



WPA Focus on Women & Justice

WOMEN'S PRISON ASSOCIATION

Barriers to Reentry

October 2003

OVER ONE MILLION WOMEN IN THE COMMUNITY ARE INVOLVED IN THE CRIMINAL JUSTICE SYSTEM TODAY

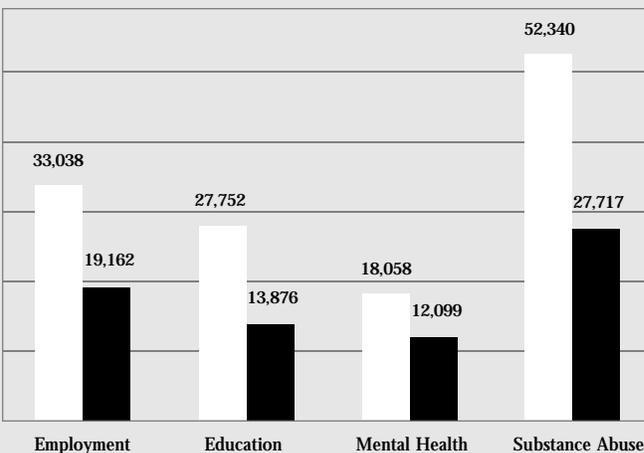
- As of 2001, more than 70,000 women are released from State and Federal prisons annually
- The number of women on probation approaches one million
- Nearly 90,000 women are currently on parole and reintegrating into community life
- 1 in 5 probationers and 1 in 7 parolees is a woman
- 1 out of every 109 women in the US is involved in the criminal justice system

CHALLENGES FACING WOMEN BEFORE PRISON MAY REMAIN UPON RELEASE

RECENT STUDIES OF WOMEN IN STATE PRISONS SHOW:

- **Livelihood¹:** 78% do not have a high school degree and half did not work in the month before they were incarcerated.
- **Housing¹:** 15% were homeless at least once in the year before their arrest.
- **Health and Wellbeing⁸:** 24% reported having mental health problems. 74% used drugs regularly before their incarceration.²
- **Children and Family:** 65% are mothers of minor children³ and expect to resume their parenting role upon release from prison.⁴

FOR MANY WOMEN, SERIOUS ISSUES GO UNRESOLVED WHILE THEY ARE INCARCERATED



▫ Number of incarcerated women acutely in need of services
 ■ Number of women who receive training, treatment or counseling while in prison

Note: Numbers are based on data from the 1997 Survey of Prisoners conducted by the US Department of Justice and are meant to illustrate the proportional difference between need and service.

PRISON IS NOT A SUBSTITUTE FOR NECESSARY SERVICES AND TREATMENT^{2,7,8}

- A significant number of women leaving prison have problems that contributed to the circumstances leading to their arrest and incarceration.
- Most of the women who will return to the community are nonviolent drug offenders.
- Imprisoning these women without providing treatment and supportive services in the community increases the likelihood that the obstacles they encountered before prison will remain upon reentry.

BARRIERS CONFRONT WOMEN SEEKING POSITIVE REINTEGRATION INTO THEIR COMMUNITIES

RECENT STUDIES SHOW

Livelihood

- n **Stigma:** Employers are often unwilling to hire ex-prisoners. Two-thirds of all employers in 5 major cities indicated that they would not knowingly hire an ex-prisoner.⁵
- n **Restrictions:** In some cases, employers are forbidden from hiring ex-prisoners and are mandated to run background checks on all job applicants. Most jobs that are legally closed to ex-offenders are in the fields of nursing, home healthcare, childcare, education, and security.⁶
- n **No safety net:** In 1996, the federal welfare law “The Personal Responsibility and Work Opportunity Reconciliation Act” was passed. This law contains a provision that many states have adopted restricting access to public benefits for anyone with a drug-related conviction—over half of the women reentering communities today. Without public assistance to help pay for food and housing, many women who are not immediately ready to go on the job market after prison are left with few options for supporting themselves and their children.
- n **Low rates of success:** One year after release, approximately 60% of former inmates were not employed in the regular labor market.⁵

LOW EDUCATION MEANS FEWER JOB CHOICES⁷

- n 78% of women in prison do not have a high school diploma
- n 16% of incarcerated women receive a GED in prison
- n For every 1 woman in prison with a college degree, there are 32 without.
- n 50% of women in prison do not participate in any prison educational program

Housing

- n **Discrimination:** Landlords are more likely to choose tenants with stable employment and housing histories than they are former prisoners. Moreover, if a landlord believes that the applicant will be a threat to others in the building because of past incarceration history, she or he can legally deny housing to the applicant.⁵
- n **Federal Prohibitions:** Anyone who has engaged in drug-related or violent crime, or any other criminal activity that could be seen as adversely affecting the health, safety, or right to peaceful enjoyment of the premises may be denied public, Section 8, and other federally assisted housing.⁹ If the offense occurred a “reasonable” time before the person seeks admission, housing may be granted. However, there is no standard for assessing how much time is considered reasonable.⁹
- n **Reliance on the shelter system:** Having few housing options, many ex-offenders rely on emergency shelters. As much as 11% of released prisoners in New York State entered homeless shelters within two years after release. 32% of this population was reincarcerated.¹⁰

Health and Wellbeing

- n **Public Assistance Requirements:** Federal regulations make people ineligible for Public Assistance and Medicaid benefits for any month during which they are a resident of a public institution, such as a correctional facility.¹¹ Most facilities do not have discharge

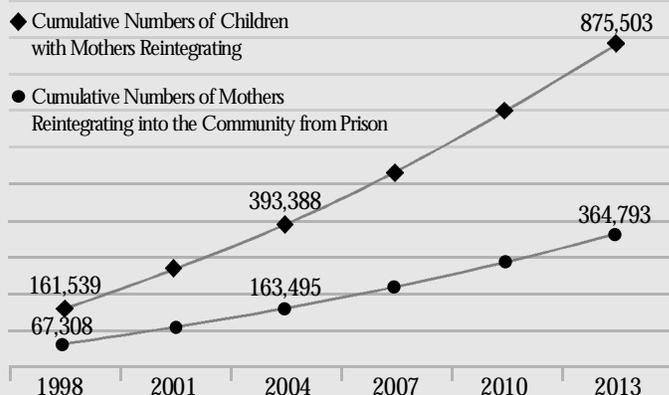
planners who can help inmates through the benefits application process while they are incarcerated. As a result women have to endure a 45-day waiting period for activation of benefits once they are released.

- n **Managing Multiple Demands:** Chronic illnesses such as HIV and Hepatitis are a serious concern for many women in prisons and jails. For instance, 4% of women in prison nationally and 18% in New York State prisons are HIV positive.¹² For most prisoners returning to communities, the ability to manage illness is hampered by immediate needs such as food, shelter, addictions treatment, and caring for children.¹³
- n **Funding Cuts:** The availability of insurance and public health care is very important for the population of women reentering communities because a significant number suffer from mental illness, addiction, and poor health in general. However, many states face severe cutbacks in funding for public health. In New York State, a current proposal would reduce spending for public health by \$50 million in FY 2003 (retroactive) and FY 2004, and by at least \$35 million in following years.¹⁴

Children and Family

- n **Reunification timeline:** The Adoption and Safe Families Act (ASFA) of 1997 enables a state to begin proceedings to terminate parental rights if a child has been in foster care for 15 out of the last 22 months. Since a woman in prison serves an average of 19 months, termination of parental rights (TPR) is a very serious possibility.
- n **Lack of contact with children:** Mothers who maintain visits with their children while they are incarcerated are far more likely to avoid TPR upon release. However, more than half of the children of women prisoners do not visit their mothers, and most (60%) live more than 100 miles from the prison where their mother is being held.⁴ Phone or letter contact makes reunification more likely, but even this is challenging: inmates are allowed only collect calls, and many foster care agencies will not accept the charges.¹⁵
- n **Childcare:** If mothers find work, they also have to find day care. 46% of incarcerated mothers live with their children in single-parent households before they go to prison.³
- n **Public Assistance Restrictions:** Many mothers leaving prisons relied and will rely on various forms of public assistance until they get back on their feet. However, many states bar the provision of Temporary Assistance for Needy Families (TANF) benefits to persons convicted of drug-felonies and parole or probation violators.¹⁶

IF CURRENT LEVELS PERSIST, TEN YEARS FROM NOW OVER 850,000 CHILDREN WILL HAVE MOTHERS AT VARIOUS STAGES OF COMMUNITY REINTEGRATION AFTER LEAVING PRISON



Note: Estimated and projected numbers are based on percentages of women in prison that are mothers, average number of minor children per inmate, and annual release rates.

IMPLICATIONS

- n **Livelihood:** The stigma associated with having been in prison lessens the possibility that women reentering communities will find work. Not receiving sufficient job or educational training while in prison erodes women's prospects even further. Most are mothers and a lack of adequate employment seriously jeopardizes their ability to care for themselves and their families. Moreover, without a job, the cycle that led to incarceration may be repeated. Joblessness increases the likelihood that a former prisoner will turn to illegal activities and increases the probability of a parole violation and ultimately, re-imprisonment.
- n **Housing:** Prison exacerbates the problem of housing instability that many women returning from prison have experienced over the course of their lives. Adequate, stable and affordable housing is a basic building block on the road to successful reentry. But many obstacles make achieving this goal exceptionally difficult. A woman's ability to obtain housing has an impact on every aspect of her reentry into the community. State agencies need to know that stable housing has been secured before they will begin the process of reunifying young children with their mothers; employers want to see a permanent address on a job application; social service providers want to know that they are sending important documents to the correct address.
- n **Health and Wellbeing:** The high occurrence of communicable diseases such as HIV, tuberculosis, and hepatitis is a serious problem in prisons and jails. Upon reentry, treatment is inaccessible until a complex public assistance application process, which is dependent on a permanent address, is completed. Moreover, an overwhelming number of women coming out of prison have continuing substance abuse and addiction problems. Because of funding cuts and restrictions, which have closed some clinics and limited the capacity of others, many women will go untreated in the community. Without treatment, the chances that women will return to the behavior that landed them in prison in the first place are increased.
- n **Reunification with children:** After release, the process of mother/child reunification is fraught with difficulties. The legal framework that dictates the formal relationship between an incarcerated, or previously incarcerated, mother and her children creates tremendous problems for women hoping for reunification. In fact, by the time they get out of prison, many women will have already lost their children—sometimes permanently—to foster care. Many more risk losing their children soon after their release.

RECOMMENDATIONS

Planning for Successful Reentry Must Begin on Day One of Incarceration

- 4 Assess women upon entry for their needs related to family, health, education, housing, and livelihood so that the period of incarceration may be used productively to meet these needs and prepare for release.
- 4 Fund health, mental health and substance abuse treatment services

in prison so that women leave prison in good health and able to live successfully in the community.

- 4 Fund educational, vocational and employment services in prison so women reentering the community can provide for their families and achieve financial independence by becoming more marketable to potential employers.
- 4 Train discharge planners, correctional staff and field parole officers so that information-sharing capabilities and communication are enhanced.
- 4 Grant community-based organizations greater access to correctional facilities so they can bridge the service gap that women experience between prison and their reentry into the community.

Women Must be Released with the Tools and Support They Need to Succeed in the Community

- 4 Help women acquire personal identification papers, documentation of special needs, and public benefits while they are incarcerated to reduce waiting time upon release.
- 4 Release women with a comprehensive discharge plan that addresses their most pressing needs. The plan should include case management by a provider with whom the inmate has worked while incarcerated. It should also include relapse prevention and treatment services as needed.
- 4 Release women who have medical and mental health needs with an appointment in the community, adequate medications, prescriptions, and a way to pay for them.
- 4 Reentry plans should address family issues, including reunification with children.
- 4 Ensure that criminal justice system demands—like parole supervision—are scheduled and managed in ways that enable a woman's full participation in work and family life.

Communities Must be Equipped with Resources to Help Women Rebuild Their Lives

- 4 Provide publicly funded education, training and employment assistance to women seeking to support themselves and their families.
- 4 Provide publicly funded day care so that work is more manageable for mothers reentering the community.
- 4 Increase the quantity of low-cost, good quality housing, and ensure its availability to women with criminal justice histories.
- 4 Ensure access to affordable, high quality health care in the community.

Public Policies Must Promote Healthy Family and Community Life for Formerly Incarcerated Women

- 4 Ensure that the Adoption and Safe Families Act (ASFA) does not unnecessarily result in the termination of parental rights in cases where family preservation is possible and desirable.
- 4 Modify restrictive public housing and Section 8 guidelines to allow formerly incarcerated women access to affordable housing.
- 4 Eliminate automatic exclusions based on conviction from eligibility for public benefits, certain jobs, and other supports that are central to a person's movement toward greater self-sufficiency.
- 4 Encourage full participation in the exercise of democracy by restoring the voting rights of prisoners who have been released from incarceration.

References 1 U.S. Dept. of Justice, Bureau of Justice Statistics, and U.S. Dept. of Justice, Federal Bureau of Prisons. 2000. *Survey of Inmates in State and Federal Correctional Facilities*. 1997 [Computer file]. Compiled by U.S. Dept. of Commerce, Bureau of the Census. ICPSR ed. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [producer and distributor]. 2 Mumola, Christopher J. 2001. *Substance Abuse and Treatment in State and Federal Prisons*. 1997. Washington D.C.: Bureau of Justice Statistics. 3 Mumola, Christopher J. 2000. *Incarcerated Parents and Their Children*. Washington D.C.: Bureau of Justice Statistics. 4 Bloom, B. & Steinhart, D. (1993). *Why punish the children? A reappraisal of the children of incarcerated mothers in America*. San Francisco, CA: National Council on Crime and Delinquency. 5 Travis, Jeremy, Amy L. Solomon, and Michelle Waul. 2001. *From Prison to Home: The Dimensions and Consequences of Prisoner Reentry*. 6 Chao, Elaine L. 2001. "Strategies to Help Move Ex-Offenders from Welfare to Work." Washington, D.C.: United States Department of Labor. 7 Harlow, Caroline Wolf, Ph.D. 2003. *Education and Correctional Populations*. Washington D.C.: Bureau of Justice Statistics. 8 Ditton, Paula M. 1999. *Mental Health and Treatment of Inmates and Probationers*. Washington D.C.: Bureau of Justice Statistics. 9 Legal Action Center. "Housing Laws affecting Individuals with Criminal Convictions." 10 Metraux, Stephen and Dennis P. Culhane. 2003. "Homeless Shelter Use and Reincarceration Following Prison Release." Unpublished Manuscript. 11 Cohen, Robin. 2001. "Medicaid for Mentally Ill Prisoners." Downloaded from OLR Research Report at <http://www.cga.state.ct.us/2001/rpt/olr/hm/2001-r-0503.htm>. 12 Maruschak, Laura M. 2002. *HIV in Prisons*. 2000. Washington D.C.: Bureau of Justice Statistics. 13 Mahon, N. and S. Machon. 1993. "When HIV is not the Issue: Assessment of the HIV and non-HIV Related Needs of Prisoners and Former Prisoners." Downloaded from Aidsline National Library of Medicine at <http://www.aegis.com/pubs/aidsline/1993/nov/M93B5736.html>. 14 Frieden, Thomas R. M.D., M.P.H. 2003. "Getting NYC's Fair Share: State Medicaid and Health Cuts." Testimony before the New York City Council Committee on Health, Committee on State and Federal Legislation, and Committee on Mental Hygiene, Mental Retardation, Alcoholism, and Disability Services. April 28, 2003. Available for download at <http://www.nyc.gov/html/doh/html/public/testi/testi20030428.html>. 15 The Correctional Association of New York. 2002. *State of the Prisons: Conditions of Confinement in 25 New York Correctional Facilities*. 16 Greenberg, Mark. 1999. "TANF and Criminal Convictions." Presented at the National Legal Aid and Defenders' Association Substantive Law Conference.

MISSION

Founded in 1844, WPA works to create opportunities for change in the lives of women prisoners, ex-prisoners, and their families. WPA provides a range of services through which women acquire life skills needed to end their involvement in the criminal justice system and to make positive, healthy choices for themselves and their families.

WPA maintains a 159-year tradition of public information and advocacy designed to ameliorate jail and prison conditions for women. WPA also strives to increase public awareness of and support for effective, community-based responses to crime.

**WPA SUPPORTS THESE AND OTHER ADVOCACY EFFORTS THROUGH OUR
WORK WITH AND ON BEHALF OF FEMALE PRISONERS AND EX-PRISONERS.**

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