



HB0801 Correctional Services- Prerelease Unit for Women – Facilities and Services (Gender-Responsive Prerelease Act)

Presented to the Honorable Luke Clippinger and Members of the House Judiciary Committee
February 25, 2020 1:00 p.m.

POSITION: SUPPORT

NARAL Pro-Choice Maryland **urges the House Judiciary Committee a favorable report on HB0801 Correctional Services - Prerelease Unit for Women – Facilities and Services (Gender – Responsive Prerelease Act)** sponsored by Delegate Charlotte Crutchfield.

Our organization is an advocate for women’s health, rights, and justice. Currently in Maryland, our justice system is lacking a supportive and comprehensive prerelease program for our incarcerated women. In order to provide these individuals with a safe, positive, and constructive reentry into society, there is a need to establish gender – responsive education to incarcerated persons in prerelease programs.

The population of our incarcerated are separated by gender, which makes the overall experience of prison different for men and women.ⁱ Maryland’s correctional services must acknowledge this difference and offer gender – responsive prerelease units to the incarcerated women of their state. Women and men often do not commit the same crimes - or for the same reasons - and as a result they face different challenges upon release. While women do commit violent crimes, the majority are convicted of substance abuse violations, theft, and other nonviolent crimes.ⁱⁱ This often leads to difficulties during reentry involving, but not limited to, mental health, substance use disorder, and homelessness.

Mental health is a pressing matter that affects incarcerated women marginally more than men, as approximately sixty-eight percent of women report having a previous mental illness before incarceration, often linked to sexual trauma.ⁱⁱⁱ If these women do not have access to resources before and during release, they often develop more complex mental health needs.^{iv} They risk adverse experiences during their reentry into society; not only do they have to worry about issues they were facing before incarceration, but worsened mental health as well. Substance abuse is a major issue for women, “[d]rug abuse is the primary reason women enter prison.”^v Not only is it the primary reason for incarceration, but substance abuse remains one of the largest struggles for women during incarceration. Without offering women the programs needed to overcome their addiction and substance abuse the rate of recidivism in Maryland will continue to rise.

Individuals who have been incarcerated are up to ten times more likely to be homeless than people who have never been imprisoned.^{vi} When we look at housing after reentry, those who cannot find suitable arrangements for both themselves and sometimes their families, they will often return to abusive relationships out of necessity.^{vii} Approximately 42% of women are the only parent living with their minor child prior to their arrest.^{viii} The large majority of incarcerated women are single mothers who have been victims of domestic and/or sexual assault.^{ix} The mental toll this takes on incarcerated women is something that the majority of men will not experience before incarceration. However, when the subject of housing is discussed in some pre-release units, women are encouraged to have a plan involving a man, whether he is economically stable or

not.^x The issue with this is that not only does it encourage women to return to unhealthy relationships, but it also encourages them to rely on someone else for shelter with no back-up plan in cases where the relationship turns sour. This is an area of homelessness that directly impacts women and in most cases is not being addressed.

The focus of our correctional facilities should be on reform and rehabilitation, not punitive measures. The rates of recidivism for women are rising and we are neglecting to address this issue. For these reasons, NARAL Pro-Choice Maryland urges a favorable Committee Report on **HB0801** Correctional Services – Prerelease Unit for Women – Facilities and Services (Gender Responsive Prerelease Act); as well as **HB0828**, Corrections - Women’s Prerelease Unit – Requirements (Women’s Prerelease Equity Act). Thank you for your time and consideration of this bill.

ⁱ Treatment, Center for Substance Abuse. “9 Treatment Issues Specific to Prisons.” Substance Abuse Treatment for Adults in the Criminal Justice System. U.S. National Library of Medicine, January 1, 1970.

https://www.ncbi.nlm.nih.gov/books/NBK64123/#_A81097_.

ⁱⁱ Kaufman, Sarah. “Crimes Women Are More Likely Than Men To Commit.” Vocativ. Vocativ, June 17, 2015.

<https://www.vocativ.com/usa/justice-usa/crimes-women-commit-most-often/index.html>.

ⁱⁱⁱ “More Incarcerated Women than Men Report Mental Health Problems.” Equal Justice Initiative, October 16, 2019.

<https://eji.org/news/more-incarcerated-women-report-mental-health-problems/>.

^{iv} Harner, Holly & Riley, Suzanne. (2012). The Impact of Incarceration on Women’s Mental Health: Responses From Women in a Maximum-Security Prison. Qualitative health research. 23. 10.1177/1049732312461452.

^v Henderson, D J. “Drug Abuse and Incarcerated Women. A Research Review.” Journal of substance abuse treatment. U.S. National Library of Medicine, 1998. <https://www.ncbi.nlm.nih.gov/pubmed/9845871>.

^{vi} Stillman, Sarah. “America’s Other Family-Separation Crisis.” The New Yorker. The New Yorker, July 9, 2019.

<https://www.newyorker.com/magazine/2018/11/05/americas-other-family-separation-crisis>

^{vii} Initiative, Prison Policy. “Who’s Helping the 1.9 Million Women Released from Prisons and Jails Each Year?” Prison Policy Initiative. Accessed February 18, 2020.

<https://www.prisonpolicy.org/blog/2019/07/19/reentry/>

^{viii} U.S. Department of Justice, Office of Justice Programs. *Parents in Prison and their Minor Children*. Lauren E. Glaze and Laura M. Maruschak. Publication NCJ 222984. Washington DC: Bureau of Justice Statistics, 2010.

<https://www.bjs.gov/content/pub/pdf/pptmc.pdf> (Accessed February 15, 2020).

^{ix} Cox, Karen L. “Domestic Violence Awareness and a History of Women in Prison.” Time. Time, October 2, 2017.

<https://time.com/4960309/domestic-violence-women-prison-history/>.

^x Kerrison, Erin. “How Post-Prison Reentry Programs Fail Queer Women.” The Marshall Project. The Marshall Project, January 25, 2018.

<https://www.themarshallproject.org/2018/01/24/how-post-prison-reentry-programs-fail-queer-women>