Women’s Advocacy Project 2010 Policy Recommendations:

*Pre-entry: expanding alternatives to incarceration to include alternatives to conviction*

**About the Women’s Advocacy Project:**

The Women’s Advocacy Project (WAP) began in 2003 with the goal of developing a group of leaders equipped to create solutions to the problems facing incarcerated and formerly incarcerated women. We are a diverse group of women who have had direct experience with the criminal justice system and other public systems such as child welfare, homelessness, and public assistance. Our personal experiences with these systems inform our recommendations and inspired us to do this work. Our group includes women who are college students, social service professionals, and dedicated advocates. We work together to transform our personal experiences into strategies for change. WAP is a project of the Institute on Women & Criminal Justice at the Women’s Prison Association.

**Expand alternatives to incarceration practices to include the pre-conviction period**

A prison-focused correctional system is costly and ineffective at addressing the issues that often lead to women’s contact with the criminal justice system. Across the country, states are struggling to reduce budget deficits while being responsive to concerns of prison over-crowding, high rates of incarceration and recidivism. In some states, prisons remain open and fully staffed while incarceration rates have dropped, forcing policymakers to rethink criminal justice spending and responses to crime.

The alarming rate of growth in women’s incarceration has a devastating impact on us as women, and on our families and communities. Women enter the criminal justice system with a variety of issues such as substance abuse, poverty, domestic violence, mental health and health concerns, homelessness, unemployment and low levels of formal education. If these issues were addressed on the community level, many women might never enter into the criminal justice system, let alone prison.

Many municipalities now routinely use Alternative to Incarceration programs (ATIs) as a way to divert individuals from prison. Individuals who participate in ATI programs essentially serve their time in the community while meeting certain court mandates and connecting with family, educational, employment, mental health, housing, substance abuse, and counseling services. These services enable people to achieve meaningful accomplishments such as a GED, stable employment, reunification with family, sustained sobriety, and permanent housing—all as part of developing the skills and resources to avoid future criminal involvement. It has been well documented, that ATIs are a cost-effective approach to reducing crime, helping people transform their lives for the better, and saving taxpayer dollars.

Our recommendations focus on expanding this successful ATI model to include the period of time between arrest and conviction. Focusing on this *pre-entry* period will build on the success of the ATI model (creating the opportunity for individuals to address the root causes of criminal justice involvement while remaining connected to positive influences within the community a setting) but also eliminate the lifelong collateral consequences created by having a conviction.
Problem Statement

Incarceration is not an effective way to address the issues in women’s lives that often lead to arrest; and incarceration can often exacerbate those issues. Prior to arrest, most women struggle with limited financial resources, histories of physical and sexual abuse, histories of trauma, health related issues, substance abuse and more. Many women experience a lack of family or community support and have few resources available to them. Not only does incarceration fail to improve public safety, it has a dramatically negative impact on families and does not necessarily prevent future crimes by people after they are released. Incarceration isolates people from the resources and support they need—especially parents who are separated from their children—and plays a part in the vicious cycle of poverty and recidivism within communities.

In our experience, when women are incarcerated, we struggle with an overwhelming sense of defeat, desperation and hopelessness. We struggle with being separated from our children and families and have no sense of power over our own lives. We have limited access to high-quality services to deal with histories of physical and emotional abuse; substance abuse; and overall health issues such as HIV and TB. Conversely, participating in community-based ATIs connects individuals to appropriate support services and helps to keep connections to families and communities. These types of programs promote a strong sense of hope for the future and a strong sense of connection that prison does not.

We firmly believe that investing in ATIs is an investment in individuals that ultimately leads to stronger and healthier people and communities. We also contend that if we introduce interventions and support much earlier in an individual’s involvement with the criminal justice system, we are more likely to improve conditions in individuals’ lives thus making people less likely to commit crime in a way that also develops the best opportunity to live as a contributing member of the community and opportunities to practice/live in those communities.

By promoting alternatives to conviction, many of the barriers faced by individuals with criminal justice records will be avoided all together. We contend that all of the collateral consequences associated with criminal records are interrelated and taken independently and collectively, make for a tremendously difficult transition to life outside of prison. Incarcerating individuals leads to barriers such as the following; adopting alternatives to conviction will avoid these problems:

1. **Barriers to Education and Employment Barriers:** Despite the many benefits of education, our ability to further our educations has dwindled as resources for educational programs in prisons have dried up, the price of higher education in the community has soared, and our public schools fail to meet our children’s needs. A criminal record only adds to the barriers we face in pursuing further education and better jobs. Economically, women still lag behind men in terms of earnings and career opportunities. The changes brought about by the current economic crisis could take years to unfold. In this time of uncertainty, we should be investing in educating all of our citizens, so that we can all contribute to the rebuilding of our economy. Women should not be left out of this effort.

2. **Barriers to Housing:** Individuals with criminal records sometimes face being barred from different forms of public housing or housing subsidies which requires that those who receive it be on Public Assistance, which renders many working people ineligible for assistance. Or, the NYCHA ban on people with certain criminal convictions that restricts access to New York City public housing units. With limited access to public housing or housing subsidies and with too few transitional housing options for women are forced to consider unstable and unsafe housing options, thus feeding the barriers related to family reunification and general stabilization.

3. **Barriers to Family Reunification:** Women have trouble reunifying with their children, even after they are released from prison and living in the community. Women often lack housing for
themselves and their children, benefits that would help them stabilize economically after release, and skills and resources they need to become employed as a result of inadequate access to discharge planning from correctional facilities, lack of clear information on the steps needed to reunify and lack of access to counselors and family therapy to help them and their children with the reunification process.

4. Barriers to Successful Civic and Community Life: Individuals with criminal records return home from prison and face restrictions that make it difficult to successfully transition home. For example, being unable to speak to other parolees potentially destroys a critical support system available to them. Access to affordable healthcare, low-cost therapy, and gender specific substance abuse care is limited as many of these services are not community based.

Recommendations for Change

The criminal justice system must expand alternatives to incarceration to include alternatives to conviction. Avoiding a criminal conviction by participating in community-based programs to address underlying issues women face prior to arrest, will result in fewer barriers to women fully achieving their goals for self-efficacy and self-sufficiency.

‘Tough on Crime’ rhetoric, which favors stiff penalties and long-sentences, is giving way to ‘Smart on Crime’ approaches that are cost-effective, evidence-based, data-driven and community based. Gender-responsive smart on crime approaches are innovative responses to crime that go beyond incarceration and our current narrow definition of alternatives to incarceration. Community-based policies and practices that reflect smart on crime and gender-responsive principals are cost-efficient and better able to address the unique issues criminal justice-involved women face, such as maintaining relationships, family reunification and coping with trauma.

We offer two approaches to a ‘Smart on Crime’ model:

1) Expand current model of Alternative to Incarceration (ATI) programs:
   - Establish the use of alternatives to conviction such as, supervised community service, mandated substance abuse treatment and other supervised, community-based programs. These programs should be used as diversions for people who would otherwise be facing incarceration.
   - Make more women eligible for ATI by expanding the range of qualifying offenses and expanding the number of participating jurisdictions.
   - More alternatives to incarceration need to be created, coupled by an increased understanding of the value and use of those ATI’s among judges and prosecutors.

2) Establish Alternative to Conviction (ATC) models and increase the number of community-based, residential ATI and ATC programs:
   - Ensure that there are programs available to address the range of needs presented by women in contact with the criminal justice system including gender-specific substance abuse treatment, trauma recovery, mental health and health services and family preservation services. Making these programs more readily available throughout NYC communities ensures that women and their families maintain ties with their community.
   - Include more community-based ATI and ATC programs including ones that focus specifically on issues like substance abuse, mental health, trauma, family violence.
   - More mother/child ATI programs.
   - Increase investment in alternatives to incarceration and expand the availability of these programs to women with children, and those with mental health and substance abuse problems.
Conclusion

The alarming rate of growth in women's incarceration has a devastating impact on us as women, and on our families and communities. Women enter the criminal justice system with a variety of issues such as substance abuse, poverty, domestic violence, mental health and health concerns, homelessness, and low levels of formal education. If these issues were addressed on the community level and our justice system adopted an alternative to conviction model, many women might never enter into the criminal justice system, let alone prison.

While we support the recent attention paid to “re-entry,” the period of time when a person is coming back into the community from incarceration, we must also focus on why we are sending so many women to prison in the first place. While money is being spent on incarcerating women in faraway prisons, our home communities are lacking the resources for services that could prevent the need for incarceration in the first place. Some states have begun implementing what is called “justice reinvestment.” Justice reinvestment takes money that would otherwise be spent on incarcerating people and reinvests it in much-needed services on the community level. This reinvestment should be considered in the expansion of alternatives to incarceration and the creation of alternatives to conviction.

For more information about WPA and the Women’s Advocacy Project, please visit us online at www.wpaonline.org, or send an email to institute@wpaonline.org.