

Justice Reinvestment Proposals and Recommendations for Reducing the Incarceration of Women

Introduction

The Bureau of Justice reported in 2020 the prison population for the United States declined by 7% to 31% bringing the total prison population to 1,215,800¹. Of this population, women accounted for 6.7% of prisoners² and 12.7% of inmates³. In fiscal year 2021, the Rhode Island Department of Corrections (RIDOC) Women's Facility 1, reported an average custody of 86 total offenders comprising just 40% of the facilities Palmigiano's Capacity of 230.⁴ The population of the facility has fluctuated over the years with the lowest recorded population of 15 offenders in 1976 and peaking at 245 in 2008. In fiscal year 2021 the female population reached its lowest point since the 1980's with an average of 85.

The RIDOC FY21 Annual Population Report notes the characteristics of a typical sentenced offender. For female offenders the majority are white at 62% and single at 70%, compared to the male population where the majority are white at 37% and single at 76%. The average age for female offenders is 37 with a range from 20 to 66 years old. Males make up most (85%) of the RIDOC commitments, while women account for only 15%. As of June 30, 2022, the offender statistics for females was Black: 34, White: 103, Asian:0, Hispanic:19, American Indian:0, Other: 14, Total: 170.⁵

Sentences can range from less than one month to greater than two years depending on the offense. In Rhode Island, most incarcerated women are serving relatively short sentences, most had been victims of abuse themselves, and more than half were serving time for non-violent offenses (Fiscal year 2021, of the 144 prisoners released 55% were serving for non-violent offenses).⁶ According to a 2019 Department of Justice report, a large percentage of female state prisoners served drug- or property- related sentences, compared to male state prisoners.⁷

¹ Figures from Shannon Lynch presentation Incarcerated women's trauma, exposure, mental health, and potential points for prevention and intervention

² Prisoner is defined as one confined in federal and state prisons

³ Inmate is defined as one confined in local and county jails or detention centers

⁴ Figures from Rhode Island Department of Corrections presentation Analytical review of female offenders held/incarcerated in RIDOC's Women's Facility 1

⁵ Rhode Island Department of Corrections At a Glance: 2022 RIDOC Fact Sheet

⁶ Figures from Sentenced Releases-Expiration of Sentence slide Rhode Island Department of Corrections presentation Analytical review of female offenders held/incarcerated in RIDOC's Women's Facility 1

⁷ 2018 incarceration figures. Brief Introduction of Gender-Responsive Recommendations and Practices for Reentry and Decarceration for Criminal Legal System-Involved Women by Megha Ramaswamy, PhD, MPH

As Professor Shannon Lynch noted in her 2023 presentation to the commission, women who were abused or neglected as children were twice as likely to be arrested as adults than non-abused women. In addition, those subjected to caregiver violence were 9x as likely to run away as teens and individuals witnessing violence were 2x as likely to commit property crimes or assaults and 9x as likely to use weapons. That is, the cycles of abuse and incarceration can be seen manifesting in the population of incarcerated women, both in Rhode Island and nationally.

Interpersonal violence exposures and mental health problems are associated with repeat offending. Survey data has shown offenders with mental health problems were more likely to serve three or more prior prison sentences and psychological impairments are strong predictors of subsequent recidivism. During the meetings, commissioners reported they were struck by how often incarcerated women had histories of abuse, trauma, and addiction. For instance, 60% of the women incarcerated in Rhode Island “met the cutoff for PTSD,” while 80% met the criteria for having a substance-use disorder.

Rhode Island Department of Corrections Women’s Facility 1 (Gloria McDonald Building)

The Gloria McDonald Women’s Facility opened in December 2010 and houses female offenders awaiting trial and those who are incarcerated serving a sentence. The Women’s Facility contains three classification levels (minimum, medium and work release). RIDOC FY21 data showed:

- Average Facility Population: 86*
*Average population is 101 (FY22) based on RIDOC facility website
- Operational Capacity: 187
- Annual Cost Per Offender: \$170,296*
*RIDOC Facilities cost per offender in FY22: Intake Service Center \$81,584; Minimum Security \$157,267; John J. Moran Medium Security \$82,236; Maximum Security \$100,909; High Security Center \$225,259⁸

The women’s facility is operating at slightly above half capacity, and is extremely costly compared to the men’s and intake facilities.

Incarceration

Women often become involved with the justice system as a result of efforts to manage life’s challenges such as poverty, behavioral- health, trauma, abuse, sexual assault, and substance-use disorders.

In FY21, RIDOC had 1,194 female awaiting trial commitments with ~39% committed for violent offenses, 34% were committed for non-violent offenses, 22% were committed for drug offenses, and 4% were committed for breaking and entering.⁹

⁸ Rhode Island Department of Corrections At a Glance: 2022 RIDOC Fact Sheet

⁹ Figures from Rhode Island Department of Corrections presentation Analytical review of female offenders held/incarcerated in RIDOC’s Women’s Facility 1

For those committed, awaiting trial, and sentencing, males make up the majority 92.9% of RIDOC's awaiting trial population, while females make up just 7.1%. Males also account for 96.9% of RIDOC's sentenced population, while females make up only 3.1%.¹⁰

Incarcerated women are often the head of their households, and their incarceration creates disruptions and/or the breaking up of the family, as children will often be rehomed with relatives, or remanded to the state's foster care system. This disruption can result in breaking up the family. As of the close of FY21, 66% of sentenced female offenders were mothers and the average number of children is 2.¹¹

- Approximately 40% of sentenced female offenders were involved with DCYF
- Informal evidence suggests that incarcerated mothers who had been involved in an abusive relationship with their partner often lack the ability to secure stable housing, presenting a barrier to reunification with their children upon release.
- The lack of community-based resources (such as supportive housing) and untreated trauma is a significant factor which may lead to a victim going back to their abusive partner.

Commissioner Mavis Nimoh, executive director for the Center for Health and Justice Transformation, noted "I think it's critically important to think about the disruption of the family unit," she said, suggesting that Rhode Island, being a small state would "do well to move away from incarceration to a community-based setting" where women can get the support that they need. Specifically, Nimoh said, "we've seen transitional housing be incredibly successful, especially for women." In some cases, she said, it's allowed women to be reunited with their children. ("Transitional housing" refers to temporary housing that comes with access to social services. It can be an alternative to incarceration, or a place to go after being incarcerated.)¹²

Currently and formerly incarcerated women often struggle to obtain the psychological and supportive services that they need, largely because of coordination difficulties in Rhode Island. For instance, the current system prevents BHDDH from being notified when their client is incarcerated or discharged, leaving the providers waiting for largely non-responsive clients. Evidence suggest many formerly incarcerated mothers self-medicate which causes mental health issues and exacerbates existing ones¹³.

¹⁰Rhode Island Department of Corrections Fiscal Year 2021 Annual Population Report

¹¹ DCYF FY21 Figures from Rhode Island Department of Corrections presentation Analytical review of female offenders held/incarcerated in RIDOC's Women's Facility 1

¹² <https://www.providencejournal.com/story/news/politics/2023/01/31/women-in-ri-prisons-would-benefit-from-transitional-housing-panel-finds/69853951007/>

¹³ BHDDH slide from Rhode Island Department of Corrections presentation Analytical review of female offenders held/incarcerated in RIDOC's Women's Facility 1

Sentence and Parole

The Rhode Island Department of Corrections noted in FY21 the average sentence length was ~166 days, while the median was 43 days. The majority of offenders were serving sentences of less than 1 month or 1 month to 6 months. The department provides reduced sentences through sentence reduction credits, allowing offenders to reduce the overall length of stay.¹⁴ RIDOC highlighted two types of parole in their presentation:

Parole Release:

- Conditional early release of offenders sentenced to ACI for more than 6 months
- Consideration is made 1/3 of the prison sentence
- Except life, lengthy or murder sentences as provided by RI General Law 13-8-13
- The parole permit entitles the offender to be at liberty during the remainder of their term of prison sentence upon express terms and conditions prescribed by the Board.

Medical Parole:

- Medical parole is made available for humanitarian reason or to alleviate exorbitant medical expenses associated with offenders whose chronic or incurable illness render their incarceration non-punitive and non-rehabilitative.

It was noted by the department according to the Bureau of Justice Statistics, Rhode Island had the 4th highest rate of probation supervision and the 7th highest rate of community supervision in the nation. As of June 30, 2021, there are 13,752 Probation and Parole offenders residing in the state with 15.5% (2,120) of these cases are women.¹⁵ The average parole term for a female is over 1 year (373 days) and average probation term is 5.5 years (2011 days).

The short length of sentences is significant, and affects the types of support and programming that women are eligible to receive during their incarceration. For instance, a sentence of 43 days does not permit for someone to complete a GED or a college course. Short stays are unique, and can disrupt one's life especially when it comes to the custody of their children. A short sentence can prevent an individual from accessing programs that provide them with the skills to improve their life, and/or rehabilitation and counseling offerings. In the long run, short sentences are highly disruptive, as Commissioner and Parole Board Chairwoman Laura Pisaturo notes¹⁶, and associated with reincarceration and failure to break the social cycle of recidivism.

¹⁴ Rhode Island Department of Corrections presentation Analytical review of female offenders held/incarcerated in RIDOC's Women's Facility 1

¹⁵ Figures from Rhode Island Department of Corrections presentation Analytical review of female offenders held/incarcerated in RIDOC's Women's Facility 1

¹⁶ <https://www.providencejournal.com/story/news/politics/2023/01/31/women-in-ri-prisons-would-benefit-from-transitional-housing-panel-finds/69853951007/>

Issues Faced Upon Release

Exiting jail or prison is a major risk factor to housing stability, and there is a large overlap in populations experiencing homelessness and prior involvement in the criminal or juvenile justice systems¹⁷. Research from the National Low Income Housing Coalition found that formerly incarcerated people are 10 times more likely than the general public to become homeless¹⁸. This revolving door of incarceration is perpetuated when people are not connected to the housing services they need after release. In addition, when people cannot find stable housing, they are more likely to recidivate. Women of color are also disproportionately more vulnerable to becoming homeless after incarceration and were thus susceptible to recidivating¹⁹. These challenges suggest that housing is one of the primary challenges that the state is suited to address.

Formerly incarcerated women may experience issues with unemployment, homelessness, and lack life skills. According to a 2012 National Institute of Justice study 79% of 134 women interviewed 30 days before release indicated “employment, education, and life skill services” as the greatest areas of need.²⁰ RIDOC noted in FY21, 15% of sentenced female offenders had less than a 12th grade education.²¹ Formerly incarcerated women may experience higher rates of unemployment and homelessness compared to formerly incarcerated men and upon release face challenges with assistance to find housing—which in turn often affects their ability to be reunited with their children. Professor Megha Ramaswamy, a scholar of justice who presented to the commission, cited a 2004 study by Holtfreter, Reisig, and Morash found that poverty is the strongest predictor of recidivism for women and state-sponsored support of former inmates’ short-term needs—specifically housing—reduces the odds of recidivism by 83% for poor women on probation and parole. These national challenges appear to be broadly reflected in Rhode Island.

¹⁷ <https://www.prisonpolicy.org/reports/housing.html>

¹⁸ <https://nlihc.org/resource/formerly-incarcerated-people-are-nearly-10-times-more-likely-be-homeless>

¹⁹ <https://www.bloomberg.com/news/articles/2018-08-16/the-jail-to-homelessness-pipeline>

²⁰ Economic marginalization and poverty. Megha Ramaswamy, PhD, MPH--Brief Introduction on Gender-Responsive Recommendations and Practices in Reentry and Decarceration for Criminal Legal System-Involved Women.

²¹ Rhode Island Department of Corrections presentation Analytical review of female offenders held/incarcerated in RIDOC’s Women’s Facility 1

Rhode Island Department of Correction Education Programs

The RIDOC offers a series of “fixed” programs that provide offenders with timeframe based and ongoing programs, allowing offenders to enroll and participate on a rolling basis.²² Based on RIDOC figures it take an average of 100 hours of classroom instruction to graduate from Adult Basic Education into a GED class and approximately 270 hours, not including independent work, before taking a GED exam. However, because women serve, on average, very short sentences, they may be functionally ineligible for many of the programs listed.

The programs offered in FY21 included²³:

<u>FY21 Ongoing Programs</u>	<u>FY21 Fixed Programs</u>
Substance Abuse Level 2	College Academic
Adult Basic Education	Mindfulness & Emotional Intelligence
GED	Financial Literacy
Women’s Health Initiative	Pre-Employment/Job Readiness
Barbering Apprentice Certification	Victims Impact Group
Barbering 1 Year Apprentice Certification	Cognitive Techniques for Risk Reduction

In addition to education programs, RIDOC offers rehabilitation to female inmates with a focus on reducing recidivism and increasing success upon release. These programs include:

- **Cognitive techniques for risk reduction:** This addresses deficits in pro-social life skills.
- **Victims Impact:** Program focuses on making offenders aware of how different offenses impact their victims, families, communities, and themselves.
- **Seeking Safety:** Teaches coping skills and provides psychoeducation to women suffering from trauma, substance abuse, and PTSD.
- **Women’s Parenting:** 12-week course designed for incarcerated mothers.
**Must consider those with short sentences are typically not able to complete this course.*
- **College Academic:** College academic courses taught by faculty and staff of CCRI for college credit. Course include but not limited to: Intro to Literature, Intro to Business, Fundamental Math, International Relations, Systems Thinking, and Human Health Disease. **Must consider those with short sentences are typically not able to complete this course.*

²² Education data from Rhode Island Department of Corrections presentation Analytical review of female offenders held/incarcerated in RIDOC’s Women’s Facility 1.

²³ Education programs from Rhode Island Department of Corrections presentation Analytical review of female offenders held/incarcerated in RIDOC’s Women’s Facility 1

Recommendations

Overall, the commission highlights remarkably consistent findings: that in order to reduce incarceration and recidivism in Rhode Island, the state requires more supportive, therapeutic, and educational services, particularly more transitional housing.

Rhode Island Judiciary Diversion Program

The Rhode Island Judiciary Diversion Program, established in partnership with the Office of the Attorney General is currently being offered. The program is designed to offer an alternative to traditional conviction, sentencing and incarceration for those charged with non-violent felony offenses. This program provides eligible defendants with a framework for supervision and services in lieu of incarceration or probation.²⁴ The commission recommends that the state continue to work with the Judiciary to support the development of this program.

Improving Outcomes for Formerly Incarcerated & Reduce Recidivism

Formerly incarcerated may face challenges after release due to the controlled environment of the prison system, their lack of access to resources such as housing and economic security, and issues related to past having experienced past trauma. These challenges, as noted earlier, include high rates of poverty and prior sexual abuse, both of which necessitate interventions that are not broadly accessible. Transition care services provide the formerly incarcerated with resources to overcome some of the barriers.

Services such as those that address behavioral health challenges and gaps at the time of discharge, transitional housing, recovery support, employment assistance, peer-to-peer recovery support and vocational training, can provide the tools and resources to improve an individual's physical and mental wellbeing. Diversion programs could be considered as a means to shifting people away from prison sentences, along with offering pre-trial services with case management can lead to informed sentencing recommendations.

This Commission was not able to conduct a thorough review of the services available to women after incarceration, the gaps in these systems, and the potential barriers that exist in these systems that could potentially be addressed. However, lack of coordination among these systems was cited by both presenters and commissioners as an ongoing challenge.

²⁴ Rhode Island Department of Corrections presentation Analytical review of female offenders held/incarcerated in RIDOC's Women's Facility 1. Diversion Program:
<https://www.courts.ri.gov/Courts/SuperiorCourt/PDF/DiversionProgramInformation.pdf>

Housing, Particularly Supportive and Transitional Housing

The Commission found overwhelmingly that more supportive housing, shelter services, and community-based transitional programming would represent a crucial first step toward decreasing both incarceration and recidivism. Commissioner Donna Collins, the warden for Gloria McDonald Women's Facility, noted that the facility houses two populations: Women who have been sentenced to prison, and women who may be jailed for as little as one day while awaiting arraignment or trial. "As a state, it would behoove us to do a better job with helping out the women who are very transient," Collins said. "To break the cycle of shelters to prisons to shelters to prison would be advantageous."²⁵

²⁵ <https://www.providencejournal.com/story/news/politics/2023/01/31/women-in-ri-prisons-would-benefit-from-transitional-housing-panel-finds/69853951007/>