

POLICY RECOMMENDATIONS FOR PRISON SYSTEM

*Prepared by the Women in Prison Project, www.womenandjusticeproject.org
for the New York Women in Prison Committee of the National Association of Women Judges*

1. Overhaul sentencing practices and guidelines (for both “non-violent” and “violent” offenses) to significantly reduce incarceration rates, including eliminating mandatory minimums and allowing for non-incarcerative sentencing alternatives. Where non-incarcerative sentences are not possible, significantly reduce sentencing length. New York’s Domestic Violence Survivors Justice [Act](#) is a good example of such legislative reform.
2. Support leadership of women directly impacted by incarceration - on the inside with programs (e.g. peer educators, tutors, caregivers in prison nursery, etc.) and on the outside, including creating a council of advisors for making and reforming criminal justice policy.
3. Expand funding for community-based, gender-specific, trauma-informed, culturally-competent restorative justice programs.
4. Expand funding for community-based, gender-specific, trauma-informed, culturally-competent alternative-to-incarceration programs that have the option for caregivers to live with their children.
5. Reform parole release decisions to be made in accordance with forward looking risk and needs principles, focused on the likelihood of successful reentry and risk of recidivism. “By having a fair, individualized and transparent parole system, states will also address the crisis of the [aging](#) prison population.” Develop age appropriate programs to address specific needs of young women/youth who are incarcerated.
6. Eliminate the use of solitary confinement.
7. Ban shackling at all stages of pregnancy and 8 weeks post-partum in all states. New York’s anti-shackling statute - the most progressive in the country – is a good model. Here is the [Language](#) of the statute, talking points on why the anti-shackling law’s various provisions are important (attached), and a press [release](#) from Governor Cuomo’s office on the bill’s passage.
8. Utilize family impact statements and include proximity to children, families and communities in the calculus for determining placement of incarcerated people, to mitigate the detrimental impact of incarceration on families and support a more successful reentry. Here is a fact sheet on the importance of [proximity](#) from the NY Initiative for Children of Incarcerated Parents at the Osborne Association – national experts on issues affecting children of incarcerated parents and the point people on the proximity legislation in NYS. Here is language of pending [legislation](#) that would establish a pilot program to require NYS DOCCS to consider proximity to family in determining placement of incarcerated people. Here is a fact sheet by NY Initiative on the importance of [Family](#) Impact Statements that also references other states that already use these statements.
9. Reform the Adoption and Safe Families Act (ASFA) on the federal and state levels. ASFA is the federal child welfare law that puts incarcerated parents, particularly mothers, at serious risk of losing their parental rights forever. Here is a chart detailing the reforms to New York’s ASFA law enacted in 2010 that give incarcerated parents and their children a more fair chance to stay together (attached), a flyer the NYS Office of Children and Family Services (the state agency that oversees child welfare in NY) created for incarcerated parents, a [report](#) on the intersection of

ASFA, child welfare and incarceration, a [report](#) detailing ASFA laws in each state put out by the Child Welfare League of America and written by national expert Philip Genty, and a [video series](#) about New York's ASFA Expanded Discretion statute geared to parents, lawyers, caseworkers and judges.

10. Expand family friendly in-prison programs, including visiting services, children's centers, and nursery programs.

11. Implement trauma-informed medical and mental health care, and all in-prison programming, including training all security and civilian personnel.

12. Improve reproductive health care for women, including implementing oversight and community standards of care, improving access to and quality of GYN and pre-natal care, expanding health education for women including access to birth control, and providing sufficient toilet paper and sanitary supplies (tampons and napkins) to all women. Here is a link to *Reproductive Injustice*, a [report](#) about reproductive health care for women in NYS prisons, which includes detailed recommendations on a range of reproductive health and other issues impacting incarcerated women. The report is informed by the expertise of incarcerated women, and medical, mental health and prison reform professionals.

13. Discourage the use of language that dehumanizes (e.g. prisoner, inmate, offender, ex-con, former inmate) and instead encourage the use of language that places the emphasis on the humanity of the person (e.g. incarcerated woman, incarcerated mother, formerly incarcerated woman). There is a growing movement around shifting this language.

14. Implement reforms that recognize the experience of trans and gender-non-confirming people in prisons and jails, and make all programs and services trans-competent. Reach out to organizations such as the Sylvia Rivera Law Project that has expertise on issues impacting trans and gender-non-confirming individuals for specific recommendations.

15. Expand programs that prepare people for return to the community, including transitional services and work release.

16. Reform parole and probation guidelines and requirements, particularly mandates that only serve to hinder a successful reentry.