



Testimony of Sarah B. From
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Thank you Chairperson O'Donnell and members of the Commission on Sentencing Reform for the opportunity to testify before you today. My name is Sarah B. From, and I am the Director of Public Policy & Communications at the Women's Prison Association. WPA is a direct service and advocacy organization that works to create opportunities for change in the lives of women at all stages of criminal justice involvement. Last year we helped over 3,500 New York women obtain housing, employment and healthcare; to reunify with their families, connect with their communities, and comply with their criminal justice mandates. We also work nationally to reform the public policies and systems that impact women's lives on an everyday basis. WPA has been doing this work for over 160 years.

While the word "prison" has always been a part of our name, much of WPA's work occurs in the communities in which women live, the environments in which they must succeed if they are to avoid criminal justice involvement. WPA was privileged to participate in the work of the Commission; our Executive Director, Ann Jacobs, served as a member of the Subcommittee on Supervision in the Community.

As many speakers throughout the course of this Commission have underscored, this is a unique and important opportunity for New York to remedy some of the most egregious inconsistencies and injustices in our criminal justice system. What is done in New York will be noticed and considered around the country. There is much to comment on in the preliminary report, and I trust my colleagues will address many of the major points. Today I would like to speak to you specifically about how the recommendations of the Sentencing Commission would impact women, their families and communities.

Gender Makes a Difference

The first point I would like to make is a simple one: gender makes a difference. The way women enter the criminal justice system is different, the way they experience criminal justice involvement is different, and what they need to lead law abiding, self-sufficient lives in the community is different. At this critical juncture when we are reforming our systems and practices, if we fail to acknowledge and plan for these gender differences, the outcome will be insufficient in dealing with the unique needs of women.

No doubt members of the Commission are well aware that women involved in the criminal justice system face particular challenges to succeeding in the community. Women in the system face higher rates of childhood and adult trauma, mental illness, and substance abuse than their male counterparts. In New York, women in prison are more than twice as likely to be HIV positive than men. Overwhelmingly mothers, criminal justice involved women are often the primary caretakers of children. Most have low levels of formal education, spotty or non-existent work histories, and housing situations that are tenuous at best. Women in the system tend to be

older than men; the average age in prison skews toward the mid-thirties. As is true for men in the system, the women in the criminal justice system are disproportionately of color.

I urge the Commission, if it has not already done so, to avail itself of the research that has been published documenting what it takes for systems to be gender responsive. There is an emerging body of literature on the intersection of evidence-based practice and gender responsive theory. It suggests that there can be considerable benefit to doing work in a way that is both evidence based *and* gender responsive. What we know is that systems that are designed and built for men are often insufficient for women. We see this both in the research on what treatment modalities are most effective for women and the stories our clients tell us about feeling unable to talk about past trauma in co-ed recovery groups.

Being gender responsive does not mean developing a separate system of sentencing, imprisonment, and reentry for women. Rather, it means drawing upon what evidence tells us works with women at every stage of the criminal justice process, and ensuring that our practices are reflective of those principles.

Risk and needs assessment tools should be gender validated. Institutional case management and programming offered to women should reflect what the research shows works for women. Services provided in the community – including case management, substance abuse treatment, and mental health treatment should be gender responsive. The National Institute of Corrections provides wealth of information and assistance on how this can be done; they are working with California to make its classification tool gender responsive and with departments of probation in Connecticut and Utah to implement a gender responsive case management model for working with women. Now is the time for New York to consider similar reforms.

The Need for Sentencing Reform and Greater Investment in Communities

I would like to join the chorus of practitioners, policy analysts, researchers, advocates, directly affected people, legal professionals, and family members who call upon this Commission to remedy our State's Rockefeller-era sentencing laws – in particular the so-called "Rockefeller Drug Laws" and the second felony offender laws.

Women are harmed in particular ways by mandatory minimums and lack of judicial discretion. Rarely the top players in drug crimes, women often have little information to trade with the prosecution toward a reduction in sentence during plea negotiations. With the prosecutor holding the power to reduce charges and thus determine the sentence she will receive, women can end up serving significant time for relatively minor involvement in a crime. The resulting prison sentence does little to address the underlying issues – usually trauma, poverty, and addiction – that led to criminal justice involvement in the first place. Once released, women face a daunting array of barriers – legal and social – to creating a fruitful and law-abiding life in the community. Meanwhile, the underlying issues that brought her into contact with the system remain unaddressed.

Our first response to addiction and low-level drug crimes should not be incarceration. New York should follow the lead set by states like California, Arizona, and Kansas in offering treatment

instead of incarceration as a response to those with low-level drug offenses. These interventions should be community-based and gender responsive.

New York has a vibrant community of alternatives to incarceration, and the research shows that they work. To truly bring treatment and alternatives to incarceration to scale will require a significant investment of resources on the part of the State. As Michael Jacobson pointed out when he testified before this Commission over the summer, public opinion has shifted such that there is the political will to make this investment. The Commission can play an important role in recommending that now is the time for a significant reinvestment of resources back into communities.

Conclusion

New York has taken a bold step in convening this Commission to undertake the first comprehensive look at the state's sentencing laws in forty years. I and many others hope that the Commission will be equally bold in its reforms, and recommend significant changes to enhance public safety, justice, and self-sufficiency for all New Yorkers.

Resources

Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders, by Barbara Bloom, Stephanie Covington, and Barbara Owen. Published by the National Institute of Corrections, 2003.

Developing Gender-Specific Classification Systems for Women Offenders by Dr. Patricia Hardyman and Dr. Patricia Van Voorhis. Published by the National Institute of Corrections, 2004.

Women Offender Case Management Model, by Orbis Partners. Published by the National Institute of Corrections, 2006.

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