing of women to community-based non-institutional settings should be considered for women during the postpartum period.**" (ACOG, 2011).

## The Solution

Women offenders are particularly appropriate for diversion to alternative to incarceration programs: **many have been convicted of non-violent or "victimless" crimes.** A mother's placement in a community-based corrections program as opposed to prison/jail **may prevent her children from entering or staying in foster care.** Even if a mother cannot live with her children while she is in a program, her placement within the community will simplify visiting, make possible her attendance at foster care agency conferences and Family Court proceedings, provide a more hospitable

visiting environment, and ease the reunification process when she is released.

1) Alternate sentencing options that allow non-violent pregnant and lactating prisoners to be coupled with or near their child, 2) Visitation options to allow for regular visits from infants and 3) Correctional facility policies that allow lactating inmates to maintain their milk supply and provide human milk for their off-site babies.

## Alternative Sentencing Programs

Alternative sentencing programs across the country include: Lovelady Center, AL, Project Pride, Turning Point, Pomona, Fresno, Santa Fe Springs, and San Diego, CA, Women's & Children's Halfway House, CT, Moms Program Chicago, IL, Our Children's Place & Summit House, NC, Spectrum Women & Children's Program, MA, and Lund Family Center, VT.

## Advantages

**Human milk should be standard of nutrition care for vulnerable babies born to mothers who are incarcerated.**

- Allows mother and child to remain together thus improving breastfeeding rates and increasing bonding and **reducing child abuse rates.**
- This results in improved health and well-being for both the child and mother.
- **Saves the state both in incarceration costs and in labor and delivery costs.**
- Resolves ethical issue of **not punishing the innocent child** for the mother's crimes.
- Improves discrepancies between affluent and low income patients.
- Decreases incidences of life threatening infections, and lengths of hospital stays, thus **lowering health care costs.**

## Endorsing Organizations:

American Congress of Obstetricians and Gynecologists,  
New Mexico Section  
Gordon Bernell Charter School  
New Mexico Academy of Family Physicians  
New Mexico Breastfeeding Task Force  
New Mexico Pediatric Society  
New Mexico Public Health Association  
New Mexico Voices for Children  
PB&J Family Services, Inc.  
Southwest Women's Law Center  
Wings for LIFE International

