

This document is the result of 5-7 months of meetings and research by the 10 State Reentry Council Collaborative (SRCC) workgroups and presents draft recommendations. The SRCC welcomes your comments and feedback on these draft recommendations. **Note: Budget numbers in these recommendations are estimates only and have not been verified.**

All feedback will be reviewed and considered. Once the final recommendations are approved by the SRCC, they will be submitted to the NC General Assembly and the Office of Governor Roy Cooper.

In submitting your feedback, please include the following information:

- Your name
- Organization (if applicable)
- Workgroup and recommendation to which your feedback applies

We welcome any feedback submitted prior to the deadline, but all comments must be emailed to Irene Lawrence at irene.lawrence@ncdps.gov by 5pm on October 31st.

SRCC Women in Incarceration Workgroup Recommendation #1

RECOMMENDATION SUMMARY

Change the language/change the culture –website and staff need to change the dehumanizing language used to refer to people who are incarcerated.

BACKGROUND

Currently on the North Carolina Department of Public Safety website homepage there is a box that states that the department is working on prison reform and reads “Ensuring the safety of Public Safety employees, visitors and **inmates** within prison facilities is the top priority of the Division of Adult Correction and Juvenile Justice. Learn here about the current and future actions planned to make prisons safer.” If someone wants to look up an incarcerated they are directed to the “**Offender** Search Page”.

Too often, language used to describe people in prison or jail is dehumanizing. The humanity of those under government control is undercut by using these derogatory phrases. The term “inmate” is perhaps the most pervasive of these words and is used widely by judges, prison and jail official, staff and the media. Word such as inmate, offender, convicted felon, and convict objectifies and disparages people who are imprisoned and returning home from a period of incarceration. Those words and others like it focus attention on a person’s incarcerated status instead of emphasizing that even in prison, the person is first and foremost a person. The word “inmate” and others like it focus attention on a person’s incarcerated status instead of emphasizing that, even in prison, she is still first and foremost a person. Defining someone as “other,” in the media and other arenas, makes it more acceptable to treat people inhumanely—and for the rest of us to ignore these abuses. The negative connotations of criminal justice language have real-life consequences for people who experience incarceration. The label “inmate” is wholly dehumanizing and underscores the invisibility of the human being. It undermines the self-esteem and self-worth of people as individuals, parents, and family members. creating a public and subconscious persona that is far removed from a person’s true identity.

Use of this type of language makes is more acceptable to treat people inhumanely and for people in general to ignore these abuses. The word “inmate” facilitates a worldview through which prison administrators and employees objectify the people in their custody. When someone is considered inferior and undeserving, it is easier to treat them badly. It also feeds into the pervasive notion that they may be lying to manipulate staff or the system, making it easier to dismiss their needs.

We believe that language matters. The way we write and speak helps shape people’s perceptions about the world and the people in it.

INNOVATIVE SOLUTION: The workgroup encourages the North Carolina Department of Public safety (NCDPS) to jettison this term once and for all and instead to talk about “people in prison or jail”—phrasing that emphasizes the personhood and humanity of everyone before using words that locate individual in an institution of punishment.

The SRCC Women and Incarceration workgroup recommends that the language used on NCDPS’s website to describe those incarcerated to evolve to language that addresses injustices without dehumanizing the people described.

STAKEHOLDERS

Still under development

BUDGET

Still under development

TYPE OF ACTION

Executive

TIMELINE

Immediate

SRCC Women and Incarceration Workgroup Recommendation #2

RECOMMENDATION SUMMARY

Creating a Trauma-Informed Criminal Justice System for Women

BACKGROUND

Facts about Women who are Incarcerated

- Women use drugs at nearly double the rate of men
- 2/3 of women in prison are of color
- Number of women in jail has increased 14-fold from 8K to 110K
- Incarcerated women experience Post Traumatic Stress Disorder, abuse, HIV, addiction and mental illness (Vera Institute of Justice)
- Women are now becoming the fastest growing group

Research supports an overwhelming number of women in the judicial system suffer as the result of untreated trauma both, physically and mentally. Women may have either survived, rape, assault, or childhood sexual abuse or they may have been the silent victims, watching abuse being done to others. Trauma can result in physiological changes in the way our brains respond to danger, especially when the trauma is repeated. It has also been linked to depression, suicidal tendencies, chronic anxiety, hostility, impaired ability to relate to others socially, and many other serious consequences in personal life.

Incarceration: The difference between men and women

A woman's road to incarceration is starkly different from men. They are more likely to have experienced poverty, partner violence, sexual abuse and exploitation. Women of color are more likely than men to be impoverished. It has been noted that their engagement in the criminal justice system is often related to connections with others (ex. Exposure to dysfunctional/abusive relationships). Women reporting histories of victimization and trauma continue to be vulnerable and can re-experience revictimization. Lastly, more than 66,000 women who are incarcerated are mothers of minor children.

The experiences that trauma survivors have in the criminal justice system, far from leading them to positive changes in their lives, often add new trauma and deepen their wounds. "Many of these women will never be able to break out of the narrow trajectory that constricts their futures unless the justice system and their communities can help them to focus on the root problem: trauma, its lasting effects in human lives, and the need to begin the healing process" (Substance Abuse and Mental Health Services Administration - SAMHSA, 1).

Furthermore, according to SAMHSA:

1. According to most estimates, trauma is an almost universal experience among people who use public mental health, substance misuse and social services, as well as people who are justice-involved or homeless.

2. While individuals with trauma histories are the majority of those served in behavioral healthcare and criminal justice systems, trauma survivors are not likely to seek treatment specifically for trauma-related symptoms.
3. Justice-involved women are more likely to have experienced physical and sexual abuse than justice-involved males or women in the general population.

According to SAMSHA, the sequential model has been shown to benefit women, the criminal justice system, and other service systems by the following:

- Enabling women to recognize the impact of trauma in their lives, get support, and move ahead toward healing
- Helping women lead stable lives and restore relationships with children in the system
- Reducing recidivism and related costs, such as foster care
- Enabling women who are incarcerated to reduce conflict with other inmates, as well as with prisoners and guards (SAMSHA).

STAKEHOLDERS

Still under development

BUDGET

Still under development

TYPE OF ACTION

Legislative, Executive, Judicial

TIMELINE

Long-term

SRCC Women in Incarceration Workgroup Recommendation #3

RECOMMENDATION SUMMARY

Pass and implement a law preventing the incarceration of caregivers that reflects similar laws passed in other jurisdictions.

BACKGROUND

In North Carolina, when someone is convicted of an offense, a sentencing grid is used to determine the sentencing range for felony convictions. It utilizes the class of felony, level of the person's prior convictions, and disposition ranges in setting the sentence. A person's prior record level must be determined before a sentence can be imposed. Each prior conviction is worth a certain number of points, and the points for all prior convictions are added up to determine the prior record level. The disposition range is the possible length of the sentence to be imposed. To determine it, the judge uses the person's prior record level and felony classification, and potential aggravating or mitigating factors to arrive at a range. While considering the **Mitigated range**, the judge can contemplate several mitigating factors, such as the person's financial support of his family, his taking of responsibility for his crime, or his belief that his actions were legal in imposing a sentence in the mitigated range.

Families go through immeasurable pain and face generations of trauma when parents are separated from their children due to incarceration. When parents are convicted, their children are punished too. Alternative sentences keep parents actively involved in their children's lives and helps to alleviate suffering. When a parent is incarcerated, families lose needed income and often struggle to meet their basic needs. Alternatives to incarceration allow parents to be home in their community so they continue loving, caring, and providing for their children.

Alternative sentences are cheaper and reduce recidivism. Money spent on incarceration can be reinvested towards more alternatives. Instead of jail and prison, parents could receive drug and alcohol treatment; vocational training and job placement; parenting classes; and affordable and safe housing assistance.

RECOMMENDATION

In Massachusetts in April 2018, the state legislature passed a Primary Caretaker Bill. It is an Act *providing community-based sentencing alternatives for primary caretakers of dependent children and have been convicted of non-violent crimes*. The goal of this bill is to alleviate harm to children and their parents or caretakers caused by separation during incarceration, and to strengthen families' connections to their communities. The law allows judges to pause and consider the impact of incarceration on the parent they are sentencing, and that parent's children and community. This humanizes people who are convicted of crimes. The judge then has the option of issuing an alternative sentence.

A primary caretaker is defined as someone who has assumed responsibility for a dependent child's housing, health, financial support, education, family ties, or safety; or a woman who has

given birth to a child after or while awaiting her sentencing hearing and who expresses a willingness to assume responsibility for the housing, health, and safety of that child. A parent who, in the best interest of the child, has arranged for the temporary care of the child in the home of a relative or other responsible adult shall not for that reason be excluded from the definition of "primary caretaker of a dependent child".

The SRCC Women and Incarceration workgroup recommends that the legislature introduces and passes a bill to develop a similar law that will allow judges the ability to sentence mothers who are primary caretakers of their children to alternative programs instead of incarceration within county jails and the North Carolina Department of Public Safety.

STAKEHOLDERS

Still under development

BUDGET

Still under development

TYPE OF ACTION

Legislative, Executive, Judicial

TIMELINE

Long-term

Citations

CAPORIZZO, C. (2011). *Prisoner Reentry Programs: Ensuring a Safe and Successful Return to the Community*. [online] whitehouse.gov. Available at: <https://obamawhitehouse.archives.gov/blog/2011/11/30/prisoner-reentry-programs-ensuring-safe-and-successful-return-community> [Accessed 7 Aug. 2018].

Traumainformedcareproject.org. (2018). Creating a Trauma-Informed Criminal Justice System for Women. [online] Available at: <http://www.traumainformedcareproject.org/resources/TIC%20criminal%20justice%20for%20women%20.pdf> [Accessed 8 Aug. 2018]