

Testimony to the United States Commission on Civil Rights

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Eliminating Harmful Disciplinary Practices in Women's Prisons

Submitted by:

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Introduction

We are over three decades into a concerted effort to improve policies and practices in women's prisons. Implementation of correctional practices that align with women's gender-specific needs has led to enhancements in key areas of prison operations such as client assessment and classification, case planning and re-entry, and programming. These improvements have all been based on research which clearly demonstrates that "gender responsive" approaches improve outcomes with women. If prisons continue to exist (and their merits are absolutely questionable), we must face the important challenge of applying gender responsive principles and practices to discipline in women's prisons, a critical but virtually untouched area of prison operations "reform".

This testimony is a **Call to Action** to eliminate harmful disciplinary practices in women's prisons and promote the development and implementation of new practices that align with the research on women. Disciplinary practices in women's prisons are violating basic psychological principles, antithetical to criminal justice goals and having negative impacts on women and on the corrections professionals who administer them. They are placing unnecessary financial burdens on departmental and state budgets, increasing the length of women's incarceration, and contributing to adverse individual, community and system level outcomes. We must name and elevate this problem, amplify the voices of impacted women and take collective action.

Women are Uniquely and Adversely Impacted by Prison Discipline Systems

While ineffective for all human beings, prison discipline practices have unique and disproportionate impacts on women, most of whom are victims of deep and complex traumas, imprisoned for non-violent crimes of survival, and the primary caregivers of dependent children. Prison discipline practices restrict contact with family and key relational supports, trigger trauma and sever women from stabilizing relationships and connections. Indeed, the disciplinary sanctions women receive in the name of justice deepen their wounds and create new scars that they bring with them into their communities upon release.

I began to advocate for discipline reform in women's prisons many years ago. As Executive Director of CORE Associates, I have directly witnessed the harms being inflicted upon women and staff in the name of justice and have built training programs across the country on alternative approaches. In 2015, as a federal partner of the National Resource Center on Justice Involved Women (NRCJIW), I authored the nation's first Discipline Policy Guide for women's prisons and, shortly thereafter, worked with my colleagues to design and hold two national summits on women's prison discipline reform.

As co-founder of the Women's Justice Institute (WJI), I have worked to expose the harms being caused by disciplinary approaches in women's prisons through the cultivation of some of the nation's first quantifiable evidence of prison discipline injustice, and to offer concrete solutions. In fact, the WJI's groundbreaking work, research and national network spurred and substantively shaped a 15-State investigation by the Chicago Reporter, NPR and the Medill School of Journalism that was published in October 2018.

Our cutting-edge research at the Women's Justice Institute has revealed the following important realities about discipline in women's prisons:

- **Women are disciplined at higher rates than men, and receive harsher penalties.** In Illinois, our research revealed that out of 25 male and female facilities, Logan Correctional Center, the state's largest and most complex women's prison, had the second highest percentage of individuals on C-GRADE (the most punitive disciplinary status outside of segregation). We also found that women are subjected to unnecessary and prolonged segregation and other highly punitive and damaging sanctions - often for non-violent infractions. These harsh sanctions not only cause and exacerbate women's trauma - they create the very behaviors they are designed to eliminate and do not facilitate long-term behavior growth and change.
- **Women of color and women who identify as LGBTQ suffer unique injustices within current prison discipline systems.** In Illinois, our research revealed that women of color and those who identify as LGBTQ are often the subject of deeply offensive verbal abuse and receive sanctions for resisting mistreatment and unfair policies that are lacking in cultural responsiveness. For example, African American women were not allowed to wear braids/dreadlocks during family visitation and forced to remove these hairstyles - which may require cutting off their braids/dreadlocks - in order to visit their children.
- **Disciplinary practices in women's prisons are uniquely problematic for women suffering from mental health challenges, including PTSD.** In fact, these practices worsen women's existing mental health challenges and create ones that did not exist before their imprisonment. Far too many women have been kept in prison longer than necessary for behaviors classified as "disciplinary" and even "criminal" when, in fact, they were tied to mental health challenges. Many of the women serving time in segregation have also been identified as mentally ill. For example, our research at Logan

Correctional Center in Illinois found that 74% of the 38 women with the highest segregation days had been identified as Seriously Mentally Ill (SMI).

- **Disciplinary practices are increasing women’s length of imprisonment, and, in turn, taxpayer costs – all without achieving the intended goals of improving safety and security and teaching women useful skills that are transferable to life outside of prison.** For example, our research at Logan Correctional Center revealed that between 2013 and 2015, 88,000 days of Good Conduct Credit (GCC) were revoked as part of the prison’s disciplinary protocol. This equated to imposing operational costs of 241 beds on an already overcrowded women’s prison system struggling for resources. Further, a comparison of 17 of the state’s 25 prisons indicated that Logan had the lowest rates of GCC restoration.
- **Disciplinary policies often include “mandatory sentences” for repeated infractions and encourage the “stacking” of charges and discipline.** This can result in women being on the most punitive disciplinary status for years. This works against all women, including vulnerable populations such as those suffering from mental health challenges. It has serious impacts on women’s earned good time and limits their access to programs, visits with children, early release and parole.
- **Disciplinary practices in women’s prisons are fortified by fractured grievance processes where staff intimidation, retaliation and coercion prevent women from accessing their rights as human beings.** Women who file disciplinary grievances often lose their job assignments, are arbitrarily moved to different housing units and suffer various often undocumented mistreatment and punishment.

The disciplinary practices used in women’s prisons force women to engage in survival behaviors for which they are then punished. These practices decrease prison safety and security, replicate the trauma that brought women into the system in the first place, cause mental distress and have negative impacts that are felt by children, families and communities.

When women speak up about their experiences in prison, they are often not believed. I have talked with hundreds of courageous women, including those who have been released – and many are petrified to speak of their mistreatment. Those on the inside believe they deserve the punishments they suffer, or worry that speaking their truth will lead to more sanctions. Women on the outside worry that speaking to the reality of their prison experience will compromise their parole.

A Hidden Human Rights Crisis

In the matrix of criminal justice reform, disciplinary practices in women’s prisons represent a human rights crisis. They are enabled by institutional cultures that do not account for women’s diverse, research-based needs and enacted by operational practices that defy evidence-based, gender responsive and trauma-informed practices.

Disciplinary practices in women's prisons are an insidious form of state sanctioned violence. While women are the most directly impacted, we are all imprisoned by these oppressive practices, including the corrections professionals who are conditioned, trained and expected to use these oppressive tools that undermine facility safety and security and contribute to their well-documented high levels of psychological and physical stress.

There are no standards in place that require states and facilities to provide data that would provide stakeholders - including policy makers, taxpayers and the families of incarcerated women - with important information on how these systems are functioning. The larger public is largely unaware of the harms being inflicted and how they impact human beings, create preventable financial strains and contribute to community instability and disempowerment. Perhaps most upsetting is the fact that many of the women in our nations prisons don't belong there to begin with. They are are locked up inappropriately, and then subjected to harsh, unfair, and destabilizing disciplinary practices while incarcerated. Indeed many leave prison worse off than when they entered.

The Solution

Cutting-edge data shows that current approaches to discipline in women's prisons have significant human and fiscal impacts and add fuel to the mass incarceration fire. They are harming women, compromising the safety and security of women and staff, increasing the amount of time women are spending in prison, and not contributing to public safety.

At the Women's Justice Institute, our investments in cutting-edge field work and training has yielded quantifiable progress and demonstrates that implementing gender responsive and trauma-informed policy and practice changes can transform how staff interact with women, reshape discipline and create safer, more humane facilities. Our experience and research shows that shifts in policy and practice, including comprehensive staff training, can result in significant improvements. For example, after implementation of our cutting-edge gender responsive and trauma-informed staff training program in Illinois, Logan Correctional Center experienced reduced suicide attempts, a 66 percent reduction in the number of women held in segregation, and dramatic reductions in the revocation of Good Conduct Credits for disciplinary violations, use of force, staff assaults and the number of disciplinary tickets issued for both major and minor violations.

CALL TO ACTION

As the number of women in prisons and jails across our nation skyrockets, the challenges faced by correctional agencies, women, their children and communities will only intensify until the correctional community takes deliberate action to address the need to implement gender responsive practices overall, and most especially discipline. While it is certainly the exception,

not the rule, to find a jurisdiction that has intentionally tackled these challenges, the tools are there and ready to be applied.

On behalf of the WJI, today we issue a national Call to Action to transform disciplinary practices in women's prisons throughout this country. Specifically, we call for every state to take the following five steps by 2020:

1. Assemble a cross-disciplinary, multi-stakeholder team to explore (qualitatively and quantitatively) disciplinary trends in its women's prisons.
2. Develop a plan to provide prison staff with immediate training and coaching on gender responsive and trauma-informed interactions, communication and disciplinary practices with incarcerated women.
3. Actively engage directly impacted women as experts and architects of new systems and practices that create safety and offer opportunities for individual and relational growth and healing.
4. Take immediate steps to reduce or eliminate harmful disciplinary practices in its women's prisons, including disciplinary segregation, good conduct credit revocation and restricted access to children, programs and early release.
5. Embark on a culture stabilization process in each women's prison that includes comprehensive implementation of gender responsive and trauma-informed practices that create real safety for women and staff.