

Coalition fights for the rights of women behind bars

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Advocates are proposing a package of legislation to bolster the rights of and improve health care for incarcerated women and their families.

The Coalition for Women Prisoners met with Assembly Corrections Committee Chairman Jeffrion L. Aubry, D-Queens, in the Emmanuel Baptist Church in Albany last Tuesday to discuss their 2008 proposals for gender-specific reform in New York's correctional facilities.

The coalition is a statewide alliance comprised of more than 1,000 individuals from more than 100 advocacy groups dedicated to making the state's criminal justice system more responsive to the rights and needs of women and their families.

Upon entering the church, advocates were greeted by a large red sign reading, "restoration." More than 200 people attended the meeting, sitting at rectangular tables in folding chairs. They filled the church's convention room. The walls of the room were lined with green, yellow and orange posters stating the names of groups such as "Incarcerated Mothers Committee" and "Drop the Rock."

Many participants wore purple pins on their shirts that read, "Coalition for Women Prisoners, justice and dignity for women in prison, advocacy day 2008 ... who I was, who I am today, who I will be ..."

The Greenhope: Services for Women choir sang, and the crowd responded with clapping, singing, dancing and cheering.

Several women told stories of their experiences in prison and how they could have benefited from the bills the coalition supports.

One piece of legislation the coalition is lobbying for "would allow domestic violence survivors who are incarcerated for committing violent crimes as a result of abuse to be eligible for merit time and early release," according to a press release from the Coalition for Women Prisoners.

Merit time is when the state Department of Correctional Services grants early release to incarcerated people who complete certain programs, such as drug rehabilitation.

Sister Mary Nerney, founder and former executive director of Steps to End Family Violence, read letters from incarcerated women who were abused by their husbands or other family members and are not eligible for merit time despite their crimes resulting from the abusive relationships.

“For 12 ½ years I listened to a man tell me I was worthless. I need to know now that someone out there believes I am worth fighting for,” she read from one letter. “For so long I felt that there was no one for me to turn to for help, even the police wouldn’t listen. I need to be heard, for you to be the voice I never had.”

The bill (S.3164/A.6150) has been introduced in both houses of the Legislature. It is sponsored by Senate Codes Committee Chairman, and member of the Crime Victims, Crime and Corrections Committee, Dale Volker, R-Depew, and Assemblywoman Helene Weinstein, D-Brooklyn, chair of the Judiciary Committee.

An estimated 82 percent of incarcerated women suffer from severe physical or sexual abuse, sometimes both, as children, according to the coalition’s press release.

The release states that 75 percent of incarcerated women experienced physical violence from an intimate partner during adulthood, and 93 percent of women convicted of killing their intimate partner were previously abused. However, violent offenders are not eligible for merit time, including victims of domestic violence.

The Coalition for Women Prisoners supports four pieces of legislation. All four bills have been introduced in the Assembly, which has passed one of them. One of the bills has been introduced in the Senate.

Aubry sponsors two of the four bills. He also addressed the advocates at the meeting last week, thanking them for their efforts and encouraging them to keep trying.

“What goes on in prisons reflects what goes on in larger societies, and how we deal with those who are incarcerated speaks to how we see human beings,” he said. “Every person, male or female, who is in the Department of Corrections, is a human being, and they should be afforded the respects and the consideration of any other human being.”

One bill Aubry is sponsoring (A.8465) would give foster care agencies the discretion to make “appropriate and fair” determinations concerning the termination of parental rights while a parent is incarcerated. The coalition also suggests that legislators allocate \$1.5 million of next year’s budget to programs that help incarcerated women maintain contact with their children.

According to the coalition’s press release, about 72 percent of incarcerated women in New York are mothers, and more than 5,180 children have a mother in state prison.

The release states that, under the Adoption and Safe Families Act, foster care agencies are able to terminate parental rights if the child has been in foster care for 15 of the last 22

months, but the median sentence for women in the state is 36 months. The coalition intends to make the incarceration of a parent a “significant factor” in determining a termination of parental rights.

The second piece of legislation Aubry is sponsoring is the Rockefeller Drug Law Repeal Bill (A.4342), which would provide “new sentencing guidelines for offenses involving the possession and sale of controlled substances,” according to the coalition’s press release.

When asked if Volker would sponsor this bill, his press representative, Craig Miller, said, “we’ve reformed Rockefeller drug laws over 12 times ... there are no more Rockefeller drug laws, they’re nonexistent.”

However, Tamar Kraft-Stolar, director of the Women in Prison Project in the Correctional Association of New York, does not agree that the laws are non-existent. She said the previous reforms on the laws “were a positive step,” but, “did not get to the heart of the subject: judicial discretion.”

The state’s drug sentencing requirements were amended in 2004 to eliminate the mandatory 15-years-to-life sentence for drug possession that was being handed down even to first-time drug offenders who committed relatively minor offenses. The reform lowered the sentence to eight to 20 years. The 2004 bill also doubled from four to eight ounces the amount of heroin or cocaine a person must possess to be charged with an A1 felony.

Kraft-Stolar said the coalition believes judges should have more discretion in sentencing nonviolent drug offenders. The group’s members also want the state to allocate more “funding for and the use of alternative-to-incarceration programs including drug treatment,” she said.

The coalition wants drug treatment programs to be “gender specific and meet the needs of women and their families,” Kraft-Stolar said.

While there is disagreement over the status of the Rockefeller drug laws, Miller said Volker would “be more than happy to talk about drug law reform,” and he would consider sponsoring the other Assembly bills the coalition supports. “We’d like to take a closer look at them,” Miller said.

The coalition is also concerned with health care for incarcerated women. Assembly Health Committee Chairman Richard Gottfried, D,WF-Manhattan, is sponsoring a bill (A.3787) that would require the state Department of Health to monitor the care of HIV and hepatitis C victims in prison.

The coalition’s press release states that incarcerated women infected with these diseases experience delays in transfers to hospitals for medical procedures, in receiving medication and test results, and long waits for specialists. There is a lack of HIV and hepatitis C certified medical providers caring for incarcerated women suffering from the viruses, according to the press release.

Coalition members are also writing legislation that would require the state to file and process Medicaid applications for incarcerated women so their benefits under the program would be available at the time of their release. Currently, women in prison are not given the resources to file an application for Medicaid, and applications can take 45 to 90 days to be processed. Therefore, some women are unable to access health care for up to three months after their release. The benefits provided by a Medicaid card include gynecological and maternity health care.

“A gender specific approach to criminal justice policies and programs would not only provide critical support for women in prison, but would also create a ripple effect of benefits for children, families and communities directly affected by incarceration,” the coalition’s press release states.