

## The Coalition of Women Prisoners

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The Coalition for Women Prisoners<sup>1</sup> is an alliance of individuals and organizations in New York State dedicated to making the criminal justice system more responsive to the needs and rights of women and their families. The Coalition is coordinated by the Women in Prison Project of the Correctional Association of New York (CA), a non-profit criminal justice policy organization. One of four initiatives at the CA, the Women in Prison Project works to stop the misuse of incarceration as a response to the social ills that drive crime, to make prison conditions for women humane and just, and to create a criminal justice system that addresses women's specific needs and that treats people and their families with fairness, dignity, and respect. In 1846, the New York State Legislature granted the CA authority to inspect prisons and report its findings. The CA is the only organization in New York State – and one of only two in the country – with this statutory authority. Under the CA's legislative mandate, the Women in Prison Project monitors conditions inside correctional facilities that house women in New York. The Project also manages ReConnect, an advocacy and leadership training program for women recently released from prison and jail.

In 1994, the Project formed the Coalition for Women Prisoners in response to the rising numbers of women in prison, and with the recognition that issues facing women in the criminal justice system require specific attention and advocacy. From 1973 to 2009, New York's total prison population increased nearly 388 percent – its female prison population rose more than 580 percent.<sup>2</sup>

The Coalition now includes over 1,300 individuals from more than 100 organizations across the state. Membership is composed of formerly incarcerated people, social service providers, academics, attorneys, city as well as state agency staff, non-profit organizations, faith and community leaders, and concerned individuals.

The Coalition's goals are to: ensure that criminal justice policy is fair, humane, and reflective of the specific issues facing women; improve conditions in women's prisons; protect incarcerated mothers' ability to maintain bonds with and rights to their children; remove barriers to re-entry and allow women to make a safe and productive return to their communities; educate the public and policymakers about key criminal justice issues affecting women and families; facilitate formerly incarcerated women's leadership in efforts to change policies that directly affect their

lives; and, ensure that currently and formerly incarcerated women's voices and perspectives are included in the larger public debate around criminal justice reform.

The Coalition also aims to reduce the stigma associated with currently and formerly incarcerated women, and to build recognition that "behind every label is a woman with a story"<sup>3</sup> – that women should not be defined solely by their crimes, absent an understanding of the various circumstances that affect their lives and actions. Central to the Coalition's work is the belief that, instead of spending vast sums on incarceration, government officials should expand the funding for and use of gender-specific, community-based alternatives to incarceration. These programs increase community health and safety, save taxpayers money, and give people the opportunities they need to rebuild their lives and families, and to contribute meaningfully to society.

To achieve its goals, the Coalition engages in a variety of tactics and strategies, including legislative and policy advocacy, lobbying, research and policy analysis, public education, community organizing, and media work. Recent accomplishments include:

- 1) Successfully advocating for the passage of three bills: one that bans the use of shackles and restraints on incarcerated women during labor, childbirth and post-delivery recovery in New York's prisons and jails; another that requires the State Department of Health to monitor HIV and hepatitis C care in New York's prisons and jails;<sup>4</sup> and a third that requires New York to suspend, instead of terminate, Medicaid for people entering prison and jail with prior Medicaid enrollment.<sup>5</sup>
- 2) Securing funding for a Family Reunion Program at Albion Correctional Facility. Albion, the largest prison for women in New York, is eight hours from New York City, making it difficult for many incarcerated mothers to stay connected with their children.<sup>6</sup> The program, which allows mothers overnight visits in trailers on the facility's property, can help lessen the harsh effects of incarceration on families and ease reunification after prison.
- 3) Publishing a unique re-entry guide, *My Sister's Keeper*, which highlights formerly incarcerated women's voices and allows women coming home to learn from the life experiences of others who have been through a similar process.

- 4) Establishing a women's health section composed of 50 books and 100 pamphlets, in the general libraries of each women's prison, and established a parent and family resource section in the general libraries and children's centers.
- 5) Organizing the Coalition's 15<sup>th</sup> annual Advocacy Day, bringing 200 formerly incarcerated women and other advocates to Albany to discuss key issues affecting women in the criminal justice system with more than 100 state legislators.

The Coalition's three Committees – Incarcerated Mothers, Conditions/ Re-entry, and Violence Against Women – meet every month and drive the Coalition's policy agenda. Although the Women in Prison Project staffs the Coalition, membership is diverse and each Committee is led by members from different organizations. Monthly Coalition and Committee meetings are open to all individuals interested in making change in the criminal justice system for women and families.

The Incarcerated Mothers Committee focuses on helping mothers in prison and their children maintain bonds and relationships – often in jeopardy of being shattered as a result of incarceration. Almost 73 percent of women in New York's prisons are parents, compared to 58 percent of men.<sup>7</sup> More than 10,000 children have a mother in a jail or prison in New York State.<sup>8</sup> Over 77 percent of mothers in state prison nationwide were their children's primary caretakers before arrest, compared with about 26 percent of men.<sup>9</sup>

The Committee's current legislative priority is the Adoption and Safe Families Act (ASFA) Expanded Discretion Bill. ASFA – a federal law enacted in 1997 – almost always requires foster care agencies to file termination of parental rights papers if a child has been in foster care for 15 of the last 22 months.<sup>10</sup> Although ASFA does have limited exceptions, they are rarely employed in cases involving incarcerated parents. Ultimately, ASFA's timeframe puts incarcerated parents at disproportionate risk of losing rights to their children forever. The ASFA Expanded Discretion Bill would grant foster care agencies discretion to delay filing termination papers after 15 months when a parent is incarcerated yet continues to play a meaningful role in the child's life. The bill would also amend New York's child welfare laws to reflect the special circumstances and needs of families separated by incarceration. As part of its campaign for the

bill, the Committee created a short film, *A Fair Chance*, featuring two formerly incarcerated mothers whose parental rights were terminated and one young boy whose mother lost her rights to him while she was in prison.

The Violence Against Women Committee focuses on changing the criminal justice system's response to survivors of domestic violence and abuse. Domestic violence and women's pathways to prison are inextricably linked: 82 percent of women at New York's Bedford Hills Correctional Facility report having a childhood history of severe physical and/or sexual abuse and 75 percent report having experienced violence by an intimate partner during adulthood.<sup>11</sup> Nationwide, more than 57 percent of women in state prisons and 55 percent in local jails report having been physically or sexually abused in the past.<sup>12</sup>

Domestic violence survivors of abuse who defend themselves or commit other crimes as a result of abuse are often sent to prison for long periods of time with little chance to earn early release. To help address this issue, the Committee is drafting a legislative proposal that would expand judicial discretion and allow judges the option of sending survivors to alternative-to-incarceration programs, reduce sentence lengths for survivors, and reform sentencing laws to allow incarcerated survivors to petition the courts to review their sentences and consider granting early release from prison. The Committee is also using its 20-minute documentary, *Strength of a Woman*, to educate policymakers as well as the public about the intersection of domestic violence and women's incarceration.

The Conditions and Re-entry Committee focuses on improving conditions inside prison and eliminating barriers facing women when they return home. About 2,600 women are incarcerated in New York's prisons, 4.3 percent of the state's total prison population.<sup>13</sup> More than 27,260 people were released from state prison in 2008 – 1,855 of whom were women.<sup>14</sup>

The Committee's main legislative goal is to secure adequate funding for a bill it recently helped pass which requires the State Department of Health to monitor HIV/AIDS and hepatitis C care in New York's prisons and jails. More than 12 percent of women in New York's prisons are HIV positive – a rate of infection more than double the rate for male prisoners and 80 times higher than the rate in the general public.<sup>15</sup> Just over 22 percent of women in New York's prisons have hepatitis C, a rate of infection almost double the rate for men in prison<sup>16</sup> and more than 14 times higher than the rate in the general public.<sup>17</sup> Until the passage of this bill, the Department of Health

– the only government agency in New York with a statutory mandate to monitor public health services – played no role in monitoring the quality of health services in prison. This bill is a positive step toward the Committee’s long-term goal of requiring the Department of Health to oversee all health care services in New York’s prisons.

The Committee is also working to expand access to affordable housing for women transitioning home. To this end, the Committee is creating a peer-based guide to help women navigate the process of securing housing after release and preparing to draft legislation that protects individuals with felony convictions from discrimination in securing housing.

The Coalition for Women Prisoners represents a useful model for collective advocacy: members’ diverse viewpoints, experiences and skills inform and shape the Coalition’s agenda, allow the group to employ a broad range of strategies to affect systemic change, and strengthen the effort to convince policy makers to adopt critical criminal justice reforms. Coalitions can serve as an important vehicle to facilitate the active participation and leadership of individuals directly affected by policies the group seeks to change. They can be a critical part not only of changing policy but also of changing the power-dynamics of policy making itself.

## ENDNOTES

- <sup>1</sup> There is another and unrelated California Coalition for Women Prisoners (CCWP). From <http://womenprisoners.org>: “CCWP is a grassroots social justice organization, with members inside and outside prison, that challenges the institutional violence imposed on women, transgender people, and communities of color by the prison industrial complex (PIC). We see the struggle for racial and gender justice as central to dismantling the PIC and we prioritize the leadership of the people, families, and communities most impacted in building this movement.”
- <sup>2</sup> Figures derived from *Daily Population Capacity Report, 01/01/09*, New York State Department of Correctional Services (NYS DOCS). Letter from NYS DOCS Director of Public Information, 5/15/01. Since 1999, New York’s total prison population dropped by almost 15 percent and the state’s female prison population fell by more than 25 percent. Notwithstanding this positive trend, there are still far too many people under criminal justice supervision in New York: as of January 2009, the state’s prison population was just under 61,000 – more than 2,600 (4.3 percent) were women. Almost 31,500 people were on parole, nearly 2,580 (8 percent) of whom were women, and over 122,150 people were on probation, just over 24,080 (20 percent) of whom were women. See *Daily Population Capacity Report, 01/01/09; Hub System: Profile of Inmate Population Under Custody on January 1, 2000*, NYS

DOCS at 2; *Male and Female Parolees in Intensive and Regular Supervision Status by Self Reported Race as of 12/31/08*, New York State Division of Parole; *Total Probationers Supervised Statewide 1/1/2009*, New York State Division of Probation and Correctional Alternatives.

- <sup>3</sup> See Kathy Boudin and Rosyln D. Smith, “Women in Prison: Alive Behind the Labels”, in *Sisterhood Is Forever: The Women’s Anthology for a New Millenium*, Robin Morgan (ed.), 2003.
- <sup>4</sup> Previous to this bill, health facilities in New York’s prisons and jails were the only substantial public health institutions in the state exempt from mandatory, independent assessments by the Department of Health.
- <sup>5</sup> Under previous policy, individuals would commonly have to wait 45 to 90 days after release to receive Medicaid.
- <sup>6</sup> Nearly 41 percent of New York’s incarcerated women are housed in Albion Correctional Facility, eight hours away from Manhattan. About 55 percent of the state’s female prison population comes from, and will likely return to, the New York City area. Figures derived from *Daily Population Capacity Report, 01/01/09* and *Hub System: Profile of Inmate Population Under Custody on January 1, 2008*, NYS DOCS (March 2008) at 10.
- <sup>7</sup> Letter from NYS DOCS Commissioner Brian Fischer, 3/26/09, on file with Correctional Association of New York.
- <sup>8</sup> *Id.* Jail figures estimated based on data reported from women under DOCS custody.
- <sup>9</sup> See Lauren E. Glaze and Laura M. Maruschak, *Parents in Prison and Their Minor Children* (August 2008, rev 1/8/09), at 16.
- <sup>10</sup> For federal ASFA law, *see*: Public Law 105-89, codified at 42 U.S.C. §§ 670 – 679a. New York’s ASFA laws codified in sections of the State’s Social Services and Domestic Relations Law, and Family Court Act, *see* N.Y. Soc. Serv. L. § 384-b.
- <sup>11</sup> See A. Browne, B. Miller and E. Maguin, “Prevalence and Severity of Lifetime Physical and Sexual Victimization Among Incarcerated Women”, *International Journal of Law & Psychiatry* 22(3-4) (1999).
- <sup>12</sup> See *Prior Abuse Reported by Inmates and Probationers*, Bureau of Justice Statistics, U.S. Department of Justice (April 1999), at 2 and Doris J. James, *Profile of Jail Inmates, 2002*, Bureau of Justice Statistics, U.S. Department of Justice (July 2004), at 10.
- <sup>13</sup> As of January 2009, 60,931 people were under DOCS custody in New York State; 59,823 were men. *Daily Population Capacity Report, 01/01/09*. New York has the fourth largest prison population, exceeded by California, Texas and Florida, respectively. Heather C. West and William J. Sabol, *Prison Inmates at Midyear 2008 – Statistical Tables*, Bureau of Justice Statistics, U.S. Department of Justice (March 2009), at 3. New York has the ninth largest population of incarcerated women in the U.S., exceeded by Texas, California, Florida, Ohio, Arizona, Georgia, Virginia and Illinois, respectively. *Prison Inmates at Midyear 2008*, at 5. From 1973 to 2009, the number of women in New York’s prisons increased by more than 580 percent. During the same time period, the state’s total prison population increased by nearly 388 percent. Figures derived from *Daily Population Capacity Report, 01/01/09* Letter from DOCS Director of Public Information, 5/15/01.

- <sup>14</sup> Figures derived from Table 9A (Releases by Crime, Men Only) Crime by Race by Release Type by Release Type; All Releases from NYSDOCS in 2008 Due to Parole, Conditional Release or Maximum Expiration of Sentence, and Table 9B (Releases by Crime, Women Only) Crime by Race by Release Type by Release Type; All Releases from NYSDOCS in 2008 Due to Parole, Conditional Release or Maximum Expiration of Sentence, NYS DOCS.
- <sup>15</sup> Laura M. Maruschak, *HIV in Prisons, 2005*, Bureau of Justice Statistics, U.S. Department of Justice (September 2007, revised 12/20/07). See *Table 1: Annual Estimates of the Population for the United States and States, and for Puerto Rico: April 1, 2000 to July 1, 2005*, U.S. Census Bureau (2005) and *HIV Infection and AIDS: An Overview*, U.S. Department of Health and Human Services, National Institute of Allergy and Infectious Diseases (NIAID) (March 2005).
- <sup>16</sup> *Healthcare in New York State Prisons, 2004-2007*, Prison Visiting Project of the Correctional Association of New York (January 2009). Authors of this study calculated these figures by using data from the New York State Department of Health's blind Hepatitis seroprevalence tests of newly admitted inmates to state custody conducted every two years since 2001. Authors applied this data to the number of inmates entering state custody in 2006. A State Department of Health seroprevalence study of 4,000 inmates admitted to DOCS custody from September 2000 to March 2001 found that 23.1 percent of female inmates and 13.6 percent of male inmates were infected with HCV. L. Smith, L. Wang, L. Wright, K. Sabin, D. Glebatis and P. Smith, *Hepatitis C Virus (HCV) Seroprevalence Among Incoming Inmates in New York State (NYS) 2000-2001*, Presented at the Infectious Disease Society of America Meeting 10/24-27/02, Chicago, IL (Poster #793).
- <sup>17</sup> Gregory L. Armstrong, Annemarie Wasley, Edgar P. Simard, Geraldine M. McQuillan, Wendi L. Kuhnert, and Miriam J. Alter, *The Prevalence of Hepatitis C Virus Infection in the United States, 1999 through 2002*, *Annals of Internal Medicine*, Volume 144, Number 10705 (May 16, 2006), at 707. See "Viral Hepatitis C Fact Sheet", National Center for HIV, STD & TB Prevention, Centers for Disease Control and Prevention (May 24, 2005).

## ABOUT THE AUTHOR

*Tamar Kraft-Stolar* has been the Director of the Women in Prison Project at the Correctional Association of New York (CA) since 2003. In her position, Ms. Kraft-Stolar leads prison monitoring visits, manages coalition and policy advocacy work, drafts legislation and policy materials, and supervises all other aspects of the Project's work. She is co-author of the CA's report, *When "Free" Means Losing Your Mother: The Collision of Child Welfare and the Incarceration of Women in New York State*. Previously, Ms. Kraft-Stolar worked for the CA's Public Policy Project, coordinating its statewide campaign to repeal New York's mandatory minimum drug laws (see [www.correctionalassociation.com/WIPP/cwp.htm](http://www.correctionalassociation.com/WIPP/cwp.htm)).