EXECUTIVE SUMMARY

A Rising Tide
Understanding Incarceration’s Multigenerational Impact on Women, Girls, and Communities

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Aetna Better Health® of Pennsylvania
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PolicyLab

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BACKGROUND

The public face of over-incarceration is overwhelmingly male. However, between 1980 and 2016, the number of incarcerated women in the U.S increased by more than 700 percent.¹

To identify solutions and provoke change around the incarceration of women, girls, and parenting families, Maternity Care Coalition in partnership with the Stoneleigh Foundation hosted *A Rising Tide: Understanding Incarceration’s Multigenerational Impact on Women, Girls, and Communities.*

This day-long forum brought together policymakers, system stakeholders, industry leaders, advocates and community members to spur conversation and challenge persistent inequalities affecting the health and well-being of women, girls, and communities impacted by the criminal justice system.

DEVELOPING TRENDS

Here are several promising trends and suggestions for reform that emerged during the policy forum.

1. Decrease / eliminate cash bail for pregnant women and parenting mothers.

2. Focus on Medication-Assisted Treatment (MAT) for pregnant women and mothers struggling with substance abuse disorders.

3. Expand the usage of restorative justice practices.

4. Increase diversion programming and offer home visiting services for pregnant and newly parenting women.

At the conclusion of this summary, you will find a list of suggestions for how you or your organization can continue to engage in and support this work.
**SCHEDULE OF EVENTS**

9:00 – 9:10 am  
**Welcoming Remarks**  
Ronnie L. Bloom, *Executive Director*, Stoneleigh Foundation  
Marianne Fray, *Chief Executive Officer*, Maternity Care Coalition

9:10 – 10:10 am  
**Opening Keynote Conversation**  
*Criminalization of Gender & Gendered Prosecution and Sentencing*  
Lawrence S. Krasner, *District Attorney*, City of Philadelphia  
Jeannette Pai-Espinosa, *President*, National Crittenton  
Moderated by: Marsha Levick, *Chief Legal Officer & Co-Founder*, Juvenile Law Center

10:25 – 11:10 am  
**Breakout Session Period A**  
*Mothers Behind Bars: Pregnancy and Parenting While Incarcerated*  
Bridget Biddle, *Advocate*, Maternity Care Coalition  
Blanche Carney, *Commissioner*, Philadelphia Department of Prisons  
Margaret Zhang, *Staff Attorney*, Women’s Law Project  
Moderated by: Kathleen Creamer, *Managing Attorney*, Family Advocacy Unit, Community Legal Services  

*Incarceration and Health Access*  
Bruce Herdman, *Chief of Medical Operations*, Philadelphia Department of Prisons  
Tamra Williams, *Deputy Chief Clinical Officer*, Community Behavioral Health  
Charmaine Smith Wright, *Medical Director*, Center for Special Health Care Needs, Christiana Care Health System  
Moderated by: Holly Harner, *Associate Professor of Public Health*, LaSalle University
11:25 am – 12:10 pm  
**Breakout Session Period B**

*Serving Time on the Outside: Women, Girls, and Reentry*

Faith Bartley, *Lead Fellow*, People’s Paper Co-op  
Claire Shubik-Richards, *Executive Director*, Pennsylvania Prison Society  
Julie Wertheimer, *Senior Director of Criminal Justice Reform Strategies & Programs*, City of Philadelphia  

Moderated by: Marjie Mogul, *Senior Director of Research*, Maternity Care Coalition

*Punitive Treatment of Pregnant Women Experiencing Substance Use Disorders*

Colette Green, *Director of Behavioral Health*, Maternity Care Coalition  
Cathleen Palm, *Founder*, The Center for Children’s Justice  
Carol E. Tracy, *Executive Director*, Women’s Law Project  

Moderated by: Nan Feyler, *Stoneleigh Fellow*, Deputy Managing Director’s Office for Health and Human Services, City of Philadelphia

1:30 – 2:20 pm  
**Closing Plenary**

*Intersectionality and the Justice System*

Amber Hikes, *Executive Director*, *Office of LGBT Affairs*, City of Philadelphia  
Angela Irvine, *Founder and Principal Consultant*, Ceres Policy Research  
Kee Tobar, *Stoneleigh Emerging Leader Fellow and Staff Attorney*, Community Legal Services  

Moderated by: Marie N. Williams, *Senior Program Officer*, Stoneleigh Foundation

2:20 – 2:30 pm  
**Concluding Remarks**
Shackling women before, during, or after childbirth was prohibited by Act 45 in 2010

Philadelphia District Attorney Larry Krasner opened the conference with a discussion on the history of Pennsylvania’s inequitable sentencing laws and highlighted the ways in which gendered discrimination is a persistent issue in the justice system.

National Crittenton President Jeanette Pai-Espinosa introduced four primary factors that drive girls into the criminal justice system:

- Status offenses
- School push out
- Family violence
- Domestic minor sex trafficking

Over the last few decades, the share of girls in the justice system has increased, even as the overall number of youth in detention has declined. It is essential to stop detaining girls for their safety when their offense is not a risk to the public.

District Attorney Krasner reiterated his commitment to creating more intentional sentencing guidelines and to prioritizing greater gender balance within the Office of the District Attorney.
One collateral consequence of incarceration is the trauma experienced by children of incarcerated parents. Research shows continued communication with an incarcerated parent is a protective factor that can minimize a child’s trauma. IV Bridget Biddle, a Maternity Care Coalition Advocate at the Riverside Correctional Facility, also emphasized the importance of providing trauma-informed OBGYNs and prenatal care specialists, as well as finding ways to increase mothers’ time with their children.

Philadelphia Department of Prisons Commissioner Blanche Carney spoke about the City of Philadelphia’s initiatives focused on parenting families and addiction.

In addition to partnering with MCC’s MOMobile program to provide support to women at the Riverside Correctional Facility, the City was also awarded a grant from the MacArthur Foundation to reduce the size of the local jail population. V

When pregnant women are incarcerated, they have different needs from those of men. Margaret Zhang, a staff attorney at the Women’s Law Project, explained some of the ways in which the justice system was designed for men and not women. Most significantly, the majority of women are the primary caretakers of their minor children upon being incarcerated and will again be caretakers when they are released.

81% OF INCARCERATED WOMEN IN PHILADELPHIA COUNTY ARE PRE-TRIAL VI
All incarcerated individuals have a constitutionally mandated “right to care.” However, unmet mental health needs are rampant and especially pronounced among women and children. **Dr. Tamra Williams, Deputy Chief Clinical Officer of Community Behavioral Health**, spoke about the challenges facing incarcerated women and girls, and the treatment options available to them, in Philadelphia.

Until recently, incarcerated women were served the same meals as incarcerated men. This led to incarcerated women gaining an average of 17 lbs during their first year of incarceration, which, in turn, is linked to poor cardiovascular and behavioral health outcomes. **Bruce Herdman, Chief of Medical Operations at the Philadelphia Department of Prisons**, highlighted the need for stronger external systems to prevent incarceration (and re-incarceration) from occurring.

**Dr. Charmaine Smith Wright** explained the benefits of adopting a two-generation approach, which takes into account the health and well-being of both mothers and their children during incarceration. New initiatives focus on infusing a culture of health into correctional facilities, including nutrition, exercise, and mental health.

**17 LBS**

**AVERAGE AMOUNT OF WEIGHT THAT WOMEN GAIN DURING THEIR FIRST YEAR OF INCARCERATION**
SERVING TIME ON THE OUTSIDE: WOMEN, GIRLS, AND RE-ENTRY

Listening to individuals’ “lived experience” is critical to informing and shaping criminal justice reform. Faith Bartley, Lead Fellow at the People’s Paper Co-op, spoke about her experiences and the specific needs of formerly incarcerated women returning to the community. The Co-op connects formerly incarcerated individuals with artists, lawyers, and many others.

“Prevention is about moving people out of poverty.”

Faith Bartley

Claire Shubik-Richards, Executive Director of the Pennsylvania Prison Society, spoke about the continued need to address shackling during labor and delivery in Pennsylvania state prisons, and some of the supports her organization provides to keep families connected by facilitating visits to state prisons.

The City of Philadelphia has 30 different programs, policies and strategies currently in place to reduce its jail population and to decrease racial and economic disparities within the justice system. Julie Wertheimer, Senior Director of Criminal Justice Reform Strategies & Programs for the City of Philadelphia, spoke about several City objectives, including ending cash bail, reducing the number of people on probation, and ramping up police-assisted diversion programs.
Carol Tracy discussed the Women’s Law Project, and the history of the War on Drugs. Drug treatment programs during the 1980s were often focused on punishing, rather than treating, patients. In one instance, a mother was placed on the child abuse registry for her drug use.\(^{viii}\)

The Center for Children’s Justice has spent the past five years working to change state statutes in Pennsylvania. Cathleen Palm, the Center’s founder, discussed Act 54, which aims to provide multidisciplinary support for women and infants affected by substance use disorders.

Experts agree that group and individual therapy, in conjunction with Medication-Assisted Treatment (MAT) for opioid-use disorders (OUD), are the most effective treatments for substance dependence.

Maternity Care Coalition Senior Director of Programs Colette Green spoke about the promise of MAT in addressing OUD. A person with OUD who is released from jail without MAT is significantly more likely than someone from the general population to die of an overdose within the first two weeks of release. Currently, many incarcerated women are forced to endure painful opioid withdrawal without any assistance.

In addition to therapy and MAT, long-term residential facilities and recovery houses for women and children are critical in helping women get back on their feet. Unfortunately, women are often discharged prematurely from these facilities due to arbitrary time-limits, which can be a set-up for relapse and recidivism.

MEDICATION-ASSISTED TREATMENT HAS BEEN SHOWN TO REDUCE\(^{ix}\) POST-INCARCERATION OVERDOSE FATALITIES BY AS MUCH AS 75%
Amber Hikes, the Executive Director of the Office of LGBT Affairs for the City of Philadelphia highlighted the importance of bringing youth, and members of the LGBTQ community, to the table in a substantive way. Philadelphia, as home to one of only four offices of LGBTQ Affairs in the state, is making progress.

Gender-responsive programs are an important tool in combating oppression. Angela Irvine, Founder and Principal Consultant of Ceres Policy Research, spoke about the importance of considering not just gender, but also race, sexuality, immigration status, and gender expression, in these programs.

Homeless youth may stop seeking out and receiving health benefits from care organizations if they don’t feel safe based on their gender identity or race. Kee Tobar, a Stoneleigh Emerging Leader Fellow at Community Legal Services, spoke about her Fellowship’s efforts to leverage youth services to fight homelessness in Philadelphia.

BLACK WOMEN ARE 3 TO 4 TIMES MORE LIKELY TO DIE IN CHILDBIRTH THAN WHITE WOMEN
Addiction treatment services designed for men and boys are only one of the obstacles incarcerated women in the United States face, according to Stephanie Covington, Co-Director of the Institute for Relational Development and the Center for Gender and Justice. Despite being home to only 5% of the world’s women, the United States holds 30% of all women incarcerated globally. In Europe, mother/child units within prisons are more common, and in Uzbekistan, pregnant women cannot be incarcerated.\textsuperscript{xii}

Change in the U.S. criminal system moves slowly. Trauma-informed care is more widespread in Europe, but it is making its way into the U.S. For those with a history of addiction or trauma, programs such as Healing Trauma and Beyond Violence are creating safe environments, which can lead to longer-term recovery and healing.\textsuperscript{xii}
WHAT CAN YOU DO?

Stay connected with...

• Maternity Care Coalition
• Stoneleigh Foundation

Learn about...

• Next Step Act of 2019
• Dignity for Incarcerated Women Legislative Package

Read more on....

• Trauma and justice involvement among women and girls
• Mass Incarceration, and its effects on communities
• Legal resources for people in prison in Pennsylvania
CITATIONS

1 https://www.sentencingproject.org/publications/incarcerated-women-and-girls/
2 https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2010&sessInd=0&act=45
4 https://www.urban.org/sites/default/files/publication/60691/410627-Effects-of-Parental-Incarceration-on-Young-Children.PDF
5 http://www.safetyandjusticechallenge.org/challenge-site/philadelphia/
6 Carne, Blanche. "RE: A Rising Tide" Received by Hayim Wolf, 12 April 2019. Email interview.
7 vii http://www.nationalacademies.org/hmd/~/media/Files/Activity%20Files/SelectPops/HealthDisparities/2018-JUN-06/presentations/Charmaine%20Smith%20Wright.pdf
8 viii http://ssrn.com/abstract=1003683