

THE WOMEN'S JUSTICE INSTITUTE 4.28.21

REDEFINING



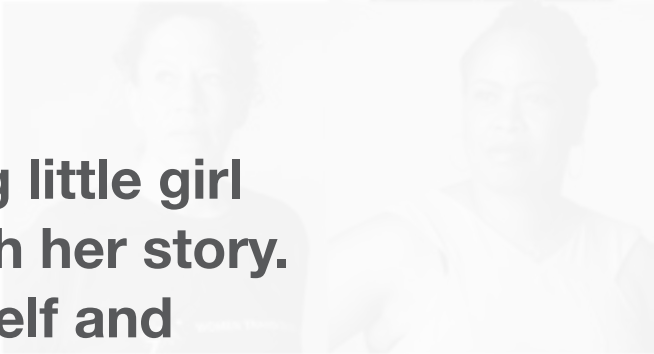
THE



NARRATIVE

ON BEHALF OF THE STATEWIDE WOMEN'S JUSTICE TASK FORCE OF ILLINOIS





**“I dare unquiet the big little girl
unafraid to let you touch her story.
I dare unmask myself and
see countless faces
like me.”**

SANDRA BROWN

Scholar, Currently Incarcerated at Decatur Correctional Center
First woman in Illinois history to earn her Master’s degree while behind bars.



About the Statewide Women’s Justice Task Force

Launched in July 2018, and convened by the Women’s Justice Institute (WJI), the Statewide Women’s Justice Task Force of Illinois became the first of its kind in the nation to unify hundreds of women in support of a historic process to investigate the mass incarceration of women, and to develop a robust strategy to end it.

Elevated by the leadership of directly impacted women, the Task Force engaged over 500 women – including system-involved women, children and their families, advocates, social service providers, judges, prosecutors, corrections officials, policymakers, academics, health professionals and more – to examine the problem and develop solutions.

This report represents the culmination of the Task Force’s 2+ years of work exploring false narratives and the system policies and practices that fuel women’s mass incarceration. Hundreds of stakeholders from all parts of the state came together at dynamic Task Force convenings to develop strategies to address the following three goals:

1. CUT the women’s prison population by 50%+ and beyond
2. REDUCE the harms caused by current policies and practices
3. IMPROVE health, well-being and outcomes among women, their children, families and communities

This report contains an actionable and comprehensive set of ideas and strategies developed with and for women to achieve these goals. It establishes the groundwork to shift from redefining the narrative on justice for and with women to reclaiming it.

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Colette Payne, Director, The Reclamation Project, Women’s Justice Institute (WJI)
Pam Rodriguez, Former President, TASC

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State Representative Lindsey LaPointe (in her former role with BPI Chicago)

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Chicago City Clerk Anna Valencia
Dr. Amanda Ward, Loyola University

Civic Leadership & Engagement Team

Special thanks to the Civic Leadership & Engagement Team of public officials that expressed their support for the Task Force’s goals of finding solutions to address mass incarceration of women, reduce harm and improve the health, well-being and outcomes among justice-involved women, their children, families and communities. In this role, each agreed to meet with Task Force members to learn more about the issues facing impacted women, provide guidance and support where possible on policy-related issues during the fact finding process, and to attend a briefing after the release of the final report recommendations in order to identify issues where they might be of support with implementation.

It is important to note that this report is intended to be a comprehensive collection of hundreds of diverse ideas, and it was not appropriate to ask public officials (or any member for that matter) to commit to endorsing every recommendation; rather, public officials agreed to meet with Co-Chairs and conveners, review the report, share their own insights and identify potential opportunities to collaborate with community leaders on solutions.

First Lady MK Pritzker
Lieutenant Governor Juliana Stratton
Illinois Supreme Court Chief Justice Anne Burke
Former Cook County Public Defender Amy Campanelli
State Representative Kelly Cassidy
Cook County State’s Attorney Kim Foxx
Cook County Commissioner Bridget Gainer
Deputy House Majority Leader Jehan Gordon-Booth
State Representative LaToya Greenwood
State Representative Margaret Croke
State Representative Sonya Harper
State Representative Lindsey LaPointe
State Representative Delia Ramirez
Illinois State Comptroller Susana Mendoza
Chicago 43rd Ward Committeewoman Lucy Herman Moog
Cook County Board President Toni Preckwinkle
Chicago City Clerk Anna Valencia

Senate Women’s Caucus

Special Thanks to the Senate Women’s Caucus for making issues involving the women’s prison and parole system a priority focus in 2019-2020 and engaged the Task Force in women’s prison tours and roundtables with currently and formerly incarcerated women. As this report is being released in a new legislative session, both current and former members of the Senate Women’s Caucus are included:

2020 Chair: Senator Linda Holmes
2021 Chair: Senator Ann Gillespie

Senator Melinda Bush	Senator Cristina Pacione-Zayas
Senator Terri Bryant	Senator Sue Rezin
Senator Cristina Castro	Senator Jill Tracy
Senator Jacqueline Collins	Senator Sally Turner
Senator Rachelle Crowe	Senator Patricia Van Pelt
Senator Laura Ellman	Senator Karina Villa
Senator Sara Feigenholtz	Senator Celina Villanueva
Senator Laura Fine	Senator Linda Holmes
Senator Ann Gillespie	Former State Senator Heather Steans
Senator Mattie Hunter	Former State Representative Patti Bellock
Senator Adriane Johnson	Former State Senator Toi Hutchinson
Senator Kimberly Lightford	Former State Senator Pamela Althoff
Senator Meg Loughran Cappel	Former State Senator Karen McConaughay
Senator Julie A. Morrison	
Senator Laura Murphy	

Partner Organizations

While over 500 women, representing countless organizations statewide, contributed to the work of the Task Force, the following partner organizations formally donated contributed significant staff time, space and resources to the effort.

Safer Foundation
Cabriní Green Legal Aid (CGLA)
BPI Chicago
Chestnut Health Systems (Bloomington Normal)
Illinois Prison Project (IPP) Women & Survivors Project
Loyola University Center for Criminal Justice Research, Policy & Practice
Start Early (formerly the Ounce of Prevention Fund)
Rights & Restoration Law Group
SAFE Housing Network
Shriver Center on Poverty Law
Smart Policy Works
St. Leonard’s Grace House
Southern Illinois University, Center for Rural Health & Social Service Development
TASC
Uptown People’s Law Center (UPLC)
YWCA of Metropolitan Chicago

Featured Speakers

Special thanks to the following women, who are leading national organizations, movements, and initiatives, and who came to Illinois to support the Task Force by sharing their wisdom as directly impacted women and pioneers in women’s justice work:

Susan Burton, Founder of A New Way of Life Reentry and the SAFE Housing Network & Top 10 CNN Hero
DeAnna Hoskins, President and CEO, Just Leadership USA
Topeka Sam, National Dignity Campaign, Dream Corps Justice (formerly #cut50) & Founder, Ladies of Hope Ministries (The LOHM)

Graphic Design Team

Special thanks to the graphic design team at Kym Abrams Design (KAD) and to Greenisland Media for copyediting and design support.

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McCormick Foundation
Hughes Family Foundation
Pierce Family Foundation

Report Writing & Production

On behalf of the Women’s Justice Institute, we want to thank the hundreds of women from all across the state who entrusted us with their voices, experiences and wisdom throughout the powerful work of the Task Force. Collectively, these voices have resulted in a powerful statement that rejects false narratives and reclaims the true meaning of justice for women.

Deanne Benos, Co-Founder, Women’s Justice Institute, Lead Writer
Alyssa Benedict, Co-Founder, Women’s Justice Institute, Lead Writer

Special Thanks:
Alexis Mansfield, Lead Policy Advisor and Editing Support
Dr. April Bernard, Qualitative Data Analysis and Editing Support

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CONTENT WARNING

This report includes content around topics such as childhood abuse, sexual assault, intimate partner violence, physical violence, state violence, identity-based discrimination and harassment; consequently, it may provoke strong emotions and responses. As you explore the content, we invite you to take care of yourself, and reach out for support as needed.

For immediate support reach out to The National Alliance on Mental Illness (NAMI) Helpline at 1-800-950-NAMI

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FOREWORD



“Prison Saved My Life” and Other False Narratives

“Prison saved my life.” The words hung in the air as we sat around the kitchen table. As the conversation unfolded it was apparent that many of us, like so many other formerly incarcerated women, had, at one time or another, adopted this perspective. A pivotal discussion took place—one where we challenged each other and challenged ourselves.

We landed in a powerful place. Everyone agreed: **“prison saved my life” is a false narrative.** And it is one of many. These false narratives keep us stuck—not just women, but our communities and our entire society. They prevent us from seeing and confronting what really drives the mass incarceration of women in this state and in this country. That’s what false narratives about women who are entangled in the criminal justice system do. They censor our minds and hearts. They create silences and invisibilities. They maintain the status quo of oppressive practices and prevent us from creating and accessing real justice well before prison is even an issue.

Yes, women often say that prison saved their life because many of us have built communities of support, love, understanding and even healing among each other in the most terrible of settings, including prison. However, that is what we do as women, and prison is no exception. We must be clear: Our relational abilities and resilience help us do that. Prison does not. We are the ones that create community, support, love, understanding and healing. It is part of our power. We create these things despite being in prison, not because of it.

The reality is we should have opportunities to connect with each other and realize our power and resilience well before a prison sentence. We should be able to create connection and healing in supported, resourced and equitable communities where we are valued, respected and safe.

But that is not our reality. We are not safe. We are not supported. And, when we attempt to survive the conditions of our lives, we are criminalized, pathologized and institutionalized in ways that last well beyond prison. Our babies are taken from us. We are isolated from each other. Our truths are silenced by false narratives that criminalize our survival.

This stops now.

We won’t let this happen anymore. We are coming together with our allies to redefine the narrative about who we are, what has really happened to us, and what we need and deserve. We are redefining the narrative for ourselves, for our children and families, for our communities, and for our world. We are stepping fully into our role as strong women, keepers of justice and community and architecting a new way forward.





We will not be confined by the numerous false narratives that deepen our oppression, fuel our mass incarceration and prevent us from accessing effective system of real justice.

As formerly incarcerated women and leaders of the Statewide Women’s Justice Task Force of Illinois, we have come together in powerful ways in solidarity with hundreds of allies in order to build this report, which captures our collective effort to transform justice with and for women in the State of Illinois.

As a result, this report includes powerful recommendations for change - each and every one of them worthy of support. Taking action will not only reduce the harm being inflicted on women, our sisters, who are currently entangled in the Illinois criminal justice system, but also create the kinds of changes we need to build systems of real justice for women.

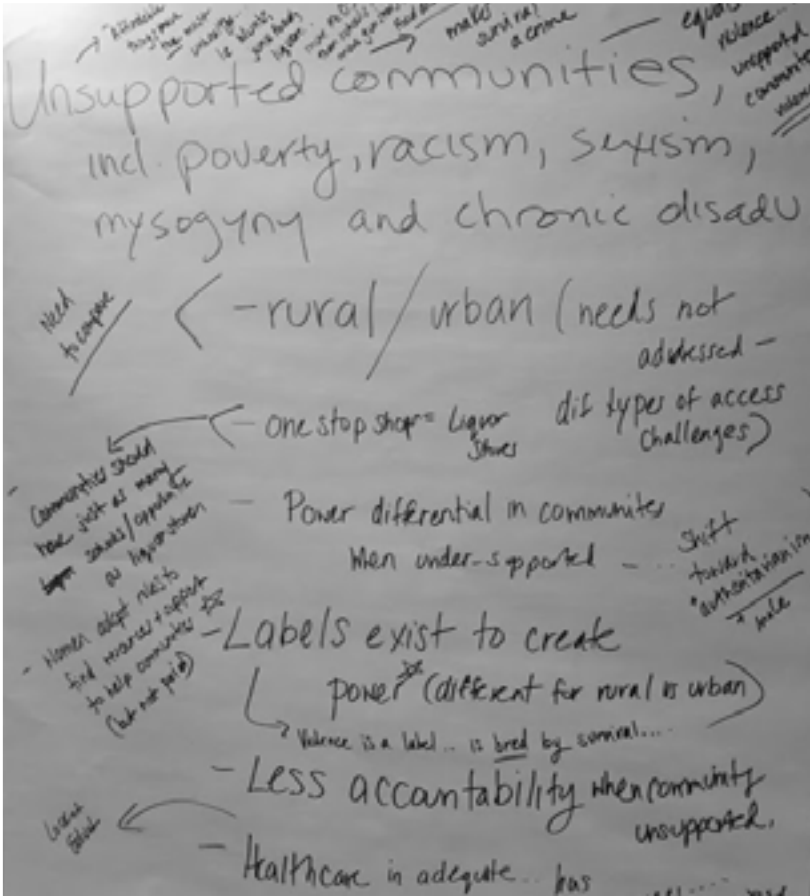
It unapologetically challenges false narratives that have directly harmed us and encourages criminal justice system administrators and stakeholders to see the true, deeper challenges faced by impacted women and respond differently. Transformation can only occur if we embrace a true paradigm shift. We must redefine narratives and confront reductionist definitions of justice and accountability.

We will not be confined by the numerous false narratives that deepen our oppression, fuel our mass incarceration and prevent us from accessing effective systems of real justice.

Our vision is not one of reform; rather, it is one of transformation. We seek to create a bold, innovative system of justice for and with women. This requires that we dismantle justice system practices that harm women, children, families and communities.

The following pages describe the catalyst for this work and are centered on our personal narratives and stories to help system leaders and stakeholders understand that the solutions to the multiple challenges that women face before, during, and after prison cannot be found in a jail or a prison cell.

Taking action will not only reduce the harm being inflicted on women, our sisters, who are currently entangled in the Illinois criminal justice system, but also create the kinds of changes we need to build systems of real justice for women.



We hope you will join us in taking action to end the perpetuation of the myth that prisons save lives, acknowledge the extreme harm being inflicted by current system practices, and commit to investing in women, families and communities.

In solidarity,

Monica Cosby, Chair, Redefining the Narrative Working Group, Statewide Women’s Justice Task Force on behalf of the Redefining the Narrative Working Group and the Photovoice Project Team

- | | | |
|--------------------|---------------------|----------------------|
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MESSAGE FROM THE CO-CHAIRS





Message from the Co-Chairs
Statewide Women’s Justice Task Force

When we started as the Statewide Co-Chairs of this historic initiative with the WJI, our goal was to have 100 women from across the state join us and lead change throughout the justice system. Since then, over 500 women have joined us to support the Statewide Women’s Justice Task Force of Illinois achieve the goal of building the nation’s first plan to reduce the women’s prison population by 50%+ and Beyond, while also reducing harm and improving outcomes among impacted women, their children and families.

Why did we focus on engaging women leaders from across the state for this ambitious goal? Because women’s perspectives - especially those of us who have been directly impacted by the criminal justice system - have been chronically missing from the dialogue about the criminal justice system. When diverse women come together to explore problems, they bring critically important perspectives that contribute to a deeper, more comprehensive analysis. Transformative ideas and solutions are born. Our powerful process brought together women from various personal and professional backgrounds and every event and convening was designed and co-led by women who have been directly impacted by the criminal justice system.

Together, we built from a platform that was fortified by the historic Women’s Correctional Services Act (WCA), a national model law that was championed by Lieutenant Governor Juliana Stratton, and that was energized by First Lady of Illinois, MK Pritzker, who has been regularly visiting women’s prisons and providing direct support to impacted women and their children in the community.

Together, we confronted stereotypes and broke down barriers—women from different racial, ethnic, economic and educational backgrounds, from advantaged and disadvantaged communities, from rural and urban areas across our state, those currently and formerly in-

carcerated. and directly impacted children and families. all came together. Elected officials and women from diverse communities and sectors worked together, came to understand each other in new and productive ways, and took action. Together, we crafted a transformational plan that is not only built on a foundation of women’s collective leadership, but the firsthand voices and expertise of those most directly impacted by the criminal justice and other systems

This report lays out a blueprint for change that includes investment in communities and families and changes the narrative about women working together as visionaries and leaders of transformational change in the State of Illinois, regardless of their background.

As is so often the case with women, this work was done not just as partners or collaborators, but in relationship with each other. Friendships developed. Commitments were made.

Ripples of our powerful convenings have already begun to effectuate change and exciting new investments in women throughout Illinois. Our work even inspired the creation of two state laws focused on reducing incarceration and related harm to incarcerated mothers, their children and families. As our momentum has grown, it has also inspired conversations among our peers in other states about taking similar steps to address mass incarceration among women.

This report is only the beginning. It demonstrates that we can readily cut the women’s prison population by at 50%+ and Beyond. However, the story does not begin and end there - we can and must aspire to do more community-building, rather than investing in failed systems of incarceration. Some thought a goal of 50% was too ambitious, we have concluded this process with the facts to show we can - and must - exceed our goal through lasting change fueled by the leadership and ideas of women - particularly those with lived experience as the architects of change.

We are in this together to create real justice for and with women, heal families and communities and serve as role models and mentors for those who come after us to continue this work. Together, we can end mass incarceration among women.

Colette Payne
Statewide Co-Chair
Director, Reclamation Project,
Women’s Justice Institute (WJI)

Pam Rodriguez
Statewide Co-Chair
President, TASC

INTRODUCTION

The Way Forward

This report comes at a time when the world is dealing with the severe impacts of the COVID-19 pandemic, a public health crisis that has disproportionately affected communities of color across the nation. Research shows that women, and women of color in particular, are uniquely impacted by disasters like the COVID-19 pandemic; they exacerbate gender and racial inequities, restrict women’s self-determination, and limit their access to resources. Women are more likely to be affected by disasters in general; they suffer serious economic setbacks due to job loss and increased exposure to gender-based violence.^{1,2}

And so the cycle of gender-based harm has continued with COVID-19; it continues to impact women in unique and disproportionate ways, instigating increases in rates of domestic violence, homelessness, trauma and related mental health issues, overdoses and economic crisis. While this unprecedented crisis has had unique impacts on women in general, incarcerated women are the less visible victims of COVID-19.

Having long suffered tremendous injustices within the criminal justice system, in the midst of the COVID-19 pandemic, incarcerated women are suffering even more. Previously, women in prison spent prolonged periods in isolation, lacked access to essential services and supports, were unnecessarily barred from seeing their children and family, were forced to comply with inhumane disciplinary protocols, and were subjected to gender-neutral policies and practices, many of which trigger past trauma and cause physical and psychological harm. In the midst of the COVID-19 pandemic, these conditions have only worsened.^{3,4}

The ways that incarcerated women across our nation are suffering in the COVID-era only underscores the reality that they should not be behind bars to begin with.

As we open this historic report of the Statewide Women’s Justice Task Force, we want to acknowledge a difficult truth. COVID-19 is only the latest pandemic to threaten the daily lives and safety of women;⁵ it exists alongside the insidious and unaddressed pandemics of racism, poverty, gender-based violence, and misogyny that fuel women’s mass incarceration, especially among women of color. These pandemics intertwine in the lives of women, carve their pathways to prison, and wreak havoc on their families and communities.

As will be seen in the pages that follow, too many women are serving prison sentences for surviving unacceptable community conditions, for having mental health and substance use issues that often arise from the trauma of gender-based violence, poverty and racism, and for “crimes” deeply linked to sexual and economic exploitation. Prisons have been deployed as a default response to women’s attempts to survive untenable social conditions, yet there is no evidence that any amount of time in prison is helpful or even improves public safety; on the contrary, there is a plethora of evidence detailed throughout this report that demonstrates the ways incarceration causes significant harms.

The very narratives that have - for decades - justified inattention to women and served to deepen their justice system entrenchment are now being recycled to justify the inattention to women during the COVID-19 pandemic. Policy makers, criminal justice administrators and taxpayers often perpetuate false narratives that justify inaction, including assertions

that systems cannot afford to invest in evidence-based practices designed for women and that gender responsive policies and practices are unfair and biased. In reality, research has repeatedly shown that gender responsive approaches improve safety throughout the justice continuum, significantly enhance outcomes among women and staff, are fiscally responsible, and strengthen communities. Failing to invest in gender responsive practices is what the system - and society - cannot afford.

When the WJI team initially convened the Statewide Women’s Justice Task Force, our goal was to unify women leaders and a blueprint to cut the women’s prison population by 50%+ and Beyond, and guide dramatic decarceration and harm reduction strategies. We knew that the process we used to create this blueprint was as important as the blueprint itself; so, we worked alongside our impacted colleagues to design dynamic data collection and community engagement strategies that were anchored in mutuality and safety. Instead of brainstorming and cataloging ideas, we worked together to create spaces where women with diverse backgrounds, experiences, sectors and roles could come together, in many cases for the first time, to share their philosophies and ideas and chart a new course.

In these safe, relational spaces we centered the experiences, ideas and leadership of women who have been directly impacted by incarceration, and actively avoided the patriarchal, non-relational processes that create labels, divisions, and false dichotomies that obscure truths and force women apart. We explored relationships between concepts such as abolition and reform, investment and divestment, creating and dismantling—and we found a path forward.

From this place of solidarity, we are doubling down. The Task Force has already catalyzed important policy changes and women-centered initiatives, including new investments into peer-led housing for women, legal services for survivors, gender responsive reentry services and reducing harm to children of incarcerated parents. These efforts have been and will continue to be anchored by the contributions and solidarity of women from diverse backgrounds, sectors, positions and experiences—and will always center on the leadership and expertise of our directly impacted colleagues.

This report is an anthem for the way forward. It is an acknowledgement that women have been chronically overlooked at every phase of a deeply flawed, male-dominated criminal justice system that all too often serves to exacerbate the societal harms that led women there in the first place. It is a call to eliminate the false narratives that keep society and systems stuck, and a call to redefine what justice looks like for women and where it can and must live. It offers solutions to sustainably reduce the women’s prison population by 50%+ and Beyond, reduce the harms being inflicted by the current system, and lay the groundwork for system transformation.

Alyssa Benedict

Co-Founder
Women’s Justice Institute

Deanne Benos

Co-Founder
Women’s Justice Institute

The Statewide Women's Justice Task Force of Illinois: Disrupting Harmful Trajectories and Finding Solutions

The historic Statewide Women's Justice Task Force is an entirely women-led initiative launched in July 2018 that seeks to make history by making Illinois the first state in the nation to design a transformative blueprint to achieve the following goals:

1 Cut the women's prison population by 50%+ and Beyond;

2 Reduce the harm being caused by current policies and practices; and

3 Improve health, well-being and outcomes among women, their children, families and communities.

Entitled “Redefine the Narrative,” the Task Force is elevated by the leadership and expertise of directly impacted women and seeks to illuminate the often eclipsed voices, experiences and justice pathways of women, who have historically represented the smallest and most overlooked justice population, despite being the fastest growing in the nation.

Transforming Approaches to Justice for Women

The Task Force was formed on the heels of a period of skyrocketing rates of incarceration among women in Illinois and the 2018 enactment of the historic Women's Correctional Services Act (WCA), which was drafted by the WJI and established one of the most comprehensive set of gender responsive standards for a state prison and parole system in the nation. Championed by Illinois Lieutenant Governor Juliana Stratton when she previously served in the state legislature, the WCA was inspired by the findings and recommendations of the state's first Gender Informed Practices Assessment (GIPA) of Logan Correctional Center, the state's largest and most complex women's prison and sole women's reception and classification center.

The GIPA, which resulted from a collaboration between the WJI, the National Resource Center on Justice-Involved Women (NRCJIW), the National Institute of Corrections (NIC) and the Illinois Department of Corrections (IDOC), has been touted as the most comprehensive of its kind and the first to include a directly impacted woman as a lead assessor.

The WJI and its partners have been working to promote a more sustainable response to reversing decades of skyrocketing rates of incarceration among women, illuminating the need for gender responsive solutions since 2015 when the State of Illinois first began a concerted effort to drive down the prison population with the launch of the Illinois Commission on Criminal Justice and Sentencing Reform (Executive Order 14). The Task Force represents the next phase of a united, long-term strategy centered on transformative approaches to ensuring real justice for and with women.

Since its launch, the Task Force has engaged over 500 women statewide through the organizing efforts of five working groups, all of which were guided by directly impacted women leaders, and a series of dynamic events designed to illuminate the unique justice pathways of women to prison and ways to disrupt them, including statewide mapping sessions, focus groups, regional listening sessions, strategic white-boarding sessions and recommendations development, and photography/videography projects centering on personal narratives as tool to inform and inspire policy change. The process was dynamic, and members did not wait to fight for changes seeded during Task Force convenings. In fact, members formed partnerships to advance policy changes, help secure freedom for women in prison and pass legislation in tandem with the process.

Reducing Incarceration of Women by 50%+ and Beyond: An Ambitious, Achievable Goal

Reducing the women's prison population by 50%+ and Beyond, and implementing the various recommendations of this report, will take some time and hard work, but it is possible. This report includes a comprehensive feasibility analysis from our lead data partners at Loyola University, and is well supported by other powerful reform work in Illinois, which began in 2015, and has already ignited notable declines in the women's prison population. In addition, there have been considerable reductions in admissions from Cook County and the Chicago Metro Area linked to reduced arrests for drug law violations that disproportionately impact women.

The feasibility of reducing the women's prison population by 50%+ and Beyond in a sus-

tainable manner is fortified by the juvenile justice reform movement, which has resulted in a 69% reduction in the number of incarcerated young people in Illinois. This led to a groundbreaking announcement in September 2020 by Governor JB Pritzker and Lieutenant Governor Juliana Stratton that the state will be transforming the state’s juvenile justice system and launching centers of community support.

In addition, the recent and dramatic impact of COVID-19 on communities, policing and the

The Task Force is contributing a gender lens to the emerging national movement to halve the national prison population by 2030.

court system, as well as crisis-driven, temporary measures enacted by the State of Illinois, have resulted in unprecedented declines in both the men’s and women’s prison population. In the year 2020 alone, admissions to women’s prisons fell by nearly 50% as arrests dramatically fell and court systems nearly came to a standstill. Combined with an Executive Order halting admissions to prisons from local jails, as well as accelerated use of tools like prison sentence credits, medical furloughs and commutations, the women’s prison population dropped by over 37%.

While experts have cited these reductions as temporary, they clearly demonstrate the feasibility of rapid decarceration among women. These measures should not only be sustained, but expanded upon. Of note, historic legislation, called the SAFE-T Act, championed by the Illinois Black Caucus and signed by Governor Pritzker in February 2021, lays the groundwork for sustainability - but this will require a firm commitment from the state to keeping women in focus throughout implementation.

We can sustainably reduce the women’s prison population by at least 50%+ and Beyond with a commitment to applying gender responsive interventions at every opportunity before, during and after incarceration.

Left Behind: The Consequences of Overlooking Women in National Justice Reform Movement

By promoting and doing this work, the Task Force is contributing a gender lens to the emerging national movement to halve the national prison population by 2030, which was first started by the directly impacted leaders of Just Leadership USA, along with #cut50 and the ACLU. Nationwide, the growing bipartisan call for criminal justice system “reform” has brought about a landmark shift in state and local justice systems. It has generated some promising investments into evidence-based interventions and sentencing reform with the goals of reducing crime, improving public safety and addressing the social and taxpayer-funded costs of mass incarceration among individuals, particularly for what have been deemed “low-level, non-violent crimes.” Despite this progress and related national declines in crime and prison populations, one group has been consistently left behind in the process: women.

According to the Prison Policy Institute, since 2009, women have fared worse than men in

35 states where the women’s prison population: 1) has grown, while the men’s population has declined; 2) has continued to outpace the growth of the men’s population; or 3) has declined, but less dramatically than men’s.

Even as the root causes of justice system involvement have become increasingly elevated, and justice system reform has become a chief priority across the nation, the vast amount of interventions have focused on men. There is an urgent need to redefine justice for and with women, especially at the community level, where numerous opportunities exist to actively meet women’s needs, build upon their strengths, and prevent unnecessary justice system contact and entrenchment.

Confronting the National Crisis of Skyrocketing Women’s Incarceration

For decades, justice systems throughout Illinois and our nation have overlooked and under-invested in evidence-based, gender responsive and public health approaches for women despite their proven impact on reducing their incarceration.

The result has been devastating: Rates of incarceration among women have been skyrocketing for years and the justice system has become the default response to their unique risks and needs. Reports revealing inhumane treatment of women and their re-victimization in custody are increasing, women’s medical/mental health outcomes are poor, and children, families and communities are enduring the lasting, adverse collateral consequences of women’s incarceration.

It is deeply troubling that, despite decades of scholarship and advocacy, our nation continues to be slow to address the crisis of women’s incarceration in a manner that truly acknowledges their pathways. This inattention to the unique experiences and needs of justice-involved women has contributed to unacceptable increases in their incarceration and a harmful ripple effect throughout the lives of their children, families and communities.

There is an urgent need to redefine justice for and with women, especially at the community level, where numerous opportunities exist to actively meet women’s needs, build upon their strengths, and prevent unnecessary justice system contact and entrenchment.

Nationwide, women represent the fastest growing prison population. Between 1980 and 2017, the number of women in state and federal prisons increased by 740%, from 13,258 to 111,360,⁶ - double the pace of growth of men in prison.⁷ The number of women on parole or probation nearly doubled since 1990; there are now more than one million under community supervision across the nation.⁸

The number of women in jail is growing at a faster rate than any other corrections population. Between 1970 and 2014, the population of women in jail increased 14-fold nationwide, with that increase driven by a 31-fold increase in the number of women in small county jails.⁹ Once a rarity, women are now held in jails in nearly every county in the United States (versus 1970, when three quarters of counties held not a single woman in jail).¹⁰

The growth in women’s involvement in criminal justice systems, combined with the realization that these systems have been largely designed to meet the perceived needs of men and are less effective for women, has spurred a national movement to implement gender responsive approaches with women, a chronically neglected segment of the justice population. Research shows that policies, practices, and programs that address women’s specific risks, strengths, and needs yield better outcomes not only for the justice system, but also for impacted women, their children, families, and communities.

When justice systems are not gender responsive, women’s involvement in these systems deepens the disadvantages that spurred their system contact in the first place. These catalyzing disadvantages include exposure to childhood sexual abuse and ongoing interpersonal violence, ensuing trauma and behavioral health challenges, chronically unmet physical health needs, and inter-generational poverty.^{11,12,13}

Women in the Illinois Justice System: What the Numbers Tell Us

In Illinois, from 1980 to 2014, the women’s prison population grew by 767%, exceeding the national growth rate of 700%, and the number of women on probation supervision climbed to nearly 19,000 statewide.¹⁴ While the overall number of women incarcerated in Illinois prisons dramatically increased in the last three decades, admissions have fluctuated quite dramatically with both episodic growth and decline since 2005 due to changing

When justice systems are not gender responsive, women’s involvement in these systems deepens the disadvantages that spurred their system contact in the first place.

policies and practices at both the state and local levels. This has not only demonstrated the state’s ability to bring about positive change when there is political will, but also a lack of consistency in adhering to a shared set of philosophies and practices for addressing the challenges of justice-involved women at both the state and local level. Even more so, it has highlighted the high vulnerability of the women’s population to these patterns.

For example, a study from Loyola University demonstrated that a series of criminal justice reform measures implemented in the state’s largest county, Cook County, primarily contributed to a dramatic decline in total annual court admissions of women to prison from the period of FY2005 to FY2010. However, this progress intersected with an IDOC parole practice change that dramatically increased violations rates – and thus re-incarceration -- among women on parole between FY2009 and FY2011. The result: Progress was undermined, and near-record high women’s prison population levels were reached in both FY2010 and FY2014.

The impetus for the Statewide Women’s Justice Task Force goal of achieving at least a 50% reduction in the women’s prison population began in 2015 at a time when Illinois had experienced the fallout from that period, which resulted in some of the worst women’s prison conditions and the highest five-year average rate of women’s incarceration in state history. Since then, the aforementioned efforts to address these challenges statewide - including the GIPA Assessment and Strategic Plan, the passage of the WCA, and critical policy changes that resulted from the Illinois Commission on Criminal Justice and Sentencing Reform - have contributed to reversing these trends in promising ways.

In Illinois, from 1980 to 2014, the women’s prison population grew by 776%, exceeding the national growth rate of 700%, and the number of women on probation supervision climbed to nearly 19,000 statewide.

Even prior to the onset of the pandemic and its dramatic impact on the men’s and women’s prison population in the year 2020, the culmination of these efforts (and others at the local level) had previously begun resulting in prison population declines overall, and arrests among women fell by 21% statewide from 2005 and 2017,¹⁵ with the greatest declines among African American women (although unacceptable levels of disproportionality persists). In fact, the state’s largest jailer of women, Cook County Jail, reached its lowest population in decades due, in part, to the county’s participation in the Safety & Justice Challenge.

While these trends represent a move in the right direction, history has proven: This is no time for complacency. A closer look at the data demonstrates the ongoing risk of failing to implement a sustainable, gender responsive strategy for women. While arrests are down for women overall, they are still too high and it is notable that they have been markedly slower to decline than those among men (21% vs 42%). In addition, a more localized look at trending among women reveals that data from Cook County and more populated areas is obscuring dramatic spikes in incarceration among women throughout smaller and more rural communities in Central and Southern Illinois.¹⁶

While the majority of women in prison are from Cook County, from 2012-2014, women in Illinois were more likely (64%) to be arrested outside of Cook County (throughout a larger number of smaller counties)—a very different pattern than that of justice-involved men.¹⁷ In addition, while the overall women’s prison population has reflected a decline, admissions to the Illinois Department of Corrections among women increased in nearly 50% of the state’s counties, primarily throughout rural communities that have been profoundly impacted by the spread of the opioid epidemic and a resurgence of methamphetamine.

As outlined throughout this report, some of the greatest opportunities to address the mass incarceration of women are found by addressing their pathways well before prison and in the context of their communities. First, this requires shifting investments into truly effective, women-centered services and interventions all along the social safety net, as well as meaningful harm reduction strategies that prevent the criminalization of women for their survival of untenable social conditions. However, it also means re-examining the ways in which systems are arresting, prosecuting, sentencing, and incarcerating women at the local level. Ultimately, the vast majority of women’s interactions with the justice system are

through police engagement, the pretrial and court process, and probation—thus, a tremendous opportunity to reduce the reliance on prison resides at these impact points.

This Task Force report comes at a point when Illinois is at a tipping point for addressing

Admissions to the Illinois Department of Corrections among women increased in nearly 50% of the state’s counties, primarily throughout rural communities that have been profoundly impacted by the spread of the opioid epidemic and a resurgence of methamphetamine.

mass incarceration among women. While trends appear to be moving in the right direction, it will be difficult to sustain the recent progress in Illinois—and to accelerate it—without establishing a deliberate, consistent and cohesive approach to addressing the unique risks, strengths and needs of the state’s population of justice-involved women in a manner that not only promotes decarceration, but an evidence-based, gender responsive approach for those engaged within the system at every point of contact. Unless this is achieved, progress will remain elusive and women will continue to be moved throughout a crisis-driven justice system that was not designed to effectively address the root causes of their involvement or their true needs in a manner that is necessary to support their safety and successful outcomes for themselves, their families and their communities.

Preventable Pathways: The Drivers of Women’s Incarceration

It is impossible and irresponsible to consider women’s pathways into the criminal justice system separate from the larger social, political, and economic landscape in this country, which is defined by patriarchy¹⁸ and inequity, disadvantages women - especially women from marginalized communities - and carves their pathways to prison.

The criminal justice system replicates this patriarchal landscape in various ways, reflecting and reenacting male dominance, misogyny, white supremacy, genderism, heterosexism, and transphobia. For example, criminal justice policies and practices - from arrest through court to incarceration and community corrections - have been designed based on research conducted primarily on men. The same is true for recent criminal justice “reform” efforts; many have focused on men, ignoring the significant impact that women’s system involvement has on their children, families, and entire communities, while also missing opportunities to implement impactful and cost-saving gender responsive approaches.

Despite the fact that there are 1.2 million women under justice system authority nationwide,¹⁹ the system remains ill-equipped to respond to their unique pathways into the system. This is troubling given the growing research on the risks, strengths and needs of justice-involved women and what this research suggests about how to both prevent their system involvement and create immediate pathways out of the criminal justice system and into supported communities.

Salient Findings from Women-centered Research

The growing body of research on justice-involved women that clearly substantiates the need for gender responsive interventions.^{20,21,22} Compared to their male counterparts in the justice system, a larger proportion of justice-involved women nationally and in Illinois:

- **Have experienced gender-based violence**, including sexual abuse and/or other forms of victimization;
- **Develop substance use issues** as a way to cope with past and current trauma;
- **Engage in “criminal behavior”** while under the influence of and/or to support their drug use;
- **Are more likely to report mental health challenges**, which are also frequently tied to their experiences of abuse and trauma, and be diagnosed with co-occurring mental health and substance use issues;
- **Come from neighborhoods that are entrenched in poverty** and lacking in viable systems of social support, and are more likely to have experienced poverty, underemployment, and employment instability;
- **Are more likely to be the sole support and caregivers** for their children, who may also face a greater risk of justice involvement as a result of having an incarcerated parent; and
- **Are more likely to experience homelessness** and are vulnerable to various forms of sexual or economic coercion in order to maintain housing.

A key and persistent research finding is that justice-involved women have experienced higher rates of significant and ongoing gender-based violence and trauma, and that these and other oppressive experiences are often tied to substance use issues, mental health challenges and coerced involvement in crime that increase the likelihood of justice system contact.²³ Indeed, the vulnerability women experience in their relationships is often totally missed by criminal justice and social services system officials, who too often fail to recognize that women are often surviving abusive and coercive relationships that instigate their involvement in crime (e.g., as drug carriers and trafficking victims).

In environments where it is often difficult to access needed supports, the violence women endure ultimately impacts multiple areas of their lives, including, but not limited to, their ability to secure employment and maintain safe, stable housing. Women are more likely to serve as the custodial parent to young children;²⁴ therefore, they are navigating these oppressive conditions all while trying to provide and care for their children.

In light of these facts, we can immediately understand the different “crimes” that we see among women in the system. Nationally, justice-involved women are more likely than their male counterparts to have been sentenced for property (28% vs. 19%) and drug offenses

(24% vs. 15%), and are less likely to be sentenced for violent offenses (37% vs. 54%).²⁵ Evidence suggests that those who do commit violent or aggressive acts often do so in self-defense, such as in situations with family members or intimate partners.²⁶ Illinois data mirror these trends.²⁷

Gender Responsiveness as the Key to System Transformation

The complexity of issues that justice-involved women face makes clear the need for gender responsive approaches; indeed, such approaches have been promoted by countless state and federal agencies and organizations, including, but not limited to, the National Institute of Corrections (NIC), the National Resource Center on Justice Involved Women (NRCJIW), the Substance Abuse and Mental Health Services Administration (SAMHSA), the Council of State Governments (CSG), the American Bar Association (ABA), and the American Probation and Parole Association (APPA).

It is also important to note that while the contributions of mainstream feminist research - and the federal organizations that have promoted it—have been critical and impactful, there is need to acknowledge and leverage the profound research, work and activism that predated this work and continues in powerful ways.²⁸ Anchored by critical race theory and Black, Latina and Indigenous feminist scholarship and activism, this powerful research and activism has long asserted that women’s diverse, intersectional experiences are an important area of focused attention and continues to challenge the patriarchal research enterprise in critically important ways.²⁹

Research on women, including intersectional feminist narratives, continues to yield important information that can be leveraged to build the transformative, gender responsive strategies needed to more safely and effectively respond to women at critical justice system points.³⁰ Broadly defined, gender responsive approaches for women are those that intentionally leverage research on women to affect and guide policy and practice at all levels of service delivery.³¹

They incorporate an understanding of the social, political, and economic realities of women’s lives, including women’s: socialization and psychological development; intersectional identities and experiences; unique risk, strength, and need factors (i.e., pathways research); disproportionate experiences of gender-based violence and other forms of victim-

ization; higher rates of substance use and mental health conditions that relate to their past and present abuse; different coping patterns and responses to services and interventions; and different parenting responsibilities and experiences. They intentionally incorporate cutting-edge evidence on what works to disrupt women’s pathways into and entrenchment within the criminal justice system.³³

Gender responsive approaches are further operationalized by the **Five CORE Practice Areas of Gender Responsiveness**,³⁴ which advise that every program, service, and intervention be:



Benedict, A. (2005). The Five CORE Practice Areas of Gender Responsiveness.

The 5 CORE Practice Areas of Gender Responsiveness

The Five CORE Practice Areas of Gender Responsiveness directly correspond to the defining developmental and ecological realities of women’s lives. They are part of a human dignity framework and can and should be applied at every level of engagement and intervention with justice-involved women.³⁵

The way we imagine discrimination or disempowerment often is more complicated for people who are subjected to multiple forms of exclusion. The good news is that intersectionality provides us a way to see it.³²

KIMBERLÈ CRENSHAW

Research also shows that gender responsive approaches are not only effective for women, but yield superior outcomes to those identified as gender-neutral. Specifically, studies have revealed that gender responsive approaches have achieved improved outcomes among justice-involved women. For example:

- Gender responsive approaches to risk/need assessment are more predictive for women and set the stage for more effective supervision.³⁶
- Gender responsive case planning protocols have demonstrated significant success, including reductions in recidivism.^{37,38}
- Gender responsive programs with women yields superior outcomes to gender neutral programs.^{39,40,41}
- Women who follow gendered pathways into the criminal justice system display significant reductions in risk following participation in gender-informed interventions and treatment. For example, a recent meta-analysis (of 37 studies and almost 22,000 women in correctional settings) found that 1) women who participated in gender responsive interventions had 22% to 35% greater odds of community success than non-participants, and 2) high fidelity women's programs are more effective for women than high fidelity, evidence-based, gender-neutral programs.⁴²

Research shows that gender responsive approaches are not only effective for women, but yield superior outcomes to those identified as gender-neutral.

Given the multitude and complexity of factors that influence women's entry into - or repeated cycling through - the criminal justice system, gender responsive approaches can and should be applied both at the macro level in terms of how justice systems are designed and function, as well as at facility and community corrections levels in terms of how they operate and deliver services.⁴³ By addressing the underlying issues that often compel women's involvement in the justice system, gender responsive approaches can interrupt women's pathways into and within the system, create opportunities to divert them from the system, reduce incarceration and recidivism, and increase health and safety at the individual, family, and community levels.

The State of Illinois is poised to end the mass incarceration of women and, in turn, transform outcomes among women, children, families, and entire communities. Considerable research is available to assist justice system officials and social and human service providers in their efforts to identify and address gaps in women's services and implement effective ways to reduce risks, build strengths, and enhance well-being and outcomes. We can build upon recent bipartisan reform efforts, and leverage the powerful work of the Statewide Women's Justice Task Force. Hundreds of individuals and organizations are ready to work together to cut the women's prison population by 50%+ and Beyond, and transform justice for and with women throughout the state.

AN INTENTIONAL METHODOLOGY

Pushing the Boundaries of Research and Systems Transformation for Women

Too often, we conduct criminal justice research and pursue systemic improvements within the boundaries of the current system, which has long been led by men and is governed by policies and practices that have been designed for a largely male population. We fail to confront patriarchal values and the pillars that uphold this system—including racism, sexism, genderism, homophobia, transphobia, classism, ableism and white supremacy - that have unique impacts on women.

We prioritize quantitative data collection methods over the kinds of qualitative inquiries that uncover the lived experiences and perspectives of impacted women, including and especially those whose intersectional identities have a profound impact on their perspectives and experiences, including exposure to unique forms of discrimination and disadvantage.¹ We fail to use participatory methods that actively engage women as co-researchers of the issues that affect them and co-architects of solutions.

Ultimately, criminal justice “reform” work tends to be confined by Western, patriarchal narratives that have dominated criminal justice research and shaped criminal justice system policies and practices.² These narratives have prevented and stifled the innovative thinking and solutions that are essential in dismantling systems of injustice, and have been uniquely problematic for women.

There is a critical need to explore and understand the lived experiences, strengths and needs of women, and the policies and practices that impact them. This exploration and understanding must be informed by and build upon women-centered research, employing methodologies can elucidate their unique realities, and reveal false narratives that fuel their incarceration.

“Women in prison are bad moms.”

Regardless of circumstances, incarcerated mothers are often unfairly labeled by society and systems as “unfit”, as having maternal defects and deviant lifestyles that are inherently transferrable to their children, and generally held to a different standard. For women, even one action can be treated as negating years of responsible motherhood. Regardless of a mother’s alleged crime or even her parenting skills, it is often assumed that she must earn the right to parent her children again, often by taking parenting classes—rather than getting the economic, social or therapeutic support she may actually need.

“Why didn’t she just leave?”

Due to lack of housing options and economic opportunity, many women have no choice but to live with an abusive partner or family member. These living situations can become coercive, as well as threatening, and expose them to the risk of becoming implicated in the criminal activities of their abuser. Women with children can be faced with the impossible choice between enduring abuse or living on the streets or in a shelter that separates them from their children.

Redefining False Narratives

Redefining false narratives involves identifying terms and language that can be used to tell an accurate story about women’s experiences and needs and eliminating those that reinforce and perpetuate negative and inaccurate labels and myths. It is a critically important part of real justice work, as society has inherited language, terms and representations that were not developed by impacted women and tend to re-inscribe systems of power and oppression, while also promoting the criminalization and pathologization of women’s survival.

For example, the “why didn’t she just leave?” narrative perpetually plagues women who are stuck in abusive relationships and incarcerated for various “crimes” committed with or for their partners. In fact, many women are coerced into committing crimes under serious threats to their safety and that of their children. These false and highly gendered narratives ignore the pervasive gender-based violence and victimization that is at the root of so many women’s justice system contact and the unique ways in which these experiences operate in the lives of women of color and those who identify as LGBTQ+.

False narratives about justice-involved women obscure important realities about women’s criminalization and incarceration, prevent a culturally responsive, intersectional examination of women’s actual experiences and needs, rationalize policies and practices that are harmful, and fuel a system of injustice. Criminal justice research and “reform” efforts often perpetuate these narratives. They ignore women and rely on a narrow set of criminal justice system inquiry and improvement tools.

We intentionally created a methodological process that would allow us to disrupt this harmful history and accomplish our goals. This included implementing a variety of dynamic, gender responsive approaches to community engagement and data collection that amplified the voices, experiences and perspectives of directly impacted women and brought diverse stakeholders together as partners in system analysis and transformation.

Given the chronic inattention to the needs of women, especially those have been historically marginalized, we created spaces wherein new models, research agendas and tools could emerge to guide and support system transformation.

5 Steps to Facilitate System Transformation and Create Real Justice for Women

1

Build a Statewide Women’s Justice Task Force that Centers the Voices, Perspectives and Leadership of Directly Impacted Women

2

Apply the Women’s Justice Pathways (WJP) Model to Facilitate System Analysis and Transformation

3

Implement Dynamic, Gender Responsive Engagement and Data Collection Strategies

4

Map Women’s Experiences in Communities and Systems and Identify Opportunities to Build Gender Responsive Policies and Practices

5

Redefine Women’s Justice Trajectories and Create a Framework for Transformation: The Gender Responsive Justice Continuum (GRJC)



1

Build a Statewide Women’s Justice Task Force that Centers the Voices, Perspectives and Leadership of Directly Impacted Women

Transformative justice work - which involves the simultaneous actions of dismantling systems that are oppressive, harmful and ineffective and creating new systems of healing and liberation - is essential for women and society at large. It cannot be done by one person or one group. Thus, we created the Statewide Women’s Justice Task Force to contain and sustain our efforts. The Task Force started with 100 women and, as of the writing of this report, has grown to over 500 members from diverse communities and sectors around the state – impacted women and families, professionals and advocates from criminal justice, behavioral health, human services, social services and other sectors, religious and spiritual leaders, scholars, and public officials.

More often than not, criminal justice research and efforts to build more effective policies and practices have tended to be gender neutral and anti-intersectional. They have also failed to engage directly impacted women, or have engaged them superficially. In the era of criminal justice reform, directly impacted women have been tokenized, brought to the table after decisions have been made, or strategically but not authentically engaged to project an appearance of inclusivity. They are rarely seen as co-designers and co-leaders of change.

The Statewide Women’s Justice Task Force was designed to interrupt these injustices. In order to ensure that we did not replicate harmful power and privilege dynamics, directly impacted women served as architects, facilitators and leaders throughout the process. As a result, we designed and implemented a variety of dynamic engagement and data collection methods that reflected our highest principles as a Task Force and, as will be seen in this report, produced meaningful, gender responsive, and inclusive data and recommendations. These engagement and data collection methods were designed to actively disrupt traditional, patriarchal ways of exploring criminal justice policies and practices.

Overall Task Force Structure

The Task Force was led by two Statewide Co-Chairs and several Working Groups, each of which led a series of convenings that informed the final recommendations of this report. These Working Groups included the following:

- The **Community Capacity Working Group** consisted of the following five sub-groups, each of which conducted an in-depth inquiry into one of the 5 Fundamental Rights & Needs identified by the Women’s Justice Pathways Model (WJP) :
 - Relationship Safety
 - Health and Wellbeing
 - Safe and Stable Housing
 - Economic Security and Empowerment
 - Supported Families/Family-centered Systems
- The **Gender Responsive Justice Continuum (GRJC) Working Group** consisted of a Statewide Chair and three Regional Co-chairs representing the Northern, Southern and Central regions of the state (Cook County, McLean County and Jefferson County served as “hubs”), and examined the ways in which women’s 5 Fundamental Rights & Needs are being addressed at key points in the criminal justice system.
- The **IDOC-WCA Implementation Working Group** consisted of departmental leaders who provided data on justice-involved women in prison and on parole, and helped advise on recommendations needed to ensure the successful implementation of the historic Women’s Correctional Services Act (WCA).
- The central **Redefining the Narrative Working Group**, comprised exclusively of impacted women, provided guidance and perspective across all Working Groups, engaged in a variety of activities designed to explore the experiences and wisdom of impacted women, created spaces of connection and solidarity with directly impacted women, and framed the final recommendations of this report.



In addition to the Working Groups, a **Civic Leadership and Engagement Team** consisted of dozens of national, state and local public officials who provided support by gathering information, addressing emergent issues throughout the data collection process (on a case-by-case basis), and participating in briefings on the final report in order to identify recommendations that they may choose to support, or even champion, moving forward during the implementation process.

University Partners

The Task Force also included the support of six academic partners from the following universities who provided data collection and analysis support:

- Loyola University Department of Criminal Justice & Criminology
- University of Chicago School of Social Services Administration (SSA)
- Illinois State University
- Northwestern University
- University of Illinois Chicago (UIC)
- Southern Illinois University, Center for Rural Health & Social Service Development

State Agency Partnerships & Contributions

The following state agencies supported the work of the Task Force by endorsing the initiative at the Task Force launch, sending representatives to convenings and/or providing helpful data and recommendations that supported this report:

- Illinois Department of Corrections (IDOC)
- Illinois Department of Juvenile Justice (IDJJ)
- Illinois Department of Human Services (IDHS and DASA)
- Illinois Criminal Justice Information Authority (ICJIA)



Guiding Principles

All Task Force activities were specifically designed to create safe, relational spaces where we could bring various threads of wisdom together and mine for new ideas that are anchored in the experiences and guidance of directly impacted women, families and communities.

In these safe, relational spaces we actively avoided the patriarchal norms that divide women; norms that are anchored in authoritarian, non-relational processes that create labels and divisions and force women apart. In places of division, outdated and harmful philosophies, policies and practices prevail; dynamic solutions cannot emerge.

Instead of falling into these traps, we were fiercely committed to creating safe spaces where our power as women could come forth and we could engage in the kinds of conversations that lead to growth and understanding. We explored relationships between concepts such as abolition and reform, investment and divestment, creating and dismantling – and we found a path forward with the input of over 500 women statewide, above and beyond our original goal.

Every step of the way, we sought to uphold the following **Guiding Principles**:

1. Impacted women are the best architects and leaders of the systems that affect them.
2. We must create cooperative spaces that engage a wide variety of stakeholders, produce meaningful data, and set the stage for the powerful dialogues and partnerships that are needed to transform justice for and with women.
3. The methods we use to collect data and design recommendations must facilitate mutuality, healing and real justice, and not replicate toxic and harmful power dynamics.
4. Our ideas cannot be confined by the characteristics and norms of the current system we inherited; we must start with the experiences, strengths and needs of women, and envision policies and practices that facilitate real justice for and with women, families and communities.
5. We must produce recommendations that do not leave any women behind, and ensure recommendations are oriented to both harm reduction and system transformation; this requires that we immediately address the harms being caused by the current system while also creating a pathway toward transformative, community-based justice.



Apply the Women's Justice Pathways (WJP) Model® to Facilitate System Analysis and Transformation

The structure of the Task Force, the design and activities of the Working Groups, and the ultimate development of report recommendations were entirely based upon the Women's Justice Pathways (WJP) Model. This model was the focus of every meeting and convening, and guided the structure and recommendations of this report.

Designed and developed by the WJI, the WJP Model incorporates and leverages three decades of research on justice-involved women. This research has identified gender-specific factors that place women at risk of criminal justice involvement and carve their pathways to prison. These include, but are not limited to, abuse and trauma, poverty, and economic insecurity. This information empowers criminal justice system stakeholders with critically important knowledge on how targeted risks manifest in the lives of women so they can adjust policies and practices accordingly.

However, decarceration work cannot occur by exclusively addressing risk factors; rather, it must focus on building the protective factors that must exist for women—before, during and after their criminal justice system involvement and incarceration—in order to prevent their system contact and entrenchment and co-create the conditions that enable women to navigate their lives safely and successfully. The presence of these protective factors reduces women's risk of incarceration and system entrenchment.

The WJP Model reframes protective factors as rights and needs. A need describes a condition required for a woman to thrive; a right is a recognition of her entitlement, as a human being and a woman, to have that need fulfilled.

According to the WJP Model, **Pathways to Prison** are carved when the conditions of women's lives prevent them from being able to access to 5 Fundamental Rights & Needs: Relationship Safety, Health & Well-Being, Safe & Stable Housing, Economic Security & Empowerment, & Supported Families. When these rights and needs are inaccessible and unmet, women's risk of incarceration and system entrenchment increases. Alternatively, when these rights and needs are accessible, it increases the protective factors that are essential in keeping women out of the criminal justice system. In other words, actively addressing these rights and needs carves **Pathways to Justice** for women.

Decades of research demonstrate that most women in the criminal justice system have not had access to these fundamental rights and needs and have been placed in a position – often chronically – where they face significant barriers to them. Instead they have experienced profound and chronic injustices that create multiple, intersecting risk factors in their lives.

All Task Force activities were designed to create safe, relational spaces where we could bring various threads of wisdom together and mine for new ideas that are anchored in the experiences and guidance of directly impacted women, families and communities.

The Women’s Justice Pathways (WJP) Model®

The Women’s Justice Pathways (WJP) Model identifies **5 Fundamental Rights & Needs for Women** in an integrated circle to convey how they are interrelated and are best addressed in a holistic manner. Research consistently shows that justice-involved women are managing the impacts of having multiple unmet needs and few, if any, opportunities to meet them. Additionally, one unmet need frequently impacts women’s opportunities to address other needs, and increases their risk of incarceration. For example, mothers from economically and socially marginalized communities, particularly communities of color and rural communities with historically high unemployment rates, may struggle to find a livable wage and remain in a housing situation with an abusive partner in order to keep a roof over their children’s heads. Consequently, they can develop trauma-related substance use issues and/or experience economic or sexual coercion that eventually results in their incarceration.



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Women’s Justice Pathways:
Pathways to Justice vs Pathways to Prison

	PATHWAYS TO JUSTICE	PATHWAYS TO PRISON
RELATIONSHIP SAFETY	Safe, empowering relationships at home, in the community, and when accessing education, community-based services and justice system services and interventions; opportunities to exercise voice, agency and leadership in personal and community spaces	Childhood abuse and victimization; school-to-prison pipeline; gender-based violence (GBV), including interpersonal violence and sexual assault; social, institutional, and State violence; criminalization of survival; norms and policies that restrict voice, promote rape culture and restrict access to justice when relationship violations occur
HEALTH & WELL-BEING	Community-based and justice system supports and services that cultivate mental, physical and spiritual health and well-being, effectively address physical and reproductive health needs, and attend to trauma and related mental health and substance use issues holistically	Under-resourced and unsafe communities; unaddressed trauma, including that which is linked to poverty, race, gender, and identity; lack of gender responsive and accessible mental and behavioral health services; lack of access to physical and reproductive health supports; policies that pathologize survival
SAFE & STABLE HOUSING	Community-based and justice system supports that enhance family well-being, reduce parental stress, avoid the foster care-to-prison pipeline, and address the negative impacts of family separation and intergenerational incarceration	Parenting stress; family separation; foster care-to-prison pipeline; punitive child welfare policies; intergenerational incarceration, including that which is enabled by chronic lack of resources and systemic barriers to family healing and resilience
ECONOMIC SECURITY & EMPOWERMENT	Safe, stable, affordable, and non-coercive living environments within the community and when involved in the justice system; policies and services that support women’s dignity and agency; comprehensive and inclusive family-centered housing options	Lack of safe, affordable, non-coercive, culturally responsive, dignified and family-centered housing; punitive housing that functions as an extension of prison; limited transitional and residential treatment options; discriminatory and burdensome restrictions, including electronic monitoring; policies that criminalize homelessness
SUPPORTED FAMILIES	Access to high-quality education, employment, and employment support that allows women to meet basic personal and family needs, live a safe and dignified life; access to social capital; equitable opportunities to build household wealth and assets	Lack of employment opportunities that provide livable wages sufficient to defray childcare and healthcare costs; wage inequity; education injustice; economic abuse and coercion; chronic underemployment and poverty; employment barriers resulting from criminal history; lack of social capital; economic marginalization; policies that criminalize poverty

The WJP Model acknowledges women's **intersectional identities** and the reality that women with marginalized identities (e.g., gender, race, ethnicity, immigration status, class, LGBTQ+, age and ability) often experience multiple forms of inequality and disadvantage that combine and create unique experiences and obstacles that are not understood within conventional ways of thinking. For example, race and gender discrimination combine in the lives of women of color, creating unique axis of disadvantage that must be seen, understood and addressed.

The model also integrates the **collateral consequences** that criminal justice contact and incarceration create for women. The mere experience of justice system contact, and incarceration in particular, is a powerful risk factor that can have lifelong impacts on all areas of women's lives and severely restrict their access to the 5 Fundamental Rights & Needs.

The system itself has a significant influence on women's recidivism and overall well-being. For example, many women are exposed to harmful policies and practices while in prison that compromise their mental health. Consequently, they often reenter their communities with additional trauma while also facing various system-created barriers to housing and employment.

By centering 5 Fundamental Rights & Needs of women, the WJP Model prompts criminal justice and other system stakeholders to:

- **Expand narratives** about women's risks into narratives about women's rights and needs;
- **Actively examine and address** the ways in which they are attending to women's rights and needs, as well as the ways in which current policies and practices are preventing women from accessing them;
- **Facilitate a deeper exploration and understanding** of the true roots of women's prison trajectories and challenge false narratives about women's mass incarceration, "criminality", "choices", and the factors that influence their safety and success; and
- **Use expanded models of success** that align with the WJP's 5 Fundamental Rights & Needs for women and look beyond traditional justice system outcomes such as arrest, conviction, incarceration and recidivism.



Implement Dynamic, Gender Responsive Engagement and Data Collection Strategies

Step 3 of the process included implementing engagement and data collection strategies that brought diverse stakeholders together in targeted regions across the state and inspired meaningful and relevant discourse and debate.

The convening of an entirely women-led Task Force, designed and led with directly impacted women, required that we pursue data collection and analysis in a gender responsive manner. We took specific steps to ensure that women could access convenings given the unique roles they hold in their communities and families and that women who are incarcerated or under community supervision could share their experiences and ideas.

We also worked to ensure that every convening reflected the principles of trauma-informed care. This included, but was not limited to, offering peer support for women who were telling their stories, addressing women's immediate needs whenever possible, and creating spaces and opportunities for individual and collective healing.

The engagement and data collection strategies we used nurtured relationships and built the allyship, leadership and political will that is necessary to dismantle harmful systems and create real justice for women. These strategies, which are described briefly below, included 5 Statewide Women's Justice Pathways (WJP) Mapping Sessions, Regional Focus Groups, a Photovoice Project and Redefining the Narrative Team Summits, Targeted Data Collection, and the Launch of Two Regional Community-based Gender Responsive System Assessment Tools:

5 Statewide Women's Justice Pathways (WJP) Mapping Sessions

- A series of 5 Women's Justice Pathways (WJP) Mapping sessions were convened statewide, each of which focused on one of the 5 Fundamental Rights & Needs: Relationship Safety, Health and Well-being, Economic Security and Empowerment, Safe and Stable Housing, and Supported Families. *(The structure and content of these sessions will be described in greater detail in Step 4 of this section.)*
- Each session engaged 80-100 women from across the state, and sessions were hosted live from three locations that were connected virtually:
 - **Cook County** (TASC, La Casa Norte, CGLA and St. Leonard's Grace House); the location from which the statewide sessions were facilitated
 - **McLean County** (Chestnut Health Systems)
 - **Jefferson County** (Southern Illinois University (SIU) Carbondale)
- Each session featured a panel of national, state and local women leaders who have been directly impacted by the justice system. National leaders included CNN Hero and A New Way of Life Founder Susan Burton, and
- Just Leadership USA Executive Director DeAnna Hoskins. Directly impacted state leaders that either co-led facilitation of sessions and/or participated in panels included: Colette Payne, Director, Reclamation Project, Women's Justice Institute (WJI); Bethany Little, Founder, WIN Recovery; Melia Welch, Founder, Addiction2CEO; Celia Colón,

Founder, Giving Others Dreams (G.O.D.); and Elizabeth Cruz, Senior Advisor, Health & Well-being, Women’s Justice Institute. In addition, as the daughter of a formerly incarcerated mother and father, Bella BAHHS, Founder, Sister Survivor Network, co-facilitated the Supported Families session.

- Hundreds of women participated in the overall process and contributed their talents and perspectives. Several individuals and organizations also contributed time and resources to serve as lead partners in planning and facilitating the five sessions, and provided support with follow-up outreach, research and/or writing that was needed to compile the Working Group’s final recommendations.

Regional Focus Groups

- Coordinated by the GRJC Working Group, a series of 5 regional focus groups with directly impacted women and girls were conducted statewide with at least one conducted in each of the Task Force’s 3 Regional Hubs: Northern (Cook), Central (McLean), Southern (Jefferson).
- The Focus Group Project leveraged the Women’s Justice Pathways (WJP) framework and used methods designed by Alyssa Benedict, WJI Co-founder and Executive Director of CORE Associates, including specialized training for focus group facilitators. Implementation was coordinated by the GRJC Co-Chair Dr. April Bernard;Working Group member Rebecca Levin, former Executive Director, Strengthening Chicago’s Youth (SCY) at Lurie Children’s Hospital; former IDOC Women and Family Services Coordinator Maggie Burke; and Task Force Co-Chair Colette Payne.
- Each focus group was co-facilitated by one of the directly impacted members of the Redefining the Narrative Working Group, and included observers from the Civic Leadership and Engagement Working Group to build public awareness.
- Focus group participants received a VISA gift card and a copy of *Becoming Ms. Burton*, a personal memoir authored by CNN Hero and A New Way of Life Founder Susan Burton, who served an advisor to the Task Force and donated 100 copies of her book to the project. Susan conducted book readings co-hosted by the Task Force at Logan Correctional Center, Cook County Jail and St. Leonard’s Grace House.
- The following research partners from participating universities and member organizations observed each focus group and assisted with data collection and offered recommendations for change:
 - Dr. Sekile Nzinga, Northwestern University
 - Dr. Amanda Ward, Loyola University
 - Kimberly Sanders, Southern Illinois University, Center for Rural Health and Social Service Development
 - State Representative Lindsey LaPointe, conducted in her former capacity as the Senior Project Manager, Justice Reform of BPI Chicago
 - Marsheda Ewulomi, former Fellow, BPI Chicago

Overview: Regional Focus Group Project

NORTHERN REGION (COOK)

Chicago/Urban

St. Leonard’s Ministries Grace House hosted a focus group of women from Chicago that was observed by retired **Cook County Restorative Justice Community Court Judge Colleen Sheehan**.

UCAN hosted a focus group of girls from the Chicago area that was observed by **Chicago City Clerk Anna Valencia**, who later hosted the girls on a tour of City Hall; and also organized with support from ALSO Chicago, Strengthening Chicago’s Youth at Lurie Children’s Hospital, Cook County Juvenile Probation, the Cook County JTDC and the Coalition on Urban Girls.

Collar Counties/Suburban

TASC hosted a focus group of adult women from the Collar Counties that was observed by **Statewide Women’s Justice Task Force Co-Chair Pam Rodriguez (TASC) and Task Force Member, Millicent Lewis McCoy (TASC)**.

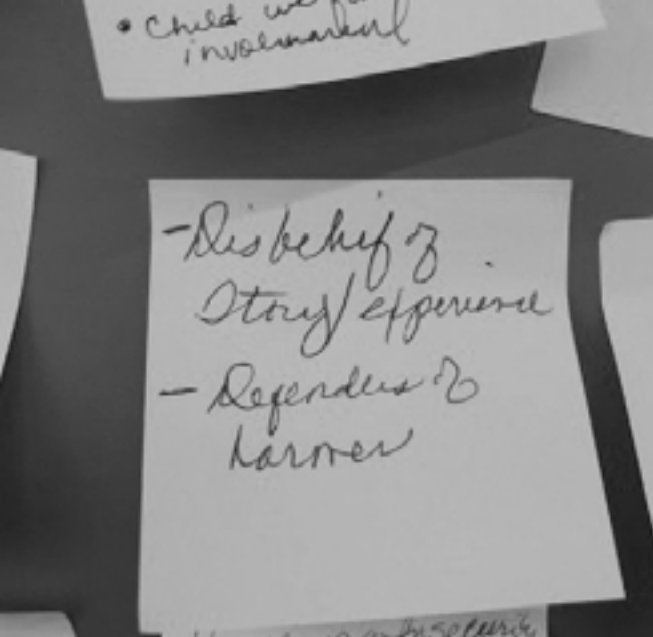
CENTRAL REGION (MCLEAN)

YWCA McLean County hosted a focus group of women from McLean County and surrounding communities throughout Central Illinois that was observed by **State Representative Lindsey LaPointe** in her former capacity as Senior Advisor, Justice Reform, BPI Chicago.

SOUTHERN REGION (JEFFERSON)

Perry County Probation hosted a focus group among women on probation who were participating in the Adult Redeploy Illinois (ARI) program that were from Perry County, Jefferson County and surrounding communities that was observed by Perry County Public Defender Courtney Loos and coordinated by **Perry County Probation Supervisor and ARI Coordinator Beth Cassidy**.





Photovoice Project & Redefining the Narrative Team Summits

- The Redefining the Narrative Working Group used Photovoice and Redefining the Narrative Team Summits as a method to guide their Task Force activities, and support development of report recommendations.
- A participatory action research methodology and community-based engagement strategy, Photovoice provided directly impacted women with an opportunity to document their experiences and perspectives through photography. Photovoice offers an alternative to traditional data collection approaches that may prevent members of a group from expressing ideas, concerns and solutions. The Photovoice project provided women who have been directly impacted by the criminal justice system with a trauma and resiliency informed space where they could come together, authentically share their challenges, identify solutions and present their ideas using photos and personal narratives.
- The project was designed by Alyssa Benedict, WJI Co-founder and Executive Director of CORE Associates, in partnership with Redefining the Narrative Working Group Chair Monica Cosby, and resulted in a series of five sessions during which 15 directly impacted women identified and explored questions such as “Where does justice live for women?” through photography, dialogued as a group to share individual and collective narratives of harm and resilience, and co-created transformative justice solutions to identified issues.
- The project kicked off at YWCA McLean in Bloomington with a Reclamation Circle, a process rooted in restorative justice principles, that was shaped by Redefining the Narrative Working Group Chair Monica Cosby for this project. The Reclamation Circle was co-facilitated by Minister and Attorney Michelle Day and Olivia Chase of Nehemiah Trinity Rising.
- After the Photovoice sessions, two statewide Redefining the Narrative Working Group summits and writing workshops were held. Members reviewed all of the photos and corresponding session transcripts and identified key themes. They also discussed the findings and recommendations submitted from every Working Group of the Task Force, created content for the final report and identified priority recommendations.

Targeted Data Collection

- **Dr. Dawn Beichner, Professor, Illinois State University (ISU) Criminal Justice Sciences Department and Women’s and Gender Studies Program** served as the Co-Chair of the Community Capacity Working Group and engaged a team of students to produce a series of literature reviews on the unique characteristics and pathways of justice-involved women that helped inform and shape the Task Force’s work and final report recommendations. Her prior research and publications on justice-involved women, particularly those from rural communities, and their experiences in local jails was also critical to informing the Task Force’s regional analysis.
- **Dr. Dave Olson, Associate Professor, and Dr. Amanda Ward, Senior Research Associate, of Loyola University of the Chicago Department of Criminal Justice and Criminology** graciously served as the lead research partners of the Task Force, conducted all of the quantitative data collection, and produced a series of reports, including:
 1. Historic Statewide Trending on the Women’s Criminal Justice and Prison Population;
 2. Regional Criminal Justice and Prison Admission Trending in the Task Force’s 3 Regional Hub Counties (Cook, McLean and Jefferson); and
 3. The Task Force’s final feasibility assessment and unduplicated count of ways to apply report recommendations to reduce the state women’s prison population by at least 50%.
- **Dr. Gina Fedock, Associate Professor, University of Chicago School of Social Services Administration (SSA)** partnered with the WJI to design an extensive survey of women incarcerated at Logan Correctional Center (which was conducted December 2017-January 2018 and included over 800 women), representing the largest of its kind in state history. The purpose of the survey was to help gather information needed to support the implementation of the Women’s Correctional Services Act (WCA) and the work of the IDOC-WCA Working Group. The WJI wrote letters of support and arranged the logistics needed to accommodate the survey, as well as donated all grant funds offered to the WJI by SSA back to the graduate students who supported this effort.
- **Dr. Gina Fedock, Associate Professor, University of Chicago School of Social Services, and Dr. Amy Dworsky, Research Fellow, University of Chicago Chapin Hall**, partnered with the WJI to survey 40 incarcerated mothers at Logan Correctional Center and to gather information on programs designed to address the unique needs of incarcerated mothers and their children, with the stated purpose of presenting the findings to the Supported Families Working Group, and providing helpful data to support the development of recommendations for the final Task Force report.
- **GRJC Working Group Lead Strategic Partner Paula Wolff, Executive Director, Illinois Justice Project (ILJP)** provided support with data collection on reentry housing needs in Illinois and national model programs, and promoted the needs of justice-involved women and the Task Force’s work on the Reentry Housing Task Force (a partnership between the Illinois Justice Project and the Metropolitan Planning Council).

Launch of Two Regional Community-based Gender Responsive Justice System Assessment Tools

- **Jefferson County Women’s Justice Assessment (WJA) Demonstration Project**
 - Task Force Southern Region Co-Chair Judge **Jo Beth Weber, Presiding Judge, Jefferson County**, worked with **Robin Dodd, Chief of Staff, Jefferson County Juvenile Justice Advisory Council**, to engage justice system stakeholders throughout the county to launch of the nation’s first demonstration of the Women’s Justice Assessment (WJA) in Jefferson County.
 - The WJA is a tool and process designed to assess gender responsive policies and practices in local justice systems and expand opportunities to apply gender responsive principles, support women’s deflection, diversion and decarceration, and improve outcomes among women, their children, families and communities.
 - The four-day assessment included a series of interviews, surveys, mapping sessions and focus groups among justice system stakeholders, including judges, the State’s Attorney, the Public Defender, the Police Chief, Sheriff’s Deputies and staff, probation and parole officers, social service providers and directly impacted women. It also included tours and observation periods at the jail, courts and probation department.
 - Loyola University provided a regional data trending analysis on arrests, incarceration rates and recidivism among women in the county to inform a final report of findings and recommendations.
- **McLean County Women’s Justice Pathways (WJP) Demonstration & Regional Listening Session**
 - **Task Force Central Region Co-Chair and McLean County Circuit Judge Rebecca Foley** engaged justice system stakeholders and the McLean County Criminal Justice Coordinating Council to launch the nation’s first community-based Women’s Justice Pathways (WJP) Mapping Session.
 - This process began with a highly publicized Regional Listening Session that was hosted in partnership with the League of Women Voters, WJI Central Illinois Organizer Heather Canuel and YWCA McLean, and engaged stakeholders in a dialogue about the unique challenges of justice-involved women in the community, effective programs and new ideas to improve outcomes.
 - The session was followed by a full-day convening and entire system mapping session, and represented the first time in which all five Women’s Justice Pathways were mapped in a single community where every criminal justice agency was represented and contributed alongside directly impacted women, social service providers and other key stakeholders. The session, which was conducted and designed in partnership with the National Center for State Courts (NCSC), engaged more than 100 local justice system stakeholders and public officials at Chestnut Health Systems Conference Center in Normal.

Map Women’s Experiences in Communities and Systems and Identify Opportunities to Build Gender Responsive Policies and Practices

The WJP Model was used as an analytical tool to facilitate a series of dynamic mapping sessions exploring women’s experiences before, during and after prison, to identify the role of false narratives at critical points along the justice continuum, and to cultivate recommendations for change.

As previously mentioned, the WJP Model is rooted in the research on at-risk and justice-involved women and identifies 5 Fundamental Rights & Needs for women. When these rights and needs are unaddressed throughout the lives of women, it creates serious risk of criminal justice system involvement, incarceration and entrenchment. When these rights and needs are addressed, it increases the protective factors that keep women out of the criminal justice system and carve women’s pathways to real justice.

5 Statewide WJP Mapping Sessions®

The Task Force conducted 5 Women’s Justice Pathways (WJP) Mapping Sessions®, each of which was devoted to one of the 5 Fundamental Rights & Needs: 1) Relationship Safety; 2) Health and Well-being; 3) Economic Security and Opportunity; 4) Safe and Stable Housing; and 5) Supported Families.

Task Force Working Group Co-Chairs actively performed outreach to ensure that a broad spectrum of 80-100 stakeholders were engaged at every session. In addition, convening sites were offered statewide throughout each of Task Force’s 3 Regional Hubs, and participants were connected virtually.

The goals each WJP Mapping Session were to:

- Create a forum where directly impacted women lead the dialogue about their experiences, strengths and needs at various points of the system.



- Facilitate engagement of diverse criminal justice system stakeholders from across the state, including directly impacted women leaders and their families, as well as other criminal justice system stakeholders, including law enforcement officials, corrections officials and staff, social service providers, advocacy leaders, academics, and public officials.
- Facilitate an in depth analysis of how the criminal justice system is attending to a targeted right/need (e.g., Relationship Safety; Health and Well-Being) at various points (e.g., law enforcement, court), and identify strengths, challenges, and opportunities to improve well-being and outcomes among women, families, and communities.
- Identify and inspire immediate actions, including enhancement of public policies, gender responsive program design, and strategic investments, in advance of final report recommendations.
- Connect women statewide in a dynamic manner that illuminates both shared challenges and regional differences, as way to bridge greater understanding and awareness of solutions.
- Identify false narratives about justice-involved women that are harmful, criminalize and pathologize their survival, and create barriers to real justice.
- Educate stakeholders on the impact of systems, and the often unintended consequences of various policies and practices, by shifting the mapping process away from what systems “provide” for women to how women “experience” those systems.
- Explore research questions that should be pursued to deepen knowledge about the unique trajectories of women before, during, and after their criminal justice system involvement to facilitate informed, data-driven decision-making and policy development.

Adapting the Sequential Intercept Model (SIM) to Elevate Women’s Experience & Redefine Justice

To facilitate a comprehensive analysis of women’s pathways, we used an adapted version of the Sequential Intercept Model (SIM).³ Specifically, we invited participants to:

1. Explore if and how each targeted right/need is being addressed (or not) at traditional criminal justice system intercepts (e.g., police, courts, jail, prison, probation/parole and reentry).
2. Identify opportunities to better address this right/need at each intercept.
3. Identify the role of false narratives at each intercept that fuel women’s criminalization and incarceration.
4. Envision where women’s rights/needs can be addressed outside of these traditional intercepts.

Our process was specifically designed to focus on the way women experience each intercept point, rather than mapping the resources provided to them at each intercept. This ensured that that recommendations addressed both the harms and opportunities of the current system.



Additionally, we encouraged participants to consider ways to ensure justice for women outside the parameters of the traditional criminal justice system intercepts identified by the SIM. We asked: “Where can justice ‘live and breathe’ for women outside of these traditional criminal justice system intercepts?” This invited a broader analysis of where justice can and should exist for women outside of the criminal justice system.

This explicit invitation to consider where justice can exist for women “off the SIM” ensured that the Task Force’s final report recommendations were not confined by the design of the current system. Our process ultimately empowered participants, particularly those most directly impacted by the system, to identify points of contact or “impact” that may not be represented on the SIM, and important opportunities to facilitate real justice with and for women and reduce their risk of criminal justice system entrenchment.

For example, traditional justice system mapping often focuses on ways that the system “gives” women the opportunity to avoid prison by placing her on electronic monitoring (EM); yet women who mapped their “experiences” with EM during the WJP Mapping Sessions revealed that EM policies often resulted in trapping them in abusive or sexually coercive housing situations or made it difficult for them to fulfill caregiving responsibilities for their children – all of which heightened their risk of reincarceration.

Development of Final Report Recommendations

Each Women’s Justice Pathways (WJP) Mapping Session© was designed to produce meaningful data on specific ways to disrupt harmful trajectories to prison and improve outcomes among at-risk and justice-involved women, as well as their families and communities. This included concrete strategies that can be used by justice system officials, directly impacted women and other key stakeholders to transform justice practices and outcomes with women.

Each WJP Mapping Session was supported by a Writing Team that analyzed the data collected and convened a series of Whiteboarding Sessions designed to process the data, conduct further research and outreach, and develop a report of the top 10

recommendations from the session. Ultimately, these recommendations were integrated into the Task Force's final report development process, which included:

1. A series of Redefining the Narrative Working Group Summits and Writing Workshops to shape priorities and report messaging;
2. A policy review, editing and research process conducted by Gender Responsive Justice Continuum (GRJC) Working Group members and subject matter experts that fact-checked and refined recommendations; and
3. A final report writing, editing and integration process that incorporated recommendations from the various Working Groups, focus group data, survey data, Photovoice Project data, priorities identified by the Redefining the Narrative Working Group, and the Loyola University statistical analysis on how implementation of identified recommendations will help achieve the goal of cutting the women's prison population by at least 50%+ and Beyond.

Redefine Women's Justice Trajectories and Create a Framework for Transformation: The Gender Responsive Justice Continuum (GRJC)®

By leveraging the WJP Model throughout the series of mapping sessions and other dynamic data collection activities, the Task Force generated the wealth of information needed to produce a powerful set of recommendations for achieving the Task Force's goals. While it was critical to develop these recommendations, it was just as important to create a framework for their implementation.

The Gender Responsive Justice Continuum (GRJC)

The final stage of our process resulted in the design of the Gender Responsive Justice Continuum (GRJC), a new framework by which the state, communities and individual agencies can expand their capacity to partner, leverage shared resources, and implement policies and practices that truly address the rights and needs of women.

The GRJC redefines what justice for women and where it can exist - both along and outside of traditional criminal justice system intercepts. First, it identifies 8 Impact Points that carry unique challenges and opportunities for at-risk and justice-involved women. Second, it invites stakeholders to explore how the 5 Fundamental Rights & Needs identified in the Women's Justice Pathways (WJP) Model are addressed along the 8 Impact Points. When systems address these 5 Fundamental Rights & Needs they ensure women's Pathways to Justice and avoid women's Pathways to Prison.

The GRJC Impact points:

- Acknowledge the social and economic realities that influence women's lives from pre-birth through adulthood and opportunities to recognize and nurture women's resilience;



- Address relationships that impact women's life trajectories and opportunities to create safe and growth-fostering connections that enable their personal and relational growth and healing.
- Offer opportunities to reduce harm at traditional criminal justice system impact points and and inspire alternative responses.

One of the most important features of the GRJC is that it facilitates a transformative justice approach by encouraging an analysis of how to reduce harm to women and families within the system as it is currently designed and a reimagining of new, innovative supports, interventions and collaborations that can exist outside of traditional justice system structures and create pathways to real justice for and with women.

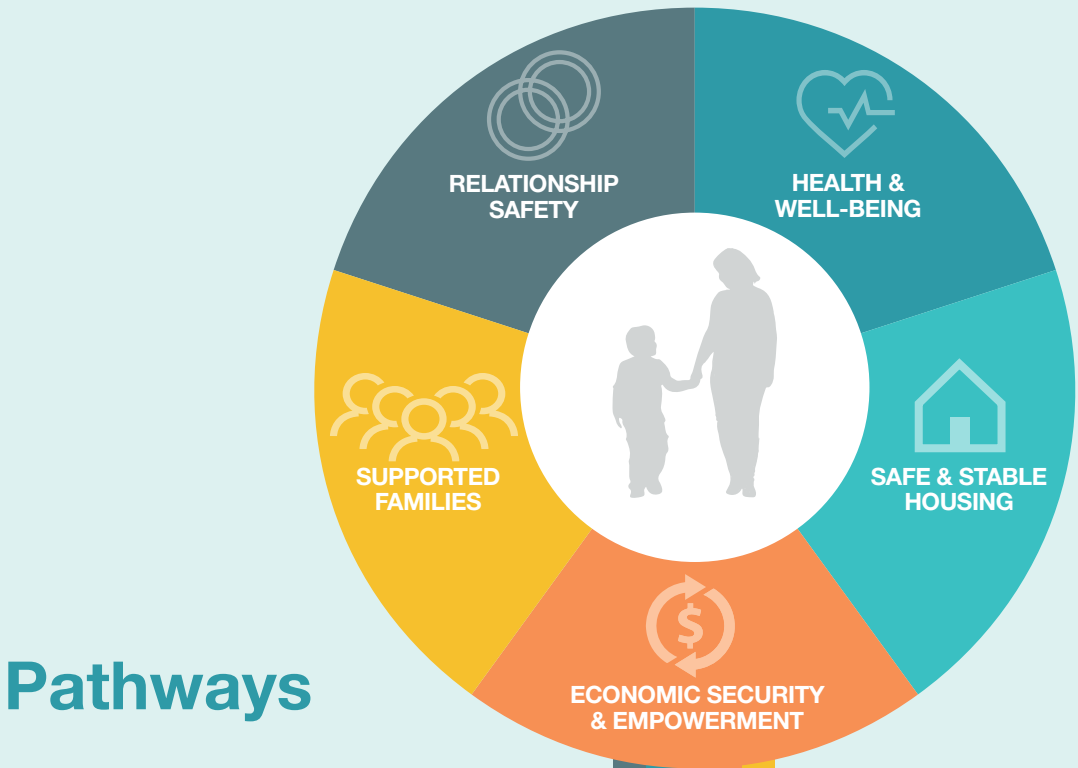
For example, Impact Point 3 - Social Services vs Resourced Communities, prompts criminal justice stakeholders to examine the quality and availability of important social services for women while simultaneously designing and investing in community safety nets that prioritize community strength, resilience and autonomy. Impact Point 4 - Police Engagement vs First Response, prompts criminal justice system stakeholders to examine ways to reduce the harms associated with police engagement while simultaneously building first response protocols that leverage community strengths and partnerships, including those that do not rely on the police.

The GRJC offers a more comprehensive picture of women's pathways into and through the criminal justice system and cues agencies and systems to explore opportunities to build real justice processes that prevent women's incarceration, and facilitate timely deflection, diversion and decarceration. It is a dynamic framework for systems change that can and should be used in the State of Illinois to redefine narratives about justice-involve women, make immediate improvements to the current system (e.g., reduce harm and implement gender responsive policies and practices) and actively build a new system of justice for and with women.

The 8 Women's Justice Impact Points® encourage a broader analysis of women's experiences and inspire new ways of conceptualizing and delivering justice.

The Gender Responsive Justice Continuum[©]

The Gender Responsive Justice Continuum (GRJC) is a comprehensive tool for disrupting women’s pathways to prison. It cues systems to explore opportunities to create real justice throughout a series of 8 Impact Points, each of which presents an opportunity to reduce harm, improve well-being and inspire new ways of conceptualizing and ensuring justice for and with women. In doing so, it promotes the reimagining of new, innovative supports that can exist outside of traditional, one-dimensional system structures.



Impact Points

- Relationships vs Connections 2
- Police Engagement vs First Response 4
- Incarceration vs Decarceration 6
- Collateral Consequences vs Reclamation 8
- 1 Social Conditions vs Resilience
- 3 Social Services vs Resourced Communities
- 5 Court Process vs Access to Justice
- 7 Community Supervision vs Reentry Support

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Benedict, A. & Benos, D. (2021). The Gender Responsive Justice Continuum. The Women’s Justice Institute

8 Women’s Justice Impact Points[©]

- 1 Social Conditions vs Resilience
This Impact Point explores 1) the cultural conditions – including social, political and economic realities - that influence women’s lives from pre-birth through adulthood and 2) opportunities to recognize and nurture women’s resilience.
- 2 Relationships vs Connection
This Impact Point explores the relationships that impact women’s life trajectories - including relationships with caregivers, family, school and community - and opportunities to create safe and growth-fostering connections that enable their personal and relational growth and healing.
- 3 Social Services vs Resourced Communities
This Impact Point explores social services for women and opportunities to actively build resourced communities that address women’s specific needs.
- 4 Police Engagement vs First Response
This Impact Point explores one dimensional police response to all vs first response to her, to build gender responsive, trauma-informed and family-centered first response protocols.
- 5 Court Processes vs Access to Justice
This Impact Point explores the court processes and opportunities to improve women’s access to justice at the earliest stages of their system involvement.
- 6 Incarceration vs Decarceration
This Impact Point explores incarceration processes and opportunities to decarcerate women and connect them with community-based services and supports.
- 7 Community Supervision vs Re-entry Support
This Impact Point explores community supervision processes with women and opportunities to build gender responsive, trauma-informed and family-centered re-entry supports.
- 8 Collateral Consequences vs Reclamation
This Impact Point explores the collateral consequences of system involvement and opportunities for women to reclaim their lives and their power to influence system transformation.

WOMEN'S JUSTICE PATHWAYS

Relationship Safety

decriminalizing survivorship

Top 10 Relationship Safety Recommendations

- 1 **Increase investments** in gender-based violence (GBV) prevention, and commit to making Illinois the safest state in the nation for women and girls
- 2 **Implement specialized services** and responses for survivors of sex trafficking and those engaging in sex work
- 3 **Reduce unnecessary arrests** of survivors of gender-based violence (GBV) and their associated exposure to state violence
- 4 **Increase transparency** in the criminal justice system by requiring thorough and consistent data collection on the impact of gender-based violence (GBV) on the criminalization of women.
- 5 **Expand opportunities** and investments that facilitate the full diversion of survivors of gender-based violence (GBV) away from the justice system and into community-based supports
- 6 **Change laws** that punish survivors of gender-based violence (GBV) and expand funding for community-based participatory defense work
- 7 **Make an unwavering commitment** to the safety & dignity of incarcerated women
- 8 **Create a civil legal services framework** that protects the rights of incarcerated survivors
- 9 **Create more pathways** out of prison for survivors of gender-based violence (GBV)
- 10 **Establish specialized training** and policies for probation and parole that address the unique risks, strengths and needs of gender-based violence (GBV) survivors, including safety planning

Relationship safety is a human right, yet violations of that birthright are widespread and often pave women’s pathways into the criminal justice system. Justice-involved women have endured relationship violations in their interpersonal relationships, communities, and at the hands of the state. In fact, one of the most common experiences that women in the criminal justice system share is a history of victimization, including childhood trauma and gender-based violence. Indeed, many justice-involved women have experienced multi-abuse trauma—the experience of navigating multiple layers of trauma and oppression.

A Global Pandemic

Gender-based violence (GBV), or violence against women and girls (VAWG), is a global pandemic that will affect one in three women in her lifetime.¹ While GBV affects women across race, ethnicity, age, class, sexual orientation and immigration status, women of color and those who identify as LGBTQ+ are differently and disproportionately impacted. Social, political and economic conditions—including patriarchy, sexism, racial discrimination, homophobia, transphobia, and ableism—subjugate all women, particularly marginalized women, who experience multiple intersecting oppressions. These conditions not only enable the relationship violations that women endure throughout their lifetimes, but are replicated and reinforced by various community and State policies and practices.

Criminalizing Survivors

Systems have not only failed to effectively confront women’s disproportionate exposure to gender-based violence, but have also failed to appropriately invest in the public health solutions needed to address related consequences such as trauma, substance use, mental health issues, and housing instability. Instead, billions have been invested into responses that criminalize and pathologize women for surviving GBV. Once a survivor crosses over into the justice system, she is subjected to punitive policies and practices that replicate relationship violence; police, prosecutors, judges, immigration enforcement, detention centers, and prisons end up functioning as public extensions of women’s private experiences of interpersonal and GBV. Additionally, a lack of gender responsive and trauma-informed responses at every point of justice system contact erodes the very safety the justice system is supposed to provide.

Disproportionate Harms

While there has been a proliferation of laws and policies designed to respond to gender-based violence over the past several decades, these laws have, in many cases, increased the criminalization of survivors, particularly women of color, transgender women, and gender non-conforming individuals. Criminal justice system responses have resulted in survivors being harmed, arrested, further traumatized, and placed in positions where they are at increased risk of coercion and other harms by their abusive partners. Women, particularly those from marginalized communities where there has been a historical lack of trust in law enforcement, and who cannot rely on community-based supports or the State for meaningful assistance, are at the highest risk of being criminalized if and when they are forced to protect themselves or their children from abuse.

Call to Action

This chapter asserts that women’s access to Relationship Safety is essential to preventing their criminalization and incarceration. It calls for solutions that reach beyond one-dimensional criminal justice system responses, and the active implementation of comprehensive prevention efforts throughout the State that focus on eradicating the childhood abuse, gender-based violence and other social conditions that catalyze women’s prison trajectories.

It calls for dramatically different responses to women’s experiences of interpersonal violence at the community and systems levels, and the creation of robust systems of accountability throughout the justice continuum to ensure that women have access to safe systems and behavioral health processes, programs and interventions. Finally, community leaders, policy makers, and departmental administrators must not only work with, but invest in women who have been impacted by childhood trauma and GBV to develop the robust statutory, departmental, and community-based frameworks that are needed to eliminate the criminalization and incarceration of survivors, and improve policies and practices throughout the justice continuum.

Note on Terms Childhood trauma can occur when a child witnesses or experiences overwhelming negative experiences at home and/or in their community such as abuse, neglect, violence, and loss. Gender-based violence (GBV) refers to violence that targets individuals or groups on the basis of their gender. The majority of GBV victims are women and girls, and GBV can include domestic violence, sexual harassment, sexual violence, and rape. It is deeply rooted in gender norms, sexism, and unequal power relationships, and is inextricably linked to racism, homophobia, transphobia, and ableism. The term GBV acknowledges the high incidence of violence against individuals who identify as women and the chronic gender and racial inequities that disempower women, contextualize their experiences of violence, and define their choices and options for surviving.



WILLETTE BENFORD
Survivor & Decarceration Organizer,
Live Free Chicago & Statewide
Women's Justice Task Force member

In Her Words

REDEFINING THE NARRATIVE | RELATIONSHIP SAFETY 5A.7

“Domestic violence silences you. It steals your voice... and, in my case, also robbed me of the twenty-four years of my life that I spent in prison for it.”

Domestic violence silences you. It steals your voice... and, in my case, also robbed me of the twenty-four years of my life that I spent in prison for it.

I would have been trapped in prison a whole lot longer—due to a 50-year sentence—if it had not been for a new law that resulted in my release last year. The law allowed me to get a new sentencing hearing because the courts hadn’t taken into account the years of mental and physical abuse I had endured all those years ago...

Back in the day, domestic violence wasn’t even a term where I was from... it was a way of life. I was also in a same-sex relationship, and both of those issues stacked against me. Because of my gender and sexuality, my attorney advised me that the court would not be sympathetic to me and would not believe me... so, I literally just stood by with no hope as they stole my freedom.

It was not until attorneys from CGLA and Kirkland & Ellis called me in 2018 and told me they would join my fight to be resentenced under the new domestic violence law that I finally had hope again. For the first time, I felt believed. After my release, I promised myself that I would never go back to that place again—never again would someone refer to me as an “inmate”. From now on I would be a survivor.

Since I won my freedom, there has not been a day that has gone by that I have taken it for granted. So many of my sisters are in my same position... they have lived through things that many would die from, yet now they have to sit in prison, away from their families... criminalized for doing what they had to do to live when no one was there to protect them.

Many of those women still can’t talk about what happened to them... but I will. It is my hope that this report results in that law becoming retroactive so that we can go back and rescue every single one of them, and finally give them all the lives they deserve.

*Willette Benford, Survivor & Decarceration Organizer,
Live Free Chicago & Statewide Women’s Justice Task Force member*

Relationship Safety is a fundamental human right and an important protective factor against women’s criminalization and incarceration. The following section offers a brief snapshot of dominant themes identified throughout the Statewide Women’s Justice Task Force process that are centered on the lived experiences of directly impacted women and supported by national and state-specific research. These powerful threads of information both inspired and informed the recommendations in this section.

Gender-based violence (GBV) is an epidemic; women experience dramatically disproportionate rates of domestic violence and sexual assault.

Globally, women experience higher rates of sexual violence compared to men; this is also true within the United States.² Staggering numbers of women experience GBV throughout their lives, including in their homes, schools, and communities.

- Since 2014, murders of women due to domestic violence have risen to the point that nearly four women are killed by an intimate partner every day, while the number of men killed by an intimate partner has declined.³
- In the United States, one in five women (compared to one in 71 men) will be raped at some point in their lives.⁴ In more than eight out of ten cases of rape, the woman knew the person who sexually assaulted her.⁵
- On average, nearly 10 women and girls are murdered every day in the United States. A study of homicides of more than 10,000 women found that 55.3% of those murders were related to GBV, with a current or former partner perpetrating more than 90% of those murders.⁶
- Nationally, intimate partner homicides account for nearly 10% of all murders, and women comprise approximately 70% of those killed.⁷
- In Illinois, a survey of services provided by 33 rape crisis centers showed that more than 89% of the 37,000 individuals served between 2010 and 2015 were women, including a disproportionate number of African American women. Consistent with the national data, 86% of survivors reported that their rapist was someone they knew.⁸

- In 2019, the Chicago Police Department (CPD) reported that 85.8% of the 1,693 reported sexual assault victims were women, of which 51% were African American women. The CPD also reported that 77.8% of the 22,650 reported domestic battery victims were women, of which nearly 70% were African American.⁹
- Results of a 2017-2018 survey of women incarcerated at Logan Correctional Center, conducted by the University of Chicago School of Social Service Administration in partnership with the WJI, showed that more than 60% of respondents experienced abuse and intimidation as a child, including physical abuse, intimidation with threat of physical abuse, and sexual coercion.¹⁰

Women who are marginalized in society, including low-income women, women of color, and those who identify as LGBTQ+, experience higher rates of gender-based violence (GBV); this reflects a confluence of intersecting oppressions including racism, sexism, homophobia and transphobia.

Marginalized women experience violence at extremely high rates, and experience significant obstacles when seeking help. Instead of having access to support in surviving their experiences of violence, many of these women are criminalized and incarcerated, and their criminalization is often directly linked to how they have coped with and survived GBV.

- Women of color experience higher rates of GBV; for example, 53.8% of multi-racial women, 46% of Native American or Alaskan Native women, 43% of African American women, and 37.1% of Latina women have been victims of rape, physical violence, and/or stalking by an intimate partner in their lifetime.¹¹
- Native American women experience high levels of violence (84%); a disproportionate number of Native American women are missing and/or are murdered and Native American women face murder rates that are more than 10 times the national average.
- Bisexual women report a higher lifetime prevalence of rape and sexual violence by any perpetrator and a significantly higher lifetime prevalence of rape, physical violence, and/or stalking by an intimate partner when compared to both lesbian and heterosexual women; lesbian women report levels of intimate partner violence and sexual violence equal to or higher than those of heterosexuals.¹²
- Transgender individuals experience extremely high rates of GBV; nearly half of all transgender individuals will be sexually abused or assaulted at some point in their lives.¹³
- The U.S. is experiencing an epidemic of murders of transgender individuals. In 2019, advocates tracked at least 26 deaths of transgender or gender non-conforming people due to fatal violence, the majority of whom were African American transgender women.¹⁴

Since 2014, murders of women due to domestic violence in the United States has risen to the point that nearly four women are killed by an intimate partner every day.

Criminalizing self-defense reveals that we live in a system that is inherently rooted in a culture of violence against women and a culture that literally devalues the lives of black and brown and trans women. We can trace the history of the devaluation of women back to Celia, an enslaved woman who was convicted of murder and executed in 1855 for defending herself against her rapist, who was also her owner. We realize that not much has changed over the years, from when Celia was told that she was indeed this man’s property and had no right to defend herself, to when Marissa Alexander was told in 2012 that she had no right to self-defense for shooting a warning shot after her husband attacked her and threatened to kill her in 2010.

Ultimately the criminal legal system’s approach to gender-based violence is with more violence. None of the solutions are about healing, a culture shift, or recognizing a survivor’s humanity.

RACHEL CAIDOR

Love & Protect, Just Practice Collaborative, Co-Curator of No Selves to Defend & Social Justice Advocate, Co-facilitator of the Relationship Safety Mapping Session for the Statewide Women’s Justice Task Force

- In 2017, 87% of all murders of transgender individuals were of transgender women, of whom 95% were African American.¹⁵
- In a 2012 study of domestic violence survivors, 74% of the women respondents reported staying in an abusive relationship for economic reasons and 94% reported experiencing economic abuse.¹⁶

Women’s experiences of childhood abuse/neglect and gender-based violence (GBV) are associated with their criminal justice system contact and imprisonment.

One of the most common experiences shared by incarcerated women is a history of childhood abuse and GBV.¹⁷ Even with recent and promising declines in the women’s prison population in Illinois and other states, the general push to incarcerate women ignores the social and psychological forces that propel their criminalization and incarceration, including higher rates of lifetime exposure to cumulative trauma, physical and sexual victimization, untreated mental health issues, the use of substances to manage distress, and survival behaviors that arise in conjunction with gross economic disparities.¹⁸

- Women with histories of abuse and neglect are 77% more likely to be arrested as adults than their peers who were not abused and neglected.¹⁹
- Results of a 2017-2018 survey of women incarcerated at Logan Correctional Center conducted by the University of Chicago School of Social Service Administration in partnership with the WJI showed that 99% of the women incarcerated there have experienced physical, emotional, or sexual abuse at some point in their lives.²⁰
- Women who are subjected to domestic violence are nine times more likely to use drugs and 15 times more likely to use alcohol.²¹ Substance use is criminalized in the United States even if it is linked to a women’s experience of relationship violence. In fact, while men are more likely to be targeted by drug law enforcement, many of the victims of the war on drugs are women and are disproportionately women of color.^{22,23,24}
- Women serving life sentences have higher rates of abuse histories than their male counterparts.²⁵

Women of color, immigrant women, gender non-binary individuals, and those who identify as LGBTQ+ experience disproportionate violence and harassment at the hands of the state.

While all women experience various forms of state violence, an intersectional lens reveals that women from economically and socially marginalized communities experience different and higher levels of state violence. This violence happens at all points of the criminal justice system, is often invisible to those not directly experiencing it, and contributes to women’s disproportionate levels of justice involvement and incarceration. In particular, a longstanding history of police violence disproportionately impacting the African American community has resulted in a lack of trust and carried distinct harms among African American women.

African American women ages 20 to 34 were 10 times more likely to experience excessive force by police than young white women.

- While there is growing media attention and public acknowledgment of issues relating to police violence, the stories of African American women who also experience disproportionate rates of police violence—including Sandra Bland, Rekia Boyd and Breonna Taylor—receive less attention.^{26,27}
- Nationally, the odds that African Americans will be killed by police when unarmed are 6.6 to 1; and nearly 60% of African American women killed by police were unarmed at the time of the interaction.²⁸

- An Invisible Institute study of more than 67,000 “tactical police response reports” in Chicago from 2004 to 2016 found that African American women ages 20 to 34 were 10 times more likely to experience excessive force by police than young white women and twice as likely to experience such force than young white men.²⁹
- Survivors who are not documented may not report abuse or seek help due to risks of deportation. Furthermore, language barriers have led to the unnecessary arrest of Latina immigrant survivors when police are called.³⁰
- Transgender women, particularly those who are African American, report being targeted and harassed by the police, and enduring violent interactions. For example, transgender individuals may be subjected to arrest and harassment for things like using the bathroom or having identity documents that have been changed to reflect their true gender identity. They may also be arrested based on false accusations of soliciting sex or prostitution merely because they are transgender, and for defending themselves against transphobic physical attacks. While incarcerated, transgender individuals are disproportionately subjected to solitary confinement as well as harassment, sexual violence, and other forms of abuse by other incarcerated individuals and by correctional officers.³¹

A study in California found that 93% percent of women who had killed their significant others had previously been abused by them.

Overreliance on one-dimensional law enforcement and prosecution-based responses to domestic violence has resulted in further violence against women and their children and the criminalization of their survivorship.

After a long history of being normalized and tolerated, domestic violence was defined as a crime, justifying intervention by the criminal justice system. Too often, these interventions are harmful, and are not trauma-informed or survivor-centered. Law enforcement and criminal justice system processes that fail to understand the unique circumstances surrounding domestic violence too often result in women survivors being arrested, even when they themselves initiate calls for help and take actions to protect themselves and their children. Further, there is an acute lack of community-based support and accountability mechanisms that are critical to addressing these issues in the most meaningful and sustainable manner.

- Due to a lack of training, police officers may erroneously arrest victims along with their abusers, causing harmful disruptions and added trauma to the lives of women. One study found that nearly half of cases involving women arrested for domestic violence were rejected by prosecutors and an additional 16% were dismissed by a judge.³²

- Arrests alone do not end domestic violence, specifically when they occur in the absence of a survivor-centered safety plan that includes safe housing, advocacy, counseling, and other interventions.
- When women cannot rely on community supports or state assistance, they risk being forced to act in defense of themselves and their children, which can lead to their own arrest and subsequent incarceration.³³
- While Illinois has taken specific steps to promote policies and procedures for responding to domestic violence (e.g., through police directives and task forces), some well-intentioned efforts have unintended consequences for survivors (e.g., dual arrests).³⁴

The acts that women survivors of gender-based violence (GBV) commit in self-defense are punished by the criminal justice system.

For many survivors, the experiences of domestic violence, rape, and other forms of GBV are “bound up with systems of State violence.”³⁵ For example, according to the American Civil Liberties Union (ACLU), although women experience substantially higher rates of GBV, they typically receive longer sentences for killing their male partners.³⁶

- Studies show that a significant number of women who are in prison for murder were previously abused by the person they killed. For example, a study in California found that 93% percent of women who had killed their significant others had previously been abused by them.³⁷ A New York study found that 67% of women sent to prison for killing someone close to them had been abused by that person.³⁸
- Previous studies have revealed a gender gap in sentencing for homicide; the average prison sentence of men who kill their women partners is 2 to 6 years, while the average prison sentence of women who kill their male partners is 15 years, despite the fact that most women who kill do so in self-defense.³⁹ While this statistic is dated, it remains true that most women who kill their partners cite self-defense as a motive.⁴⁰ Recent data from other countries suggests that intimate partner violence committed by men continues to be treated with leniency.⁴¹
- Women whose lives are threatened by their abusive partners are frequently denied their right to self-defense. In Illinois, even when new legal mechanisms have been created for incarcerated survivors to raise issues of abuse, courts have been reluctant to recognize the full power of these remedies, resulting in the continued convictions and incarceration of survivors even in cases where there is evidence of severe abuse.⁴²

Women whose lives are threatened by their abusive partners are frequently denied their right to self-defense.

Policies, practices, and conditions in jails and prisons replicate gender-based violence (GBV), including sexual assault.

The correctional environment is full of practices that compromise relationship safety, retraumatize women and perpetuate new harms, including pat downs and strip search practices, segregation, frequent and unfair discipline from authority figures, and restricted movement.⁴³

- Nationally, women are more likely than men to be the victims of sexual abuse in jails and make up the majority of victims of staff-perpetrated sexual abuse.⁴⁴
- Incarcerated LGBTQ+ individuals are especially vulnerable to abuse and mistreatment by both staff and other prisoners. Individuals in prisons and jails who identify as LGBTQ+ experience sexual assault at a rate 10 times higher than heterosexual and cisgender individuals.⁴⁵
- In Illinois, despite decades of widespread reports of sexual assault in women’s prisons, most facilities regularly pass their Prison Rape Elimination Act (PREA) audits, and most complaints are dismissed. For example, in 2019, an employee at Decatur Correctional Center was charged with 26 counts of custodial sexual misconduct for assaulting seven incarcerated women dating back to 2016. This staff member had been employed at the Illinois Department of Corrections (IDOC) since 1999.⁴⁶ This is just one example of how predatory behavior can go unnoticed and unaddressed even when a facility passes a PREA audit.

Between 2015 and 2017, there were 115 reported cases of sexual misconduct at Logan Correctional Center, yet only five of them were substantiated. This only further validates women’s fears of their reports not being taken seriously.

Between 2015 and 2017, there were 115 reported cases of sexual misconduct at Logan Correctional Center, yet only five of them were substantiated.⁴⁷ However, during Task Force focus groups, listening sessions, and mapping sessions, women shared numerous experiences of custodial sexual assault. Many of these women reported that they did not feel safe reporting these violations due to fears of their reports being dismissed and/or facing retaliation.

- The 2016 Gender Informed Practices Assessment (GIPA) of Logan Correctional Center revealed that incarcerated women endure verbal abuse from some staff, including being called “bitches”, “whores”, “worthless”, and other derogatory terms. Staff reported that there is a lack of accountability for this verbally abusive behavior, which replicates women’s experiences of abuse in the community, perpetuates further harm, and undermines women’s sense of safety, well-being, and self-worth.⁴⁸
- Experts assert that PREA standards are minimum standards—“they are the floor not the ceiling”—and states can and should do what is necessary above and beyond PREA to provide a safe environment where women in custody are not at risk for sexual victimization.⁴⁹

Commercial sexual exploitation (CSE) and its impacts create unique risk factors for incarceration among women.

Poverty and gender-based violence (GBV) can heighten women’s vulnerability to sex trafficking; and traffickers use a variety of tools to facilitate women’s exploitation, including physical violence and subtle forms of deceit or pressure. Rather than being a singular event, trafficking involves a constellation of experiences and instigates survival behaviors that can bring women into the criminal justice system for a host of “crimes”. In the absence of policies and protocols that identify women as victims and safeguard their rights, they are arrested, prosecuted, and convicted for prostitution and other related crimes.

According to the Bureau of Justice Statistics, 40% of human trafficking victims in the United States are African American women even though they only make up 13% of the population.

- As of 2017, Illinois ranked 11th in the nation for the number of human trafficking cases, with the majority of reports involving women and girls.⁵⁰
- Chicago is a national hub for human trafficking; it is estimated that up to 25,000 girls and women are prostituted or trafficked on any given day in Chicago.⁵¹
- According to the Bureau of Justice Statistics, 40% of human trafficking victims in the United States are African American women even though they only make up 13% of the population.⁵²
- A Chicago study found that 73% of the women surveyed became involved in prostitution before the age of 18; 56% before the age of 16; and 33% started between the ages of 12 and 15.⁵³
- A survey of trafficked women in Chicago revealed that 58% experienced homelessness; 86% experienced domestic violence; 74% had been sexually assaulted; 63% were survivors of child abuse; and 74% had substance use issues.⁵⁴
- Results of a 2017-2018 survey of women incarcerated at Logan Correctional Center conducted by the University of Chicago School of Social Service Administration in partnership with the WJI, showed that their experiences of victimization and abuse often began at a young age and involved high rates of coercion and intimidation perpetrated by both romantic partners and strangers. More research is needed to determine if these early experiences involved sex trafficking.⁵⁵

They say, “if you were really raped in prison, you would have reported it.” How can you report to the system - the same system that is harming you?

CELIA COLÓN

Founder, Giving Others Dreams (G.O.D.)
Statewide Women’s Justice Task Force,
Redefining the Narrative Working Group member

Because my assault happened 25 years ago, there are always people who ask, “If it really happened, then why didn’t you report it?” That, right there, is a false narrative. First, we already know society does not believe women, but it is even worse if you are a woman trapped in a jail cell—it’s like we don’t matter.

When I was assaulted, I was an 18-year-old girl in jail who had already been abused and treated like I didn’t matter my whole life. I had no support system and felt powerless and alone. Who was going to believe me, someone in a jail cell, versus an officer? The answer was no one.

First, we already know society does not believe women, but it is even worse if you are a woman trapped in a jail cell — it’s like we don’t matter.

On top of that, people who judge us need to understand there is a power differential that women face in jails and prisons, especially with all these male officers. They control women’s lives in there... there is nowhere to go. The bad ones protect each other and even manipulate the most vulnerable of us to turn on each other. They can retaliate against you—sometimes even threaten to make it harder for you to get home to your kids.

Since my release over two decades ago, I have struggled with my trauma, while the officer who raped me is probably retired now and collecting a Cook County pension check. This is why I fought alongside Representative Sonya Harper and others to pass the state law to end the statute of limitations for rape... so there will always be an opportunity for women living in fear to pursue justice.

CELIA COLÓN

Founder, Giving Others Dreams (G.O.D.)
Statewide Women’s Justice Task Force,
Redefining the Narrative Working Group member

False Narratives That Fuel Women’s Incarceration

False narratives about justice-involved women have enabled and perpetuated criminal justice and human service system policies and practices that are harmful to women, children, families and entire communities. These false narratives were identified and explored through a variety of Statewide Women’s Justice Task Force convenings wherein women with lived experiences came together with a diverse array of stakeholders and public systems to name them and to redefine them.

“The perfect victim”

Media and society have shaped a “perfect victim” narrative, rooted in racism, sexism, and bigotry. Women who do not fit the image of what a victim should be are often shown little compassion and restricted from receiving the support they deserve, especially when they engage in acts of survival. According to Project NIA Founder Mariame Kaba and community organizer Brit Schulte, this narrative often excludes black women, queer women and those in the sex trade. If they don’t “comply” with what is expected of them as “perfect victims,” they, like many other survivors of violence, find themselves caged in a cell instead of receiving the support they need and deserve.⁵⁶

“More policing is the best way to protect women from domestic violence.”

One-dimensional approaches that rely on the police to address domestic violence, rather than survivor-centered and community-based investments, are often ineffective and have the unintended consequence of creating greater risk for survivors. Due to a long history of discrimination and police violence impacting communities of color, African American women face a heightened risk of being harmed by police or erroneously arrested with their abuser – even when they themselves call for help or are forced to take actions to protect themselves and their children.

“Women who are in prison for crimes of violence are violent people and deserve to be there.”

Many women are in prison for self-defense or not intervening when their abusive partner committed a violent crime.⁵⁸ Felony murder and theory of accountability laws criminalize survivors of gender-based violence and hold them responsible for the violent actions of their abusive partners, including in cases where women are accused of failing to intervene even when they were under extreme threat, compulsion or duress.

“Incarceration insulates women from being in abuse relationships and makes them safer.”

Carceral environments are both harmful and retraumatizing, and the conditions of incarceration for women replicate their experiences of gender-based violence, including sexual assault.^{59,60} Incarceration also creates harmful disruptions to women’s lives, which can lead to economic destabilization and increase the risk that they will reenter their community even more vulnerable to abusive and coercive relationships.

“Why didn’t she just leave?”

Many women who try to leave their abusers are severely beaten or killed. Seventy-five percent of homicide victims and 85% of women who experienced severe violence had left their abusers or tried to leave them in the past year.⁵⁷ There is a serious lack of understanding about the coercive dynamics of abusive relationships, and support systems that enable women to leave abusive situations safely are often absent. Facing threats of harm to their loved ones, economic insecurity, and a lack of housing alternatives for themselves and their children, many women have no choice but to stay with their abusers.

“If a prison passes their Prison Rape Elimination Act (PREA) audit, the women are safe there.”

PREA audits alone do not deter sexual misconduct, and passing a PREA audit does not mean that a facility has properly secured the physical, emotional, and sexual safety of women in their custody, or responded appropriately when alleged violations occur. PREA standards are minimum standards and states can and should do what is necessary above and beyond PREA to provide a safe environment where women in custody are treated with dignity and are not at risk for sexual victimization.⁶¹

The following recommendations are informed by national and state-specific research, the voices and perspectives of a diverse array of criminal justice system stakeholders, and, most importantly, our impacted colleagues; their direct experiences of Relationship Safety in their homes, communities and systems provided the most critical lens through which we could envision opportunities for harm reduction and system transformation.

SOCIAL SERVICES

Increase investments in gender-based violence (GBV) prevention, and commit to making Illinois the safest state in the nation for women and girls

The human and financial costs of society’s failure to end violence against women is overwhelming. Investments in efforts to confront and end GBV are eclipsed by investments in incarceration. The State of Illinois must implement investment strategies that aggressively work to make Illinois the safest state in the nation for women and girls.

- A
- Launch a statewide campaign to make Illinois the safest state in the nation for women and girls that builds upon the work recently launched by the Office of the Lt Governor, centers the ideas of system-impacted women and girls, and is supported by the Illinois Council on Women and Girls. The campaign should build from the important work of the Illinois Council on Women and Girls, led by Lieutenant Governor Juliana Stratton, and result in a multi-sector action plan. It should also include a series of listening sessions in every region of the state led by women and girls. Listening sessions should:
- Cultivate the ideas and input of women and girls, including those with lived experience in the criminal justice and social service systems, about the kinds of support they believe is needed to increase Relationship Safety in their lives.
- Engage male allies when appropriate.
- Include panels with incarcerated women and girls within correctional institutions, and panels with cis and transgender women, as well as non-binary individuals, women and girls of color, immigrant women and girls, and women and girls with disabilities.
- Address issues of consent, experiences of GBV in communities and systems, availability and accessibility of survivor-centered resources and services, systems accountability, and ways to address harm and safety within and outside of the criminal justice system.

One of the biggest reasons why women who are experiencing violence are not receiving services is the isolation and fear they often experience — especially if they have also been impacted by the justice system...they do not know about the services and services are not accessible.

LINDA XÓCHITL TORTOLERO
Executive Director, Mujeres Latinas en Acción

- B
- Invest in community-based healthy relationship skills programming for youth and adults, including programming designed to develop knowledge and skills on issues of consent, healthy communication, relationship safety, and conflict resolution. This programming should include, but not be limited to:
- Age-appropriate prevention education for K-12 youth;
- Age-appropriate GBV awareness programs, including awareness of dating violence; and
- Programs for individuals who have engaged in GBV and who are seeking support to understand the roots of and address their harm-causing behavior.

C

Invest in culturally responsive programs that provide meaningful assistance to at-risk and formerly incarcerated survivors of GBV by diversifying funding streams and prioritizing voluntary and non-punitive service models. Current funding streams prioritize service models that do not meet the needs of many survivors, and women of color, those who identify as LGBTQ+, immigrants and system-involved survivors, are disproportionately impacted by this current structuring. For example, some funding streams require recipients to have a brick-and-mortar building or 24-hour hotline; this prevents service organizations from receiving financial support, including those most likely to be providing culturally-specific services within non-traditional frameworks.

▪

Diversify funding streams and ensure services are accessible to marginalized populations and those who are most at risk.

▪

Ensure that system-involved survivors have access to culturally relevant and non-punitive services that take into account their unique strengths and challenges. For example, agencies should not mandate drug testing or prohibit survivors from accessing services based on mental health conditions or criminal records.

▪

Consistent with current federal regulations, programs should utilize a voluntary services model; survivors should never be required to engage with civil or criminal court systems in order to receive services.

▪

Offer training statewide on how to create safety plans with incarcerated and formerly incarcerated survivors.⁶² Efforts should be made to offer safety planning to survivors and their families at each stage of a survivor’s justice-system involvement, regardless of the reason for involvement.

Where is our #metoomovement? We need more peer-led services – support from people who don’t judge us and truly understand our trauma from being sexually assaulted and incarcerated, as well as the other abuse in our lives that led us into the system. Right now, we are treated like second class citizens... and I think a lot of [providers] are doing more harm to us than good.

There is all this talk about the #MeToo movement, but who is fighting for us? Women who have been in prison are actually some of the most harmed and in need of help because our survival was criminalized... but it feels like no one thinks we deserve support... we aren’t all these “perfect” victims.

For years, I tried to get help from agencies and rape crisis hotlines, but they just didn’t get it. Some acted more curious about my prison experience than about how to help me. When I couldn’t afford services, they would send me to these interns who wanted to study me or something. I felt used, like my trauma was a source of entertainment.

CELIA COLÓN

Founder, Giving Others Dreams (G.O.D.) Statewide Women’s Justice Task Force,
Redefining the Narrative Working Group member

Implement specialized services and responses for survivors of sex trafficking and those engaging in sex work

Victims of sex trafficking and those who are criminalized for engaging in sex work are predominantly women. Whereas sex trafficking involves force, coercion, abduction, and deceit, sex work entails a willing engagement in the commercial sex industry. While Illinois law prohibits the deeply harmful and exploitative practice of sex trafficking and has certain legal protections for survivors who have experienced this human rights violation, women who engage in voluntary sex work are highly vulnerable to violence and lack access to critical health services due to their criminalization. Investing in one-dimensional criminal justice responses to address the needs of both of these populations of women has repeatedly failed, and tended to ignore the complex relationship between voluntary and coerced sex work. New policies, approaches, and specialized services are required to improve their safety and well-being and to disrupt their pathways to incarceration.

A Develop an infrastructure to address the lack of specialized services needed to support survivors of sex trafficking. Trafficking survivors have not only experienced complex trauma, but likely have considerable trust issues with traditional systems. Programs designed to serve them are often rigid, institutional in nature, and overloaded with burdensome requirements that they cannot possibly complete successfully until stabilization can be achieved.

While leading organizations such as CAASE, Traffick Free, the Dreamcatcher’s Foundation, Heartland Alliance, the Chicago House TransLife Center and the Salt & Light Coalition, are supporting sex trafficking survivors in Illinois, a robust network of reliable services and safe havens for survivors does not exist. As a result, the taboo associated with the sex trade often results in survivors being shuttled through domestic violence shelters and other programs that are not culturally responsive to their unique needs. This results in shame or the risk of further exploitation.

Statewide programming to end violence against women should include investment in specialized interventions that treat these women with dignity and provide them with the supports they need to feel safe, heal, and move forward with their lives. This includes:

- Implementing a statewide strategy to establish specialized service networks for survivors of sex trafficking in every region of the state. Prioritize peer-led services and include: 24-hour Drop In Centers, Safe Houses, Street Outreach, and innovative, holistic wellness services that give women time to stabilize and heal.
- Pursuing innovative models to address the needs of survivors. For example, consider revitalizing utilization of and investment in Illinois’ vast nature reserves and farmland for wellness/therapeutic and vocational skill building retreats.

The following are promising programs that could be replicated or expanded in Illinois:

- **Traffick Free** is an agency in Illinois that welcomes cis and transgender women age 18 and over who have experienced commercial sexual exploitation. It offers women a safe place to eat, shower, receive necessities like food, hygiene products, and clean clothes, and helps them begin to develop healthy relationships.
- **The Salt & Light Coalition**, based in Chicago, offers wellness practices, including yoga and nutrition, to help women heal, as well as vocational skills development. It has achieved an 80% employment and housing rate among graduates.
- **Thistle Farms** is a nationally recognized, survivor-led program in Tennessee that conducts in-reach to survivors in prison and offers them a free two-year residential program in a peaceful setting where women build a community of mutual love and support, and can focus on their healing, mental health, and recovery.

The taboo associated with the sex trade often results in survivors being shuttled through domestic violence shelters and other programs that are not culturally responsive to their unique needs.



When you’re being trafficked, you don’t think about yourself, your health, mental health, how you feel, what you are eating. It stems from a lot of bad self esteem because you are constantly telling yourself that you are just a tool for others, you don’t matter. You may get arrested, sent to jail or even to a program where you are required show up and get a certificate... but none of it helps address the underlying issues.

When I showed up at Salt & Light Coalition, it was the first time someone said to me, ‘We are going to help you heal, to focus on yourself first - your health, your fitness, what you eat, how you feel... and we are going to pay you and build a lifelong community of love and support around you so there is no reason for you to think about going back.’

Being able to pause and focus on taking care of yourself is an act of self love, and now I spend every day helping others believe in themselves and that they deserve to be loved and supported too.

TAYLOR HOLM
Peer Support Specialist/Coach, Salt & Light Coalition

Traffick Free built a model that focuses on relationship first, prior to most any other requirement to receive services, and the same needs to be true when we might refer women for additional services. They need to know that they have someone they can rely on, on a regular basis, even after they may graduate from a program. Otherwise, trust is built and then broken in the goal of achieving self-resilience, and then a self-perception of failure increases the risk for re-entering the Life.

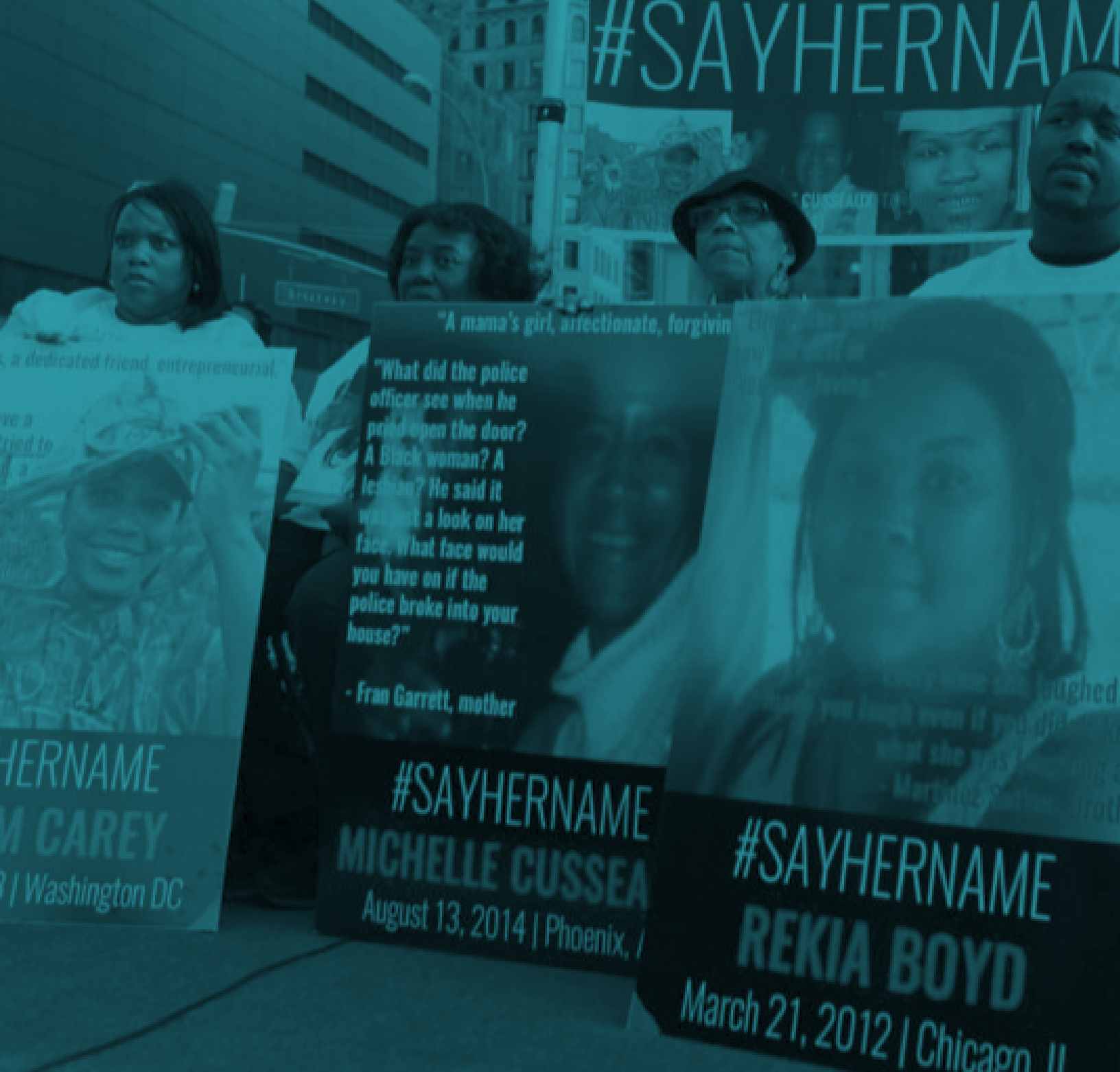
LAURA NG
Former Executive Director, Traffick Free

B End the criminalization of women who are trafficked or engaging in sex work. A highly gendered dynamic exists whereby women who engage in sex work and those who are illegally trafficked are arrested at higher rates than men who purchase sex. Since Illinois defelonized prostitution, arrests for sex workers have dropped by half in Chicago. Despite these reductions, sex workers, who are predominantly women, are still arrested more than 90% of the time, while those purchasing their services (mostly men) are arrested less than 10% of the time.⁶³

Advocates of decriminalization argue that removing all criminal sanctions surrounding sex work creates a safer environment for sex workers that reduces their vulnerability to violence, extortion, and health risks. At the same time, other advocates assert that attention must be directed to the social and economic conditions that are associated with sex work, including, but not limited to, poverty, gender inequality, and racial stratification.⁶⁴

Regardless of these varied positions, the reality is that treating sex work as a crime dramatically and disproportionately harms and criminalizes women and undermines efforts to protect victims of sex trafficking. It also reinforces the false dichotomy that a woman has either voluntarily engaged in sex work or has been a victim of sex trafficking. Many women have entered the sex work industry willingly, but eventually became victims of trafficking. Treating sex work as a crime fails to protect these women and prevents systems and society from seeing the complex situations that women are navigating and surviving every day. At minimum, the following measures should be implemented:

- Sex work should be decriminalized. Individuals should never be arrested, incarcerated, or penalized for engaging in sex work.
- Any provision of services or treatment to women who are engaging in sex work should be based on a voluntary-services model, and engagement or cooperation with the criminal or civil justice system should never be required to access resources and services.



On May 20th, 2015, at Union Square in New York City, AAPF hosted #SayHerName: A Vigil in Memory of Black Women and Girls Killed by the Police. For the first time, family members of Black women killed by police came together from across the country for a powerful vigil designed to draw attention to their loved ones' stories.

PHOTO CREDIT & EXCERPT: African American Policy Forum and #SayHerName Resisting Police Brutality Against Black Women: Social Media Guide and #SayHerName Campaign website

The cause of death [of Black women in police custody] varies —apparent suicide, failure to provide necessary medical attention, violence at the hands of police officers—but ultimately, no matter the circumstances, these women's deaths are also a product of the policing practices that landed them in police custody in the first place.

These women's deaths are also a product of the policing practices that landed them in police custody in the first place.

Racial profiling, policing of poverty, and police responses to mental illness and domestic violence that frame Black women as deserving of punishment rather than protection, of neglect rather than nurturing.⁶⁵

ANDREA J. RITCHIE

Excerpt from Say Her Name: What It Means to Center Black Women's Experiences of Police Violence (Truthout Op-ed, 2015). Co-Author of Say Her Name: Resisting Police Brutality Against Black Women, Invisible No More: Police Violence Against Black Women and Women of Color, and numerous other publications

LAW ENFORCEMENT

Reduce unnecessary arrests of survivors of gender-based violence (GBV) and their associated exposure to state violence by reinvesting resources into community-based solutions

Given the disproportionately high rates of GBV that pave women’s pathways to prison, particularly among women of color, it is likely that a woman’s first experience with law enforcement is as a victim. Adverse police interactions, a lack of cultural competency, and the absence of trauma-informed interventions and support can instigate and perpetuate justice system entrenchment.

Due to the fact that women continue to experience GBV at epidemic rates, and sexual assault remains the most underreported crime in the world, it is clear that investing in one-dimensional law enforcement solutions has not only been ineffective, but has had the unintended consequence of creating greater risk for women and their children, particularly among economically and socially marginalized communities. It is essential to implement new responses to domestic violence that involve strengthening social safety nets, providing essential training for police officers, and investing in community-based solutions that transcend law enforcement.

A Train law enforcement to recognize survivors of GBV who act in self-defense.

Women are often criminalized for defending themselves after sustained abuse. The collateral effects of arresting survivors of GBV include potential child welfare involvement and associated child custody issues. To improve police training and responses, the Illinois Law Enforcement Training & Standards Board (ILETSB) should expand training to include enhanced protocols to prevent the arrest of victims of GBV. This training should include education about topics such as the disproportionate number of arrests of survivors of color and LGBTQ+ survivors, identifying dominant aggressors, and the pattern of abusers using police as a weapon against the partners they are abusing and controlling.

B Increase representation of women and people of color on the Illinois Law Enforcement Training and Standards Board (ILETSB) in order to more effectively address its mandate to develop “training on responses to domestic violence, sexual assault” and “cultural perceptions and common myths of sexual assault.”⁶⁶

By law, the ILETSB is responsible for developing and providing quality training and education and making a curriculum available that includes “specific training in techniques for immediate response to and investigation of cases of domestic violence and of sexual assault of adults and children, including cultural perceptions and common myths of sexual assault and sexual abuse as well as interview techniques that are trauma informed, victim centered, and victim sensitive.” In order to fulfill this mandate, the Board must have representatives with requisite expertise, cultural-competencies, and lived experience.

C Require law enforcement agencies to provide gender and culturally responsive interventions and information that is language accessible.

Due to the nature of GBV and its disproportionate impact on women, particularly women of color, there should be a statewide mandate for all law enforcement personnel to receive

training on gender responsive, trauma-informed and culturally responsive practices. This includes acknowledging and addressing the complex challenges faced by immigrant women, who not only face language barriers, but are less likely to call the police out of fear of deportation. Policies to support families without involving immigration officials should be established throughout the state and publicized in multiple languages.

D Pilot a co-responder model for law enforcement responses to domestic disputes.

The state should pilot a co-responder model to respond to domestic violence calls, with police and domestic violence specialists responding together. Domestic violence specialists should be specially trained, independent advocates who can assist with crisis intervention and service linkages to prevent the arrest of victims, de-escalate situations, and offer referrals to prevent ongoing domestic violence. While policies should be changed to ensure that survivors are never arrested for protecting themselves or their children, domestic violence specialists can act as independent advocates for survivors who are detained or charged. They should work in collaboration with defense attorneys and assist with collecting information on mitigating factors that are relevant to charging decisions in an effort to prevent court filings following an arrest.

The pilot model should be designed with involvement from anti-violence programs and local groups representing those communities most impacted by police violence, including women of color, women with disabilities, and individuals who identify as LGBTQ+, as well as groups representing defense attorneys and state’s attorneys.


E Expand the protections of Public Act 101-0039 to allow justice-involved women with outstanding warrants (including those for probation or parole violations) to seek medical treatment for injuries resulting from GBV without the risk of the warrant being executed.

In 2019, Public Act 101-0039, which was spearheaded by the Illinois Coalition Against Sexual Assault (ICASA) and Chicago Alliance Against Sexual Exploitation (CAASE), was signed into law. This Act allows people with outstanding warrants to seek medical treatment for sexual assault without the risk of the warrant being executed.⁶⁷ The law should also be expanded to include reporting of assault and medical treatment for both survivors of sexual assault and other acts of gender-based violence. In addition, the law should be expanded to include protections for those who have outstanding warrants for parole or probation violations.

I know so many women in prison that have been victims of domestic violence like me, and it doesn’t seem to matter. All of these public safety agencies look the other way when we get abused by men... but they don’t hesitate to incarcerate us when we are trying to live and protect ourselves... It’s like we are not even human.

ANONYMOUS


Currently incarcerated woman, 2020



At one of my lowest points - after dozens of arrests and cycling through jails and prisons... there was a bright light. The Public Defender, Sherie Barnes, told me I was “beautiful” and said she believed in me, even when I did not believe in myself.

In that moment, I wanted to be that person she saw inside... Now, I spend every day working to be that light for other women.

VERA TRAVER
Case Manager, YWCA McLean Labryinth House



It took me almost a lifetime of pain, addiction, homelessness, multiple arrests, incarcerations and even selling my body on the streets to realize that I was using drugs to punish myself and numb the shame that resulted from the childhood sexual abuse I was enduring at the hands of a minister. That experience violated everything I thought was supposed to be safe and good, and I felt so ashamed – as if it were somehow my fault.

At one of my lowest points... after dozens of arrests and cycling through court, jails and prison...there was a bright light. The Public Defender Sherie Barnes kept telling me how beautiful I was, and how she believed in me. At first I was shocked that someone would say that to me because I just felt so broken... but, gradually, step-by-step, I became inspired to become that beautiful person she saw.

**Today, I am that woman. I live my life with joy and faith again.
I have reunited with my beautiful children and wonderful family.**

Today I am that woman, and I spend every day working to be that light for other women who struggled as I did. I live my life with joy and faith again. I have reunited with my beautiful children and wonderful family. I spend every day working as a Case Manager with the YWCA Labryinth House to help other women struggling to find themselves amidst the same kind of pain and trauma that someone helped me to overcome.

VERA TRAVER
Case Manager, YWCA McLean Labryinth House



Increase transparency in the criminal justice system by requiring thorough and consistent data collection on the impact of gender-based violence (GBV) on the criminalization of women

Despite the nation’s more recent focus on justice “reform” and evidence-based practices, there has been alarmingly little attention given to the collection of meaningful data on the true impact that laws, policies, and practices have on GBV survivors, and women in general. In order to fully decriminalize survival, these impacts must be explored and understood so that meaningful improvements can be made. A more transparent system with meaningful data will not only help ensure accountability across the justice continuum, but help guide solutions.

A Improve the collection and accessibility of data on the impact of GBV on women’s arrests and convictions. Incarcerated women have experienced sexual and domestic violence at disproportionately high rates. Because there is no specific and accurate data documenting their experiences, it is difficult to create systemic change to address their paths to incarceration. Current public conviction data makes no distinction between women who were designated as “principal actors” and those designated as “accomplices.” Data systems should document the impact of GBV on women’s pathways to incarceration and apply an intersectional approach to identify the unique experiences among diverse groups of women, including women of color, immigrant women, those who identify as LGBTQ+, and those with disabilities.

Data systems should, at minimum:

- Distinguish between cases where women were considered “principal actors” or “accomplices.”
- Document the pathways of justice-involved transgender people. Currently, there is no accurate or complete data concerning the number of transgender people who are incarcerated and their pathways to incarceration because transgender people are not allowed to self-identify.

One of the biggest obstacles for achieving criminal justice reform, and ultimately reducing the women’s prison population, is the lack of transparency of data by State’s Attorney’s Offices, IDOC, and county clerks.

JOBİ CATES
Executive Director of Restore Justice Illinois



Erika Ray was a 25-year-old single mom when she was arrested in connection with the shooting death of her former employer. Erika didn’t know that someone had a gun the night he was killed and never intended for him to die. Yet using the theory of accountability and felony murder laws against her, she was still sentenced to 42 years in prison—a lifetime sentence for both her and her young daughter. Erika has experienced a lifetime of abuse and poverty, both before and during incarceration, influencing her choices to survive. Laws like felony murder and the theory of accountability do not provide justice and particularly harm survivors of GBV.

ERIKA RAY, HER DAUGHTER JADA, AND HER GRANDCHILD
During a Reunification Ride family visit to Logan Correctional Center

- Require all agencies contracting with IDOC to align their data collection and reporting mechanisms and improve the tracking of women’s sexual and domestic violence histories while also protecting their privacy.

B Review the impact of criminal laws, policies, and sentencing decisions on GBV survivors and conduct ongoing research on outcomes, including incarceration and other forms of criminalization.

Task Force data revealed that numerous women have been incarcerated in Illinois for being present at or coerced into participating in violent offenses committed by an abusive partner, often due to threats of further violence against them or their children. While there are numerous accounts of these experiences among women, there has never been a study in Illinois that specifically examined how many women have been incarcerated for these kinds of “offenses”, particularly in cases where they did not directly commit the act of violence but were nonetheless sentenced to decades in prison.

Various laws and policies must be reviewed and adjusted as needed to ensure that survivors are not unduly punished for the crimes committed by their abusers, including:

- Theory of accountability;
- Not being able to present compulsion (e.g., being forced or coerced) as a defense at trial;
- Felony-murder laws;
- Failure to protect laws and the removal of children from mothers by the State; and
- State’s Attorney charging decisions in cases involving domestic and sexual violence.

Expand opportunities and investments that facilitate the full diversion of survivors of gender-based violence (GBV) away from the justice system and into community-based supports

Once a woman has been arrested, State’s Attorneys and courts have powerful opportunities to prevent her further system entrenchment and criminalization. In addition to leveraging the discretion that State’s Attorneys have in charging decisions, a greater investment is required at the community-level in order to provide meaningful alternatives. Such alternatives should not include unnecessary and harmful mechanisms of system surveillance; rather, they should be anchored in restorative justice principles and place women in the care of supported and properly resourced communities. Services providers should be grassroots organizations or practitioners that operate outside of the criminal justice system.

- A Conduct outreach, training and education to urge State’s Attorneys to use greater discretion in pursuing charges, and to allow survivors of GBV to safely and voluntarily present mitigating evidence of their abuse before filing charges.** While unjust laws exist that penalize survivors of GBV, each State’s Attorney’s office has the discretion to decide whether justice is served by applying such laws. Even without a statutory change,

State’s Attorneys should cease using these laws to pursue new cases against survivors. Before filing charges in cases where there is a claim of GBV, they should allow survivors to safely and voluntarily present mitigating evidence of the abuse.

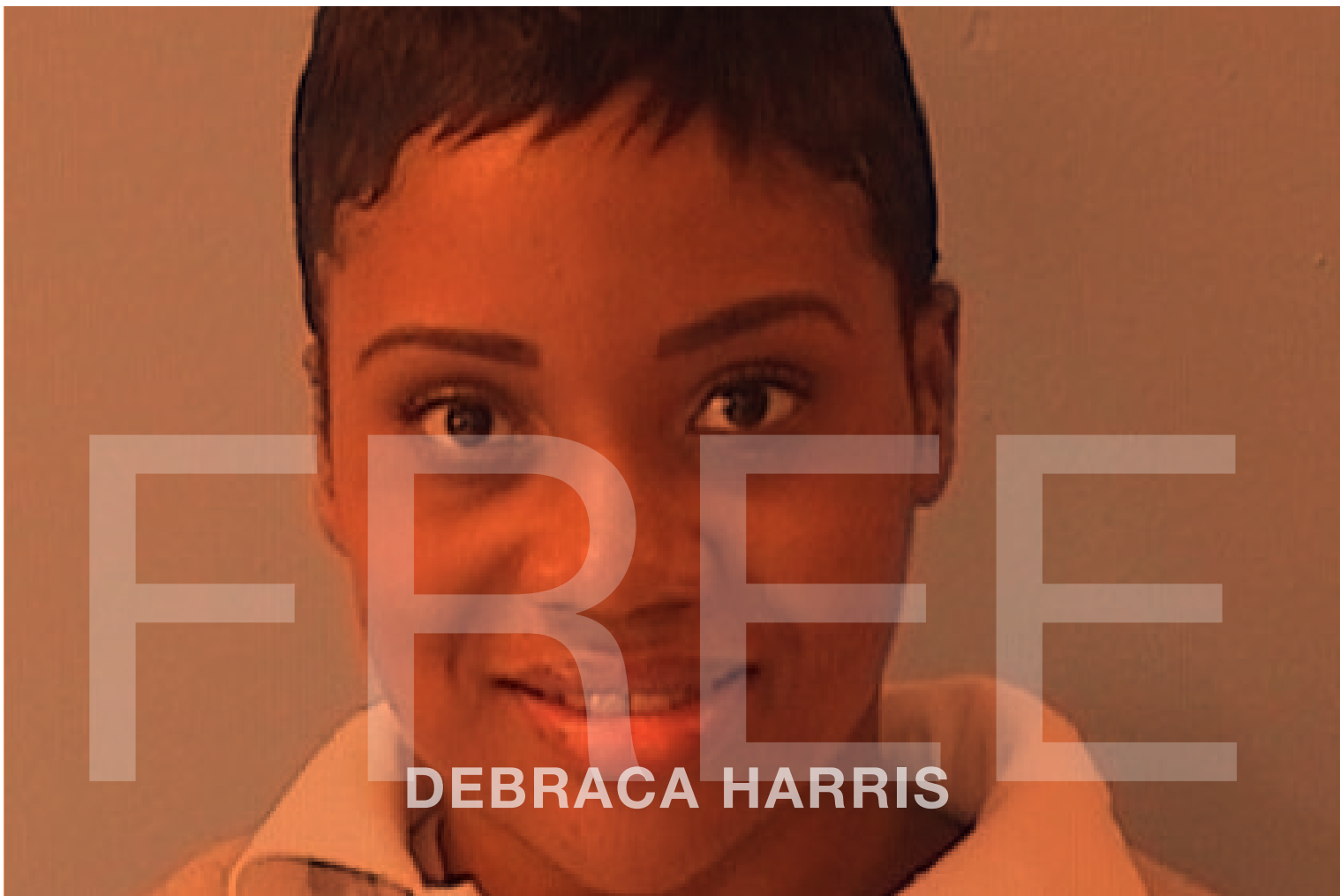
B Create a robust system of pretrial diversion services for survivors of GBV that limits justice system contact, while offering meaningful connections to supportive services.

Diversion programs that limit system contact, while offering meaningful connections and supports to avoid a criminal record, should be offered at the pretrial stage. For example, the STEPS to End Family Violence Criminalized Survivors Program in New York provides direct support to survivors who have been arrested for their efforts to survive and/or resist their abusive partner’s behavior. This program also provides support for survivors who have been coerced into illegal activity by an abusive partner. In addition to providing therapeutic supports and case management, the program provides legal advocacy and court accompaniment to detained survivors, as well as those in the community facing court involvement. It also works directly with defense teams to develop trauma narratives that demonstrate how intimate partner violence brought survivors to the place that preceded their arrest.⁶⁸

- C Invest in restorative justice responses to the needs of survivors, rather than traditional justice system programs that replicate toxic power and control dynamics and fail to address the root causes of GBV, including the need for individual, relational and community healing.** Traditional criminal justice system responses to criminalized survivors often replicate the power and control that they have experienced in their relationships, fail to address root causes of GBV, and miss important restorative justice elements that facilitate individual, relational, and community healing. For example, the Center for Court Innovation launched a peacemaking initiative in Brooklyn. This diversion program is voluntary and replaces jail and other court-imposed punishments with a community-based peacemaking process. Over 50% of the referrals to the program are directly from the court system. Its success prompted two similar community-based programs in Syracuse and the Bronx, and it is currently being explored to address the needs of GBV survivors.⁶⁹

Change laws that punish survivors of gender-based violence (GBV) and expand funding for community-based participatory defense work

Women are often charged with acts of self-defense and acts committed under coercion by abusive partners.⁷⁰ Many barriers exist to presenting evidence of abuse in court. Even when the threat of abuse is not immediately apparent, survivors of GBV have often experienced harm when resisting their abusers, and some submit to their partner’s unlawful demands or engage in self-defense in order to protect themselves and their families. Traditional criminal defense practices do not always reveal when a woman has experienced GBV; consequently, this information cannot be used as a mitigating factor in sentencing decisions. Felony murder, theory of accountability, and failure to protect laws are used as tools to criminalize survivors of GBV and hold them responsible for the actions of their abusive partners. The ways in which these laws and theories are used fails to acknowledge the trauma, coercion, and the lack of support women have to escape the violence perpetrated against them and their children.



DEBRACA HARRIS

“I wanted a roof over my kids’ heads, and I was so scared of what my boyfriend would do to me if we were evicted. But I didn’t want to have sex with our landlord. The sex was rough and humiliating, made me bleed, and he continued even when I was pregnant or had just given birth. I sometimes cried or begged him to stop, but he didn’t care.”

Like many rape survivors involved in the #MeToo Movement, Debraca Harris was sexually assaulted by a man who held power over her. In 2006, with four children under the age of five, pregnant with her fifth, and suffering post-partum depression, Debraca was continuously abused by her boyfriend, including violently beating her and threatening her with guns, particularly when the rent was due. The family’s landlord told Debraca that he would not evict them if she would have sex with him.

Over the months, his assaults became increasingly rough and coerced. When Debraca refused to meet with her landlord anymore, he attempted to rape her with her baby present. Debraca shot and killed him. In her police interview, she admitted what had happened and then lost consciousness. Despite the fact that she acted in self-defense, Debraca was still charged with first-degree murder and sentenced to 30 years in prison. She has been incarcerated since 2006, separated from her five children, and punished for surviving her physical and sexual abuse.

A Expand funding for participatory defense work. According to the National Participatory Defense Network, participatory defense is “a community organizing model for people facing charges, their families, and communities to impact the outcomes of cases and transform the landscape of power in the court system...[it] may be the most accessible way directly affected communities can challenge mass incarceration and have the movement building dynamic of seeing timely and locally relevant results of their efforts.”⁷¹ Until Illinois and every other state has a reliable system and statutory framework that truly prevents the criminalization of survivors, participatory defense will be needed. Both public and private investments should be made to expand and scale the work of organizations who are facilitating this work.

The following are a few examples of organizations that are successfully leading efforts to decriminalize and secure the freedom of survivors in Illinois and across the country:

- Survived & Punished
- Love & Protect
- Moms United Against Violence and Incarceration
- Transformative Justice Law Project of Illinois
- Families for Justice as Healing (FJAH)

B Establish automatic expungement processes that place the responsibility on the state, not survivors, to remove erroneous and self-defense arrests from their criminal record that are the direct result of their histories of GBV. When a case is dismissed, including cases involving GBV survivors, the court should enter an automatic expungement order. The traditional expungement process places the burden on the survivor to file a petition to remove that record from public view. The courts are already able to enter an immediate sealing order, and legislation should be passed to extend that same right to have a record expunged. This is particularly important in cases when a survivor is erroneously arrested for domestic violence along with their abuser. An expungement order entered in the courtroom will ensure that police and court records are removed from public view without any burden on the person who was arrested. It should be noted that survivors who later become involved in the criminal justice system, even for drug-related cases, can lose eligibility for various programs if they have an arrest linked to violence in their “criminal history” even when the case was dismissed.

C Amend Illinois felony murder laws in order to prevent the criminalization of survivors of GBV who did not personally inflict an injury during the course of an underlying felony and did not intend to commit a murder. Felony murder laws, where someone is accountable for murder if they participated in an underlying felony, can lead to the criminalization of survivors of GBV. Restore Justice Illinois introduced and advocated for the passage of House Bill 1615 during the 2019 Illinois General Assembly. If passed, this bill would amend the felony murder law in Illinois so that individuals who do not personally inflict an injury during the course of an underlying felony or intend to commit a murder, would not be charged with or found guilty of first-degree murder.⁷² Similar to the 2019 California law on which it was modeled, this legislation should be passed and applied retroactively in order to enable women currently incarcerated under felony murder laws to secure their freedom.⁷³

Thank you, Governor Pritzker,

for recognizing the injustice of Tewkunzi's conviction and commuting her sentence! Tewkunzi and the teenage son she protected as a baby are finally together again. Survivors of GBV should not have to choose between dying or spending their life in prison.

TEWKUNZI
IS FREE

Tewkunzi Green, an African American woman originally from Mississippi but living in Peoria, Illinois, was holding her six-month-old baby in her arms when her abusive boyfriend attacked her in the kitchen. He began strangling her. While Tewkunzi struggled to breathe, still holding the baby, she grabbed a knife and stabbed her boyfriend one time in self-defense. He yelled and ran out of the house. Later that evening, Tewkunzi learned that her boyfriend had died, and she was arrested and charged with first-degree murder. Despite the bruises on her neck that medical records confirmed after her arrest, Tewkunzi was convicted by an all-white jury and sentenced to 34 years in prison.

It was as if Tewkunzi had no right to defend herself or her baby. Her son is now 13 years old, and he and his mother try to communicate as much as possible. Tewkunzi is a mentor and an activist for domestic violence survivors, organizing both within the prison and in collaboration with activists on the outside. She has medical issues and has been hospitalized while in prison, making her extremely scared that she will never be with her son outside of prison again. Tewkunzi still does not know what choice she had that day other than a life in prison or to die quietly as her boyfriend strangled her.

Mass participatory defense work as part of a larger campaign against both gender-based violence and criminalization is rich with history and possibility. And this struggle must be broad-based, intersecting with other movements.

We must ensure all of these survivors continue to get free, and have the chance to share their stories and uplift one another, as many have and do.

We must ensure all of these survivors continue to get free, and have the chance to share their stories and uplift one another, as many have and do. But survival demands nothing more than to keep surviving, and that looks different for each person. To paraphrase Audre Lourde, defending one's safety and survival — especially for Black, immigrant, Native women and gender non-conforming people targeted by state violence — is a radical act. Honoring, uplifting and actively defending the right to that survival is revolutionary organizing.

HOLLY KRIG

Moms United Against Violence & Incarceration,
How We Can Get Free: An Organizing Story & A Love Letter,
Truthout (2018)⁷⁴

I am my sister's keeper.

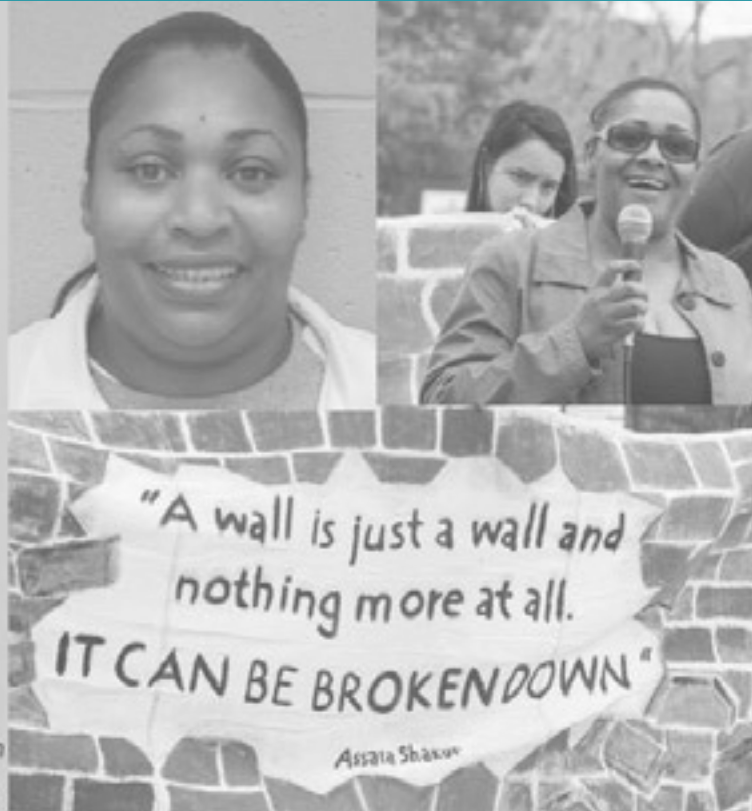
DEBBIE BUNTYN

Community organizer, Moms United Against Violence & Incarceration (MUAVI), mother of Paris Knox, and member of the Redefining the Narrative Work Group

#FreeParisKnox

Paris Knox was home with her infant when her abuser came to her house. Had he been a stranger, on top of her, her baby in the other room, no one would have accepted a conviction and 40 year sentence for self-defense, or any sentence. Paris has already spent 13 years incarcerated, but has won her appeal and will have a new trial. The state is once again pursuing 1st degree murder. We hope that they will reconsider, return Paris to her family, and the chance to see her child again.

Photos, clockwise: Paris Knox; her mother, Debbie Buntyn speaking on her behalf; Banner by For the People Artist Collective



#FreeParisKnox social media campaign image produced by Moms United Against Violence and Incarceration (MUAVI). Working in solidarity with Paris' mother, Debbie Buntyn, MUAVI and other organizations fought to successfully secure her release from prison and continually work to end the criminalization of survivors of gender-based violence.

Powerful Organizing Freed Paris Knox and is Paving the Way for Other Survivors

Organizations such as Moms United Against Violence & Incarceration (MUAVI), Survived & Punished, and Love & Protect have been leading powerful movements in Illinois and nationally to end the criminalization of women's survival. Through participatory defense and unrelenting advocacy, they are not only helping to free women such as Paris Knox, but they are building communities of mutual support for impacted women and their families with limited resources.

At the same time, momentum is building around the work of organizations such as CGLA and the Illinois Prison Project, which have successfully fought and secured the freedom of incarcerated survivors such as Willette Benford, Judy Szurgot and Tewkunzi Green.

When he beat me, when I called 911, when he threatened to kill me... the police were not there to protect me.

But they sure found time to show up when I finally defended myself - just in time to send me to prison and label me a "violent" woman.

When are we going to stop punishing our women for defending themselves from "violent" men?

PARIS KNOX

Housing Shelter Services



D Amend theory of accountability and failure to protect laws, and provide retroactive relief to women who have received harsh sentences for simply being present when a crime is committed by an abusive partner. The broad interpretation of accountability has resulted in many women receiving harsh sentences for simply being present when a crime is committed, even if refusing to be present would have endangered their lives. The law should be amended and provide retroactive relief. At minimum, every woman currently incarcerated under these laws should be granted a parole hearing under the theory of accountability.

In Illinois, in addition to general accountability, there are two codified failure to protect laws that harm survivors.⁷⁵ Most often “failure to protect” is prosecuted in the context of the theory of accountability. A common scenario is a mother being charged for the abuse of her child, even when the abuse was perpetrated by her own abuser. Almost half of the nation’s states do not have “failure to protect” laws. Illinois is one of twenty-nine states that has yet to abolish these laws that criminalize survivors.⁷⁶

E Make compulsion a defense for murder in order to force prosecutors to meet the burden of proof required to convict a woman of a crime committed by an abusive partner. In Illinois, compulsion is not a defense for first-degree murder. Any evidence of someone participating in a crime out of fear of retribution from their abusive partner is not considered to be legally relevant in determining whether they are guilty of that crime. Making compulsion a defense for first-degree murder would force prosecutors to meet the burden of proof required to convict women of crimes committed by their abusive partners.

F Change laws and procedures that require survivors to use their abuser’s name when they are incarcerated or have felony convictions, even after they are divorced. Policies that restrict name changes among survivors create unnecessary levels of trauma, and should be changed. Another benefit of changing these policies, as referenced in other sections of this report, would be to ensure that transgender people can use their chosen name.

INCARCERATION: JAIL & PRISON

Make an unwavering commitment to the safety & dignity of incarcerated women

The disproportionate gender-based violence (GBV) that women experience in their communities is replicated once they are incarcerated. Women face significant barriers to relationship safety while they are incarcerated, and the lack of oversight and accountability throughout jails and prisons has allowed harmful policies and practices to persist. Conditions of incarceration that often include control, isolation, and coercion mimic the abusive relationships women have endured in their homes and communities. While incarcerated, women are frequently harassed, assaulted, and retaliated against by correctional officers, and their grievances are overwhelmingly ignored.



“Every day I live with consequences of someone else’s actions. I know that I made mistakes that day, but it all comes back to me sitting in a car, playing games on my phone, and minding my own business. I am a mother, a daughter, a sister, and a friend. I am a woman that has stayed out of trouble, kept myself busy working, and even participating in school through the mail. I am more than this place where I currently reside. Accountability laws condemned me to a life in prison, but who thinks about my daughter growing up without her mother?”

Ysole was a 19 year-old mother when she went out for the evening with her boyfriend and his friend. As he drove, she sat in the passenger seat of her car and played Candy Crush on her phone. When he stopped to collect money from a former friend, a fight broke out. Ysole’s boyfriend screamed at her to open the glove compartment and hand him a gun from inside. Even though Ysole only opened the glove compartment and allegedly passed the gun to her boyfriend as he reached for it, and as the car was hit with objects and people yelled, she was convicted of murder under accountability theory and sentenced to 35 years in prison. Like so many women, Ysole was sentenced more for the relationship than for any actions she took. She filed a clemency petition over a year ago, to which the Cook County State’s Attorney office even submitted a letter stating they did not oppose her clemency and that her sentence was disproportionate to her actions and culpability.

During Task Force focus groups, listening sessions and mapping sessions, numerous impacted women reported experiencing sexual abuse while incarcerated and that they never reported it due to fear of retaliation and their case not being taken seriously and dismissed. Between 2016 and 2017, there were 113 grievances filed alleging sexual misconduct at Logan, and only three of those grievances were determined by the IDOC to have been substantiated – which only further validates women’s fears of their reports not being taken seriously. Furthermore, women reported instances where staff and investigators either ignored or dismissed their claims of abuse and mistreatment.

These reports are consistent with the results of the 2016 Gender Informed Practice Assessment (GIPA) of Logan Correctional Center, which revealed that 76% of incarcerated women did not feel safe at the facility, as well as disturbing reports of coercion and abuse.⁷⁷ Only recently have allegations of sexual assault against correctional officers at Logan Correctional Center resulted in criminal charges. This new development is a significant step toward holding the IDOC accountable for protecting the safety and dignity of women in custody.

A Appoint an Ombudsperson responsible for protecting the safety, dignity and human rights of women in state prisons and jails, and for providing a safe and confidential way for women to report sexual assault, abuse or other harmful conditions. During Task Force focus groups, listening sessions and mapping sessions, women repeatedly reported that they could not identify any safe place where they could report their concerns safely and confidentially while incarcerated. The reporting process is uniquely challenging in women’s institutions because they typically include embedded cultures that magnify gender, racial, and power differentials and create a dangerous and complex atmosphere for women who face multiple oppressions due to their intersecting social identities. For example, the majority of officers in Illinois’ prisons are white men. Given that women, particularly women of color, have disproportionately suffered extreme abuse and violence

I am not a dog, but some of these officers...

They treat us like we are dogs and like this is a dog kennel. I am a human being. They call us all kinds of things like “bags of bitches,” whores, crackheads, dumbasses and worse... and I heard things, racist things that hurt my heart.

ANONYMOUS INCARCERATED WOMAN,
Logan Correctional Center

Nowhere to go, no one to tell, no one to trust.

ANONYMOUS

Formerly incarcerated woman and participant speaking about her experience with sexual assault in prison at the Statewide Women’s Justice Task Force Relationship Safety Mapping Session

in their communities, being forced to submit to a white male authority replicates toxic power dynamics and creates barriers to reporting. In the absence of safe and reliable reporting mechanisms, women are literally trapped in unsafe situations even though system stakeholders may assume that safety is present.

In 2018, Representative Rita Mayfield introduced House Bill 5855, which called for an IDOC Ombudsperson to administer oversight of any departmental investigation relating to the well-being, treatment, discipline, safety, or any other matter concerning “committed persons or persons under parole or mandatory supervised release as needed, including personnel investigations”.⁷⁸ While the department would benefit from a statewide Ombudsperson/office, at minimum, a dedicated position should be established immediately to ensure the dignity and safety of all incarcerated women and attend to the unique concerns of women of color, those who identify as LGBTQ+, and gender non-binary individuals. The Ombudsperson should also monitor the grievance process and ensure compliance with the Women’s Correctional Services Act (WCA).

The concept of an ombudsperson is not a new one in Illinois or nationally. For example, a 2014 law established an Ombudsperson for the Illinois Department of Juvenile Justice. The State of Washington established an Office of Corrections Ombuds (OCO), which includes an Assistant Ombuds responsible for focusing on gender equality and vulnerable populations.⁷⁹

B Form a statutorily-mandated task force charged with recommending an actionable plan to eliminate sexual assault and rape in jails and prisons. While the Prison Rape Elimination Act (PREA) has created a platform for confronting and addressing the human rights crisis of sexual assault in jails and prisons, these assaults continue to be a serious safety concern for incarcerated women in Illinois. The same vulnerability to GBV that women experience outside of prison is replicated when they are incarcerated. While estimated rates of sexual abuse at women’s prisons vary widely, at the worst facilities in the nation, as many as one in four incarcerated persons are victimized.⁸⁰ There remain thousands of documented accounts nationwide of primarily male prison staff members demanding sex from incarcerated women in exchange for drugs, favors, visits or calls with children and family, basic necessities like personal hygiene products, and reports of false allegations made against women who refuse to comply.⁸¹



What is the value of a woman's dignity?

It's not \$325. They forced all of us to stand in a row, totally naked and even pull out our tampons while the male officers watched from around the corner. I remember this deep sense of humiliation and shock as I stood there... bleeding all over the floor... and hearing the officers referring to how we were all dirty and smelled... the trauma haunts me every day. So, when I got a letter from the State of Illinois this year, saying they wanted to settle with me for \$325, I had to wonder: Is that what my body and my dignity are worth to this state?

WILLETTE BENFORD

Decarceration Organizer, Live Free Chicago August 2020, and Member, Statewide Women's Justice Task Force

Injustice in the News

Female inmates were forced to expose their genitals in a 'training exercise.' It was legal, court rules.

WASHINGTON POST, July 19, 2019

Early one March morning inside an Illinois prison, a tactical unit armed with batons and shields stormed two women's housing units to round up about 200 handcuffed inmates and march them to a gymnasium. Once in the gym, they stood facing the wall for more than an hour... There, they were ordered to strip.

Standing shoulder to shoulder, women on their periods were asked to remove their tampons and pads. Some stood bleeding on themselves or the floor. They were ordered to lift their breasts and hair, to cough and squat, and then, finally, to bend over and spread open their vaginal and anal cavities.⁸²

Seventh Circuit opinion rejecting female prisoners' lawsuit over invasive searches under attack

INJUSTICE WATCH, July 22, 2019

According to the record, "The female correctional officers and cadets conducting the searches made derogatory comments and gestures about the women's bodies and odors, telling the women that they were 'dirty bitches,' 'fucking disgusting,' 'deserve to be in here,' and 'smell like death.' Male correctional officers watched the women from the gym."⁸³

It is important to note that the mass strip searches referenced had occurred between 2013-2015, and these articles are referencing the status of lawsuits on these cases. As a result of the Women's Correctional Services Act (WCA), in 2019, the IDOC renounced these mass strip search practices and signed a "Safety Search" policy to guide more trauma-informed, dignified practices throughout women prison's overall; however, it has not yet been implemented. (Recommendation 7C of this chapter provides more detail on this issue).

While Illinois has made efforts to address these incidents when they occur, a concerted effort must continue until rape in prisons and jails has been eradicated. The Illinois General Assembly should pass legislation mandating the creation of a statewide task force, focused on both jails and prisons, that is responsible for building an actionable strategy designed to eliminate sexual assault and staff misconduct and create greater transparency and accountability among jails and prisons. This task force should include formerly incarcerated women, including those who identify as LGBTQ+, as well as legislators, state and county corrections officials, sexual assault advocacy organizations, and prison reform organizations, and produce a report that addresses the following issues:

- The design and implementation of a quarterly reporting protocol and system that requires prisons and jails to provide regular reports of important information on facility safety such as the number of sexual assault allegations and outcomes of sexual assault investigations and responses. Data should be analyzed by race, gender, LGBTQ+ status (via voluntary self-identification), length of stay and other indicators.
- The design and implementation of a process to assess and respond to the unique concerns of transgender and gender non-conforming persons in custody given that they are at heightened risk of daily harassment, rape and other forms of violence during incarceration.
- The creation of a safe, confidential and free system for women in prisons and jails to report sexual assault. For example, there are far too few phones in the state’s women’s prisons, and those that exist and are functional do not provide the privacy required for a woman to safely report an assault. Kiosks with a free reporting mechanism to an independent entity or lockboxes only accessible to independent entities should be explored, as well as free tablets with reporting mechanisms for all women.
- The creation of a plan to address the low percentage of female officers working in women’s prisons and on women’s units in jails.

C Overhaul traumatizing strip search practices by implementing the new “Safety Search” policy (which was signed but not implemented at women’s prisons) and explore piloting the use of modern body scanner technology to safely limit these practices as much as possible. Incarcerated women continue to be regularly exposed to harmful practices such as invasive searches and pat downs, which are degrading, triggering and traumatic – particularly for survivors of GBV. While sometimes searches may have safety rationales, such as to intercept drugs and weapons that could be used to harm women and/or staff, there are better ways to address these issues that do not involve repeated, intrusive and undignified violations of women’s bodies that trigger trauma, and create an unhealthy and oppressive environment for survivors overall.

It has also been documented that state prisons have had a history of practicing the disturbing and de-humanizing practice of mass strip searches for the sole purpose of training cadets – and not in response to a safety issue. As a result of a series of mass strip searches conducted at women’s prisons between 2013-2015, lawsuits were filed on behalf of the deeply traumatized women who were rounded up and verbally abused as they were forced to strip naked in a large group and even remove their tampons (while bleeding on the floor) - all within the view of male officers.

Despite this grossly dehumanizing set of events, the Seventh Circuit Court of Appeals ruled in a divided 2-1 opinion that conducting visual body cavity searches did not violate women’s Fourth Amendment rights to privacy.⁸⁴ This ruling has been challenged by a national coalition and highlights the urgent need for change. It was also shared with the Task Force that an additional lawsuit representing eight of the women survivors resulted in a July 2020 settlement that offered each of the women nothing more than a \$325 payout in response to their suffering.

Initially, the state chose to fight the lawsuits, rather than make drastically needed changes when these issues arose years ago. However, in response to the Gender Informed Practices Assessment (GIPA) at Logan, state officials renounced the practice of mass strip searches in 2019, and the IDOC agreed to other policy changes related to strip search practices at women’s prisons that are pending implementation.

Subjecting incarcerated women, most of whom have experienced physical and sexual violations of their bodies throughout their lives, to state sanctioned sexual violence in the form of invasive searches, particularly when more humane practices and technology exist to avoid this type of subjugation, is cruel and inhumane. The following are opportunities to change these practices at jails and prisons statewide:

- **Require IDOC to fully implement the new “Safety Search” policy.** As a result of the Women’s Correctional Services Act (WCA), in 2019, the IDOC signed a new “Safety Search” policy to overhaul how and under what circumstances strip searches are conducted, including a strict prohibition against mass searches, a requirement to uphold women’s dignity and privacy, use of exclusively female staff, and adherence to trauma-informed approaches; however, it has yet to be implemented. In addition to requiring IDOC to fully implement this policy, legislation should be passed that permanently sets standards for improved procedures among all jails and prisons statewide.
- **Invest in body scanners at prisons and jails to limit the need for invasive, traumatizing strip searches altogether.**⁸⁵ According to recent reports, the Washington State Department of Corrections has piloted this technology with early, but promising results: Within the first two months, the department recovered more drugs and contraband than they had in the entire prior year, and reduced the number of strip searches from 2,000 per month to 150 per month. That said, any system used should be assessed to ensure that exposure does not pose adverse health effects, and departments should seek input from human rights organizations and establish trauma-informed procedures before installing them. It should be noted that Washington State conducted a study that found that exposure to the body scanner system posed no risk.⁸⁶

Incarcerated women continue to be regularly exposed to harmful strip search practices -- such as invasive searches and pat downs, which are degrading, triggering and traumatic – particularly for survivors of GBV. While sometimes searches may have safety rationales... there are better ways to address these issues that do not involve repeated, intrusive and undignified violations of women’s bodies.

Even trying to get out of a situation like that, the people that you’re going to go to [for help to] get out of that situation are the ones doing it,” she said. “[The officer] would call and be like ‘oh, do you want to call your daughter?’ because I only had bi-weekly phone calls with her and he was getting me more than that so it was using that as a tool to get me where he wanted me to be.”⁸⁷

JANE DOE

Formerly Incarcerated Survivor and Loving Mom (2018)

According to a 2018 lawsuit filed through the Uptown People’s Law Center, a counselor at Logan Correctional Center repeatedly sexually assaulted an incarcerated woman referred to as “Jane Doe” by forcing her to perform unwanted sexual acts, including sexual intercourse, in exchange for allowing phone calls to her young daughter. At times, she said he even fondled himself while her child was on the phone. In doing so, he disturbingly took advantage of the fact that Jane Doe was a desperate mother who wanted to speak to her child as much as possible, but lacked the resources to do so.

Even when she moved to a different housing unit to get away from him at Logan, he was somehow allowed to follow her. When she finally had the courage to report the abuse, she was transferred to Decatur Correctional Center, however, the counselor continued working at Logan with power over many women. This case is an example of ways that rapists manipulate the fact that incarcerated women are too scared to report sexual assault, and are aware that they often may not be taken seriously. It was not until Jane Doe’s lawsuit was filed that action was taken and the counselor was later removed from the facility.

- D Implement and enforce a zero-tolerance policy for verbal abuse against incarcerated women by staff in jails and prisons that includes strong leadership and intentional efforts to build a culture of respect and dignity.** The 2016 Gender Informed Practices Assessment (GIPA) and a 2020 monitoring report by the John Howard Association described disturbing levels of verbal abuse throughout the women’s prison system and revealed a culture that undermines relationship safety for both women and staff.⁸⁸ During Task Force focus groups, listening sessions and mapping sessions, directly impacted women, as well as IDOC staff and administrators, expressed concerns about the lack of accountability of correctional officers who engage in dehumanizing behaviors.

While IDOC has issued memos indicating that this type of behavior will not be tolerated, this is insufficient. Active leadership, training and culture change is needed and a transparent system must be created to track and address staff behaviors. Illinois must have zero tolerance for verbal abuse against women in custody, actively build a culture of respect and dignity, and take aggressive action against perpetrators of all forms of abuse.

Create a civil legal services framework that protects the rights of incarcerated survivors

Until laws and policies are enacted and properly used to prevent the unnecessary incarceration of survivors, those who remain in jails or prisons need and deserve access to high quality legal services. Once a survivor becomes incarcerated, she must navigate multiple legal ramifications, each of which requires access to quality legal services to protect herself and her children. For example, survivors risk losing access to their children to an abusive partner, termination of parental rights, and the loss of public benefits and economic support. The absence of needed legal supports causes serious and preventable vulnerabilities among women that create additional avenues to exploitation by their abusers. Survivors have a right to legal support for divorces and orders of protection, particularly during incarceration when they are most vulnerable and generally unable to attend civil court.

- A Create a civil legal services hub for incarcerated and formerly incarcerated survivors of gender-based violence (GBV) that 1) fills the gaps caused by restrictions on the use of certain federal legal aid dollars to support incarcerated individuals, and 2) provides access to attorneys with knowledge of the unique challenges faced by system involved women.** Despite the fact that incarceration increases the need for legal services among survivors of GBV, ironically, it also results in restrictions when women attempt to access those services. For example, the federally funded Legal Services Corporation (LSC) has statutory provisions that prohibit legal aid grantees from serving incarcerated people. In addition, some legal aid organizations lack the understanding, expertise and cultural responsiveness necessary to effectively serve incarcerated survivors.

While there is often compassion for survivors of GBV who are not system-involved, those who have child welfare cases, drug dependencies, or criminal records are frequently either judged or viewed as unworthy by the very organizations that should be supporting them. For example, many incarcerated women have reported being harassed by their abusers while in jail or prison and not taken seriously when trying to pursue orders of protection or divorces. A hub should be established where a team of specially trained attorneys can provide survivors with critical information and high-quality legal representation during and after their incarceration.

A major emphasis of this hub should be recognizing the intersecting needs of justice involved survivors as it relates to the child welfare system. For example, Ascend Justice, a legal aid organization, was recently formed as a result of a merger between the Domestic Violence Legal Clinic and the Family Defense Center. This merger recognizes that involvement in the child welfare system and GBV frequently overlap and is an important first step in creating a center to provide needed legal services regarding orders of protection, family law, housing advocacy, immigration, child welfare and much more for impacted survivors.

In addition to assistance with Illinois-specific legal matters, such as family law, the hub should assist with federal legal needs. Impacted survivors, particularly those who are currently incarcerated, may face immigration challenges without any access to legal resources and support.

- B Replicate the Cabrini Green Legal Aid (CGLA) Incarcerated Litigants Call model statewide to protect system-involved women and their families from abusive partners by allowing them to remotely secure orders of protection, pursue divorces and protect their right to have contact with their children.** Currently, it is almost impossible

The False Narrative of the “Perfect Victim”. The consequences for young women who don’t fit the “perfect victim” narrative are significant—both in terms of being harshly punished for self-defense, or being framed as “traffickers” themselves and then threatened with long sentences under new laws ostensibly passed for their own protection.

Even if not subjected to punishment by what we call “the criminal legal system”—because we believe there is no justice in this system—many of the new “trafficking” laws passed at the state level over the past decade may force them back into foster care and other systems that they have fled because of the harm they experienced. Or, coerce them into “treatment” that does nothing to address the conditions under which they entered the sex trade in the first place. If they don’t “comply” with what is expected of them as “perfect victims,” then they, like many other survivors of violence, find themselves caged in a cell instead of receiving the support they need and deserve.⁸⁹

MARIAME KABA

Organizer, Educator, Curator and Founder and Director of Project NIA, explains the detrimental impact of the “perfect victim” false narrative on girls and women who are survivors, which often excludes black women, queer women, and those who are in the sex trade when they are punished for acts of survival. Excerpted from *Not a Cardboard Cutout: Cyntoia Brown and the Framing of a Victim from The Appeal*, December 2017,

to seek or extend an order of protection while incarcerated, or effectively address other civil legal needs. Connecting women with legal advocacy and utilizing courtroom technology to allow survivors to protect themselves and their children is critical. These services can allow women to actively seek orders of protection to help them achieve relationship safety from an abusive partner during their incarceration and upon release.

In 2015, the Domestic Relations Division of the Cook County Circuit Court, under the leadership of Presiding Judge Grace Dickler, established the Incarcerated Litigants Call in collaboration with CGLA.⁹⁰ This program allows incarcerated litigants to pursue divorces, protect their right to have contact with their children, and address other family needs. Allowing survivors to obtain divorces and contact with their children enables them to leave situations that are coercive and abusive. This program should be replicated throughout the state and be made available to women in pre-trial detention.

Create more pathways out of prison for survivors of gender-based violence (GBV)

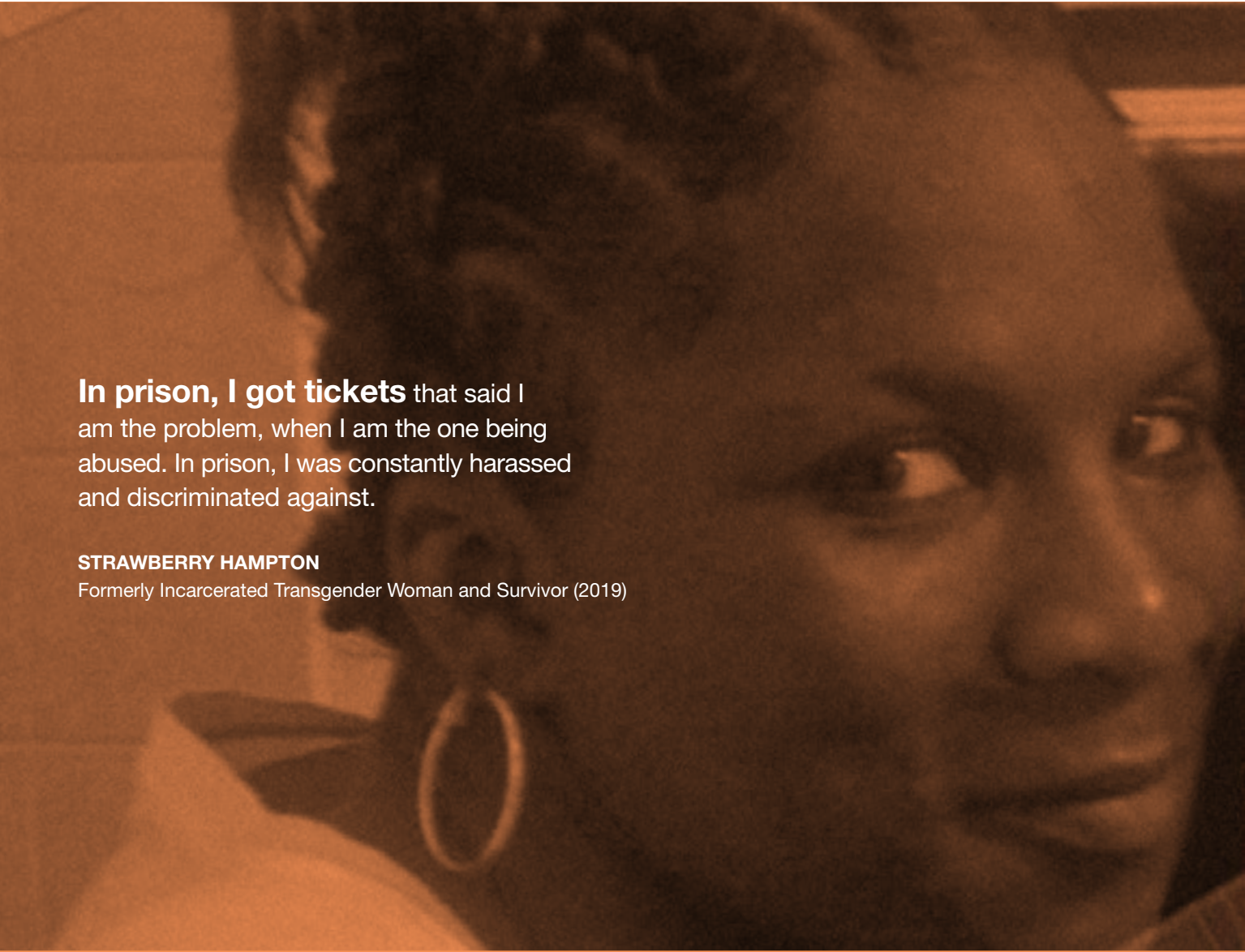
The criminalization of survivors can and must be prevented by investing in and strengthening community safety nets, survivor-centered first response protocols and responsive courtrooms; however, there is a concurrent critical need to create and leverage a statutory scaffolding to ensure justice and freedom for survivors even after they have been incarcerated. Nationally, high profile cases that have resulted in the commutation of the sentences of survivors, such as Cyntoia Brown, have elevated public awareness about the intersections of GBV and incarceration. Public figures and advocates in Illinois and throughout the country celebrated Cyntoia’s release; however, the reality is that there are too many women currently serving lengthy sentences in Illinois prisons for acts of survival whose cases and petitions have gone unaddressed. Some of these survivors have community groups fighting to publicize their cases and have drawn attention to the need for their immediate release. There must be a concerted effort to identify and address the injustice that so many incarcerated survivors are experiencing.

- A Amend the Domestic Violence Resentencing Law to create greater access to justice and freedom for survivors by 1) making it fully retroactive, and 2) adding technical language to ensure that they are provided with the opportunity to present evidence of the overlooked role that domestic violence played in their crime.** In 2017, the Illinois General Assembly passed a law (Public Act 099-0384) that allows courts to consider domestic violence as a mitigating factor at sentencing in criminal cases. The Act also provides a mechanism for resentencing based on defendant’s inability to present evidence of the role domestic violence played in her conviction in her original sentencing.⁹¹

While this law has helped incarcerated survivors to secure a new sentencing hearing where they can present information on the impact of the abuse they endured, it has resulted in the release of only two women statewide, both of whom were in Cook County. These victories were due, in large part, to the willingness of representatives from the Cook County State’s Attorney to conduct a thorough review of their cases.

Despite advances in sentencing reform, petitioners are still being denied the opportunity to revisit their sentences by courts throughout the State due to technical reasons that can be changed. Of the known cases filed under the new law, largely filed and tracked through CGLA, the vast majority have been dismissed for technical reasons primarily based on the false assertion the law does not apply retroactively.⁹² When the law is amended, survivors whose petitions were previously denied should not be barred from refiling. In addition to making it retroactive, PA 099-0384 should be amended in the following ways to increase access to justice for survivors:


- Include explicit language giving authority and guidance to judges to sentence outside of mandatory minimums for all charges;
- Allow survivors to challenge their convictions through an amendment to the Post-Conviction Hearing Act;
- Give the appropriate weight or meaningful consideration in sentencing decisions by changing the “no evidence” threshold to “no significant evidence” or “no substantial evidence” or “incomplete evidence” of domestic violence presented at trial;

A close-up, sepia-toned portrait of Strawberry Hampton, a Black woman with short, dark, curly hair. She is looking slightly to the right with a gentle expression. She is wearing a dark top and a large, light-colored hoop earring.

In prison, I got tickets that said I am the problem, when I am the one being abused. In prison, I was constantly harassed and discriminated against.

STRAWBERRY HAMPTON
Formerly Incarcerated Transgender Woman and Survivor (2019)

While in the IDOC, Strawberry Hampton, who is a transgender woman, was incarcerated in men's prisons, subjected to repeated sexual and physical abuse by staff and other prisoners. She was held in prolonged solitary confinement, and given false disciplinary infractions which ultimately prolonged her sentence. Represented by the MacArthur Justice Center and Uptown People's Law Center, Strawberry's request for emergency relief was granted in November of 2018, and she was moved to Logan women's prison in December of 2018.⁹³ On July 8, 2019, after over five years in prison, Strawberry was released.

A large, stylized orange quotation mark graphic, consisting of two thick, curved lines that form the opening of a quote.

As a trans woman, I've always had to defend myself. I've had to deal with abuse and discrimination, not being able to get a job or go to school or do anything. When I defend myself I am portrayed as the aggressor.

In prison, I got tickets that said I am the problem when I am the one being abused.

In prison, I got tickets that said I am the problem, when I am the one being abused. In prison, I was constantly harassed and discriminated against. I was held in solitary confinement for months. During that time, I became more depressed. I was self-mutilating and even attempted suicide. When I had a crisis call, I was put in segregation, and only saw a psychologist for five minutes a week. Segregation made me want to commit suicide. It was very traumatizing. They did not have to isolate me.

STRAWBERRY HAMPTON
Formerly Incarcerated Transgender Woman and Survivor (2019)



There’s nothing special about me. There’s, I can’t tell you how many Cyntoia Browns still in prison... The women who helped me get to this point, they’re still in prison for 51 years and up with ridiculous sentences. And they don’t have hope right now.⁹⁴

CYNTOIA BROWN-LONG
Author of Free Cyntoia: My Search for Redemption in the American Prison System

On Wednesday August 7, 2019, Cyntoia Brown was pardoned by Tennessee Governor Bill Haslam and released from the Tennessee Department of Corrections after serving fifteen years of what was originally supposed to be a life sentence.⁹⁵ At the age of sixteen and after years of being sexually exploited, raped and trafficked as a child, Cyntoia was convicted of killing a man who had solicited her for sex work, after he became aggressive with her and she feared for her life.⁹⁶

After Cyntoia’s case gained national attention, she was pardoned and ultimately released after serving just over fifteen years in prison. While many public officials have lauded this decision, little has been done to free countless other incarcerated survivors nationwide.

- Include all felony charges, as well as all forms of GBV, and remove the requirement that the GBV have been committed by an intimate partner;
- Include explicit language acknowledging that trauma affects behavior to prevent dismissing petitions where the connection to GBV is not immediately explicit; and
- Allow those who petition to present evidence of the impact of GBV to be protected from increased sentences, even when their sentence pursuant to a plea bargain fell below the minimum sentence, and allow judges to deviate further from mandatory minimums where otherwise appropriate.

All changes to the Act and all new laws must apply retroactively to ensure that survivors can access needed justice. Restore Justice Illinois, along with other advocacy groups, has proposed a bill that would allow individuals to request a hearing and possible resentencing if new laws pass that reduce former criminal penalties in some way.⁹⁷ This bill, HB2039, should be revived, passed and enacted to ensure legal relief that recognizes the impacts of GBV.

B Restore the right to parole retroactively, allowing incarcerated women a chance to present histories and stories of survival that may have not been considered legally relevant when they were convicted. Illinois is one of only 16 states to lack a full parole system, meaning that people are sentenced to determinate sentences with few or no opportunities to appear before a board to request their release or present mitigating/rehabilitative evidence. Due to the leadership and efforts of Restore Justice Illinois, in 2018, House Bill 531 was the first legislation to restore any form of parole since 1978.⁹⁸

Signed into law under Public Act 100-1182, this legislation restored the right to parole for people who have served 10 years in IDOC and who were under the age of 21 at the time of the offense . It also requires the appointment of counsel. Unfortunately, this law does not apply retroactively or to those who were over 21 at the time of their offense. Reinstating parole in a responsible, gender responsive manner,would allow incarcerated women a chance to present histories and stories of survival that may have not been considered legally relevant when they were convicted. Parole Illinois, an organization made up of people both inside and outside of prison, has prepared a proposal for bringing back parole opportunities for the entire IDOC prison population.⁹⁹ Their proposal should incorporate gender responsive factors.

C Provide survivors of GBV with access to legal representation for post-conviction relief in order to appeal their case by amending the post-conviction statute to grant the statutory right to counsel at the first stage of post-conviction proceedings. After direct appeal of a conviction, the next legal option is to file a post-conviction petition. However, when filing a petition under the Post-Conviction Hearing Act, the right to counsel does not attach until proceedings progress to the second stage of review (725 ILCS 5/122-4). Because of this, some women are forced to draft their own pro se petitions that are ultimately unsuccessful and denied by the courts because they are not written properly, due to the fact that the women have not received the proper training to write them or are unable to personally appear in court.

Until new laws can be passed that prevent the criminalization of survivors, public officials must use every tool possible to ensure justice and freedom for those who have suffered behind bars for far too long.

While public defenders are under-resourced statewide and there is a considerable amount of training required to ensure that they can properly represent incarcerated survivors, it is critical to open every possible avenue of legal support. As such, the post-conviction statute should be amended to grant the statutory right to counsel at the first stage of post-conviction proceedings. This would allow an attorney to be appointed as soon as someone files a post-conviction petition and increase the likelihood that a judge does not dismiss the petition upon their initial review. Providing legal representation in post-conviction proceedings from the initial pre-filing stage through actual court proceedings could also help increase the likelihood that post-conviction proceedings will include necessary information and provide the best legal arguments.

D Launch a national Mass Commutation Initiative focused on justice for incarcerated survivors of GBV. Every day a survivor spends in prison creates deeper trauma and collateral consequences for her and her children. Until new laws can be passed that prevent the criminalization of survivors, public officials must use every tool possible to ensure justice and freedom for those who have suffered behind bars for far too long. One of the most powerful tools available to them is clemency, which is the constitutional power of the governor to grant a pardon, commutation, or reprieve to someone convicted of a crime.

As a direct result of the legal advocacy of the Illinois Clemency Project for Battered Women, led by attorneys Margaret “Peggy” Byrne and Professor Mary Becker, the sentences of several GBV survivors were commuted during the administration of former Governor Jim Edgar. This set a precedent in Illinois for governors to exercise their constitutional authority to grant pardons or commutations to women who are victims of GBV. Another powerful precedent was set when former Governor George Ryan declared the nation’s first moratorium on the death penalty and commuted the sentences of all persons incarcerated on death row in 2003. This took place after an appointed blue-ribbon Commission on Capital Punishment published findings of disturbing levels of injustice and unfairness throughout the justice system and made sweeping policy reform recommendations.

Consistent with these precedents, it is time for the State of Illinois to formally acknowledge that criminalizing survivors of GBV is a crisis, and address it with urgency. Not only has the state failed to address the disproportionate levels of GBV experienced by women for decades, there is also considerable evidence that innocent survivors have been criminalized at every point in the justice continuum from arrest to court to sentencing. As outlined throughout this report, the system has repeatedly failed to address the mitigating factors that drive women’s system involvement and entrenchment, including extreme violence and coercion from abusive partners. Too many women have been given lengthy prison sentences as a direct result of an unjust system, and they deserve their freedom.

The State of Illinois should embark upon a national model Mass Commutation Initiative to end the criminalization of survivors of GBV by restoring their freedom and enacting sweeping legislative, policy and administrative reforms. This initiative should be led by a Special Counsel to the Governor and include the following components:

- **The state’s first-ever independent, comprehensive, and proactive review of the cases of all women currently incarcerated and sentenced under the theory of accountability and felony murder, those with lengthy sentences and those with cases where GBV was likely a mitigating factor, in order to make expedited recommendations for mass commutations.** This process would create a more equitable and expedited access to justice for women survivors. Women with access to legal counsel have a greater likelihood of success when filing clemency petitions. These petitions are submitted to the Prison Review Board (PRB), and the PRB reviews them and makes confidential, non-binding recommendations to the Governor. This proactive process would not rely on petitions.

Coercive Control vs Compulsion: Addressing the Harmful Impact of a “Male Model of Defense” on Incarcerated Survivors:

In the three decades since I began working to free incarcerated survivors, not enough has changed as to how the criminal justice system treats them. Women continue to disproportionately experience gender-based violence in our communities - and are criminalized and incarcerated for surviving it. This is because our laws are built around a “male model” of defenses such as self-defense and compulsion that disregard the devastating impact that coercive control has on women survivors.

Recently, I have been pleased that Governor J.B. Pritzker has commuted the sentences of some battered women who have been unjustly incarcerated for defending themselves against an abuser. Nevertheless, there is still a profoundly harmful lack of understanding among some police, prosecutors, and judges, as well as the public, about the effect of coercive control and the on-going criminalization of women in such cases who are being prosecuted today. Moreover, there are many women in prison now serving long sentences who should not have been charged in the first place.

In fact, whether a woman is defending herself from an assault or she is coerced (out of fear) to drive an abuser after he has committed a crime, we need to develop awareness that these are both ways that survivors may be forced to act to in order to prevent harm to themselves and their children.

There are women who have spent decades in prison, such as Nancy Rish and Deb Jennings (who was granted clemency in 2019 tragically due to terminal illness), who had experienced years of abuse and were later incarcerated under accountability laws for crimes committed by their violent abusers. In such cases, survivors were not convicted for their own act of violence – or even the knowledge that a violent act would be committed. Rather, they were convicted based on the state’s theory that they aided their abuser as he carried out the offense, without any consideration for the coercive control of the abuser – including the fear and threats to their children’s lives.

Far too many incarcerated women have been placed in unfathomable positions because, as a society, we failed to protect them in the first place and to support their efforts to escape the abuse. By incarcerating these women, we are only perpetuating this injustice and their on-going victimization.

MARGARET BYRNE
Illinois Clemency Project for Battered Women

I am finally free of the abuse from everybody, including the system that sought to punish me instead of help...

The system was against me in so many ways, from ineffective counsel to blaming women for our sexual exploitation. They wouldn't even let me change my last name in prison - despite my divorce - and so I was called by my abuser's name, traumatizing me again and again.

JUDY SZURGOT

On becoming the first woman in state history to be freed from prison under the Domestic Violence Resentencing Law



I remember the first time I heard the term domestic violence and its association in my life, but I didn't realize then what all came with it. I knew it meant violence, but the amount of pain, suffering, secret keeping and loneliness was still foreign to me. My ex-husband made me learn real quick the awful truth of domestic violence. I was his prisoner and kept everything he did to me our secret for so long it became my normal. The physical, mental, emotional, and sexual abuse was so unbearable at times... but I stayed. I stayed at first out of what I thought was love, then it was fear.

Finally, when I thought I couldn't take anymore, he introduced me to crack cocaine, and I became a prisoner to that as well. It was just one more secret. It became an insane cycle of pain from him, loneliness of the real world. And then I was rewarded with the numbness my new addiction brought. My family and loved ones knew but didn't know how to help, which isolated me even more.

The violence continued until one day he and one of his friends came up with an idea to get fast money. They threatened me at gunpoint and forced me to serve as bait for their crime. After the fact, I voluntarily poured out everything to police-- the whole ugly truth. I thought they would help me, but I was wrong. That's how I became a prisoner and a victim again, but this time to the system.

Even after seeing past mugshots and hospital records of me beaten black and blue, and even though no one besides me was even harmed during their robbery... I was sentenced to more time than my ex-husband or his friend. The system was against me in so many ways, from ineffective counsel to blaming women for our sexual exploitation. They wouldn't even let me change my last name in prison - despite my divorce - and so I was called by my abuser's name, traumatizing me again and again.

Even after seeing past hospital records of me beaten black and blue, and even though no one besides me was harmed during their robbery... I was sentenced to more time than my ex-husband or his friend.

It was not until after I was in prison that I learned about the new DV law that allowed for a re-sentencing hearing if abuse had not been considered a mitigating factor in court. With support from CGLA, I became the first woman to tell my story and to be freed from prison under this law. Now I am about to finish my parole, work multiple jobs and have a healthy romantic relationship. But I still struggle to reestablish a relationship with my daughter—one shattered by the years I was away.

While I continue working to reclaim my life, I am finally free of the abuse from everybody, including the system that sought to punish me instead of help.

JUDY SZURGOT

The first woman in state history to be freed from prison under the domestic violence re-sentencing law

- **Convening of a historic, blue-ribbon Commission charged with reviewing the experiences and criminalization of GBV survivors at every point in the criminal justice system, and recommending sweeping legislative, policy, and administrative changes.** This should include members of the PRB, system-impacted survivors, attorneys specializing in GBV, law enforcement officials, academics, advocates and experts on trauma.
- **Enhancing the PRB process to ensure that it is informed, comprehensive, accessible, and efficient regarding attention to the unique cases of GBV survivors.** This includes establishing a new set of requirements that ensure the PRB member composition includes at least one directly impacted woman and an expert on GBV, and mandating special training for all PRB members on women’s criminal justice system pathways, types of GBV, GBV and its intersection with oppression and marginalization, and the impacts of coercion and trauma.

REENTRY: PROBATION & PAROLE

Establish specialized training and policies for probation & parole that address the unique risks, strengths and needs of gender-based violence (GBV) survivors, including safety planning

A trusted relationship with a well-trained probation or parole officer who understands the dynamics of GBV is critical to ensuring the safety and well-being of survivors, avoiding their reincarceration and improving outcomes. As the majority of incarcerated women have considerable histories of GBV, they are highly vulnerable to experiencing cycles of abuse upon reentry that could threaten their wellbeing and impact their successful completion of probation or parole. Obtaining needed supports, such as employment and safe housing, that allow women to reunify with their children, can be incredibly daunting while they are also struggling to meet the often rigid and burdensome requirements of parole or probation. Without those basic supports and the ability to communicate any safety concerns in a timely manner with a trusted and supportive probation or parole officer, it is even more likely that a survivor will be exposed to a greater risk of coercion and abuse.

During Task Force focus groups, listening sessions and mapping sessions, impacted women reported feeling trapped in abusive housing situations, especially when they were on electronic monitoring (EM), due to an inability to reach their probation or parole officer quickly in order to get approval to leave the premises. In at least one situation, a woman reported being reincarcerated on a probation violation as a result of leaving her residence without prior approval due to fleeing a situation where she felt sexually coerced.

Due to the considerably higher impact of GBV on justice-involved women, all probation and parole officers statewide should receive specialized training on working with women, including techniques to safely identify their risks, strengths and needs—particularly as it relates to potential coercion and manipulation of their reentry status by an abuser (e.g., an abuser threatening to call a probation or parole officer if a woman will not submit to their demands for sex and/or criminal involvement). In addition, probation and parole departments should ensure that women have access to gender responsive community-based supports by making appropriate referrals and making investments in non-carceral services for women on their caseload who may have experienced or are currently experiencing GBV.

A Create an emergency survivor response protocol to ensure the safety of women experiencing GBV that includes electronic monitoring (EM) movement waivers. The routine use of electronic monitoring should be eliminated. Until such changes can be made, probation and parole systems must take immediate steps to address the harmful impacts of this kind of surveillance on survivors of GBV. Rigid electronic monitoring requirements that require women to obtain prior approval from their probation or parole officers before they leave their home increase the risk of harm among women experiencing GBV. Due to the fact that approvals for movement can take days, or even weeks to obtain, at which point it is already too late to avoid abuse, some women stay in these situations simply to avoid a technical violation and reincarceration for leaving without approval. An emergency protocol should be developed for responding to women experiencing GBV or the threat thereof. This protocol should ensure that women are never violated and reincarcerated for “unauthorized” movement involving a risk to their safety and include the following measures:

- Expedited systems for responding to their calls and fast-tracking responses from probation and parole officers;
- The designation of “safe spaces” where survivors who have no alternative can go for support without risk of sanctions until they can obtain approval for other movement;
- Emergency transportation, possibly through ride share programs, made available to at-risk women free of charge; and
- New policies at both IDOC and Prisoner Review Board (PRB) that ensure survivors of GBV are not placed on electronic monitoring based on the false assumption that they are violent people, particularly as it relates to those convicted of crimes under the theory of accountability.

B Create gender-specific caseloads for probation and parole officers, and training on practices that improve their understanding of the unique dynamics of GBV. Given the specialized needs of justice-involved women, who are almost all survivors of GBV, probation and parole departments should create gender-specific caseloads and ensure that all officers working with women are trained in gender responsive practices that improve their understanding of unique risks, strengths, needs and complexities of GBV survivors on probation and parole. Training should provide critically important information on gender responsive principles and practices and ways to access survivor-centered resources in the community. It should also address the dynamics of GBV, including the ways abusers

may take advantage of a survivor's economic and housing challenges during reentry and/or manipulate the system by threatening to call probation and parole officers in order to coerce survivors into sexual, financial, and criminal exploitation.

In addition, departments should consider assigning female officers to manage gender-specific caseloads of women. Due to the fact that such a high percentage of justice-involved women have experienced GBV, survivors may be more comfortable working with a female officer as they work through sensitive and deeply personal issues in the community.

Expand reentry wraparound services that focus on survivor-centered safety planning and link survivors to opportunities to create self-sufficiency. Many women return to

C abusive relationships because they have no other options for housing and economic support upon reentry. Transgender women face even more challenges, because they often can only access transitional housing for cisgender men, as many organizations will only accept them based on the gender they were assigned at birth. In addition, the immediate struggle to survive and meet arduous probation and parole requirements is so consuming for women that they may lack the time and support they need to create an individualized safety plan that can be activated when they find themselves in situations where they feel unsafe and may need to leave their residence and secure other emergency services.

To improve stability upon release and increase access to support, survivors should be provided with high-quality wraparound services in their communities throughout reentry, and probation and parole departments should collaborate with organizations and advocacy groups accordingly. These collaborations should include access to housing, job and training programs, and other services that will assist survivors to secure the safety and social, emotional, and vocational skills needed to achieve financial security. Most importantly, each woman should have the opportunity to co-create a survivor-centered safety plan that allows her to leave any dangerous situation safely and without penalty.

We are not asking for much, I was never told by the Judge that part of my punishment was losing my dignity as a woman, or that those who had authority over me would have a free pass to abuse me.

Sometimes I felt like I was drowning... And not like I'm in an ocean where no one can reach me or hear me, but it's like I'm in a foot of water and anyone can grab my hand (in here) but no one does out of fear...both staff and non-staff... I wish "this" world was a better place for us... So then those of us that cannot leave can/will always feel safe, feel human, feel human/woman.

ERIKA RAY

Loving Mother, Grandmother & Poet, Incarcerated at Logan Correctional Center (August 2019).
Quoted from a letter to the Women's Justice Institute

Health & Well-Being

public health & restoration vs incarceration

Top 10 Health & Well-Being Recommendations

1 Create a historic Illinois Gender Index to monitor key metrics and conditions that contribute to women's health and well-being

2 Launch a statewide plan to ensure women's access to gender responsive health & behavioral health services

3 Expand police deflection opportunities and peer-led co-responder models that are accompanied by access to gender responsive resources

4 Pass sentencing reforms that promote decarceration among women who are struggling with health and behavioral health issues

5 Launch gender responsive training for court personnel statewide & expand court diversion opportunities that shift responses to women's needs into the public health system and community safety nets and supports

6 Establish a comprehensive system of coordinated health and behavioral health care for women throughout jails and prisons statewide

7 Overhaul crisis response & disciplinary policies for women in jails and prisons

8 Create a robust pre-release process that ensures all women are linked to a medical home, health insurance and other benefits

9 Launch a comprehensive public health strategy that centers on reducing women's length of stay in prison

10 Launch a gender responsive coordinated care model that leverages a network of resources to support women on probation and parole statewide

Research consistently reveals that women in the justice system have endured gender-based and interpersonal violence, often alongside significant environmental stressors such as poverty, racism, and other forms of marginalization, often from a very young age – all of which adversely impact their health and well-being. When they attempt to survive these structural conditions, they are arrested, surveilled and incarcerated. Once in the criminal justice system, they experience the same deprivations they were forced to endure in their communities and forced to navigate a system that doesn't understand them, neglects their needs and deepens their disadvantage.

Lack of Access to Resources and Supports

An examination of gender inequities across the spectrum of social determinants of health reveals a lack of public investment in, and therefore lack of access to, the resources and supports that are necessary for women to protect their physical health, mental health, and overall well-being before, during and after incarceration. They navigate multiple, overlapping stressors for themselves and their children and families, often with tremendous resilience. Yet structural barriers set them up to fail, and instigate their system entrenchment, which further compromises their well-being, exacerbates their struggles and can lead to lifelong health consequences and intergenerational harm.

Jails and Prisons as the Default Response

Harmful social conditions, chronic lack of gender responsive services and supports, and a lack of understanding about women's pathways into the criminal justice system have created a situation where jails and prisons have become the default response to women's unmet behavioral health needs. This is not just a justice system problem. The health and well-being of women starts in their communities, and is ensured by self-determination and access to a robust array of services from an early age. Investment of resources in criminal justice responses and punitive measures is inefficient and expensive. Women need quality services in their communities, and finite resources are better invested in addressing women's social determinants of health in their communities.

Failing to Prioritize Health & Well-being

Also missing is a mechanism for actually measuring women's well-being. The justice system commonly employs variables such as re-arrest, recidivism rates and disciplinary infractions as success metrics, yet fails to employ performance metrics related to women's health and well-being. This prevents the system from prioritizing and holding itself accountable to delivering gender and culturally appropriate interventions that drive lasting solutions to women's incarceration and ensure the most effective investment of taxpayer dollars. Unless the underlying influencers and promoters of women's health and well-being are acknowledged and addressed, the pernicious cycle of women's incarceration is likely to continue.

A Call to Action

Gender responsive services and supports that promote women's health and well-being must be invoked early in order to bring justice for women into the community where it belongs. Taking action to improve gender equity in health and to address women's rights to health are essential steps in reducing their criminal justice system contact and incarceration and ensuring their deflection and diversion into community services and supports.

This chapter calls for the investment of resources into community-based, gender responsive health and support services for women, particularly those women who have suffered from trauma, violence, poverty, racism, and other forms of marginalization. It also calls for resolving public health issues among women with public health resources and systems, rather than continuing to address them in a criminal justice system that was not designed to support their health and well-being. At the same time it acknowledges that many women are already entrenched in the criminal justice system and incarcerated in jails and prisons today and deserve attention and support. Thus, it is imperative to implement policies and practices that reduce harm and improve outcomes while simultaneously taking critical steps to divert women into community care.

In Her Words

“Prison did not save Keeley.”

In Memory of Keeley Schenwar (1990-2020)

My sister, Keeley, died of an overdose, and Keeley wanted her powerful story to be heard so she could help others. While she was here with us, she spoke out. She told her story to the public, and she told her story to other people who were struggling. She asked me to help share her story too. Just a few weeks ago, Keeley and I were talking about how she wanted to write down more of her experiences to share. She was a beautiful writer.

Earlier this year, Keeley died of an overdose, like nearly 70,000 people in this country over the past year. Overdoses are now the leading cause of death for adults under 50. Keeley did eight prison and jail sentences related to her addiction. Prison did not save Keeley. And it has not saved the many thousands of other people who are dying of overdoses all around us. The current system is killing people.

We need to imagine what it would look like to live in a society that supports people and holds people in care and love no matter what they are doing, what drugs they are using, or what kind of pain they are dealing with and how they choose to deal with it. We need to build that world.

In a very immediate sense, we need to think about how we can support those in our community and our city who are struggling with addiction and are at risk of overdose right now. How can we each do our part to prevent another precious and irreplaceable life from being lost?

Keeley loved all life. We can honor her by challenging ourselves to do the work to support people in staying alive.

Maya Schenwar, Keeley’s Sister
 Author, “Locked Down, Locked Out: Why Prison Doesn’t Work & Why We Can Do Better”,
 Editor in Chief, “Truthout”, Co-Author “Prison By Any Other Name” with Victoria Law.

*I can feel the hunger
 can’t stomach the pain
 consequences for putting poison
 in my veins
 Night fall and each new day
 this jail is where I lay
 I was back in my family’s life
 They hoped I’d stay
 It wasn’t supposed to
 be this way
 It happened so fast, all in one day
 ruining each “next”
 guess I failed that test
 Family thinking soon they’d lay me to rest
 I was selfish, I’d stay gone
 to avoid the stress
 surrounded by chaos
 hidden under my mess, but
 Outside these gates, away from these bars,
 in front of me is another chance
 to fix it all
 Such a fragile existence
 seems destined to fail
 but I don’t want to know my daughter
 only through the mail.*

Poem by Keeley Schenwar
 From behind the wall at Cook County Jail
 shared with the Statewide Women’s Justice Task Force
 publication, August 2019

MAYA SCHENWAR
 Holding a photo of her sister Keeley



Health & Well-being is a fundamental human right and an important protective factor against women’s criminalization and incarceration. The following section offers a brief snapshot of dominant themes identified throughout the Statewide Women’s Justice Task Force process that are centered on the lived experiences of directly impacted women and supported by national and state-specific research. These powerful threads of information both inspired and informed the recommendations in this section.

Women, particularly low income women, women of color, and those who identify as LGBTQ+, are uniquely and disproportionately and impacted by adverse childhood experiences (ACEs).

ACEs are traumatic events occurring before age 18 that compromise health and well-being and increase the risk of criminal justice system involvement.¹ Women are uniquely and disproportionately impacted by ACEs, which are generated by structural conditions, including racism, sexism, genderism, homophobia, transphobia and income inequality.

- Women and girls are 50% more likely than men and boys to have experienced multiple Adverse Childhood Experiences (ACEs), including abuse (sexual, physical, or verbal), neglect, parental incarceration, and community violence.
- Women who experience high levels of ACEs are more likely to contract cancer than men,² and those with an ACEs score of 4 or higher are more at risk of depression and anxiety and other mental illnesses than men.³
- African American women and Latinx women have higher ACE scores than White and Asian women, which contributes to worse health outcomes.⁴
- Transgender and gender-nonconforming persons and LGB groups report higher number of ACEs than heterosexuals or gender-conforming individuals and worse mental health outcomes.⁵
- A 2018 survey of incarcerated women at Logan Correctional Center, conducted by the University of Chicago School of Social Service Administration in partnership with the WJI, showed that 60.1% had an ACE score of 4 or higher, which indicates that they are at heightened risk of substance use problems, depression, and suicide.⁶

Living in neighborhoods impacted by urban and rural poverty, racial segregation, and violence seriously impacts women’s health and well-being.

The health and well-being of women is a reflection of the burden of navigating environmental stressors, including the trauma of poverty and violence, for themselves and their families. Economic marginalization often forces women to live in unsafe and under-resourced communities. The conditions in areas with high levels of racial segregation and concentrated poverty (RCAP neighborhoods) create intergenerational trauma, lead to poor health outcomes, and predict future criminalization.

- Studies have shown that living in communities that experience high rates of poverty and violence impedes the health and well-being of residents.⁷ It carries consequences such as disinvestment, which often leads to fewer healthy food options and employment opportunities; it also acts as a disincentive for people to participate in healthy activities outdoors due to safety fears. These conditions increase health challenges among at-risk and justice-involved women, their children and families.⁸
- Women in racially segregated, concentrated areas of poverty (RCAP) report more PTSD symptoms, such as avoidance, numbing and hypervigilance, than women who do not live in RCAP areas.
- Overall, higher cortisol levels from hypervigilance and the stressors of concentrated poverty, segregation and violence contribute to cardiovascular disease, diabetes, cancer, and self-medicating behaviors such as alcohol, smoking and other substance use.⁹ Many of these conditions are common among justice-involved women.
- A recent study on trauma among African American women in a high crime, high poverty community on Chicago’s South Side found that 29% of them have PTSD and another 7% presented with PTSD symptoms.¹⁰ Women reported details of traumatic experiences including, but not limited to: witnessing a son being shot more than 10 times, domestic violence and a father being killed at home.

Women and girls are 50% more likely than men and boys to have experienced multiple Adverse Childhood Experiences

Justice-involved women’s substance use and mental health issues are interrelated, linked to gender-based and environmental stressors and trauma, and manifest in unique ways compared to men.¹¹

One of the most common experiences shared by justice-involved women is an often extensive history of gender-based violence and trauma¹² Justice-involved women’s mental health and substance use issues are often interrelated and tied to their abusive and traumatic experiences.¹³ These issues develop and progress differently compared to men.

For example, from the first use of alcohol or other drugs, women progress more quickly to addiction than do men.¹⁴ Women also experience addiction-related medical and social consequences faster than men, find it harder to quit, and are more vulnerable to relapse.¹⁵

- Justice-involved women who seek substance use treatment services have higher rates of physical and sexual abuse histories and are more likely to express suicidality than men. In a study of women in jail in Cook County, women with substance use issues were much more likely to have traded sex for alcohol or other drugs, been emotionally abused or had serious money problems. They were also more likely to have been sexually assaulted by a stranger.
- Justice-involved women are more likely to report mental health needs. Estimates suggest that 25% to 60% of incarcerated women require mental health services.¹⁶ One national study showed that women in state and federal correctional facilities reported much higher rates of mental health issues than men.¹⁷ Research also shows that incarcerated women with the greatest mental health needs have not only experienced the greatest levels of violence as children, but have had few social supports.
- Substance use and mental health issues often co-occur in justice-involved women. Seventy-five percent of justice-involved women who suffer from mental illness also have a substance use issue.¹⁸
- The growing opioid epidemic has had unique impacts on women. For example, women are more likely to have chronic pain, be prescribed prescription painkillers and at higher doses than men, and become dependent more quickly than men. From 1999 to 2010, 48,000 women died of prescription-related overdoses, and prescription overdose deaths increased over 400% among them versus 237% among men. From 2010 through 2013 heroin overdose deaths among women tripled.¹⁹

National Center for Health Statistics data shows that heroin overdose deaths among women tripled from 2010 through 2013.

Multiple systems - criminal justice, medical, and behavioral health - are not sufficiently responsive to the unique needs of women, including their different ways of coping with stress, marginalization and trauma.

Historically, efforts to address mental, behavioral and public health issues have been based on research with men. Researchers, practitioners, advocates, and numerous reports note that adequate mental health and substance abuse services for women are either lacking or, where they do exist, are not gender responsive. Additionally, such services are often not coordinated despite the fact that both substance use and mental health challenges are often tied to early – and in many cases, ongoing – abusive experiences in women’s lives.

- Clinical trials that increase understanding of the differences between men and women’s health and mental health symptoms, reactions to interventions or medications, and health have been underemphasized, underfunded, or ignored in medical research.²⁰ For example, despite the fact that heart disease is the leading cause of death for women, for decades women were vastly underrepresented in clinical trials for life saving drugs.²¹
- The health disparities in medical care between men and women extend to the treatment and perception of pain. Research shows that doctors may view women’s – but not men’s – symptoms as caused by emotional factors and treat them with sedatives, while treating men with analgesics.²² One study found that women were 13-25% less likely than men to receive pain medicine and wait longer to receive pain medication.²³
- Women are underrepresented in public health research. For example, women are 17% more likely than men to die in a car crash due to the overutilization of data on dummies representing the male frame, and underrepresenting or failing to adequately capture data on the female body size, shape, and varied attributes, including pregnancy.²⁴

Arrests related to methamphetamine among women tripled in Southern Illinois’ 2nd Judicial Circuit.

- By the time women reach the justice system, the harm they endure increases as their unique needs continue to be overlooked, despite the fact that research has clearly shown the benefits of gender responsive approaches. For example, when women are provided with women-only drug treatment groups, they are less likely to be remanded to jail and less likely to be terminated from treatment for not attending meetings or showing unsatisfactory progress. They also experience twice the reduction in PTSD symptoms.²⁵
- Women in the justice system have unique, gender-specific, and often unmet health needs. For example, incarcerated women report histories of alcohol and drug abuse, sexually transmitted infection, sexual and physical abuse, and mental health issues, with rates of these conditions higher than those of incarcerated men. Moreover, the majority of incarcerated women are younger than 50²⁶ and therefore have specific reproductive health issues, including pregnancy.²⁷

Drug and drug-related convictions are the leading drivers of incarceration for women, and remain disproportionately high among African American women despite recent declines in admissions to prison for drug crimes.

Historically, the leading cause of prison and jail admissions in Illinois and nationally among women, particularly African American women, has been for drug and drug-related crimes, such as property crimes (thefts to support addiction).²⁸ Accordingly, women’s prison populations in Illinois—and around the country—consistently hold a higher proportion of women for drug crimes than the men’s population.

Nationally, women in state prisons are more likely than men to be incarcerated for a drug or property offense than a violent crime.²⁹

- Task Force data provided by Loyola University reveals that from 1989-2019, drugs accounted for 37% of all court admissions to women’s prisons: **Overall, there were 25,266 admissions for drug crimes, of which 56% were for drug possession.** Each represents a life disrupted, a family separated and a missed opportunity for meaningful support.
- The opioid epidemic continues to have a particularly harmful impact on the African American community. IDOC data from June 2019 revealed the majority of women approved for enrollment in the state’s only prison-based substance abuse treatment program at Logan Correctional Center were white women (121 were white, 51 were African American, 8 were Hispanic and 3 were biracial).³⁰
- A study of Illinois’ Second Judicial Circuit, which spans 12 counties across Southern Illinois, found that arrests of women for violations of the Methamphetamine Act more than tripled between 2010 (72 arrests) and 2018 (254 arrests).
- In Illinois, nearly the entire increase in court admissions of women to state prisons from FY1996 to FY2005 that led to the skyrocketing women’s prison population were attributed to low-level, Class 4 felonies for drug and property crimes. Conversely, the dramatic 40% decline in court admissions of women from FY2005 to FY2010 was linked to a reduction in court admissions for primarily the same class of low-level drug crimes.
- In Cook County, despite recent reforms that have dramatically reduced prison admissions of African American women for drug crimes, unacceptable rates of disproportionality persist. At the same time, the highest rates of increased admissions – while still lower overall – are among white women in rural areas in downstate Illinois due to the resurgence of the meth epidemic and the spread of the longstanding opioid epidemic.

A higher percentage of women in prison are diagnosed with mental health issues compared to men, and they may be worsened – or even created – by the conditions of incarceration.

Correctional policies and procedures, the lack of trauma-informed practices, and inadequate access to mental health services, combined with the experience of confinement, pose a greater risk of creating, triggering, or exacerbating mental health issues among women in prison, and interfere with their recovery.

- Worldwide, depression, anxiety, and self-harm are more prevalent among incarcerated women compared with men.³¹ A World Health Organization study found that incarcerated women attempt suicide five times more often than women who are not incarcerated; and, although incarcerated men have higher rates of completed suicide, women attempt suicide twice as often as incarcerated men.³²

The experience of confinement poses a greater risk of creating, triggering, or exacerbating mental health issues among women in prison and interferes with their recovery.

- Confinement in prison replicates the traumatic conditions women have experienced (e.g., victimization, isolation from family, lack of agency and control) and triggers a range of coping behaviors among women that are often criminalized and pathologized.^{33,34}
- In Illinois, the percentage of women on a mental health caseload in state prisons is 58%, compared with 25% of incarcerated men, and a study of women incarcerated statewide indicated that an estimated 60% have suffered from PTSD.³⁵
- Logan Correctional Center currently houses an estimated 770 women prisoners diagnosed as Seriously Mentally Ill (SMI), and studies have shown that women suffering from mental health issues have historically received higher rates of disciplinary infractions.³⁶
- Experts assert that women’s incarceration catalyzes and worsens women’s mental health issues, citing that persistent use of gender-neutral and punitive policies and practices are likely to 1) worsen symptoms among women who entered prison with mental health issues or conditions, and 2) create symptoms and conditions that might not have developed in a resourced, supportive, trauma-informed environment.³⁷

Black & Pink’s national survey: 85% of LGBTQI people in prison had been in segregation.

Placing women in solitary confinement is destructive to their health and well-being.

Nationally, approximately 20% of incarcerated women spend some time in solitary confinement.³⁸ Women with mental health conditions are often disproportionately placed in solitary confinement, a practice that has been shown to both exacerbate and, in some cases, create mental health conditions.

- Nationally, women of color, particularly African American women, are held in solitary confinement at rates far exceeding those of white women.³⁹
- Transgender people are placed in solitary confinement for disciplinary infractions at a far higher rate than other incarcerated individuals; many are placed in solitary allegedly for their own protection.
- According to Black & Pink’s 2015 groundbreaking national survey of 1,118 incarcerated LGBTQI individuals, 85% of respondents had been in solitary confinement at some point during their sentence; approximately half had spent 2 or more years there.⁴⁰
- In Illinois, the Gender Informed Practices Assessment (GIPA) and associated reform process at Logan, combined with the longstanding work of community stakeholders led by Uptown People’s Law Center, yielded significant reductions in the use of segregation with incarcerated women. Between 2015-2018, the average daily segregation population was reduced by 66%. However, women still spend inhumanely long periods of time in solitary confinement.⁴¹

Discipline practices in state women’s prisons adversely impact women’s health and well-being, and disproportionately impact those with mental health conditions in deeply harmful ways.

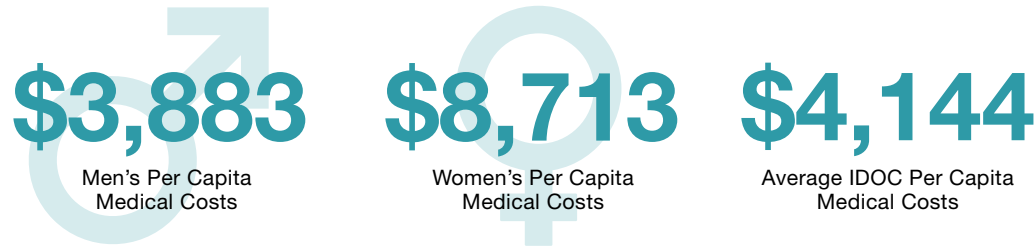
Incarcerated women are disciplined at significantly higher rates than men for mostly minor, subjective infractions.^{42, 43} Women diagnosed with mental health issues tend to experience the most severe and harmful sanctions.⁴⁴ Furthermore, disciplinary infractions carry the risk of a woman spending more time in prison than is necessary should she be punished with revocation of Good Conduct Credits (GCC) or access to credit-earning programs.⁴⁵

- Although women in prison are less likely than their male counterparts to act out violently in prison, they tend to receive disciplinary tickets at higher rates for minor offenses that are unlikely to be a threat to safety.^{46, 47}
- There is a significant absence of gender responsive behavioral incentives, privileges and motivators in women’s facilities, all of which have been shown to encourage behavioral stability and growth.⁴⁸
- Illinois data reveals a history of higher prevalence of discipline among incarcerated women compared with incarcerated men throughout state prisons. For example, from July 2015 to July 2016, women were issued, on average, nearly twice the number of disciplinary tickets compared to men (the average number of disciplinary tickets per person was 5 for women and 3 for men). Disparities were prevalent for “minor insolence” infractions, where the average number of disciplinary tickets issued to women for such infractions was almost five times higher than those issued to men.
- Prior to the 2015 Gender Informed Practices Assessment (GIPA), during the 25-month period from November 2013 to December 2015, Logan Correctional Center issued 127,260 segregation days as discipline to 1105 women. Among these women, 38 were issued 498 days or more (days issued ranged from 498 to 5372 days). 74% of those 38 women with the highest segregation days had been identified as Seriously Mentally Ill (SMI).⁴⁹

The rate of average monthly disciplinary tickets issued in CY18 was 155% higher among women.

- Women lost a total of 93 years through good credit revocation in 2015 alone; some of the incidents that resulted in the revocations for women in prison included 90 days for grabbing a staffer’s arm and 60 days for refusing to change cells or cellmates.⁵⁰
- In the wake of the Gender Informed Practices Assessment (GIPA), the Illinois Department of Corrections (IDOC) worked with the WJI to make initial improvements to discipline practices at Logan Correctional Center. Despite very promising initial reductions in major and minor infractions and assaults, as well as IDOC data revealing a dramatic reduction in the practice of revoking good conduct credits from women, much work remains to be done. For example, in CY2018, the average rate of monthly disciplinary tickets issued based on average daily population (ADP) was 23% for women versus 9% for men (which is 155% higher for women).⁵¹

IDOC Total Per Capita Medical Costs are More than Double for Women



Incarceration is harmful to women; they enter prison having received scant medical care, are not properly served while incarcerated, and leave with poorer health outcomes.

Incarcerated women face a greater disease burden than incarcerated men for serious conditions,^{52,53,54} The multiple community-based health inequities that they endure before prison are replicated once they are incarcerated, where, instead of receiving services for chronically unmet health needs, their health issues worsen.

- Women with incarceration histories are significantly more likely than men with incarceration histories to have higher rates of hypertension, heart disease, diabetes, asthma, kidney disease, arthritis, and cancer.⁵⁵
- Women with a history of incarceration are a greater risk than men with similar histories of contracting infectious diseases, such as HIV/AIDS, HPV and other STIs; this is linked, at least in part, to their histories of sexual abuse and exploitation and lack of access to reproductive health education and services.⁵⁶
- While there is a lack of research on gender-based mortality rates linked to incarceration, at least one study showed that women with a history of incarceration are more likely to die prematurely than women without such a history, even after controlling for health status and criminal behavior prior to incarceration, the availability of health insurance, and other socio-demographic factors. In contrast, the study did not demonstrate the same correlation for men.⁵⁷
- Health care delivered in the community is significantly less expensive and more effective than health care in jail or prisons.⁵⁸ Health care costs for women in Illinois prisons cost are nearly 125% higher than for men (more than double), despite chronic quality and access issues both of which are currently being addressed by two long-standing lawsuits. Per capita health care costs for women are nearly \$9,000 while for men such costs are closer to \$4,000.

Nearly every single woman on my caseload on probation for a drug crime has a history of sexual assault or considerable abuse as a child. It is very apparent that nearly all of them are just trying to numb the pain. With resources so limited, it is just so hard to help them the way we should.

PROBATION OFFICER
2nd Judicial Circuit of Illinois

False Narratives That Fuel Women’s Incarceration

False narratives about justice-involved women have enabled and perpetuated criminal justice and human service system policies and practices that are harmful to women, children, families and entire communities. These false narratives were identified and explored through a variety of Statewide Women’s Justice Task Force convenings wherein women with lived experiences came together with a diverse array of stakeholders and public systems to name them and to redefine them.

“The drug offender”

The use of the word “offender” to describe a woman who is struggling with addiction, criminalizes a health condition and legitimizes the use of incarceration as an appropriate response. Treating personal drug use as a crime contributes to public health problems and compromises safety, security, and human rights.⁵⁹

“The new opioid epidemic”

The opioid epidemic is not “new”. There has been an opioid epidemic in this country since the 1980s. Historically, the use of opioids predominantly impacted African Americans; now, the epidemic is hitting the white community. Systems should acknowledge the profound and unaddressed harm caused to African American women and men, who still remain disproportionately impacted, invisible, and underserved.

“She deserves to be in prison because she used drugs.”

Substance use is a public health issue that requires a public health response, not punishment. It should never be treated as a crime. Being in jail or prison, even if the woman is abstinent in prison, does not provide her with the support needed to address her substance use issues.⁶⁰ Further, research indicates that suffering from drug addiction alters brain chemistry and relapse should be viewed as a symptom not a crime.⁶¹

“Putting women in segregation improves the overall safety of prisons.”

There is no data that shows segregation improves outcomes among incarcerated women or creates safer facilities. In fact, the opposite is true. Solitary confinement is psychologically damaging; women subjected to it exhibit increased psychiatric symptoms as well as higher rates of suicide, suicide attempts, and self-harm.⁶² Access to programming is often denied to women in solitary confinement and visitation with loved ones, including children, is greatly restricted or denied altogether.⁶³

“We can’t afford to invest in gender responsive treatment programs because there is such a small number of women in the justice system.”

Systems cannot afford to not invest in gender responsive programs and services. A recent meta-analysis showed that gender-informed interventions were significantly more likely to be associated with reductions in recidivism.⁶⁵ Women who complete gender responsive treatment programs have a significant reduction in overall arrests.⁶⁶ This and other data show that investments in women not only lead to better outcomes, but reduce costs related to their unnecessary and cyclical incarceration.

“All social services are safe and effective for women.”

The social stigma, lack of confidentiality and anonymity, and exposure to possible exploitation and victimization by staff and peers deters women from seeking available prevention, support and treatment services. Task Force data showed that impacted women are often afraid to access help for fear of having their children taken away. Many also report feeling stigmatized by those delivering these services due to their substance use, mental health issues, and/or criminal involvement.

“Drying out in jail or prison will teach her not to use drugs anymore - it will teach her a lesson.”

Incarceration as treatment is inappropriate and harmful. There is no evidence that having a rough time in jail or prison reduces the likelihood of using drugs again. In fact, overdose risk increases by 40 times after detention or incarceration.⁶⁴ And withdrawal in jail or prison has led to carceral deaths when the withdrawal is not managed with medical support.

The following recommendations are informed by national and state-specific research, the voices and perspectives of a diverse array of criminal justice system stakeholders, and, most importantly, our impacted colleagues; their direct experiences of Health & Well-being in their homes, communities and systems provided the most critical lens through which we could envision opportunities for harm reduction and system transformation.

SOCIAL SERVICES

Create a historic Illinois Gender Index to monitor conditions that contribute to women’s health and well-being

In order to establish accountability for addressing the health, social, economic, and cultural factors that create conditions that increase the risk of incarceration among women, Illinois should become one of the first states in the nation to create a Gender Index.

A Gender Index is a tool to measure gender equality or gender inequity. Gender indices have been published by bodies such as the United Nations, the World Economic Forum, and the European Institute for Gender Equality.⁶⁷ These gender indices identify distinct targets and measurable indicators of progress toward eliminating all forms of discrimination and violence against women and combatting disparities between men and women in terms of health, education, economic status, political participation, and living standards.

Through a partnership with the Women’s Foundation of California, the state of California Budget & Policy Center produces the California Women’s Well-Being Index, a multifaceted, composite measure that consists of five dimensions: Health, Personal Safety, Employment & Earnings, Economic Security, and Political Empowerment. Each dimension is composed of six indicators that have been standardized and combined to create dimension scores for each of California’s 58 counties. The five-dimension scores have been combined to create an overall Women’s Well-Being Index score for each county in the state.

An Illinois Gender Index should be informed by the Global Gender Gap Report 2018 and the California Women’s Well-Being Index, both of which capture the magnitude of gender-based disparities and track progress over time on key indices, including the impact of incarceration on women’s health and well-being.⁶⁸ The Index should provide rankings of counties state-wide to allow for effective comparisons, public education, informed policy solutions and targeted interventions.


I really wish there were more one-on-one treatment sessions available to us in rural communities, especially with more women counselors for us. Some of the abuse we have experienced is too hard to share with a group of strangers, especially for those of us who were abused by men. Plus, there is that whole AA thing about the 13th step. You know, because AA is a 12 Step Program, but the step they don’t talk about is how all these guys from the group try to take advantage of our pain and need for help...they try to have sex with us when we are at our most vulnerable.

KYLIE TURNER
Member, Redefining the Narrative Working Group

Launch a statewide plan to ensure women’s access to gender responsive health & behavioral health services

The State of Illinois must develop a comprehensive plan, based on a region-by-region assessment of strengths, gaps and needs regarding the availability and accessibility of community-based, health and behavioral health services for women. The planning process should be led by the Illinois Department of Human Services (IDHS), in partnership with a public health collaborative. Key areas of focus should include the capacity of community-based service providers and networks to provide evidence-based, trauma-informed, gender responsive and peer-led substance use and mental health services and treatment in the community. The assessment should also identify inpatient and outpatient programs that are specifically designed for women, including those who need treatment for co-occurring mental health and substance use issues.

Programs designed by and for men may function to exacerbate existing mental health and substance use issues, drive women away from care, and increase their risk of justice involvement. Women’s patterns of drug use are largely distinct from those of men. Despite well-documented differences, women typically have access to one-size-fits-all support and service options. Existing services, including peer supports like Alcoholics Anonymous and Narcotics Anonymous, were based on research conducted on men and have not been structured to meet the specific needs of women. Women with traumatic histories can be retraumatized or otherwise harmed by these and other models if supports and treatment are delivered without accounting for their unique realities, including their gender-specific strengths, challenges and needs.

A black and white portrait of Kathie Kane-Willis, a woman with short dark hair and glasses, wearing a dark sleeveless top with a white grid pattern. She is looking directly at the camera with a serious expression. A tattoo is visible on her left upper arm.

I can tell you firsthand
that prisons and jails are horrible
places – especially for women.

KATHIE KANE-WILLIS
Chicago Urban League

When I hear women suffering from addiction and trauma say “prison saved my life,” it makes me deeply sad. As someone who spent many years cycling in-and-out of jail, and who was repeatedly failed by harmful carceral drug treatment programs... I can tell you firsthand that prisons and jails are horrible places – especially for women.

One of the worst things that ever happened to me was when my addiction and trauma were pathologized by so-called treatment providers. I had been in a program that was not gender responsive, not working for me and that reinforced negative messages. When I questioned their practices, they threw me into a co-ed psych ward to “teach me a lesson”. I was so scared. By the time they released me back to the treatment unit, I had already lost trust in the program and secretly left to live in abandoned building – anything seemed better than what I experienced...

In reality, it is the system that is “bad,” not the women strong enough survive it. We are survivors, and deserve support – not a prison cell.

For those of us who have experienced trauma our entire lives, it may start to feel normal to be in constant trauma, to even accept being punished for it – and that is so very wrong. So, when I hear a woman say that prison saved her life, it tells me that she believes she is unworthy of real support... the kind that comes from a safe, healing place – not from behind bars or a punitive program that tells you that you are “bad”. In reality, it is the system that is “bad,” not the women strong enough survive it. We are survivors, and deserve support – not a prison cell in order to heal.

KATHIE KANE-WILLIS
Chicago Urban League

Components of the plan should include:

- A Pass legislation to permanently install and empower the Women’s Committee of the Division of Substance Use Prevention and Recovery (SUPR).** The Women’s Committee was legislatively mandated to provide a detailed plan to treat the needs of women and girls, yet this mandate was removed in 2017. While the Committee remains very active, it should be installed as a permanent entity to help ensure its ability to build sustainable systems change strategies for women.
- B Require all providers to fully inform women of their rights and how to immediately report any form of sexual assault or coercion while in any treatment program.** Not all counselors adhere to professional standards of practice with women, and Task Force data revealed that justice-involved women have been exploited by counselors who have control over their lives while in treatment. In addition to ensuring adequate training, supervision and accountability of staff, it is imperative for agencies to inform women of their right to report inappropriate practitioner behavior, the mechanisms that exist to do so and how to access them.
- C Reinstate childcare funding for women seeking either substance use or mental health treatment.** In the 1990s, Illinois provided childcare for women accessing substance use treatment. Currently these services are not offered to mothers who would like to receive behavioral health services unless they are justice-involved, which means that this policy place women at risk of entering the criminal justice system.
- D Expand training requirements for all mental health, medical and emergency care providers to include the principles and practices of gender responsive and trauma-informed practices with at risk and justice-involved women to ensure that women’s strengths, needs and concerns are not dismissed and that they are treated in a respectful and dignified manner.** Often, women with mental health or substance use issues seek care in emergency departments or other urgent care facilities. All emergency departments and urgent care centers must be trained in trauma-informed, gender responsive care and obtain information about appropriate referrals. A woman in need of health or mental health services who is shamed or dehumanized by emergency medical care personnel may be reluctant to seek further support. These experiences can lead women and their children to avoid assistance for medical, substance use or mental health problems, thus increasing the likelihood of intergenerational incarceration.
- E Require IAODAPCA Gender Competent Endorsement for all substance use treatment practitioners who serve women in the community and all jails and prisons statewide.** The Gender Competent Endorsement credential awarded by the Illinois Alcohol and Other Drug Abuse Professional Certification (IAODAPCA) and Illinois Certification Board for behavioral health practitioners should be promoted, with the eventual goal of all Certified Alcohol and Other Drug Abuse Counselors and/or Licensed Practitioners of the Healing Arts being trained and credentialed. Currently, there are about 200 individuals who have this endorsement and are credentialed to treat women throughout the state.

There is no support, you are pinned as an addict for the rest of your life, and instead of helping you they would rather pick you up and lock you up. When you are on their list, you are their list.

FOCUS GROUP PARTICIPANT
Southern IL

From 2012-2017, Perry County, Illinois had a 1000% increase in the incarceration of women, the highest in the state. During focus groups, women reported that the resurgence of the meth epidemic, along with the spread of opioids, has hit communities in the region particularly hard. They shared humiliating experiences with law enforcement such as being arrested in front of their children for riding a lawnmower on a revoked license, being pulled over several times and having their cars searched by dogs, having officers visit their jobs, and having their cars impounded. One woman described an experience of being “hog-tied” (i.e., restrained at their wrists and ankles).

LAW ENFORCEMENT

Expand police deflection opportunities and peer-led co-responder models that are accompanied by access to gender responsive resources

As the initial point of justice system contact, a police officer has the very first opportunity to profoundly impact the lives and trajectories of women, as well as their children. The manner in which police officers engage a woman (and make the critical decision to arrest her or not) presents opportunities for harm, yet can also offer opportunities for restoration and healing. Despite this fact, most police departments across the nation still lack evidence-based, trauma-informed and gender responsive training requirements, and even fewer truly provide police with the tools they need to offer holistic alternatives to arrest, lockup and jail when engaging women suffering from substance use, mental illness, domestic violence and/or PTSD. One promising program in Seattle, called Law Enforcement Assisted Diversion (LEAD), diverts individuals into housing, jobs, healthcare and treatment, and has been reported to have reduced re-arrest among participants by 58%, while increasing the likelihood of participants securing housing and employment.

In order to reduce the number of women entering jails and prisons, communities should invest in deflection models and build safe, trauma-informed spaces for women, especially those experiencing a substance use or mental health emergency.

A Pilot the nation’s first gender responsive police deflection program that includes women with lived experience as co-responders. Women with lived experience and other community stakeholders, health and social service agencies, police and policy-makers should convene to design and pilot a deflection program specifically for women. While some deflection models exist, it is essential to prioritize peer-led, co-responder models where social service providers employ women with lived experience and collaborate with law enforcement to provide deflection services for women.

B Ensure that existing deflection programs, including Community Triage Centers (CTCs) and Crisis Intervention Teams (CITs), are gender responsive. Crisis Intervention Teams (CITs) are playing an increasingly important role in the training of police officers to address the needs of individuals experiencing a mental health crisis. Community Triage Centers (CTCs) provide needed 24/7 intervention and stabilization services for individuals who are at-risk of detention or hospitalization due to a mental health or substance use issue. It is essential that these models are gender responsive. Therefore, as these and other forms of police deflection programming and training expand, it is essential that they be assessed for adherence to gender responsive policies practices, and modified accordingly.

There is a need for social service models (as opposed to the justice models referenced above) that offer immediate support to women experiencing crises related to substance use and mental health use issues. Every community should offer access to 24/7 drop in centers or other programs devoted specifically for the needs of women. Providing referrals to care, including referrals to wrap around, holistic services with case management can significantly change the trajectory of women facing crisis. Models that create a non-carceral, trauma-informed environment must be prioritized, such as the Living Room Model, which offers respite for individuals experiencing a mental health crisis and offers an alternative to obtaining services through an emergency department.

C Fund the community-law enforcement partnership for the 2018 Illinois Deflection and Addiction Treatment Act and incentivize a gender responsive demonstration project grant for women. In 2018, through an initiative championed by Treatment Alternatives for Safe Communities (TASC) and police chiefs from Mundelein and Dixon, Illinois became the first state to pass comprehensive deflection legislation that authorizes the establishment of a state grant program to support program development, expansion, and implementation of various police deflection models that connect individuals to treatment, rather than arrest. This program should not only be fully funded, but incentivized to invest in programs specifically designed for women.

COURTS

Pass sentencing reforms that promote decarceration among women who are struggling with health and behavioral health issues

Sentencing reform has a direct impact on who is sent to prison and for how long. Many existing laws and practices punish women for having health conditions (mental health and substance use issues), for being poor, or for being victimized – all of which are better addressed with a robust set of holistic, gender responsive community-based services.

A Eliminate felonies for personal use drug possession. Women with substance use issues are particularly impacted by incarceration, and charging them with a felony for possession of small quantities of drugs, including residue, tied to their addiction does not improve their health, outcomes or even public safety. Instead, it represents a setback that also carries a myriad of collateral consequences for employment, education, licensure and housing.

B End the harmful consequences of Illinois Drug-Induced Homicide and Drug-Induced Aggravated Battery laws (PA 097-0678) on women suffering from addiction, and who call 911 to report an overdose in order to save someone’s life. Drug-induced homicide laws are particularly harmful to women - as women are more likely to call 911 in the event of an overdose.⁶⁹ Additionally, they do nothing to stop fatal overdoses; rather, these laws harm the people most in need of help. These dangerous, misguided laws make murderers out of women who share drugs with their friends or loved ones, often for reasons that are not only tied to their own addiction, but linked to abuse, coercion and their need for connection and safety. They exacerbate racial inequities, stand in the way of Good Samaritan laws intended to save lives, and waste resources that could be spent on treatment and other proven interventions that address the opioid crisis.

C Raise the threshold dollar amount for retail theft from \$300 to \$2,000, and limit the automatic enhancement from misdemeanor theft to felony theft in cases where there has been a prior theft conviction. A higher proportion of women are incarcerated for drug and property crimes that are typically reported as drug-related crimes. Women disproportionately living in poverty and/or those with serious mental health issues often face retail theft arrests and convictions due to unnecessarily low thresholds. Illinois’ theft amounts are among the lowest in the nation, and should be changed to align policies with best practices regarding retail theft.

We need better options
for deflection for drug use and
sex work instead of criminalization.

MELISSA HERNANDEZ
Founder, The Puerto Rico Project

¡ALTO
A LA
GUERRA
CONTRA
LAS
DROGAS!
drugpolicy.org/es

I faced a lot of obstacles growing up. I grew up in a household where my parents were both using and dealing drugs. They also ran an escort service out of our home. My first memory of being sexually abused was when I was five, but I can't remember before then. As a teenager, I got into a gang and started selling and using drugs. One of the gang members that I liked to hang with introduced me to a guy who said he would "take care of me". He ended up trafficking me starting at 17 years old. He would beat me up, too, and wouldn't let me leave. I was arrested for the first time that year.

I can say with pride that I have now been drug free for 18 years. In 2015, a judge recognized that I had been the victim of sex trafficking and vacated my previous prostitution convictions. I am the mother of two amazing boys. I'm almost finished with my liberal arts degree, and I completed my addiction studies program.

In 2015, I founded an organization called the Puerto Rico Project. It's a non-profit organization that assists victims of human trafficking who experience drug use mismanagement, chronic homelessness, and culture shock. I've helped hundreds of people who were sent to Chicago from Puerto Rico for drug treatment, but instead experienced human rights violations and ended up homeless and destitute on the streets.

I've helped hundreds of people who were sent to Chicago from Puerto Rico for drug treatment, but instead experienced human rights violations and ended up homeless and destitute on the streets.

One thing I've learned is that harm reduction supplies are important. When I give supplies, I give safer use education to prevent the spread of diseases, like hepatitis C, and also ways to prevent fatal overdoses. Giving naloxone is important because it can prevent fatal overdoses that have taken the lives of far too many people.

Looking back, my teenage years remind me of how I felt alone, lost, and that no one understood. I think about all of the shame I felt. To others, I had no value, but I know that I am worth so much. I also feel surprised when I look back, because how the hell did I survive all of that? I take all of this with me in the work I do now. We need a better system that makes survival possible, and that won't happen if we keep things the way they are now.

MELISSA HERNANDEZ
Founder, The Puerto Rico Project

It’s time to put an end to drug induced homicide. In 2014, I was charged with a crime called “drug-induced homicide” and incarcerated for the fatal overdose of Peter, my boyfriend of 17 years and the father of my son. Peter and I had been high school sweethearts, but I faced the daily struggle that comes with loving a heavy alcohol and drug user. Fourteen years into loving him, and frankly becoming dependent on him, I eventually developed a substance use disorder, and we began using together. Peter and I were using heroin together when he overdosed. I immediately called 911, desperately administered CPR, and stayed with him... but it was too late. He was pronounced dead shortly after arriving at the hospital.

Together, with Peter, I suffered from a terrible addiction, and no part of me thought that they weren’t going to be able to save him that day. His death was devastating, yet, instead of getting support, I was sent to prison for five years simply because I was the one who “purchased” the drugs we shared - drugs he had asked me to buy and that we did together. Drug-induced homicide is a Class X felony in Illinois, a “violent” crime that will label me for the rest of my life and make it hard to get employment or housing. But the hardest part was that I lost custody of our child, who has experienced the traumatic loss of both parents. None of this will bring Peter back.

My goal moving forward is to be a mother to my son again. I am still actively fighting in court to see my son. I hope to be there not just for him, but for other people struggling like I have.

AMY SCHEMBERGER
Loving Mom

Launch gender responsive training for court personnel statewide & expand court diversion opportunities that shift responses to women’s needs into the public health system and community safety nets and supports

All counties should invest in full systems diversion from the court system to the public health system in order to address needs of at-risk and justice-involved women struggling with health, mental health and behavioral health issues. While some specialty court models, such as drug and mental health courts, have demonstrated positive outcomes and reduced incarceration in some jurisdictions, these approaches must fully integrate gender responsive practices. Importantly, they should not rely on detention and minimize system contact by facilitating faster, more robust placements into community-based services. The drug court model has been used to confront the resurgence of the meth epidemic and its dramatic impact on women in rural communities in Southern Illinois with promising results. However, a lack of investment in the social services safety net (outside the criminal justice system) presents challenges.

For example, Jefferson County presiding judge Jo Beth Weber successfully fought to secure state grant funds to launch a drug court program 2014. While outcomes show only one of 15 women recidivated as of July 2019, Weber cites that the lack of investment into

community-based resources for women, such as housing and other ongoing supports, presents long-term risk. Weber also noted that her team often has to place women in services hundreds of miles away from their communities and families just to get the help they need and deserve.

A Offer gender responsive tracks for women currently involved in drug or mental health courts. While women currently have access to drug courts and mental health courts in a few counties, services are often gender neutral. Building out a gender responsive track within these existing court diversion programs could help improve outcomes for women.

B Launch innovative women’s court diversion models that quickly phase-out their justice system involvement by referring them into a robust, gender responsive system of wraparound services in the community. Due to the complex nature of women’s pathways through the justice system, and the fact that they are often engaged with multiple agencies (e.g., DCFS, Medicaid, TANF) and courts (e.g., as victims or alleged perpetrators) at one time, there should be specialized courts for women that utilize trained, multi-disciplinary teams (e.g., judges, defense attorneys, state’s attorneys, clinical service providers and other social service agencies) to comprehensively and holistically work with women with health and behavioral health needs. These gender-specific and gender responsive courts can divert women into a robust system of wraparound services, including child care, housing and education/employment support in the community, and integrate gender responsive motivators and responses (e.g., avoid jail placement and quickly phase out justice system involvement).

C Launch an Administrative Office of the Illinois Courts (AOIC) initiative that ensures all court personnel are trained in gender responsive policies and practices, including judges, prosecutors, and defense attorneys. Even in the absence of dedicated courts for women, it is critical for all court personnel to develop a meaningful understanding of women’s pathways, including their risks, strengths and needs. Effective education and training in organizations working in partnership with the AOIC, including the Illinois Judicial College or the Illinois Court Services & Probation Association, can ensure that all court personnel are provided with critical information, research and tools on working with justice-involved women, and, in turn, impact the decision-making needed to promote more appropriate responses to and diversion of women.

D Remove barriers to medication assisted treatment (MAT) by ensuring compliance with current laws that prohibit courts from forcing individuals to stop using MAT in order to successfully graduate from drug court programs. Due to the impact that substance use has on the prison trajectories of women, it is critical that courts statewide are fully educated and held accountable for enforcing current state law that prohibits them from forcing women to cease the use of medication assisted treatment (MAT) in order to successfully graduate from a Drug Court program. Women who are engaged in drug court should not be forced off of medication assisted treatment in order to successfully graduate from drug court. In addition to being required by law, decisions regarding the use of MAT should to be made in close collaboration with clinicians; this will help reduce recidivism and incarceration by reducing relapse.

INCARCERATION: JAIL & PRISON

Establish a comprehensive system of coordinated health & behavioral health care services for justice-involved women throughout jails and prison statewide

It will be important for the state to leverage the requirements of the Women’s Correctional Services Act (Public Act 100-0527) to ensure a system of coordinated health & behavioral health care services for justice-involved women statewide. Considering the more complex medical and behavioral health needs of women in jails and prisons, as well as the smaller size of their population compared with men, statewide resources should be leveraged to build a coordinated care system for women in prisons and jails from admission through reentry.

The system should be aligned with a common set of gender responsive assessments, as well as a shared referral network of gender responsive health and behavioral health services. Most importantly, a common set of policies and operational standards must be established to ensure that the health and well-being of women are not undermined by poor conditions and harmful operational policies and procedures.

Women’s experiences in jail and prison are not static, one-dimensional experiences. They cycle in and out of “criminal justice sub-systems”; they may move from community supervision into jail, from jail into prison, and from jail or prison into, or back into, community supervision. In order to prevent these women from literally slipping through service, communication and coordination gaps, the state and county systems must work together to design and implement gender responsive protocols that facilitate information sharing and seamless care.

Use validated, gender responsive assessment tools at the state and county levels, such as the SPIn-W or WRNA, to build meaningful, comprehensive treatment and services plans for justice-involved women. Research shows that gender responsive assessment tools that have been validated on women are more effective at identifying women’s unique risks, strengths and needs.⁷⁰ Such tools should be used at the state and county levels and in a manner that is appropriate given where they are being deployed in the justice continuum.

As of the time of this report, all 102 counties in Illinois have begun using a general risk assessment tool that is not strengths-based or gender responsive; it is unclear how many may supplement it with the use of gender responsive assessments to inform and target the delivery of and referral to clinical and other services.

At the state level, IDOC has not implemented a gender responsive assessment tool in the state’s women’s prisons, despite the fact that the Women’s Correctional Services Act (WCA) requires it. After receiving federal support to pilot the SPIn-W, a gender responsive risks, strengths, and needs assessment tool that has been validated on women, IDOC was unable to hire a sufficient number of qualified social workers to properly administer the tool and replaced it with a gender neutral instrument in 2019. IDOC must fully implement a gender responsive assessment tool in accordance with the law to eliminate the harms being caused by gender neutral assessments and improve its ability to connect women with the interventions and support that they need.

B Implement gender responsive assessment tools in the state and county justice systems and leverage the information gathered to facilitate meaningful information-sharing and seamless service delivery to women within and between the county and state systems. Regardless of their science, brand, and age, assessment tools can be used punitively, deepen inequities, widen the net of incarceration and further system entrenchment (see the Pre-trial Justice Institute’s position on pretrial risk assessment tools).⁷¹ Used judiciously, and at the right points of the justice continuum, gender responsive tools can provide important information and guidance. For example, they can facilitate early release processes by enabling the robust re-entry planning that is essential to women’s re-entry success and avoidance of re-incarceration. The aggregate data they provide can also be used to ensure fair access to services, help guide budget decisions, leverage limited resources to address the needs of women statewide, and ensure that women receive the most effective services possible to improve outcomes and reduce their likelihood of recidivating.⁷²

Many times I was just stuck suffering in prison because they don’t believe anything. You damn near got to be dead to get attention.

ANNTOINETTA ROUNTREE
Founder, Justice 4 Rica Jae

C Implement gender responsive case management approaches at the state and county levels, such as the evidence-based Collaborative Casework for Women (CCW-W) model, that leverage multi-sector teams to support women’s varied and intersecting needs and engage directly impacted women as co-designers and leaders. The Women’s Correctional Services Act (WCA) requires implementation of an evidence-based, gender responsive case management system throughout all state women’s prisons. The IDOC received federal support to pilot Collaborative Case Work for Women (CCW-W) at Logan Correctional Center. CCW-W is a gender responsive, evidence-based case management model that has been shown to reduce recidivism and improve outcomes among women.⁷³ This model has not been fully implemented, in part, due to the staffing issues noted above (e.g., insufficient number of qualified social workers) and, consequently, it has not been scaled to reach additional women who need and deserve this type of intervention and support.

Leveraging the WCA’s mandate to build a common, statewide system represents a transformative opportunity to coordinate often limited resources around a women’s justice system population that is eclipsed by the much larger male population. It is highly recommended that that state explore full implementation of CCW-W; this model not only establishes a case management protocol for service delivery within a correctional institution, but facilitates robust pre-release planning, intentional coordination with parole officers and community providers, and a network of services and supports through to a woman’s successful completion of her community supervision requirements.

At the county level, gender responsive approaches to case management can improve outcomes among women. The Statewide Women’s Justice Task Force did not receive any information indicating that any county jails use a gender responsive case management process for women for whom formal case management is necessary.

In order to better leverage limited resources, prisons and counties statewide would benefit from implementing and, where appropriate, coordinating gender responsive case management systems. This would not only help them better serve women with higher clinical and other needs and women who oscillate between the county and state systems; it could also lay the groundwork for regionalized networks of services described later in this chapter.

D Conduct a statewide gap analysis of health & behavioral health services available for incarcerated women statewide & implement a comprehensive plan to address their needs. All state prisons and county jails should conduct a gap analysis of the health and behavioral health needs of women in their custody, produce a plan, and publish an annual report of progress to help guide budgetary decisions among policymakers, as well as to justify how departments choose to allocate their resources. Given the known prevalence of incarcerated women’s unmet behavioral health needs (including mental health and substance use treatment), a comprehensive planning process should focus on scaling up evidence-based, trauma-informed, gender responsive care in both jails and prisons. This includes expanding training requirements for all mental health and medical providers working with women inside jails and prisons to ensure that staff in these areas have the information they need to deliver gender responsive services.

I had a friend on my housing unit and I would watch her beg to go to medical because she thought her cancer was back. It was obvious that she could barely breathe, but they kept giving her aspirin each time she went to healthcare. It was all part of a pattern in prison where no one believed any of us women when we were in pain. Finally, she went back one last time and said she was refusing housing until she got help, but they threatened her with solitary confinement instead. That night, she came back to the unit, laid down, almost died and had to be rushed to the hospital where they found she was riddled with cancer. Then next time I saw her, she had her voicebox removed and could not even speak without a special device.

COLETTE PAYNE
Director, Reclamation Project
Women’s Justice Institute

E Radically overhaul health and mental health care service delivery for incarcerated women in jails and prisons and develop partnerships with universities, state hospitals and community health clinics to bridge critical gaps. Prisons and jails must radically overhaul the manner and quality with which health and mental health care services are delivered for women, including building partnerships with universities, state hospitals and community health clinics to bridge critical service gaps.

In doing so, it is critical to acknowledge the differences in the challenges experienced by women in local jails compared to women in state prisons. It is recommended that the state fund a study of the conditions for women detained in all of the state’s county jails, and use it to establish a set of gender responsive standards. While Task Force activities did not include a comprehensive analysis of services for women in jails, focus groups and outreach among a limited number of jails across the state suggest that crisis care and clinical services are particularly lacking due to the general transient nature of pretrial populations, the smaller number of women cycling through jails and budget challenges among smaller, rural counties.

The Importance of Addressing Reproductive Health & Justice for Women

For all women, but particularly those economically and socially marginalized, reproductive health needs create an important opportunity – a gateway – into the healthcare system that can be leveraged to promote our health and well-being. But those services must never be coercive, and must always be built around a culture of safety and trust.

These goals are no different for incarcerated women, and should be delivered with even greater integrity for women who have experienced the justice system and are now at the mercy of the state's custody. In order to address their needs, the IDOC should develop and implement a written policy outlining the rights of incarcerated women to comprehensive sexual and reproductive health services including, but not limited to, sexual health education, pregnancy testing, prenatal care, labor and delivery, postpartum care and recovery, abortion, screening and treatment for HIV, Hepatitis C, and other sexually transmitted infections, hormone therapy, menstruation supplies, and sexual and domestic violence services.

Policies and procedures must be monitored and IDOC must be held accountable for the delivery of services. Providing the range of necessary services requires access to trained providers as well as transportation services to such providers, including access to medical facilities if treatment is not available onsite.

These services must not coerce or steer individuals into using a particular method of contraception or restrict patient access to qualified reproductive health providers. Upon release, individuals should be linked to low or no cost sexual and reproductive health care providers in their communities so that they can continue to access comprehensive health care in the future.

BRIGID LEAHY

Planned Parenthood IL

In contrast to the lack of information on jails, the conditions among the state's three women's prisons have been well-documented as a result of longstanding lawsuits, as well as the findings of the Gender Informed Practices Assessment (GIPA)⁷⁴ and monitoring reports from the John Howard Association.⁷⁵ Despite progress in recent years that has resulted from court mandates tied to two state lawsuits, the physical health and mental health care for women is still sorely lacking across-the-board in women's prisons. This is particularly pronounced as it relates to the gender-specific needs of women, such as reproductive health care, as well as the treatment of women experiencing mental health issues.

- **Provide timely care that addresses the concerning delays incarcerated women experience when trying to see a medical provider or receive prescribed treatment.** Despite their often complex medical needs, incarcerated women continue to experience long delays in seeing a medical provider, in receiving prescribed treatment, and in receiving consultations and treatment from needed specialists and providers located outside of the prison.
- **Change med-line operational policies that make it difficult – or even discourage - women from getting needed medication at state prisons.** Changing “med line” operational policies have reportedly made it difficult – and even discourage – women from getting needed medication due to requiring many of them to get up in the middle of the night and stand in long, confusing lines to receive needed medication. These challenges are most pronounced at Logan Correctional Center, due to the size and complexity of its population and the lingering effects of the state's under-resourced conversion of the facility into a women's prison in 2013.
- **Immediately address across-the-board health care provider shortages that prevent women who are incarcerated in state prisons from accessing quality health care services.** The lack of supervisory personnel for both medical and mental health care services, coupled with a shortage of qualified, board certified doctors, means that staff are often forced to carry caseloads that are too high and unmanageable, without the requisite gender responsive training needed to work with justice-involved women effectively. In the worst cases, people are forced to work outside of their licensing. The high percentage of women in segregation who have been identified as having a mental illness exacerbates these problems, as these women require more intensive, time-consuming services.
- **Address the growing number of elderly women in prison with appropriate staffing and the development of a compassionate release strategy or alternative placements.** The growing number of elderly women in prison, many of whom are suffering from precipitous declines in physical and mental health, require additional support that cannot be provided by chronically understaffed facilities.

And it’s worse for trans women in prison. People you go to are supposed to be professionals. Mental health providers and doctors are supposed to help you. Instead, they make a joke out of it and don’t know what they’re doing. On paper they will still call me “man”. They’ll still call me “him, he”. I tell them that I’m not that.

MARILYN MELENDEZ
Incarcerated transgender woman, IDOC

F Legislate a comprehensive set of reproductive health care standards for women at prisons and jails statewide. Due to the importance of addressing women’s often overlooked reproductive health needs, as well as deeply concerning reports on the treatment of incarcerated pregnant women, a statewide mandate is required to ensure that prisons and jails are properly equipped to provide comprehensive reproductive health care services and education to women. Programming should engage a network of community-based providers that can share a range of family planning options and help bridge services for women upon release back to their communities. The Supported Families chapter of this report also addresses the need to legislate comprehensive medical services for pregnant women in jails and prisons statewide.

G Ensure that transgender individuals have equitable access to health care in jails and prisons. Transgender women face additional and unique obstacles to obtaining appropriate medical treatment. IDOC has a Transgender Medical Care Review Committee that must approve requests from trans people to receive hormones - as well as other accommodations such as clothing, housing placements and surgery - on the basis that the committee believes they have gender dysphoria. It should be noted that these medical decisions are subject to the approval of the entire committee, which includes security and other non-medical voting members, who are placed in a position of power to exercise an effective veto over medical decisions.

According to Transformative Justice Law Project, the current decision-making process makes it difficult for transgender individuals to be approved for hormones and other accommodations because the process does not allow them to self-identify, but rather requires the committee to determine their status as transgender. Having access to hormones directly relates to their mental health, as access to hormone therapy helps alleviate other mental health symptoms like depression, suicidal ideations and self-harm, including of the genitals, due to restricted access to appropriate health services. The decision-making cri-

teria of this committee should be reviewed to ensure alignment with best practices and the fair and humane treatment of transgender individuals. Importantly, the committee should include representation from the transgender community and allow individuals whose cases are being reviewed to address the committee and appeal decisions as needed.

The health and well-being of transgender persons extend beyond medical care. There are a number of policies and practices that need to be implemented in jails and prisons that specifically promote the health and well-being of transgender persons. If one does not already exist, a state-level committee should be created to ensure the design and implementation of policies and practices that are critical to the health and well-being of this chronically underserved and marginalized justice population.

To promote the health and well-being of incarcerated transgender people, jails and prisons should, at minimum:

- Ensure the preferred names and pronouns of transgender individuals are respected by staff;
- Not subject transgender individuals to cross-gender strip searches;
- Ensure that transgender women receive individualized housing assessments; do not keep transgender women at Logan separate from the other incarcerated women in various and inhumane forms of segregation;
- Ensure transgender individuals have access to support groups and other mental health support; and
- Ensure transgender people have access to gender-affirming clothes, personal care products (lotion, body wash, makeup), razors, and other needed items at the commissary.

You can disappear mentally in prison and not come back. Even if you come back, you’re not back all the way. The good correctional officers can make a difference, but so many just don’t care. Women can see when someone is going to snap, and even the CO’s know. The higher ups don’t listen to them either. So women get lost and don’t come back.

MONICA COSBY
Chair, Redefining the Narrative Working Group

Incarcerated Women & the “Health Sentence”

Ultimately, incarcerated women serve an additional health sentence. Due to health inequities they experience in the community, as well as the long-term health impacts associated with gender-based violence and complex trauma, women enter prisons and jails with complex health care needs that correctional systems have been ill-prepared to properly address for decades. In Illinois and across the nation, women are often trapped in facilities, miles from the services and supports they need and deserve. This is the epitome of health injustice.

While Illinois has recently made some progress as a result of court mandates tied to two long-term state lawsuits, Task Force data revealed that incarcerated women have endured a number of health injustices for years, including, but not limited to:

- Waiting several days, weeks, and months for medical appointments
- Waiting for months to see a specialist while their conditions worsen
- Suffering reproductive cancers that have gone undiagnosed until they are in advanced stages of disease
- Navigating the complexities of menopause and related symptoms with limited health care support
- Being repeatedly given aspirin and other over-the-counter pain medications to manage health issues, including those that were later diagnosed as serious conditions
- Waiting months for ordered surgeries
- Suffering dental infections from unsanitary conditions and not being seen by a medical provider for months
- Being disciplined when trying to assist other women who are having a health crisis; in one case a woman reported she was disciplined for screaming to an officer to help her cellmate who was having a seizure; in another case several women reported they were told to “shut up” by officers when they asked officers to help a woman in labor

H Create a dedicated network of regionalized residential and community-based alternatives that holistically address women’s behavioral health needs and leverage

Medicaid. As is reiterated throughout this report, the best opportunity to improve outcomes among impacted women is in the community – not behind bars. However, in the absence of this opportunity for thousands of women currently in prison, the state should apply tools, such as justice reinvestment strategies and partner with impacted women, social service and public health agencies to design a network of smaller, non-carceral residential and community-based services that to address women’s health and behavioral health needs in innovative, restorative and holistic ways that emphasize healing, growth and well-being. These types of environments, which include healthy staff-resident interactions, have been long promoted by gender responsive advocates and are powerfully supported by European normalization models and dynamic safety practices.

Too frequently, the argument is that there are too few women to justify residential programs on a regional basis; however, data clearly suggests that this approach is safer, more effective and more aligned with the women’s unique (low) risks and (high) needs, and accounts for their intersections with multiple public systems and the critical roles they play in their families and communities. International data also shows that this approach is more cost effective, can enable women’s access to needed health and behavioral health services in non-carceral environments, and open doors to Medicaid eligibility.

Since the COVID-19 pandemic, I have been fighting to get medically vulnerable women and women over 55 years of age released from prison. Many of the women I work with have health conditions such as cancer, lupus, and COPD. That’s not a coincidence. Nearly all women in prison are trauma survivors and decades of research shows that trauma is hands down one of the most significant predictors of many chronic health problems. Combine this with the environmental conditions and extremely poor medical care in prison, and it’s a predictable tragedy that incarcerated women are losing decades of their lives.

RACHEL WHITE-DOMAIN

Director of the Women & Survivors Project at the Illinois Prison Project

I Require the Gender Competency Endorsement (GCE) as part of a specialized gender responsive practices training program for clinicians delivering drug treatment programs and services to incarcerated women. This endorsement is underutilized among substance use treatment practitioners inside correctional institutions. Because of the high likelihood of re-traumatization among women who receive substance use treatment, the need for gender competency inside the criminal justice system is just as essential to improving their health and well-being.

J Make all forms of Medication-Assisted Treatment (MAT) available to medically appropriate candidates before, during and after all forms of incarceration. All jails and prisons in Illinois should provide agonist therapy (an effective treatment for opioid dependency) to women while they are incarcerated and upon release. It is increasingly becoming standard practice in other states to promote the use of medication-assisted treatment (MAT).⁷⁶ Treatment using MAT, particularly when coupled with evidence-based behavioral therapy, improves medical and mental health outcomes and reduces relapses and recidivism.⁷⁷ Individuals with an opioid addiction who receive MAT while incarcerated relapse less, stay in treatment longer, and are less likely to overdose after being released.⁷⁸ The lack of community-based services have resulted in positioning jails on the front lines of the spreading opioid epidemic; thus, they are in a unique position to initiate treatment in a controlled environment.⁷⁹

K Shift county pretrial treatment services to the community & prohibit non-medically managed detoxification in jails. Jails have become a harmful default response to the lack of investment into community-based services. The majority of women in jails statewide are in the pretrial stage and have not been convicted of a crime. While comprehensive bond reform that ends cash bail will help reduce the number of women held in jail that are suffering from substance use and mental health issues, the fact remains that jail is not the appropriate setting to address women’s health and behavioral health needs. Counties should be mandated to shift resources from jails into community-based programs for women in need of mental health and substance use treatment. This is an immediate need, underscored by high profile cases of women’s experiences detoxing in ill-equipped jail settings.

Numerous women who participated in Task Force convenings reported suffering through withdrawal in jail, including vomiting on jail cell floors, while having no access to psychological support or medical care. Withdrawal is a painful experience and, in some cases, life threatening. For example, there have been a number of cases in the State of Illinois where individuals detoxing from substances died from dehydration.⁸⁰ Detoxification should occur with supportive therapies and professional guidance; yet incarcerated women typically detox unsupported on a jail cell floor. This is inhumane and dangerous. It is in the best interest of jails, and as well as women, to ensure that detoxification is medically managed. A licensed substance use treatment program that provides medical detoxification is the best provider of this care, not a jail.

Overhaul crisis response and disciplinary policies for women in jails and prisons

Traditional approaches to discipline in women’s prisons are oppressive, discriminatory, ineffective and erode the health and well-being of incarcerated women and staff. Instead of creating safety, they actually contribute to facility instability, insecurity and crisis.^{81,82}

Historically, there has been a disturbing phenomenon whereby disciplinary responses have been used to respond to women’s mental health conditions and crises, including suicidality. Conditions of confinement and harmful operational policies in jails and prisons alone can trigger unsafe and unhealthy coping behaviors among women, most of whom are survivors of trauma;^{83,84} and, according to national expert Alyssa Benedict, can exacerbate or even create mental health conditions among them. Gender responsive and trauma-informed responses to crises and women’s alleged “infractions” minimize harm. They improve facility safety, reduce women’s survival behaviors, and should be comprehensively implemented throughout the state’s jails and prisons.

Currently, the lack of these practices is causing tremendous harm, and women who are struggling with mental health issues and conditions are uniquely impacted. For example, when women in state prisons report having suicidal ideations, a PTSD episode, or general mental distress, a “crisis” may be called - either by staff or the incarcerated woman. Depending on the circumstances, responses to calling a crisis sometimes have involved the deployment of a tactical team tasked with forcefully removing a woman from her cell, the use of pepper spray, “stripping her down” and putting her into some form of segregation wearing a “suicide smock.” While progress has been made in changing these practices, crisis response protocols continue to be used that are inhumane, traumatizing and clinically inappropriate. They often lead to unnecessary uses of force and result in considerable isolation of women. Such practices are contrary to the Women’s’ Correctional Services Act (WCA), undermine safety for women and staff, and must be revamped throughout all women’s facilities.

Barbaric segregation practices result in women spending up to 23 hours per day in a cell and disproportionately impact those with mental health issues.

A Overhaul prison and jail disciplinary policies and practices, ensuring they adhere to gender responsive practices, and end of the use of barbaric segregation practices that result in the confinement of women to a prison cell for up to 23 hours per day. All disciplinary policies and practices in prisons and jails must be reviewed and overhauled to ensure that they are gender responsive, trauma-informed and consistent with well-established principles of behavior management and motivation.⁸⁵ This includes

eliminating punishment as a response to women who are suffering from serious mental health symptoms, who are disproportionately punished for behaviors linked to their mental health challenges in ways that only worsen their conditions.

In particular, the use of segregation, which often results in women being locked down in a jail or prison cell for as much as 23 hours per day for weeks, months or even years at a time, is a barbaric response to unmet human needs and suffering. The routine use of segregation to manage and punish women’s behaviors should be eliminated.⁸⁶ Additionally, segregation should never be used to manage women’s complex mental health symptoms. Instead, these women should be carefully supervised, ideally in specialized treatment units, where they can interact with others and engage in therapeutic activities and interventions.

In response to longstanding state lawsuits, the IDOC should announce a plan for how it will uphold legal commitments to ensuring that no incarcerated person is disciplined for actions which are symptoms of their mental health issues or illness; no one should be subjected to disciplinary practices that exacerbate their challenges and compromise their mental health. In women’s prisons, this will require a more intentional gender responsive, trauma-informed and evidence-based approach, training, and investment into building a culture, environment and programming that creates safety for both women and staff.⁸⁷

Finally, dedicated beds in the Logan Acute Care Unit (ACU) and Logan Residential Treatment Unit (RTU), which were recently created in response to a lawsuit settlement, are not enough. Every women’s prison and unit must integrate policies and practices that proactively support the health and well-being of all women in custody and offer a range of behavioral health supports that account for the spectrum of women’s behavioral health needs, not just those managing complex mental health symptoms or those who have been diagnosed as Seriously Mentally Ill.

B Revamp crisis and suicide response protocols to ensure they result in timely, meaningful and therapeutic interventions and never involve discipline or the use of segregation. All crisis response protocols, including those for suicide attempts and suicidal ideation, should be reviewed and overhauled to ensure that they are gender responsive and trauma-informed, based on sound clinical practices, and co-led by clinical staff. Revised protocols should eliminate traditional correctional responses such as isolation, sanctioning, and “use of force.” Implementing revised protocols that are designed to address the specific needs of women will increase the safety and health of both women and staff, and improve the health of the facility.

Findings from the 2016 Gender Informed Practices Assessment (GIPA) of Logan Correctional Center revealed that staff believed women falsely reported crises and suicidal ideation in order to manipulate transfers to different housing units or change cellmates. Consequently, staff were skeptical and often dismissive of all crisis calls. In the absence of training and support to provide them with the tools they need to safely and humanely address the root causes of these challenges and respond in a gender responsive and

trauma-informed manner, many staff reported “taking matters into their own hands” to determine the nature of the crisis and disciplining women for making what they assumed to be false reports. During Task Force focus groups, listening sessions and mapping sessions, women, as well as mental health and custody staff, reported that dehumanizing practices persist, and that isolation and punishment are frequent responses to women’s survival behaviors in prison, including those who have attempted suicide.

These kinds of responses pose a danger to women and staff, erode a healthy facility culture, and are further concerning given the high percentage of women who are on a mental health caseload. Policy and practice changes and staff training are needed order to ensure all forms of crisis are addressed in a manner consistent with high quality, gender responsive and trauma-informed clinical practices. To reduce harm, uphold women’s dignity, and facilitate women’s health and well-being, every facility in the State of Illinois should take immediate steps to implement a safe and healthy culture that proactively supports women as a means to prevent crises. When crises do present, every facility should ensure holistic and gender responsive solutions that identify root causes and address women’s immediate and longer-term needs.

C Formally adopt and expand the model crisis response protocol that was developed in 2017 at Logan Correctional Center, which requires mental health and counseling staff, not tactical teams, to serve as the first response to crises. In 2017, former Logan Warden Margaret Burke worked with the Women’s Justice Institute and CORE Associates to pilot a new crisis response protocol at Logan Correctional Center. This response required mental health and counseling staff to engage women and attempt to de-escalate traumatic situations before the tactical team could be called. Previously, the tactical team would respond to “crisis” situations (e.g., when a woman suffering from a traumatic episode would refuse to leave her cell) and engage her with force (e.g., use of pepper spray and forced removal) if she did not comply with their directives.

The new intervention led to the successful de-escalation of “crisis” situations and minimized harm to women and staff. As part of the new intervention, staff, including members of the tactical team, were trained in Creating Regulation and Resilience (CR/2™),⁸⁸ a gender responsive and trauma-informed staff communication model that is designed to enhance staff-resident interactions and bolster facility safety. The CR/2 training provided staff with important skills that are needed to enter crisis situations skillfully and avoid adverse outcomes, including highly traumatizing cell extractions. This intervention should be formally implemented and quality-assured on a consistent basis system-wide.

D Eliminate inhumane practices that isolate and punish women who have attempted suicide or are experiencing suicidal ideation, and replace them with gender responsive, trauma-informed and clinically appropriate interventions. While a concerted effort must be made to overhaul practices, many of which are already requirements of the long-time class action lawsuit settled in 2016, a priority must be made to examine the impact of current practices involving punishment, isolation and lengthy periods

of segregation among incarcerated women who have attempted suicide or reported suicidal ideations. It has been reported by the Uptown People’s Law Center that some women go on a lengthy period of “suicide” watch in isolation for days or even weeks with little to no actual treatment or intervention other than 20 minutes of assessment of their “state of suicidality”.

E Form a State Task Force, including women with lived experience, advocacy groups, physicians, psychologists and other mental health professionals to review responses to crisis and suicidality among women in prisons and jails, and offer recommendations to serve as the basis for legislated standards. Currently, much of the day-to-day operations and crisis events happens behind the walls of jails and prisons across the state is not readily available to the public or legislature without hearings or special requests. In order to bring greater transparency and adherence to sound medical and mental health practice standards, the state legislature should consider forming a task force in partnership with impacted women, clinicians, and physicians from state medical schools to review and report with transparency on the health and behavioral health implications of responsescurrent responses to crisis and suicidality among women in prisons and jails. This should include a review of video footage of practices, including a cell extractions, the day-to-day operations of the new Logan ACU and RTU, and a complete set of case studies on salient events such as responses to suicide ideation and attempts. The task force should also collect and review salient data such as the number of hours and days that women who experienced a mental health crisis were isolated versus received support and/or treatment services.

F Create dedicated rooms in jails and prisons that offer safe, therapeutic and trauma-informed spaces for women to practice self-care, and manage difficult symptoms and situations with support (i.e., grief due to a death in the family). Incarcerated women are managing a variety of stressors, not the least of which is the fact that they have been forcibly, and often inappropriately, removed from their communities and away from their children to serve time for “crimes” of survival. As part of their incarceration, they are also forced to cohabitate with people they do not know – people who have various coping capacities. They also endure policies and practices that are distressing. For this and a host of other reasons, women need and deserve spaces outside of their rooms and common areas to reflect, cope, and decompress. This is a basic human need and one that most jails and women’s prisons are not designed to meet.

Task Force focus groups, listening sessions and mapping sessions revealed that women need these kinds of safe, therapeutic and trauma-informed spaces. For example, many reported receiving horrific news while incarcerated (e.g., losing a child to gun violence) and having limited, if any, access to support from staff and nowhere to grieve. These types of dedicated spaces have been explored in various states, such as Kansas and Maine, and allow women space and privacy to self soothe, reflect, mourn various losses, and gain a sense of psychological stability and resilience. These spaces should be non-carceral, have strengths-based names (e.g., Tranquility Rooms, Peace Rooms), and be located away from cellblock activity.

G Expand use of trauma-informed wellness programming, including complementary modalities such as trauma-informed mindfulness, meditation and yoga programs, throughout the state’s jails and prisons. Due to the dramatic burden of trauma carried by women in prisons and jails, as well as high rates of mental health needs and reliance on pharmaceuticals, investments should be made into offering wellness-promoting programs that involve complementary healing modalities such as trauma-informed yoga, mindfulness and meditation. A growing body of research is demonstrating the positive impact that yoga, mindfulness and meditation has on physical and psychological health.⁸³ Facilitated in a gender responsive and trauma-informed way, these kinds of programs can be extraordinarily beneficial to incarcerated women, helping them to improve their health and manage challenging symptoms. For example, a recent evaluation of a 12-week Mindfulness-Based Interventions (MBI) program, called Pathways to Freedom, that was offered to women incarcerated at the Rhode Island Department of Corrections, found that it helped reduce the heightened anxiety, depression and problems with sleep that had been contributing to high usage rates of prison health clinics.⁹⁰

H Mandate the creation of a staff support and wellness initiative at jails and prisons statewide. This report confronts the disturbing conditions that incarcerated women face in jails and prisons. However, it must be noted that staff experience extraordinarily high levels of stress when they are forced to work in these under resourced, ill-designed environments and expected to employ interventions that cause human harm and suffering. They bring these stresses home to their families and communities. Research has highlighted the adverse outcomes they face, including high rates of substance use, divorce and even lower life expectancy.

It is essential that staff be provided with support they need to navigate their roles, manage on the job stress, and work with women in safe and healthy ways. The state should mandate that every prison and every jail design, with and for staff, a robust wellness initiative that is supported by high quality training and opportunities for staff to work alongside management in harm reduction efforts.

Historically, there has been a disturbing phenomenon whereby disciplinary responses have been used to respond to women’s mental health conditions and crises, including suicidality... When women in state prisons report having suicidal ideations, a PTSD episode, or general mental distress, a “crisis” may be called... responses sometimes have involved the deployment of a tactical team tasked with forcefully removing a woman from her cell, the use of pepper spray, “stripping her down” and putting her into some form of segregation wearing a “suicide smock.”

Interview with The Appeal (Dec 2018)

On Dec. 21, 2015, Molly, then 23 years old, climbed the fence of Logan Correctional Center... “I’m not trying to escape, I just wanted to cut myself,” she told the officers, according to a disciplinary report. She used the razor wire from the fence to cut her arm. Molly compulsively harmed herself. According to prison records, she inserted objects, like paper clips, into her arm...

On July 20, 2014, Molly spat at an officer and used her toilet to flood her cell and the wing. The report documenting this episode includes the following note, apparently written by a mental health provider within the prison: “This offender has a chronic and pervasive, severe mental illness complicated by developmental delays that result in inappropriate and impulsive acting out with certain IDOC staff ... extensive segregation time would be detrimental to her mental status and interfere with mental health treatment.” She was given six months in segregation. Segregation, also known as solitary confinement, restricts incarcerated women to their cells for at least 22 hours a day.

I was a cutter before I went to prison, but it wasn’t that bad... But when I got to prison, it just spiraled out of control... Just put me in that place and I just change. I’m not the same person anymore.

“It kept getting worse and worse for me and I kept [being accused] of staff assaults. ... I wasn’t in the right state of mind,” Molly said. According to her record, in September 2014, when Molly was found with a torn sheet with the ends tied together and around her neck, she was placed on suicide watch and punished with one month of dayroom restriction, which means she could not go to the day room where incarcerated women socialize together. In 2015, when she disobeying [EA1] a direct order, she was punished again with a month in segregation. “They would leave me in restraints with a dirty diaper for like six to 12 hours,” Molly said. “No shower, wearing diapers, laying there for so long.”

Since being released in 2019, Molly, now 26, said she is seeing a therapist and goes to her doctor’s appointments. “I’m just so happy to be out of that place. They really hurt me pretty bad on the inside and the outside. I don’t think I’ll ever go back.”

MOLLY

Formerly Incarcerated Woman at Logan Correctional Center
Excerpt from her interview with The Appeal: “No Shower, Wearing Diapers, Laying There For So Long” Lawsuits that challenge mental health care and medical care for incarcerated people advance in Illinois (Dec 5, 2018)

“[In segregation] they would leave me in restraints with a dirty diaper for like six to 12 hours. No shower, wearing diapers, laying there for so long.”

MOLLY

Formerly Incarcerated Woman at Logan Correctional Center

NOTE: Since this article was published, Molly attempted suicide again. While she thankfully survived, her parole officer responded punitively - rather than with support - by reincarcerating her on a parole violation for “not taking her medication as prescribed,” i.e., using her medication in a suicide attempt. With support from Uptown People’s Law Center, Molly successfully contested the violation and was released home - but only after spending two more weeks at Logan prison.

Create a robust pre-release process that ensures all women are linked to a Medical Home, health insurance and other benefits

Linking women to community-based medical and behavioral health services pre-release is critical to their well-being, improves outcomes, and reduces recidivism. Navigating complex health needs and the multiple collateral consequences of their incarceration upon release can be extraordinarily challenging for women. Chronically under-resourced providers also struggle to to address the unique strengths and needs of women.

- A Ensure that women are linked to Medical Homes - team-based medical networks that can provide a continuity of care for women upon reentry.** By establishing a statewide network of Medical Homes to which women can be referred upon release from incarceration, the state can ensure women’s access to comprehensive health services, including chronic disease management, prescription management, and reproductive health services.
- **The SIU School of Medicine has proposed piloting a women’s reentry health initiative throughout their 66-county catchment area in Southern Illinois.** The aim would be to build and broker services to address health coverage gaps for formerly incarcerated women by: (1) improving reentry healthcare services upon release from prison for impacted women and their families; and (2) training medical providers on gender responsive and trauma-informed approaches to working with impacted women to address the unique impacts of incarceration on their health and well-being.
 - **In early 2020, Cook County Health (CCH) launched a federally-funded five-year Women’s Reentry Initiative to serve up to 500 women in need of substance use treatment and mental health services.** In partnership with Haymarket Center, the IDOC and the WJI, the program offers gender responsive care coordination, expedited health care and public benefits enrollment, and efforts are underway to establish linkages to medical homes.

- B Ensure compliance with state laws requiring Medicaid enrollment prior to release from prison so that all eligible women can receive needed services upon reentry.** State laws requiring pre-release Medicaid enrollment are inconsistently implemented statewide. Making sure that women are walking out of the prisons already enrolled in Medicaid means that they will have more timely access to critical supports they need to stay safe and healthy, address substance use and mental health issues and reduce the risk of reincarceration.

- C Create mechanisms to enroll women who are ineligible for Medicaid in health insurance plans while in jail and prison so that they are able to access medical services more quickly upon release.** Incarceration offers an unlikely opportunity to ensure access to health insurance. Upon intake, or no less than 6 months prior to release, jails and prisons should provide assistance to women wishing to enroll in a health insurance plan so they can learn how to navigate the system as informed consumers and troubleshoot any barriers. In cases where a woman is released prior to the completion of healthcare enrollment, a linkage to community navigators should be available to help her complete the enrollment process.

- D Provide services in prison and jail for eligible women to apply for Social Security Insurance, Disability and other public benefits needed for their well-being prior to their release.** Many incarcerated women who struggle with mental health issues or physical health challenges qualify for Supplemental Security Insurance (SSI). Even if they previously received SSI, their award is often stopped prior to release, leaving them with no support despite the continuation of their health challenges. Although these benefits may be available, they often can take six months to a year to obtain, and the application process can be difficult. According to Uptown People’s Law Center, many people in prison are being released without ever having secured these crucial benefits. Therefore, prisons and jails should implement standard operating procedures to ensure that all women in their custody are screened for eligibility and enrolled in all public benefits for which they qualify.

Launch a comprehensive public health strategy that centers on reducing women’s length of stay in prison

Without question, one of the greatest ways to promote the health and well-being of justice-involved women is for their needs to be addressed in their communities – and not in a jail or prison. Absent that option, it is ideal to limit their exposure and length of stay in the corrections system as much as possible. A lack of access to support, treatment and programming, punitive disciplinary practices, underutilized sentencing credits, and scant alternatives to prison all play a role in keeping women in prison longer than is necessary. The following strategies encourage decarceration and support the reinvestment of resources into public health systems in their communities.

- A Leverage Medicaid to help fund community-based alternatives to incarceration for women serving up to one year in prison, and ensure such opportunities are available statewide.** IDOC should expand alternatives to incarceration for women with very short prison sentences and those with 6 to 12 months to serve in prison. This type of diversion strategy would automatically ensure that most women are diverted to intensive community-based clinical and support services nearer to their children and families. It would also achieve long-term cost savings to taxpayers by reducing the costs of incarceration and allowing the state to better manage Medicaid – which cannot be expended on services provided within a prison setting – as well as improve the delivery of more localized health and social services that have been proven to be more costly to deliver and harder to sustain in prisons.
- B Maximize all sentencing credit opportunities for eligible women by offering a comprehensive menu of relevant behavioral health programs that serve the dual function of providing women with needed supports and opportunities to earn credits that will enable them to return to their communities sooner.** The state should invest in strategies to intentionally ensure that all eligible women who are eligible for sentencing credits are immediately identified upon admission to prison, and are provided access to program sentencing credit opportunities. Despite the fact that IDOC sentencing credits can be a way to promote meaningful activities in prison, improve safety, and also expedite women’s return to their communities, the state has repeatedly fallen short of providing all eligible women with the opportunity to access them.

I am not a prison success story. I am a prison survivor.

LIZ CRUZ
MA, CADA, CODP-I



In 2002, I became “Offender” #R38587. Let that sink in: My life and my identity were defined by a number. That is who I used to be, but please allow me to acquaint you with who I am today:

I am a formerly incarcerated, Hispanic woman who beat the odds. I am resilient, not broken, and found the strength within myself to prevail despite a lifetime of sexual, physical, emotional abuse, trauma and addiction – things I endured before, during and after prison. Despite being told by police and prison officers that I would “never be more than an addict,” I now have a Master’s Degree in Forensic Psychology, and I have dedicated my career to empowering other people to transform their lives outside of the same systems that harmed me – failed me – for so very long.

I am not an “offender.” I am a “survivor” of a public safety system that punished – instead of protected the safety – of an 8-year-old girl, one who would regularly sleep on a freezing cold balcony with her feet dangling over the edge just to avoid sexual abuse and her next beating... A young girl that did whatever she could to numb that pain through drug addiction, seeking validation through sex and stealing to survive for 14 years - until the day she went to prison at the age of 22.

They kept saying “your incarceration is to make you accountable.” As a clinician today, I wonder... Who was accountable to the little girl that was enduring abuse, and who used drugs to numb the pain?

As a healthy adult, a clinician, and the mother of two beautiful children today, it is still hard to believe that no one sought a solution other than a cage for a deeply harmed young woman? I spent my young life repeatedly being told by the system that I needed to be held “accountable” for my crimes (of addiction), yet now I perceive things differently: That same system was never held accountable for failing to keep me safe before, during or even after prison.

I have heard some folks refer to me as a prison “success story” or suggest that a prison somehow “saved my life.” I would disagree. I am a prison “survivor,” and it is my own story to tell.” As far as #R38587... she has still been denied jobs and housing due to her criminal history, and lives under the boot of crushing restitution fees for a theft committed 18 years ago as a result of her addiction... Is that a success story? Sometimes, I wonder if she will ever be free.

LIZ CRUZ
MA, CADA, CODP-I
Senior Advisor, Clinical Services
Women’s Justice Institute

Currently, the state has two sentencing credit programs that offer opportunities for women to access programming credits that can reduce their length of stay behind bars. These include Earned Discretionary Sentence Credits (EDSCs) [now renamed Earned Sentence Credits (ESCs)] and Program Sentence Credits (PSCs), the former of which may be granted with the fairly broad discretion and approval power of the IDOC Director.

This Task Force data revealeds that women not only did do not have access to programming to support their reentry, but likely endured a longer than necessary incarceration. Recently, laws have passed which have expanded eligibility and access to PSCs, and, consequently, 85% of women in prison are eligible to receive them. The state should systemically work to ensure that 100% of eligible women have access to these credits, which should be linked to high quality, effective gender specific responsive programs.

*It should be noted that a full exploration of the number of women eligible for credits is presented in depth later in the Data and Trending chapter of this report.

- C Expand access to programming for incarcerated women that is based on need, not security level or offense history; and address behavioral or disciplinary issues with trauma-informed programs and support services in order to improve outcomes.** Access to programming should be based on needs, not alleged offenses. For example, due to the complex nature of women's justice trajectories, women who are falsely labeled as "violent" due to behaviors linked to a mental health conditions or violent crimes linked to abuse and trauma, are often excluded from the programming and services they need. .

Lack of Investment in Sentence Credit Programs for Women is a Missed Opportunity that Keeps Women in Prison Longer

According to research conducted by Loyola University, in partnership with the WJI, the IDOC has historically missed valuable opportunities to provide women with meaningful access to credit-based programs that improve their wellbeing, increase the likelihood of their success, and promote decarceration.

- In SFY 2018, of the 1061 women released from IDOC who had at least of 180 days of time served, only 24% receive PSCs. These women served 6 months, which should have afforded them ample opportunities to access the kinds of meaningful programs that would not only have provided them with needed support, but also help them return to their families and communities much sooner.
- In SFY 2018, only 26% of eligible women received at least one day of EDSCs.

We need hope. Over the course of 20 years in prison, I have never had a disciplinary ticket, never been inside a segregation cell, dedicated my time to supporting and mentoring other young women, became the first woman to earn her Master's degree from behind bars, and have done everything I could to make things right. Now I am within a few years of going home, yet I am scared. I don't know how to use a computer or operate a cell phone, and I know adjusting to life outside these walls will take some time.

Yet, despite all of my hard work and efforts, I was denied the opportunity to finish my sentence at Fox Valley ATC, the state's only work release program for women. When I got the denial earlier this year, I lost hope for awhile... It felt cruel. I was devastated, my family was devastated... Those few years now seem like the longest yet... we just could not understand why? But, one thing is for sure: I am going to keep trying.

SANDRA BROWN, MA

First woman in Illinois history to earn her Master's degree from prison and doctoral student, California Coast University
2019 interview while incarcerated at Decatur Correctional Center

- D IDOC should expand access to peer-led activities in women's prisons, where incarcerated women can be trained to lead healing and transformative interventions, such as Restorative Justice circles, while also earning sentencing credits.** To address budgetary challenges and difficulties securing a consistent staff and volunteer base to provide regular programming that would help women earn sentencing credits and return home sooner, peer-led programming should be considered a viable option. Incarcerated women are an underutilized resource within prison settings, especially those with long-term sentences. Many women bring considerable skills to prison, while others that successfully complete programs are well positioned to serve as a peer educator or mentor for others. Investing in their leadership and expertise is a win-win strategy from both a cost perspective and outcomes perspective (e.g., peer-led programs have shown promising outcomes and help contribute to facility safety overall). For example, women can be trained by restorative justice practitioners to lead circle processes(e.g., Peace Circles).

E Develop programs to meet the specialized needs of women who are serving long-term sentences, while offering them hope and a sense of purpose. There are hundreds of women in prison serving sentences of 15 years or more in Illinois. While this report recommends that a study be conducted to better understand the nature of the violent crime convictions among women in state prisons, the Statewide Women’s Justice Task Force data revealed that some of women are serving sentences for violent crimes committed by their significant other or even for defending themselves against their abuser. In most cases, these women have endured disturbing experiences and horrific abuses throughout their lives only to be caged in prison with little opportunity for healing and restoration. Many of them expressed the need to find hope and a sense of purpose in order to survive their sentence by contributing to their community and mentoring other young women in the system.

The well-being of long-term women includes recognizing their role as peer leaders and mentors, and the ways they improve the overall safety of other incarcerated women and the facility overall.

While some of these women struggle with mental health conditions resulting in or from their incarceration, appropriate assessments of their risks, strengths and needs would likely indicate that they are at low risk of recidivating and that, despite their long-term convictions, they are of no threat to public safety. Many of these women came to prison with skills, and others developed skills while incarcerated, and they function as natural sources of support and leadership for others. The well-being of long-term women includes recognizing their contributions to the safety, stability, and security of facilities as peer-leaders. Investing in the well-being of long-term women by providing them with access to training, services, and support that they can then impart to others is not only an investment in them but an investment in the women they support.

IDOC can recognize and address the well-being of long-term women in the following ways:

- Expand program options for long-term women that encourage personal development and cultivate a sense of purpose and hope, including development of mentorship and leadership skills and opportunities.
- Develop targeted reentry services that address social, technological, economic, transportation and other readjustments that long-term women will face upon reentry.
- Allow women who have served lengthy sentences and pose no risk to the public to serve the remainder of their time in work-release centers or Adult Transition Centers with specialized programs that allow them to hone their skills in key areas related to their interests and/or employment needs.
- Implement a “Compassionate Release Initiative” for aging and terminally ill women with long sentences who pose no threat to their communities. This is not only the most humane thing to do, especially for those women who have already served lengthy amounts of time, but will also save considerable taxpayer costs for health care since Medicaid and Medicare cannot be used to fund health care in prisons.

REENTRY: PROBATION & PAROLE

Launch a gender responsive coordinated care model that leverages a network of resources to support women on probation and parole statewide

Both nationally and in Illinois, women on probation and parole represent a much larger portion of women in the justice system than those who are in jail or prison. In fact, Illinois mirrors national trends, which show that three quarters of women under any form of correctional control are on probation (74% are on probation, 17% are incarcerated, and 9% are on parole).⁹¹ Community supervision under probation or parole can be a highly vulnerable time for women, particularly those working to address substance use and mental health challenges and navigate treatment requirements after prison. During this time, housing may prove exceptionally challenging, reunification with children stressful, job searching demoralizing and navigating intimate relationships difficult if not dangerous. During reentry, women need specific supports, and their probation or parole officers should be a resource linking them to a support network that can reinforce their success beyond the system versus enacting supervision practices that create costly and unnecessary criminal justice system entrenchment.

The 2016 Gender Informed Practices Assessment (GIPA) of Logan Correctional Center revealed inadequate pre-release case planning, scarce community-based support services for women on parole, particularly those with children, and a complete lack of gender responsive training for parole officers.⁹² The absence of a responsive parole officer and linkages to a continuum of care in the community undermines the potential for a woman’s successful reentry as well as her ongoing well-being. Communities, particularly in rural areas, must be provided with the resources necessary to create and manage local care coordination networks.

A Integrate support services for women on probation and parole through a coordinated care system that prioritizes women’s health and well-being and is built upon a validated gender responsive risks, strengths and needs assessment and case management system. Probation and parole systems should adopt a gender responsive assessment tool such as the SPIn-W and WRNA, and gender responsive case management models, such as the aforementioned Collaborative Case Work for Women (CCW-W), in order to accurately identify women’s risks, strengths, and needs and link them to relevant community resources. Models like CCW-W actively engage women as partners in the assessment and case management process, build trust, and encourage progress through a strengths-based approach that acknowledges their unique needs.

**I used to shake
when I first got out.**

MONICA COSBY

Chair, Redefining the Narrative Working Group,
Statewide Women's Justice Task Force

Everything about prison life was unnatural – the way you move, the way you talk and the way people talk to you, your identity as a sub-human “number” or “offender,” the way you have to keep your head down and tolerate abuse, the way you survive through things that most people would never understand... Like performing sexual favors for officers just to get to call your kids or having to hide artwork so that the officers won't call it “contraband” and destroy it...

When you have been there for over 20 years, like many of us long-termers, it is a shock to the system to readjust to the “real world” when you get out and remind your body and mind what it means to actually be “human” again.

It is especially hard to describe to people who haven't been there how hard it is readjust when you get out after so many years. The prison treats long-timers like your life doesn't matter for 25 years, and it is like all of a sudden, “Oh you were here 25 years, now get out and figure it out.”

For most of us, there is no preparation, no support. I was embarrassed all of the time. Even the most basic things have been traumatic...

For most of us, there is no preparation, no support... I was embarrassed all of the time. Even the most basic things have been traumatic for me... using a computer, using a cell phone, filling out a job application, going to the store... every day I experienced anxiety, trauma, fear and shame. It is hard to describe what it's like to live in fear every day – fear of messing up, fear of having nothing to eat and losing the roof over your head... fear of a parole officer not understanding and sending you back to prison, fear of people knowing the truth of what I had lived through in prison.

All I can say is that I am fortunate that I have had a support network of people that are helping me through it, but most women don't.

MONICA COSBY

Chair, Redefining the Narrative Working Group,
Statewide Women's Justice Task Force

Key elements of effective supervision models for women should include, but not be limited to:

- Specialized training for probation and parole officers on women’s pathways into and within the criminal justice system and gender responsive, evidence-based and trauma-informed approaches to community supervision;
- An easily accessible resource (e.g., pamphlet or app) identifying a network of available, community-based services that are safe and appropriate for justice-involved women; and
- Access to a network of highly qualified community-based service providers prepared to work with justice-involved women.

B Create mobile health hubs for women which provide easy access reproductive and behavioral health services, particularly for those in areas where care is fragmented and less accessible (e.g. rural areas), and explore promising models such as the Women’s Refuge Trailer in Oakland, California. Mobile health hubs can offer promising opportunities to provide justice-involved women with direct access to health and behavioral health services in their communities. They can bridge the gap for women (including people who are transgender or gender nonconforming) who live in areas where care is fragmented (e.g. rural areas).

- In Illinois, this mobile health hub model should provide a welcoming, safe, and comfortable space for women to rest, shower, and have access to clothes, hygiene products, and services. Available services could include: telemedicine services, especially for rural areas in which medical care may be inaccessible, low-threshold methadone and buprenorphine for opioid use, harm reduction and overdose prevention supplies, including naloxone and safer use material, mental health and reproductive health services, infectious disease screening, vaccinations, and referrals to legal counsel to address criminal and legal consequences of drug use, including DCFS involvement.
- A promising new model to be explored for implementation in high need communities throughout the state, particularly rural areas, is the Women’s Refuge Trailer. This model was recently launched in Oakland, California, by Designing Justice+Designing Spaces, a firm that works to end mass incarceration through designs inspired by restorative justice. The trailer offers a safe space for women to access immediate supports that would otherwise be inaccessible due geographic and other barriers.

C Open Supportive Release & Reentry Centers (SRCs) that build from the work of TASC and the Heartland Alliance SRC in partnership with Cook County Jail where women can go for support upon release from jail or prison. The state’s first Supportive Release Center (SRC) demonstration project was launched at Cook County Jail by TASC in collaboration with the Cook County Sheriff’s Office and Heartland Alliance Health. The SRC helps men who are leaving the Cook County Jail who don’t have an immediate place to go, and who need referrals to substance use treatment as well as health and mental health services. It provides them with a brief overnight stay and linkage to community-based services. No such program exists anywhere else in the state or for women, who

would benefit from a similar type program if properly designed to deliver services in a gender responsive manner that addresses the unique risks, strengths and needs of women upon release from jail or prison.

D Invest in “One-Stop” Support Centers where women can receive comprehensive and peer-led services, and that offer a safe place to go for confidential support and community when facing reentry and other challenges. At multiple points during their justice system involvement, women find themselves entangled in a complex web of multiple systems, creating tremendous stress and hindering their ability to adhere to requirements, access support and treatment, and grow the support systems needed for their recovery. Depending on the location of their community, these challenges can be exacerbated by issues such as long drives in between appointments in rural areas to long lines in urban communities. Many justice-involved women have described a desire to go to a single - and safe - place for support, as well as to receive that support in a way that does not place them at risk of deeper systems entrenchment into their lives and those of their children.

Many justice-involved women have described a desire to go to a single - and safe - place for support, as well as to receive that support in a way that does not put them at risk of deeper systems entrenchment into their lives and those of their children.

Private resources should be leveraged to invest in one-stop support centers that are accessible to women at various points in their justice system involvement. Such centers should be anchored in peer-led programs facilitated by women with lived experience. Additionally, impacted women should be offered scholarship, training and certification opportunities to design, lead and deliver services in these settings.

One-stop support centers can include, but need not be limited to, the following offerings: Regular women’s groups and restorative justice circle processes (e.g., Peace Circles), restorative justice interventions, child care and family-friendly spaces, individual and group counseling and treatment, job referrals, a computer center, mentorship, a safe, calming refuge for those in crisis, and access to basic needs (toiletry, clothing, and phone donations).

These one-stop support centers can also be used to support women before, during and after their system involvement. During Task Force convenings, probation and parole officers mentioned that women on their caseload often lack needed support in their communities and this can lead to survival behaviors that lead to technical violations and incarceration. These kinds of support centers where women can connect to resources and support are critical and can serve multiple functions throughout the justice continuum.

E Ensure every woman who has experienced an opioid addiction is provided with a supply of life-saving naloxone upon release from jail or prison. The period upon release from jail or prison can present high risk for a woman suffering from a substance use issues – especially is she has not received adequate treatment or support while incarcerated. Should she relapse during that period, she could be at higher risk of overdose due to having a lower tolerance. Therefore, every woman released from jail or prison that suffers from addiction should be offered the opportunity to receive a supply of life-saving naloxone.

F End the practice of incarcerating women for technical violations related to health and behavioral health issues. Currently, people can be reincarcerated on a technical violation of their parole that does not involve commission of a new crime, but rather involves a failure to comply with various parole requirements, including passing a drug test and attending treatment. Women’s pathways to recovery can be complex and punishment is never the solution to the challenges that are part of the healing process, including relapse.

For example, during Task Force focus groups, listening sessions and mapping sessions, justice system officials frequently stated that they “had no choice” but to detain a woman in jail or send her to prison due to the lack of training, and a significant lack of resources where women can receive support to work through challenges and stabilize. Ironically, when women are sent to jail or prison, there are even fewer resources available to them.

The state’s parole system should implement a policy that precludes officers from reincarcerating women for technical violations and, instead, redirect responses to the public health system. Consistent with the Women’s Correctional Services Act, the state should launch specialized parole units for women that include robust training for officers and coordination with community-based services and supports.

The Toll of COVID on Incarcerated Women

During the writing of this report, the COVID-19 pandemic took hold. It has had devastating impacts, which have disproportionately impacted communities of color, and have proven to create terrifying conditions throughout prisons in Illinois and all across the nation. Before the pandemic, incarcerated women already felt disconnected, isolated, forgotten and afraid, and those issues have only worsened since its onset. Specifically, COVID-19 has both exacerbated and re-illuminated many of the long-standing challenges women and staff face every day, particularly as it relates to ongoing issues related to health care staffing and turnover rates, family separation (and limited access to phones to reach them), and those related to confinement in large, deteriorating facilities.

Seeking to make changes and save lives, incarcerated women and their families have sent numerous emails and letters to share their stories about being forced to navigate a life and death pandemic while confined in facilities - where they are unable to leave, have limited power to make decisions regarding their own safety, and find it impossible to support social distancing.

“I tested positive in December and felt like I’d been in a car accident. But some people were even worse than me, and no one was taking care of us, and so while struggling with COVID I had to care for some of the other women around me. The most frightening thing was not knowing if you would make it home to your family. I wasn’t sentenced to die in prison.”

“My sister has asthma and was already getting breathing treatments when she tested positive. I couldn’t bring her soup or send her things to comfort her. I couldn’t get updates. I didn’t know if my sister was alive or dead. All I could do was cry.”

“Can you imagine social distancing while living in your walk-in closet with 4 people? No? We have no choice.”

“Some of the guards told us that they wanted to get sick so they could get two weeks paid off of work. They didn’t care if we got sick from them, and we had no way to stay away from them, or we’d be ticketed and maybe even sent to solitary. By the time I left Logan in February, over 500 women inside had tested positive.”

“It was so scary! I tested positive, so they placed me on a housing unit that was set up like a dorm with over 80 people - and everyone living there was positive. They didn’t give us anything, no Tylenol, no cough drops, no tea. I was being released the day after I had been told I was positive, so they told my family that they could keep me in prison another fourteen days. Thankfully my family picked me up anyway so I could quarantine at home.”



Supported Families

strengthening community

Top 10 Supported Families Recommendations

- 1 **Eliminate punitive practices** at public agencies and expand services to support families
- 2 **Make it easier** for mothers to access and navigate the social service system and public benefits they need to create economic security for themselves and their families
- 3 **Provide wraparound services** for children in the child welfare system who have justice-involved mothers
- 4 **Prioritize resources** and establish policies designed to keep families of justice-involved mothers intact
- 5 **Implement trauma-informed law enforcement** policies and practices that reduce harm to children, especially during the arrest of a parent
- 6 **Create more family-centered** court diversion opportunities and policies
- 7 **Improve family visitation policies** & expand programs that protect mother-child bonding at jails and prisons statewide
- 8 **Establish an independent monitor** for issues related to children of incarcerated parents
- 9 **Improve treatment** and services for pregnant and post-partum women
- 10 **Transform the culture** of probation and parole to remove obstacles to family reunification, facilitate the supported reentry of mothers, and reduce harm to children

Families play a crucial role in society and should be protected and nurtured, yet family health is too often decentered or ignored in policy and program development, implementation, and evaluation.¹ Historically, social services for women and children have been rife with value judgments that have disproportionately impacted communities of color, particularly African American women, and those suffering from poverty. Ultimately, gendered narratives, deeply rooted in racism, have resulted in punitive policies that separate families and harm their most vulnerable members, children.

Research powerfully shows that women’s criminalization and incarceration has a harmful impact on their children, families, and communities that can persist for a lifetime and affect future generations. Criminal justice and social service systems, with embedded cultures, traditions, and models dating back at least to the 1970s, have failed to prevent women’s incarceration, help them maintain connections with their children while incarcerated, and support reunification with their children as they reenter their communities upon release.

Creating Cycles of Intergenerational Harm

It has been well documented that children experience “a shared sentence” when one or both of their parents is incarcerated.² Given that 80% of incarcerated women are mothers, there is an urgent need to make the policy and practice changes that eliminate the unnecessary and significant harms that incarceration is inflicting on their children and families.

The criminal justice system, from arrest through parole, causes harm and trauma to mothers and their children by failing to acknowledge and confront the consequences that result when mothers are criminalized and families are separated. Incarcerated women are much more likely to have been the primary caretakers of children prior to incarceration, therefore, they are particularly disadvantaged and endangered, along with their children, by the collateral consequences of their justice system involvement and unnecessary imprisonment.

Lack of Family-Centered Services and Supports

In addition to creating barriers to employment, safe and family-centered housing, and reunification with their children, a criminal record may also cause women to lose eligibility for critical public aid benefits. These programs and the other services women need to escape justice system entrenchment and build stable and fulfilling lives for themselves and their children are often inaccessible or denied. Mothers also experience a daunting lack of resources to support their specific housing needs.

A Call to Action

This section calls for an end to the unnecessary incarceration of mothers by investing in family-centered and culturally responsive social safety nets that address the needs of women and families and prevent the criminalization of their survival. Every possible opportunity must be created along the justice continuum to prevent the imprisonment of mothers, and resources should be reinvested into community-based supports. Should a mother become entangled in the justice system, she should be referred and diverted to community programs that are evidence-based, culturally responsive, and family-centered. These programs should be designed to maintain each mother’s ability to care for her children, support healthy family relationships, and restore her and her family to the community in a better position.

This section also calls for collaboration and coordination among criminal justice, social service, public assistance, education, and child welfare systems, and implementation of policies and practices in and across these systems that protect children and address the specific needs of women and their families. Recognizing the limitations of the current systems - including criminal justice and social services - to meet the complex and comprehensive needs of reentering mothers and their children is the first step toward transforming the harm these systems cause.

Note: Families are varied in their composition and women define family in various ways. Women’s incarceration affects families of all kinds, including those that do not include children. Family members that may be impacted include primary caregivers, grandparents, aunts, uncles, cousins, siblings and those whom a justice-involved woman identifies as family,

In Her Words

“Of all the places I could've ended up,
God led me here, with my mother at my side.”

When they took him, I kicked. Led my first protest in my mother's womb. Filled her core with howls, hoping they'd hear me and give my father back. Gave my mother back pains carrying me to courtrooms. Knew when the bailiff had a hand on his gun by the way my mother coddled me in her stomach. The fear that a federal judge would forcefully forfeit our freedom filled my mother's fingertips. When they took her, I didn't even bother to scream. I didn't protest when they plucked me from her plump breasts at the podium. I learned to be afraid with my mother's milk well before I was born. Well before I was full matter, I didn't matter. I was never meant to survive. I am a daughter of the discriminatory destruction disguised as America's "War on Drugs." And having suckled the stigmas of Blackness, womanhood and incarceration, my shame kept me silent and pacified long enough.

I'm 26 years old now, and a co-chair of the Family Centered Systems working group within the Statewide Women's Justice Force: "Redefining the Narrative". Of all the places I could've ended up, God led me here, with my mother at my side. We have been called upon to be a guiding light for families who've experienced incarceration, and for lawmakers who influence legislation.

To some, my mother is nothing more than a felon. To me, she's nothing less than a legend. Before, during and after her prison sentence, she did everything in her power to ensure my safety, security, survival and success. With support from my maternal grandmother and aunts, my mother's love eroded prison bars and barred her from becoming an absentee parent. I was born into a family of warrior women, and I was destined to become one.

Because we've experienced firsthand the effects of mass incarceration, we know that conversations about family separation cannot begin at the border. We know that strengthening the presence of police has disproportionately weakened the presence of parents in certain communities within our great state of Illinois. We know that no child deserves to be motherless. And it is our great hope that sharing our testimony and the recommendations below from this historic convening of women leaders will serve as a beacon of hope for our nation.

Bella BAHHS, Raptivist, Statewide Women's Justice Task Force, Family Centered Systems Working Group Co-Chair & Founder, Sister Survivor Network

WARRIOR

Bella BAHHS and her
OG (aka Mom)

Supported Families is a fundamental human right and an important protective factor against women’s criminalization and incarceration. The following section offers a brief snapshot of dominant themes identified throughout the Statewide Women’s Justice Task Force process that are centered on the lived experiences of directly impacted women and supported by national and state-specific research. These powerful threads of information both inspired and informed the recommendations in this section.

The mass incarceration of women has resulted in the unnecessary separation of thousands of children from their mothers, creating harmful and sometimes permanent ruptures in families.

Seven million, or one in ten, of the nation’s children have a parent under criminal justice supervision—in jail or prison, on probation, or on parole.³ Research shows that the intergenerational risks of incarceration are particularly harmful among children of justice-involved mothers.⁴

- An estimated 80% of incarcerated women in prisons and jails across the nation are mothers separated from their children. Illinois has followed suit with those trends; data from the 2016 Gender Informed Practices Assessment (GIPA) of Logan Correctional Center found that 3,700 children had incarcerated mothers at that facility alone.⁵
- Mothers are far more likely than fathers to care for their children in single-parent households, increasing the risk that their children will experience disruption in their living arrangements following maternal incarceration.⁶
- Illinois ranks sixth in the nation for the highest number of children who have experienced the incarceration of a parent, in either jail or prison.⁷
- Because 70% of all adults incarcerated in Illinois are African American or Hispanic, African American and Hispanic children are disproportionately harmed by parental incarceration; specifically, African American children and Hispanic children are 7.5 and 2.3 times more likely, respectively, than white children to have an incarcerated parent.⁸

- According to Child Serve, children living in poverty are more than three times as likely to have experienced the incarceration of a parent compared to children in families with incomes at least twice the poverty level (12.5% versus 3.9%). In addition, children living in rural areas are more likely to have experienced parental incarceration than those living in metropolitan areas (10.7% versus 6.3%, respectively).⁹
- A significant percentage of incarcerated mothers were deeply involved in their children’s lives before imprisonment—living with them, providing daily care and supporting them financially. For example, 77% of mothers in state prison who lived with their children just prior to incarceration provided most of the children’s daily care, compared to 26% of fathers.¹⁰

77% of mothers in state prison who lived with their children just prior to incarceration provided most of the children’s daily care, compared to 26% of fathers.

Children face a “shared sentence” when their mother goes to prison.¹¹

A prison or jail stay of any length can be devastating to a family, especially when it separates a mother from her children. Women’s incarceration contributes to profound loss among children, interrupts a primary relationship that is central to their healthy development, can cause irreparable harm, and perpetuates intergenerational cycles of mass incarceration.

- Parental incarceration is classified by the Centers for Disease Control and Prevention as an Adverse Childhood Experience (ACE), likely to harm the child’s physical and mental health long into adulthood. Stress from ACEs can lead to negative health outcomes, including heart disease, liver disease, and asthma, as well as negative social and behavioral health outcomes including depression, alcohol and drug use, suicide attempts, increased risk of sexually transmitted diseases, poor academic achievement, and higher risk of dropping out of school.¹²
- Children of incarcerated parents are more likely to: drop out and struggle in school, suffer from homelessness, develop learning disabilities, including attention deficit hyperactivity disorder (ADHD), , suffer from depression, anxiety, and post-traumatic stress disorder, and havehealth issues, including later risk of high cholesterol, migraines, HIV/AIDS and overall poor health.¹³
- An analysis of data from the Fragile Families Study—a national, longitudinal study of approximately 5,000 children born between 1998 and 2000—found that children who had been exposed at some point in their lives to parental incarceration were at significantly greater risk of experiencing material hardship and family instability than were children in fragile families with no history of parental incarceration.¹⁴

- Referring to parental incarceration as “a lifetime sentence for children,” a 2018 study found that incarceration of a mother during childhood, as compared to a father, doubled the likelihood of young adults using the emergency department for health care instead of a primary care provider and not getting annual dental checkups.¹⁵
- Research suggests that programs that maintain healthy bonds between incarcerated mothers and children help mitigate some of the harms caused by the family separation.¹⁶ Research also shows that contact with children reduces recidivism among incarcerated individuals.¹⁷

Children of incarcerated mothers are at higher risk of being placed in the custody of the child welfare system and enduring associated harms.

Instead of offering at-risk and justice-involved mothers needed resources, services, and support to stabilize their families, child welfare systems engage in punitive practices that punish them and their children. Too often, these systems are not family-centered for justice-involved women or their children. Rather than supporting processes to reunify or keep families intact, child protective service systems often contribute to children of incarcerated mothers being at higher risk for placement in foster care compared to those of incarcerated fathers. This is related to the high percentage of incarcerated women who were the custodial parent of children prior to their incarceration.

- According to a Marshall Project analysis of approximately three million child-welfare cases nationally, mothers and fathers who have a child placed in foster care because they are incarcerated—but who have not been accused of child abuse, neglect, endangerment, or even drug or alcohol use—are more likely to have their parental rights terminated than those who physically or sexually assault their children but are not incarcerated.¹⁸
- Children are highly vulnerable to child welfare system involvement as a result of their mother’s incarceration. Statistics show 88% of children whose fathers go to prison continue to live with their mothers, yet just 25% of children live with their fathers when their mother goes to prison.¹⁹
- Spending time in foster care is associated with children’s later incarceration. For example, a survey by the National Association of Social Workers estimated that 80% of people in prison in Illinois had spent time in foster care as children.²⁰
- Almost half (48%) of incarcerated mothers in Illinois have at least one child who has had contact at some point with the Department of Children and Family Services.²¹

Children who have witnessed the arrest of a household member were 57% more likely to present with elevated post-traumatic stress symptoms.

Arrest and first response policies that are not child- and family-centered and trauma-informed are traumatic for mothers and children and pose tremendous harm to children’s well-being.

Witnessing the arrest of parent, especially if weapons are drawn and handcuffs are used, is a deeply traumatizing event for any child and can have lasting and harmful effects on their mental health.²² Yet many police departments lack appropriate protocols to ensure the safety and well-being of children in these situations.²³

- Research shows that children who have witnessed the arrest of a household member were 57% more likely to present with elevated post-traumatic stress symptoms than children who had not witnessed one.²⁴
- One national study estimated that, of the parents arrested:²⁵
 - 67% were handcuffed in front of their children
 - 27% reported weapons drawn in front of their children
 - 4.3% reported a physical struggle
 - 3.2% reported the use of pepper spray

About one-half of all incarcerated women in Illinois are held in jails, the majority of whom have not been convicted of a crime.

Even short stays in jails during pretrial detention can be particularly disruptive to mothers and their children.

The Vera Institute of Justice and other organizations have clearly demonstrated the harmful impacts women and their families endure as a result of even brief periods of what is clearly unnecessary incarceration. Nationally, and in many Illinois counties, the number of women incarcerated in jails is growing at a faster rate than any other correctional population.²⁶ Jails often lack the resources and information needed to address the unique risks, strengths and needs of women; as a result, many women return to their families and communities with greater needs than before their incarceration.²⁷

- According to 3DaysCount, named for how quickly pretrial detention can upend a person’s life, missing a few days of work or being unable to pick up children from school or daycare means that even a brief time in pretrial detention can be devastating for a mother and her family.²⁸

- Given the smaller number of women in jails, their needs are often overlooked; many women leave jail with diminished prospects for physical and behavioral health recovery, with greater parental stress and strain, and even more financially precarious than they were before they were incarcerated.²⁹
- About one-half of all incarcerated women in Illinois are held in jails, the majority of whom have not been convicted of a crime.³⁰
- While statewide bond reform efforts are underway in Illinois, the critical need to consider the impact of a mother's pretrial detention on her children remains underemphasized.
- While formal statistics are limited, Task Force convenings revealed that women may accept plea deals, such as receiving a felony conviction, in order to be released, even when not guilty, because they fear losing custody of their children or fear for the safety of their children.³¹

Women who are pregnant or postpartum face unique difficulties during incarceration.³²

Incarcerated pregnant women are particularly vulnerable to pregnancy complications. Many come from disadvantaged social and economic environments that exacerbate risk factors such as substance use, poor nutrition, and sexually-transmitted infections stemming from sexual abuse and exploitation.³³ Despite their pregnancies being designated as "high risk," and thus requiring special treatment to ensure their children are born in good health, prisons and jails are ill-equipped to provide appropriate levels of care and support. Once they deliver, they face a host of postpartum challenges related to criminal justice system policies and practices that fail to facilitate mother-child bonding and fail to manage the complex postpartum experiences women have in a carceral environment.³⁴

- Nationally, it is estimated that 3.8% of incarcerated women were pregnant when they entered prison, and many of them will give birth while behind bars.³⁵
- IDOC data provided to the Task Force showed that the number of pregnant women admitted to Illinois prisons between 2016-2018 increased 61% from 35 to 57, and that 94 babies were born to an incarcerated mother during that period.

Between 2016-2018... 94 babies were born to an incarcerated mother.

- The stress of incarceration, including lack of adequate prenatal nutrition and prenatal care, and unsanitary conditions, all affect the health of the mother and baby.³⁶ In addition, managing the psychological adjustments of the postpartum period with little social support in a carceral setting can be extremely challenging.
- The separation of newborn infants from their mothers during incarceration makes breastfeeding difficult, and mothers who attempt to breastfeed often face obstacles such as difficulty accessing a breast pump or limited locations where nursing is allowed.

- Despite the passage of important laws in Illinois discouraging pretrial detention of pregnant women and banning shackling of women during pregnancy, especially during labor, these practices still occur. Some jails have not ended the shackling of women during pregnancy, and county court systems are still holding pregnant women in pretrial detention.³⁷
- Despite the success of the Illinois Department of Corrections Moms & Babies Prison Nursery Program at Decatur Correctional Center, which allows mothers with up to 24 months of remaining prison time to serve that time with their children in a supportive setting, there are only eight beds available and those beds have been utilized less than 50% in the past few years, despite many women giving birth inside of IDOC facilities during that time. In addition, the strict eligibility criteria for women to be admitted to this program (e.g., women do not qualify if they have committed a violent crime) raises the question of why those who meet such criteria need to be in prison in the first place, especially if they are the caretakers of infants.

Women's lack of access to public assistance may increase their risk of incarceration and, in turn, separation from their children.

Research has shown that lack of access to public benefits increases a woman's risk of incarceration and recidivism. The adoption of the Personal Responsibility and Work Opportunity Reconciliation Act in 1996, which dismantled the already-inadequate public aid system of cash and food assistance to low-income mothers, coincided with the growing trend of women's incarceration. A study conducted by Harvard Law School measured how access to welfare benefits and food stamps by incarcerated individuals upon release may impact their likelihood of returning to prison within a year.³⁸

- A study conducted by Harvard Law School measured how access to welfare benefits and food stamps by incarcerated individuals upon release may reduce their likelihood of returning to prison within a year.
- Eligibility for welfare reduces the recidivism rate of individuals convicted of drug crimes by 10.1%.
- Eligibility for food stamps reduces recidivism by 13.1%.

Eligibility for food stamps reduces recidivism by 13.1%.

- A survey from the Chicago Coalition for the Homeless found that 29% of women detained at Cook County Jail said they had an application denied or were cut off from government assistance in the 12 months prior to entering jail.³⁹

Some public assistance mandates and practices place women in the impossible position of choosing between access to benefits and maintaining their safety or dignity.

When public assistance programs operate in a manner that places unnecessary burdens on at-risk and justice-involved mothers, it creates the risks to the health and stability of their children. Key programs such as Temporary Assistance for Needy Families (TANF), child support enforcement, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and childcare assistance programs, can be a lifeline for some mothers and a humiliating experience for others that serves as a disincentive for them to get the support they need.

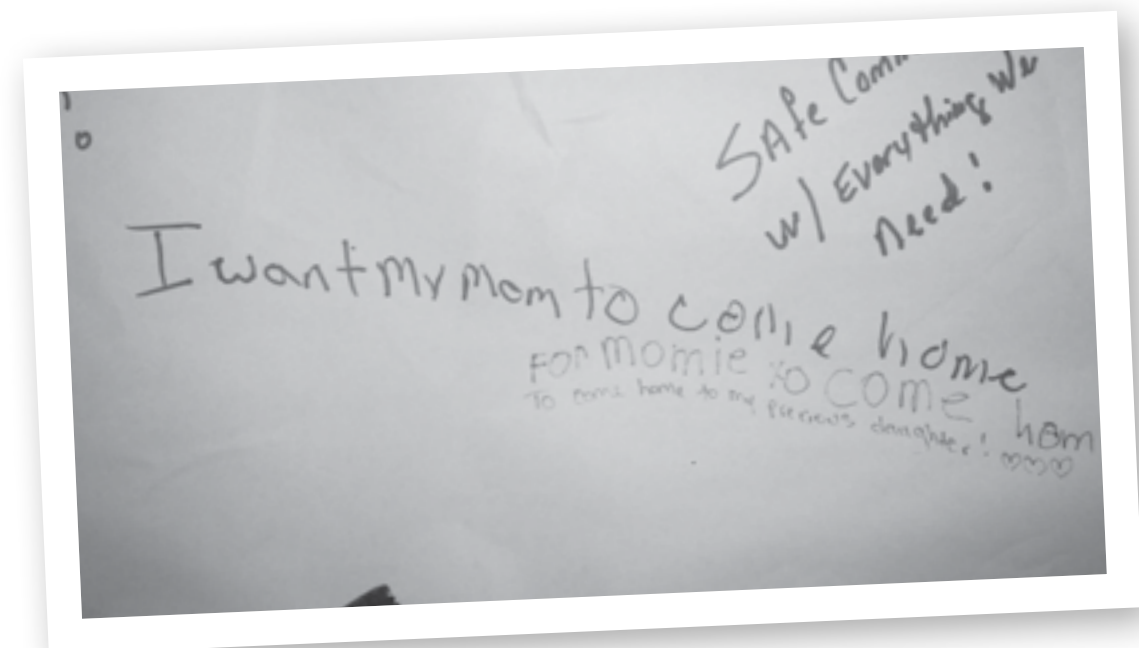
- The WIC program enables pregnant women, mothers, and children to access nutritional food, information about nutrition and breastfeeding, and assistance locating maternal health care options.⁴⁰ During Task Force focus groups, listening sessions and mapping sessions women reported facing dehumanizing treatment in WIC offices in order to access these basic life-sustaining supports. WIC offices generally lack the levels of privacy, professionalism, and knowledge required for women to easily access WIC, which presents a particular barrier to services for justice-involved women.⁴¹
- In Illinois, TANF recipients are required to cooperate with the child support establishment and enforcement efforts.⁴² Due to the fact that some women may have been previously abused by their child's other parent, they may be fearful of staying connected to them through systems like child support. For example, mothers deemed "uncooperative" in obtaining child support from the non-custodial parent risk having their support limited, reduced, or cut off entirely.⁴³

The Child Care Assistance Program (CCAP) provides financial assistance for childcare but requires that a woman already be employed to receive services.

Policies and programs that offer much-needed benefits do not acknowledge the practical realities and circumstances of vulnerable women and their children, and may create unnecessary barriers to stability, especially after a period of incarceration or after a job loss.

- Currently, it takes roughly four to six weeks for CCAP applications to be processed.⁴⁴
- As mothers wait to become eligible, the CCAP requirements and inefficiencies force them to choose between leaving their child(ren) in unlicensed and perhaps unsafe care to go to work, or remain unemployed because they can't afford childcare and don't want to risk their children's safety.

Currently, it takes roughly four to six weeks for Child Care Assistance applications to be processed.



A little girl writes her dream for the new year during a Reunification Ride event to Logan Correctional Center, sponsored by CGLA in partnership with MUAVI and Nehemiah Trinity Rising. Children and families were transported hundreds of miles from home to visit their incarcerated mothers for an annual holiday event.

False Narratives That Fuel Women’s Incarceration

False narratives about justice-involved women have enabled and perpetuated criminal justice and human service system policies and practices that are harmful to women, children, families and entire communities. These false narratives were identified and explored through a variety of Statewide Women’s Justice Task Force convenings wherein women with lived experiences came together with a diverse array of stakeholders and public systems to name them and to redefine them.

“Women in prison put drugs and crime before their children.”

Mental health and addiction are health conditions—often tied to poverty, trauma, and violence—and should be viewed by society and the justice system as public health issues, not as a moral failure. Just as mothers with physical health issues did not choose their health challenges over their children, mothers struggling with addiction did not choose drugs over their children.⁴⁵

“Women in prison are bad moms.”

Regardless of circumstances, incarcerated moms are often unfairly labeled by society and systems as “unfit”, as having maternal defects and deviant lifestyles that are inherently transferrable to their children, and generally held to a different standard; even one action can be treated as negating years of responsible motherhood. Regardless of her alleged crime or even her parenting skills, it is often assumed that she must earn the right to parent her children again, often by taking parenting classes—rather than getting the economic, social or therapeutic support she may actually need.

“Pregnant women who use drugs are better off in jail or prison anyway.”

Pregnant women and their unborn children are not “better off” by being incarcerated. During Task Force convenings, it was reported that some judges have denied bail or incarcerated pregnant women to improve their safety and prevent drug use. To the contrary, incarceration exposes their pregnancy to danger due to the stress of a carceral environment, poor nutrition, and the lack of adequate obstetrical care common to jails and prisons. Further, research shows that women who receive drug treatment in the community and stay with their children are more likely to be successful.

“Most children are too young to understand or be traumatized by their mother’s arrest anyway.”

Research has clearly established that children from infancy, childhood, and the teenage years can and do experience trauma related to experiencing or witnessing frightening events, including the shame and terror that can result from witnessing the arrest of a parent. The manner in which police relate to mothers can make a lifelong difference in the mental and physical health outcomes of their children.

“The Illinois anti-shackling law keeps women safe in jails and prisons.”

While laws and policies restrict the shackling of pregnant, laboring and postpartum women, the law only explicitly prohibits shackling during labor in jail settings. County-level jail policies are inconsistent statewide. For example, during Task Force convenings, women reported being dangerously shackled during pregnancy while detained in jails, including during medical appointments and after childbirth.

“Women who can’t pay bail will be released if they are really innocent. A short jail stay is no big deal.”

50% of incarcerated women are held in jails on pretrial, and have not been convicted of a crime. Since an estimated 80% are mothers (often single moms), jail time can disrupt employment, housing and families in devastating ways. Children risk losing their sense of safety, their home, and stabilizing connections with their siblings, extended family, schools and friends. If a child is placed in foster care, even due to a wrongful arrest, it can take years for the mother to regain custody, or she may even permanently lose her parental rights, causing incalculable harm to families.

“It’s bad for kids to visit their moms in prison.”

Denying visitation has lifelong consequences and traumatizes children who often imagine that their mothers have abandoned them. While some believe it is better to prevent children from visiting their moms behind bars, research shows that healthy visitation experiences can improve outcomes among both children and their mothers. During a Task Force convening, an advocate shared that a child once said to her, “I know my mom loves me and would do anything to see me. But I haven’t seen her in months. Something horrible must have happened to her, right? She still loves me, right?”

The following recommendations are informed by national and state-specific research, the voices and perspectives of a diverse array of criminal justice system stakeholders, and, most importantly, our impacted colleagues; their direct experiences of Supported Families in their homes, communities and systems provided the most critical lens through which we could envision opportunities for harm reduction and system transformation.

SOCIAL SERVICES

Eliminate punitive practices at public agencies and expand services to support families

Historically, the social services for women and children have been rife with value judgments that have disproportionately impacted communities of color, particularly African American women, and those suffering from poverty. As far back as the 1930s, “moral character” was often an eligibility factor used to deny assistance to economically and socially marginalized women and families struggling to care for children. While these factors were struck down after legal challenges, the “moral” judgments simply took on a different form with the onset of the war on drugs,⁴⁶ one which ultimately became a war on drug users (i.e., those struggling with addiction). This new “war” perpetuated false ideas of morality and family values that disproportionately impacted low-income African American women. As harmful terms like “crackhead” and “crack baby” began to surface, they obscured the poverty, racism, gender-based violence, and discrimination that are the root causes of drug use and crime.

Ultimately, these gendered narratives, deeply rooted in racism, resulted in new and punitive policies that resulted in barriers to public assistance that deeply harmed single mothers, particularly those suffering from addiction, and contributed to the trend of women’s mass incarceration that began in the 1990s.⁴⁷ Now, three decades later, these policies continue to force mothers into survival crimes and the underground economy, place them at risk of incarceration, and have a direct impact on their children and communities. In order to prevent the mass incarceration of women, social service agencies must evolve and find ways to more effectively respond to the realities that mothers are facing in their communities. Agencies must also provide meaningful support to mothers and their children before, during and after incarceration. This requires that they review their policies, culture, and service delivery practices, and make the changes needed to improve trust, effectiveness and outcomes among at-risk and justice-involved women.

A Conduct annual 360° reviews of social service agency policies to ensure they are gender responsive and trauma-informed, and do not deepen existing vulnerabilities among at-risk and justice-involved women, their children and families. The Department of Children and Family Services (DCFS), the Department of Human Services (DHS), and other contracted agencies need training on gender responsive and family-centered approaches to ensure that their policies and practices do not harm justice-involved mothers and their children, limit their ability to obtain assistance and receive support, and further entangle them in the criminal justice system. Illinois social service agencies should implement regular 360° reviews to identify strengths, challenges, and opportunities, particularly regarding service delivery to justice-involved mothers and their children. Such reviews should be conducted in partnership with directly impacted women and families and focus on effective implementation of gender responsive, culturally responsive and family-centered practices. Following such reviews, agencies should create strategic plans with timelines for implementation to build upon strengths and address challenges.

B Minimize state-level restrictions and penalties regarding access to federal programs to increase the number of women who can access them. Illinois agencies should continually monitor federal requirements for access to programs and ensure that their policies allow for maximum inclusion among women. Where possible, Illinois should minimize the impact of federal restrictions – through State policy and investment strategies - on women, families, and communities relying on these programs for survival.

C Make state-level administration of Temporary Assistance for Needy Families (TANF) less punitive and restrictive by eliminating the state TANF felony drug ban, removing the requirement that women pursue child support when safety is a concern and broadening the state definition of “good faith” cooperation. Nationwide, the Temporary Assistance for Needy Families (TANF) grant is underutilized; only 13.3% of families living in poverty accessed the fund in 2017. It is woefully underutilized in Illinois as well; for every 100 families living in poverty in Illinois, only 14 receive it.^{48,49} TANF provides crucial public assistance that can prevent low-income mothers and those facing economic hardship from becoming justice-involved, yet many mothers in need of assistance are deterred from enrolling in TANF due to multiple state-level requirements and their punitive nature. To maximize utilization, the Illinois’ TANF program should be modified as follows.

- **The State of Illinois should exercise its discretion to define “good faith” cooperation in the broadest way possible to increase mothers’ access to these critical funds.** Federal law allows state agencies that distribute TANF to determine whether an individual is cooperating “in good faith” [42 U.S.C. § 654(29)].
- **The Illinois Department of Human Services should not require mothers to pursue child support if doing so could threaten their and their children’s safety.** Requiring mothers to pursue child support in order to receive resources places those who are suffering from gender-based violence in an untenable situation where they have to choose between seeking safety and refuge from abuse or risking their safety – and that of their children – in order to receive desperately needed public benefits.

There is this culture of ‘otherness’ that has embedded itself throughout the social service system. Once a woman’s trauma, economic marginalization and oppression have pushed her across the threshold of the justice system, she is suddenly no longer ‘the perfect or deserving victim.’ Instead of acknowledging our failure to keep her safe in the first place... we further punish and deny her the support she so desperately needs. In fact, when we close these doors, it can result in creating less safety, more fear, and more harm, which has profound effects on a woman with an ‘X’ on her back... and you better believe that goes for her children too.

PARTICIPANT
Statewide Women’s Justice Task Force, Family-Centered Systems Mapping Session

- **The Illinois General Assembly should eliminate the TANF drug felony ban.** Federal law allows states to deny benefits to people convicted of felony drug offenses in state or federal courts; however, states have the discretion to opt out [21 U.S.C. §862(a)].⁵⁰ The drug felony ban fails to acknowledge research on women’s pathways to “crime” and the critical role that TANF and other supports play in their recovery from drug use and system involvement.

D Expand access to Supplemental Nutrition for Women, Infants and Children (SNAP/ WIC) by allowing doctors, nurses and social workers to certify eligibility when a woman is pregnant, gives birth or is incarcerated. Doctors and nurses should be able to identify and certify eligibility for WIC when a woman is pregnant or gives birth, including if she is incarcerated. In addition, women should be allowed to demonstrate their eligibility for WIC through their doctor or a social worker to streamline the eligibility process. This would also reduce the need for children to be present at the WIC office for receipt of such assistance, which carries a host of potential adverse impacts.

E Expand the Child Care Assistance Program (CCAP) by providing assistance to mothers while they are seeking employment and making it available to caregivers of children of incarcerated mothers. The Child Care Assistance Program’s (CCAP) employment requirement for eligibility should be modified to assist mothers while they are in the process of obtaining employment. It should also be available for the caregivers of children of incarcerated mothers, even when the guardianship arrangements are informal and not ordered through court.

Make it easier for mothers to access and navigate the social service system and public benefits they need to create economic security for themselves and their families

When mothers seek out a public benefits program such as SNAP, TANF, WIC, or CCAP or become involved with DCFS, the various and complex requirements of these systems can be exceptionally daunting, especially when they are managing other life stressors. In order to navigate these systems successfully, mothers need to understand how to access services from multiple entry points. They also need and deserve information on their legal rights within these systems.

A Provide social service navigators with lived experience who are trained to advocate for and guide women who are working to access benefits through multiple systems. More than anything, women need a single point of contact who can take a vested interest in their case, serve as an advocate for them, help them navigate policies and procedures, and support their overall interests as human beings and mothers. Wherever possible, such navigators should be peers and housed within community-based agencies. They should also receive training on the unique challenges faced by women who are or have been involved in the criminal justice system.

B Create a mechanism for the immediate representation of system-impacted mothers involved with DCFS to ensure protection of their constitutional rights. Ensure that women know their rights and have access to legal support, particularly as it relates to DCFS involvement. When women become involved in DCFS, there should be a mechanism that enables them to access immediate legal representation. The role of a legal representative would include, but not be limited to, helping women to advocate for the protection of their constitutional rights, offering legal advice, and supporting them in addressing any temporary placements of children. For example, First Defense Legal Aid created a 24-hour hotline service that provides legal representation for people detained in Chicago Police custody, which could serve as a model for those mothers facing DCFS investigation.

\$350 vs \$2,700: What is a family worth?

A mother who cannot afford to feed her children might receive approximately \$350 each month to feed two children. If those same children are taken away and placed in foster care in Illinois, the foster parents are likely to receive approximately \$500 each month per child. In addition, the foster parents receive medical and dental benefits, as well as childcare. If the child has special needs, the foster family receives extra financial assistance. Professional foster parents receive up to \$2,700 each month. It is not until children are taken away from their families that they receive the financial support and supportive services which might have kept them together with their parents.⁵¹

His previous teacher had told him that women in prison are bad people. I will never forget one of my first-grade students. He was kicked out of the other two first grade classrooms for “poor behavior” and ended up with me about halfway through the school year. I was told he couldn’t read and would be a behavior problem. The first day of class, I asked him what he needed for us to be able to work together. He said, “I want to write my mom.” He explained that his previous teacher had told him that “women in prison are bad people.” I said he could write his mom in our classroom. His behavior improved after that, and I discovered he was incredibly intelligent and could read and write beautifully. What he needed was his mother involved in his life. Looking back, I realize there is so much more I could have done. How wonderful would it have been for that little boy to see his teacher and his mother working collaboratively to ensure his success?

ALEXIS MANSFIELD

WJI Senior Advisor, Children and Families

Attorney & former Chicago Public Schools teacher

Provide wraparound services for children in the child welfare system who have justice-involved mothers

Agencies that provide support to children of incarcerated mothers tend to operate in silos rather than cooperatively. In addition, they often lack deep knowledge of the criminal justice system – knowledge that is required to understand the unique barriers faced by justice-involved mothers and their children that must be overcome in order to ensure their success. Partnership and coordination will ensure that the complete needs of mothers and their children are being met.

A Enact a Children of Incarcerated Parents Bill of Rights to protect children impacted by parental detention and incarceration and launch a state commission to monitor implementation. In 2019, Illinois, Representative Delia Ramirez and many dedicated advocates, led by CGLA, the WJI and the Shriver Center on Poverty Law, took powerful initial steps to address the rights of children of incarcerated parents by passing legislation that created the Task Force for Children of Incarcerated Parents.

- The work of the Task Force for Children of Incarcerated Parents should be further strengthened by introducing and passing legislation enacting a Children’s Bill of Rights, modeled after the Bill of Rights for Children of Incarcerated Parents created by the San Francisco Children of Incarcerated Parents Partnership.
- A state commission should be established to monitor implementation of the Bill of Rights and ensure that all stakeholders throughout the criminal justice system are held accountable for reducing harm to and protecting the rights of children of justice-involved parents.

B Create a children of incarcerated parents “resource hub” that ensures access to education, health and social supports that have been designed to meet their unique needs, as well as those of their caregivers. A centralized resource hub that focuses on the often-overlooked needs of children of incarcerated parents and their caregivers will address a major gap in the system. For example, many children have difficulties enrolling in school, even though most children of incarcerated mothers qualify to enroll as homeless students under the McKinney-Vento Act.

A centralized resource hub should include online and onsite resources in each region that help impacted children, their incarcerated mothers, and their caregivers. This resource hub can provide them with the information they need to access the public benefits they need and connect children and families to support groups, counseling, activities, circle processes, and other assistance that can help them to manage the impacts of family separation*. The hub should also provide referrals to organization that provide legal assistance to children and caregivers who are facing challenges due to a mother’s incarceration.

*Circles processes, which originated in and anchored to Indigenous traditions and later adopted by proponents of “Restorative Justice”, help build and restore relationships through sharing and listening.

The whole time I was in jail, all I did was worry about my four-month-old. After growing up in foster care and surviving so much abuse, I couldn’t let that happen to him, too. Then my mom showed up and took my baby from my neighbor without my permission. I worried she would harm him like she had stabbed my sister or that she would use him as a pawn against me. Then she left Illinois with him and refused to bring him back.

No one was looking out for him, and I was stuck in jail because of a couple hundred-dollar bond on a warrant. I was one of the lucky ones who got legal help and got my son back, but I still have PTSD and nightmares about it. Society looks at us like bad moms, but we are the ones looking out for our kids. What about all the moms inside whose kids are in danger and they don’t have anyone to even tell?

TANISHA STEPHENS

- C Form a statewide committee to identify ways that schools can improve their responses to the needs of children with incarcerated parents and create opportunities for incarcerated mothers to participate in their children’s education.**
- Attending school often provides needed stability, routine, and community engagement for children when they are displaced by parental incarceration. A statewide committee of child development and education experts, stakeholders, and impacted mothers should convene to develop recommendations on ways schools can support children impacted by parental incarceration. Some preliminary recommendations should include:
- Train school personnel on the impact of parental incarceration on children and best practices in addressing the needs of impacted students. For example, elementary classrooms should use programs such as Sesame Street’s Little Children, Big Challenges: Incarceration Unit.
 - Standardize the use of in-person, phone, and video conferencing opportunities. This will help engage parents in school activities, including parent-teacher conferences, extracurricular activities, homework labs, reading programs, and classroom events. These connections should be encouraged, de-stigmatized, and facilitated by schools and teachers.
 - Automatically send mothers copies of their child’s curricula, assignments, and progress reports via e-mail or postal mail. Providing this information helps mothers stay connected to their children’s activities.

- Create specialized programs to connect incarcerated parents with educators who are working with their children in early childhood programs. Such programs can be innovatively designed and delivered, and offer important opportunities for parents to track the experiences and progress of their children in programs such as Head Start, Early intervention, and preschool programs.
- The Early Learning Council should officially identify children of incarcerated parents as a priority population. Further, they should enact the programming recommended by Start Early (formerly known as Ounce of Prevention).
- Support older children who are caring for their siblings and other family members during parental incarceration by providing childcare services, educational support, and college scholarships. When mothers are incarcerated, older children often take on the role of primary caregiver for their younger siblings and other family members. This can lead to educational challenges, including taking a hiatus from college or dropping out of high school. Specialized educational support should be provided to teenagers and young adults who are caring for their younger siblings due to their mother’s incarceration, including scholarships for college or vocational training. They should also be provided with subsidized day-care for children in their care, in addition to any emotional supports or counseling they may need.

- D Launch a series of programs statewide offering Restorative Justice interventions, including circle processes, for impacted children and their mothers before, during, and after incarceration.** Justice-involved mothers and their children face multiple obstacles to reunification, including unresolved trauma, and require supportive services and restorative interventions at every stage of a mother’s involvement in the justice system. While mothers are incarcerated, state agencies working with them and their children should co-invest in interventions that protect family bonds and promote healing. Restorative Justice interventions, including circle processes, are being effectively used in communities to promote healthy outcomes.
- DCFS, IDOC and state agencies should facilitate access to Restorative Justice interventions that support the bonds between mothers and their children and facilitate successful re-entry and unification. For example, these interventions can be used to address that trauma of family separation, and communication between mothers and their children’s caregivers, particularly as they prepare for reunification post-incarceration.
 - Incarcerated women should be trained to conduct peer-led circle processes to enable mutual support among mothers suffering from the impacts of separation from their children.
 - Dedicate funding to support special visits for children and their incarcerated mothers that focus on growth-fostering, healing-oriented and resiliency-building activities such as family therapy and family circle processes.

Restorative Justice is, after all, a way of living together in community that illuminates striving for right relationship.

A small, passionate team of restorative justice practitioners from Nehemiah Trinity Rising, Inc. moved to support a family of eight... whose mother was incarcerated and scheduled for release home in a few months.... The Nehemiah team members supported the family’s journey toward healing and restoration.... Restorative Justice is, after all, a way of living together in community that illuminates striving for right relationship with one another and living out principles and values that apply to all of us whether we are sitting in a Peace Circle or not.

OLIVIA CHASE
Restorative Justice Practitioner, Nehemiah Trinity Rising

Prioritize resources and establish policies designed to keep families of justice-involved mothers intact

By the time an economically and socially marginalized mother has become involved in the criminal justice system, multiple systems have already failed her and her children. During Task Force focus groups, listening sessions and mapping sessions, impacted women described adversarial experiences with public agencies, and explained that many agency policies worked against their efforts to protect their families and keep them together—particularly as related to overcoming poverty. As research on childhood trauma has shown, lasting harm is done when we unnecessarily separate families. While DCFS’s stated goal is to protect children by strengthening and supporting families,⁵² there is lasting harm when children are unnecessarily removed from or placed outside of their communities.⁵³ At multiple points, social service and justice system stakeholders can and must work together to prioritize efforts to keep families together and provide mothers with supports that create pathways to family stabilization and strengthening.

- A Expand investments in support services designed to reduce overreliance on the foster care system, such as housing and emergency cash assistance.** Improve timely access to preventive services such as housing support, emergency cash assistance, and family-based treatment for addiction to keep families intact and prevent incarceration and foster care placement.
- B Increase investments in and usage of temporary placement programs, including voluntary short-term guardianship, in cases where mothers are incarcerated.** Temporary placement programs offer an important opportunity to provide children with caregiving while their mothers are incarcerated and prevent premature and harmful termination of parental rights.
- C Address the risks associated with implicit bias among mandated reporters through training and policy changes designed to prevent unnecessary and harmful family disruptions.** Training and policy changes are needed to reduce family disruptions that are linked to mandated reporting processes that are based on cultural biases, implicit bias, unconscious bias, classism and other forms of discrimination, instead of objective appraisals of risk and need. Policy changes are also needed to ensure that mothers can seek help without fear of having their children unnecessarily removed.

According to Dorothy Roberts, author of *Shattered Bonds: The Color of Child Welfare*, “Because of individual and institutionalized racial bias in child maltreatment reporting, like the bias in police surveillance, these seemingly neutral practices that are supposed to increase safety end up unjustly punishing people of color.” Unnecessary reports can result in serious disruptions to families and subject children to invasive searches, traumatic interrogations and sometimes removal from the home.⁵⁴

When I think about my precious baby girl, Rica, my heart breaks... but I cannot help but smile when I think about the joy she brought into this world.

Rica would be alive today if it weren't for a broken system that broke me... labeling me a "bad mom" even as I fought for her life.

I now fight for her memory, and the lives of other children who deserve to be safe and supported with their mothers."

ANNTOINETTA ROUNTREE
Founder, Justice 4 Rica Jae

I loved and cared for my baby girl, Rica, until her last breath. It was the false label of "bad mom" - one tied to the criminalization of my survival after losing my job - that caused her death. Because of that label, no one believed me when I reported over and over again that her dad's girlfriend was abusing her... until she killed my baby. I cannot begin to describe how it felt to be stuck in a prison cell when I learned that my child was dead, trapped only with my grief, and powerless.

I want the world to know that I gave my children my all. When I couldn't provide, when I struggled, I reached out to countless agencies that only broke me down and took my children when I cried for help. So when I'm told I'm a bad mom for doing what I had to do to care for my children, to keep a roof over their heads, I think that it's just a bad system designed to help make a bad situation worse.

ANNTOINETTA ROUNTREE
Founder, Justice 4 Rica Jae

In 2016, Anntoinetta Rountree's 8-year-old daughter, Rica Jae, was removed from her by DCFS after Anntoinetta was accused of selling drugs. The next year, Rica shared with her mother that she was being abused by her father's girlfriend. Anntoinetta took pictures of her daughter's cuts and bruises and reported it to DCFS, but she was ignored. She sought an order to protection to keep her daughter safe, but the order was not granted - despite ligature marks on the child's neck. Again and again, Anntoinetta begged DCFS to take Rica away from her father and his girlfriend, saying she feared for her child's life; yet, each time, Anntoinetta was unheard.

In January 2019, while incarcerated, Anntoinetta Rountree was told that Rica had died. After it was revealed that Rica's father's girlfriend had taken several videos of herself torturing Rica, she was convicted of first degree murder. Rica's father was also convicted of child endangerment. Anntoinetta founded Justice 4 Rica Jae to ensure justice for her daughter, and to change the system that failed to protect her.

LAW ENFORCEMENT

Implement trauma-informed law enforcement policies & practices that reduce harm to children, especially during the arrest of a parent

Long-standing problems with the form and function of police departments are being confronted in important ways, and the recent national attention to high-profile murders of innocent black lives are creating unique opportunities to address a long history of state violence, redefine “policing”, dismantle the structures and toxic power and control dynamics that disempower and harm communities, and invest human and fiscal resources into community strengthening efforts.

The recommendations below can and must be implemented in a manner that addresses immediate harms of current law enforcement practices while also informing and supporting a re-envisioning of policing and the building of new community-based responses that address complex human needs in the context of their social, political and economic roots. It should be noted that none of these changes can without considerable shifts of resources into communities.

Police officers are inconsistent in how they engage in first response and how they treat children upon the arrest of a parent. It is unknown how many police departments have formal policies that specify expectations regarding the protection of children. Many policing practices are not family-centered nor designed to consider the well-being of children during a parent’s arrest. Harmful police practices experienced by mothers and children in Illinois and across the nation include:

- **Handcuffing mothers in the presence of their children;**
- **Forcefully throwing mothers to the ground or striking them in the presence of their children;**
- **Drawing guns against the person targeted for arrest and their family memberS—including children—when no violence is threatened;**
- **Pointing guns at unarmed mothers in their children’s presence;**
- **Failing or refusing to allow mothers to make arrangements for the emergency care of their children and leaving children unattended or with unsafe adults;**
- **Using child custody or threats to coerce cooperation or confessions from mothers.**

During one incident, the family was in the middle of celebrating a 4-year-old’s birthday party. They say police pointed their guns at children. On another night, a family had just sat down to eat dinner together. A child accused an officer of pointing an assault rifle at him. And in a third incident, a woman was spending time at home with her grandchildren. She said an officer pointed a gun at her grandson’s head. In all three cases, Chicago Police officers had the incorrect address listed on a warrant and raided the wrong home, traumatizing innocent families and children.

CBS CHANNEL 2
Chicago, May 4, 2019

A Implement the Peter Mendez Act’s law enforcement training requirements, including trauma-informed arrest protocols that assure the safety and well-being of children during the arrest of a parent. In response to a terrifying incident during a police raid in Chicago that involved a weapon being pointed at nine-year-old Peter Mendez, the Illinois state legislature passed the Peter Mendez Act (Public Act 101-0224) in 2019. Championed by State Senator Jackie Collins, the Act requires “police training schools” to include instruction on trauma-informed responses that assure the safety and well-being of children during the arrest of a parent or an immediate family member, and training on de-escalation practices and making intentional inquiries into how the child will be supervised and receive care while their parent is in custody.

This law, which focuses on training, is a good start; however, there is a need to develop and implement policing and arrest policies and practices that consistently protect mothers and children from police-related trauma before, during and after police engagement.

B Create a partnership between the Lieutenant Governor’s Justice, Equity Opportunity Initiative (JEO), the Illinois Law Enforcement Training and Standards Board (ILETSB), impacted families and other experts to develop statewide policing standards and accountability for protection of children during all forms of police engagement. The Illinois Law Enforcement Training and Standards Board should build from the training program developed in compliance with the Peter Mendez Act by working with stakeholders, including impacted women and children, to establish comprehensive standards and written guidelines that ensure the safe and trauma-informed treatment of mothers, caregivers and children during a police raid, while executing a search warrant and upon executing an arrest. This process should establish accountability mechanisms for adherence to standards and include a reporting mandate requiring departments to submit the outcomes of all arrests when children were present to the Illinois State Police and the Lieutenant Governor’s Office of Justice Equity & Opportunity (JEO) for the purposes of policy review and development and to ensure corrective action.

C Enforce current laws requiring police officers to allow mothers to arrange for the safe supervision and care of their children upon arrest and provide access to case managers at police stations to support them. Illinois law requires police officers to allow parents to make arrangements for their children’s care whenever an arrest may result in a child being left unsupervised.⁵⁵ However, Statewide Women’s Justice Task Force data revealed that this law has been ignored in some jurisdictions, resulting in children being left in unsafe situations or being placed unnecessarily in DCFS custody. While every step possible should be taken to prevent the detention of mothers and separation from their children, measures should be enacted statewide to ensure that all mothers are able to 1) make arrangements for their children’s immediate care prior to being taken into custody, and 2) make any adjustments to such care after being taken into custody. Having community-based case managers available at police stations is one way police departments can offer this type of support.

D Adopt co-responder models to keep children safe during arrests, such as Child Development Community Policing (CDCP), which deploys mental health professionals to help police respond to calls involving traumatic situations. In addition to improved training, policies and procedures, Illinois should invest in co-responder models that provide immediate support to children impacted by the arrest of a parent or caregiver, such as the Child Development Community Policing (CDCP) model. Currently operating in at least 15 cities across the nation, CDCP forms service areas where mental health professionals are on call 24 hours a day, seven days a week, to respond immediately to police calls involving child victims or witnesses to violence or other trauma.

Application of this model in Illinois should involve deploying trained community outreach workers with law enforcement on arrests, raids or other operations where children may be present. In addition to providing immediate support and advocacy to children, these outreach workers can refer children and caregivers to support services to process the trauma of an arrest situation, preferably through the previously mentioned resource hub for children of incarcerated parents

COURTS

Create more family-centered court diversion opportunities and policies

Courts play a crucial role in ensuring that policies and practices do not unintentionally harm the mother-child relationship. While courts have the power to offer opportunities that can disrupt a mother’s trajectory to prison by diverting her into community-based support services, they also have the power to unnecessarily separate families and instigate a lasting, vicious cycle of incarceration. Building more family-centered policies and programs at the court level involves working to prevent pretrial detention through comprehensive bond reform (also recommended in this report), as well as increased investments into community support systems that do not involve incarceration. The following recommendations should be implemented by courts statewide and considered by the Illinois Supreme Court’s Commission on Pretrial Practices for inclusion in their recommendations.

A Make releasing mothers on their own recognizance the default position at initial bond hearings if they have children living with them. While state law discourages the pretrial detention of pregnant women, absent any threat they might pose to the community, it does not address the needs of mothers in general. Considering the caregiving role played by single mothers entangled in the criminal justice system, courts should also ensure that mothers who pose no specific danger are released from jail pending trial. During pretrial, they should also receive support to address critical responsibilities for their children that may interfere with their ability to attend court dates.

B Reduce the impact of incarceration on parental rights by changing harmful policies, ensuring mothers understand their rights, and mandating timely communication regarding proceedings.

- **Enforce extended timelines, which are established by law, that incarcerated parents have to reunify with their children.** While the law in Illinois was previously amended to allow courts to extend the time an incarcerated parent has to work toward reunification, there has been little monitoring or enforcement of this change.
- **Amend the Illinois Adoption Act and prevent parents from being found to be “unfit” due to the length of their sentence.** The Illinois Adoption Act should be amended to address a provision that allows for a parent to be found “unfit” largely based on the length of their sentence, despite amendments to Illinois law that allowed for the extension of time limits when a parent is incarcerated.
- **Change guidelines to ensure that a mother’s incarceration is not used as a basis for indication of neglect and termination of parental rights, including for mothers who give birth in prison and may not have access to an eligible caregiver.** Many mothers place their children with family members or the child’s other parent upon their arrest or incarceration. Should any caregiver later become involved with the child welfare system, current law allows for the incarcerated mother to be held accused of anticipatory neglect—regardless of whether or not she was aware of the abuse or negligence of others. Guidelines should be changed to ensure that a mother’s lack of availability to care for a child due to incarceration is not construed as abuse or neglect and does not result in termination of parental rights. Additionally, a mother who gives birth in jail or prison and does not have an eligible caregiver to receive the baby may have a child welfare case opened, which could result in loss of custody or a series of onerous requirements that harm their family.
- **Inform court-involved mothers of the potential impact a sentence can have on their parental rights in advance of making a decision on plea deals.** While a conviction can lead to a mother being found “unfit” and having her parental rights terminated, this information is often not given to defendants before they take pleas. For example, three felony convictions, with one occurring within the past five years, may be grounds for a mother to be found “unfit” in a termination hearing. A mother may take a plea

to something completely unrelated to her children, such as forgery or retail theft, and subsequently have that plea used as a reason for the permanent loss of her children. The length of a sentence can also contribute to an “unfitness” finding, and many mothers are unaware of this. Information concerning the possible legal implications of a plea, especially as they relate to parental rights, should be given to all mothers before they are asked to make a decision to take the plea or not.

- **Ensure that diligent efforts are made to locate incarcerated mothers and ensure that they are provided timely notification of any risk to their parental rights.** One obstacle incarcerated mothers face is that they are frequently listed under pseudonyms or have their names spelled incorrectly. They are entitled to notification if the state moves to terminate their parental rights, and the state is required to conduct a diligent search to locate them. By expanding the search requirements to ensure that women receive these critically important notifications.


C Eliminate pretrial electronic monitoring (EM) requirements for mothers that create barriers to housing, force them to remain in abusive housing arrangements, limit their employment options and inhibit their ability to care for their children.

Electronic monitoring (EM) may be used as a form of “electronic detention” in lieu of holding women in jail during the pretrial period. While this may appear beneficial, several reports have begun to question its effectiveness and value,⁵⁶ as well as the profit chains that are associated with its use.⁵⁷ EM can be particularly problematic for mothers, as it creates barriers to housing (e.g., if houses are not wired to support EM), may force them to remain in abusive living arrangements, restricts their ability to find or maintain a job if employment and EM requirements conflict, and increases surveillance of entire families. The rigid scheduling often associated with EM prevents mothers from exercising basic parenting responsibilities, many of which require flexibility (e.g., picking children up from school, attending parent teacher conferences that may run late). It also carries a stigma that damages a woman’s chances of rebuilding her life and supporting her family.⁵⁸

D Implement the Children’s Best Interest Act and promote increased alternatives to incarceration for mothers by creating statewide guidance for the courts and investing in community-based alternatives for families. As a result of the work of the Statewide Women’s Justice Task Force, Representative Kelly Cassidy partnered with the WJI and CGLA to introduce and pass legislation called The Children’s Best Interest Act.⁵⁹ By allowing judges to expand the use of family impact statements as a mitigating factor in sentencing decisions for mothers, fathers and other caregivers, this Act has the potential to decrease incarceration by promoting more opportunities to divert mothers away from prison and into family-centered, community-based sentencing options. All 102 counties across Illinois should implement this new law, and receive the education, training and resources to make it possible to properly support mothers in the community.

E Create a grant program to incentivize innovative mother-child court diversion models that allow for direct admission to community-based programs from court and prevent family disruptions associated with IDOC admissions and processing. In order to achieve the greatest safety, health, well-being, and outcomes for both justice-involved mothers and their children, the state should identify ways to steer resources away from incarceration and into community-based diversion programs and support services. A statewide incentive grant program should be launched to ensure these programs are made available across all regions of the state, and to fund promising interventions that would allow for mothers sentenced to prison to be admitted directly into a supportive program that allows them to serve their time in the community with their children and does not require them to first report to IDOC, which is unnecessary and results in harmful separation from their children. The state and counties should explore promising interventions from across the nation, including Time for Change Foundation in San Bernardino, Housing + Solutions in New York, ReMerge in Oklahoma, and the Oregon Family Sentencing Alternative program.

F Conduct a cost-benefit analysis and evaluate the impact of the Best Interest of the Child Act and other diversion programs on the lives of mothers and children to demonstrate their success and promote their expansion statewide. Studies in Illinois and across the nation have shown that diversion programs and community-based services that keep mothers and children together have positive outcomes and reduce recidivism. Specifically, Chicago Legal Advocacy for Incarcerated Mothers (CLAIM) found that recidivism rates for family-based alternative sentencing models in the U.S. ranged from zero to 17%, dramatically below the repeat “offense” rate for women forced to serve prison time. As the state works to decarcerate women and families through the implementation of new laws, such as the Children’s Best Interest Act, it should invest in evaluation and a cost-benefit analyses in order to promote their application and expansion across counties. Specifically, a cost-benefit analysis should be used to make comparisons between alternative sentencing programs and traditional incarceration.



“While I don’t believe pregnant women should be in prison, the new pregnancy unit at Logan made a huge difference for me. It might seem small, but having a refrigerator with healthy snacks and even a body pillow - instead of a hard prison bed that can bruise your hips - makes a big difference when you are pregnant.

Another thing that made a big difference was the administrator, Sherrin Fitzer. She was like a mom, counselor, and support all in one - she made us feel safe. All of us on that unit became like a family, and it set us up to support and care for each other.”.

MANDI JO GRAMMER

Loving mom

In 2019, the IDOC created a specialized wing at Logan Correctional Center for pregnant women. The unit represented an improvement from previous practices, which involved pregnant women being housed across all units at the prison in more challenging conditions.

Women in the pregnancy unit, which also houses those who have recently given birth, have their own rooms with no doors so that they can move around the unit. They have body pillows to help them sleep, as well as more comfortable bedding to prevent body bruising. Recently, the IDOC also began partnering with Chicago Volunteer Doula to create a groundbreaking peer doula program, which resulted in training nine women to act as doulas for their pregnant peers on the unit.

While the priority is to release pregnant persons prior to giving birth (or prevent their incarceration overall), the current reality is that there are still pregnant women inside of prison who need access to specialized support.

INCARCERATION: JAIL & PRISON

Improve family visitation policies & expand programs that protect mother-child bonding at jails and prisons statewide

Parent-child bonding is a basic human necessity that should be protected rather than denied. Every tool available should be used to keep women in the community with her children at all stages of their justice involvement. In the absence of those opportunities, efforts must be improved to ensure that mothers and their children can maintain healthy contact and communication.

Unfortunately, multiple barriers currently exist that prevent quality bonding experiences during detention and incarceration—particularly for women of color and economically marginalized families. Rigid jail and prison policies often restrict in-person “contact” visits between mothers and their children, remote communication by phone or email is often cost prohibitive, and the cost of long drives to distant prisons poses a tremendous financial hardship.

All of these challenges are exacerbated when a woman is involved in the child welfare system, which often fails to coordinate well with prisons and jails and imposes certain visitation and programmatic requirements on women that are nearly impossible to achieve from behind bars—especially when no such programs are even available to them. These factors culminate to work against the goal of family reunification, and only create a greater risk of mothers losing their parental rights and suffering lengthier separation from their children.

Visits with children may also be prohibited—or even cancelled—due to prolonged facility lockdowns, harmful disciplinary sanctions that disproportionately impact women, and segregation practices.

For example, even when children are able to physically visit their mothers in jail or prison, they are often prevented from having contact visits, where they are able to fully see and touch their mothers. Over one-third of the jails in Illinois only allow children to see their mothers on a video screen, with many more only allowing visitation through plexiglass. While IDOC women’s facilities allow contact visits, there are many instances where they are unnecessarily prohibited. Some jails and prisons assert that they lack the resources needed to properly implement the security procedures that are required per policy to staff visits, such as screening visitors and incarcerated persons, while others have identified lack of space to conduct visits. Visits with children may also be prohibited—or even cancelled—due to prolonged facility lockdowns, harmful disciplinary sanctions that disproportionately impact women, and segregation practices.

My daughter came into the room and saw me through the glass at the Cook County Jail. When she couldn’t get to me, she started screaming. Her whole face lit up when she saw me. She came running toward me and reached up to the glass to be picked up. When she couldn’t get to me, she started screaming. Then she started banging on the glass at the Cook County Jail and crying. I had to beg my mom to get her out of there. She fought my mom because she didn’t want to leave me, so my mom had to carry her out under her arm, like a football. I didn’t let them visit me again the whole time I was there. I think it still affects her to this day.

MERARI

Writing the Task Force about her experience at Cook County Jail in 2012, where she was held for months on a charge that was eventually dismissed



Jada and her mom, Erika Ray, have been able to stay connected due to the CGLA Reunification Ride. They have been separated by incarceration for over 14 years. Read more about Erika's fight for freedom in the Relationship Safety chapter.



There were a lot of years during my childhood that I didn't have pictures of me and my mom together. I wanted something to look at to remember she was real.

I had proof of my mom, and I could see how much we loved each other. I posted the pictures online and showed her off.

Other kids posted pictures of their moms online or had family pics on their phone. When I was finally able to get pictures together through the Reunification Ride it felt like a huge relief. I had proof of my mom, and I could see how much we loved each other. I posted the pictures online and showed her off. I looked at them all the time when I felt like I needed her. I really believe all kids need to have those memories of time with their moms.

JADA

daughter of a mother incarcerated at Logan Correctional Center

A Establish alternatives to incarceration that allow women to serve their prison sentences in community-based programs closer to their families, including those that allow them to live with their children. While a decades-old state law gives IDOC broad discretion to allow women to serve their prison sentence in a community-based pre-release program with their children, this program has only been offered in Chicago through a contract with The Women’s Treatment Center (TWTC) and only three women have accessed this program in the last four years. As is discussed in greater detail in the Safe and Stable Housing chapter of this report, the state should dramatically expand this program by establishing contracts with community-based programs in high-impact regions across the state.

B Increase in-person visitation opportunities between incarcerated mothers and their children.

- Allow contact visitation between mothers and children at all jails and prisons and at all stages of incarceration, unless there is a clear safety risk to the children. Definitions of safety and risk should incorporate the research on women. If necessary, facilities should commit resources to facilitate contact visitation as quickly as possible, as well as appropriate personnel to conduct the visits.
- Increase state-funded transportation options to support visitation between incarcerated mothers and their children. A percentage of the cost of incarceration should be dedicated to supporting visitation with children, including funding transportation programs to facilities to all regions of Illinois.
- Expand visitation hours to increase opportunities for families to spend time together, particularly within county jails, which typically have more restrictive visiting hours. Operational practices must be designed to support family visitation. It is unacceptable to allow space, personnel and other barriers to persist. Research clearly shows that family visitation has a positive, stabilizing effect on parents and children and that lack of contact can create lasting trauma. Resources must be allocated to ensure family contact is supported and protected.

C Create a standardized set of DCFS policies and programs that protect jail and prison visitation between mothers and their children in foster care and actively facilitate family-bonding. Mothers who have children in foster care are entitled to reasonable visitation with their children, unless otherwise restricted by a court. However, many obstacles exist in maintaining this visitation during incarceration, and lack of contact has adverse effects on mother-child bonding and the legal outcomes of foster care cases.

- Visitation planning should commence as soon as a mother is incarcerated, with an initial DCFS-facilitated contact visit, or visit arranged by the children’s caregiver, occurring within 30 days.

- Offer prison-based parenting coaches to help prepare and support mothers before and after visits, particularly with regard to managing expectations, the difficult emotions they may experience, and navigating issues with their child’s guardian or foster family; launch peer-led parent support groups; and do not require parenting classes prior to visits with children, or delay visits pending completion of these kinds of classes.
- Increase transportation options; agencies that are contracted through DCFS should be required to maintain vehicles to bring children to visit their mothers.
- Ensure clear schedules, procedures and processes for visitations, clear criteria for denials of visitations, and accessible appeal processes.
- Provide judicial education on visitation practices in various facilities in order to ensure that court personnel understand the limitations of available prison programming and the benefits of visitation even in a carceral setting.

D Establish family-friendly visitation spaces and practices at all jails and prisons and train staff on visitation practices to reduce trauma to children and ensure families are treated with dignity. Visiting a jail or prison can be an intimidating experience for a child. They often wait for long periods in unwelcoming spaces and staff may interact with them in developmentally inappropriate ways. Therefore, all prison and jail visitation should be managed by staff who have received specific training on how to work with children (e.g., eye-level communication and careful use of voice volume) and implement child-friendly procedures. In addition, staff should be held accountable for treating children and their mothers with dignity. For example, they should never refer to mothers by numbers or as “offenders”, especially in front of their children. Facilities should work with impacted women and child psychology professionals to create family-centered policies and procedures that include:

- Child-friendly spaces that are visually appealing (e.g., murals and pictures) and specific areas where children can play, crawl, play games, and move around.
- Availability of child-friendly materials at each point where children may wait (before and after a visit), such as gatehouses, waiting rooms, and lobbies.
- Visiting rules that allow age-appropriate parent-child physical contact throughout the visit.
- Availability of family-friendly supplies in visitation rooms, such as highchairs, toys, and books.
- Photo booth kiosks for mothers and children to take photos together for free or at cost.
- Free lockers for visitors to store personal belongings.



It's time to Expand and Properly Resource the Reunification Ride

Without dedicated state funding for visitation programs, a coalition from Cabrini Green Legal Aid (CGLA), Moms United Against Violence and Incarceration (MUAVI), and Nehemiah Trinity Rising joined together to raise the funds needed to bring families to Logan Correctional Center for Mother's Day in 2016. Since then, they expanded the program, facilitating hundreds of visits between mothers and their children.

Through the program, approximately 50 children and caregivers visit mothers in prison each month. The program provides transportation to the prison, including snacks and movies on the bus. Instead of a visit at a table in the visiting room, families spend time together in the gym. Families eat together, play games, complete arts and crafts, and spend time bonding. The mothers and children also receive photographs of their time together.

Funding for quality programs, like the Reunification Ride, should be provided by the state to ensure that families have the opportunity to bond. The program should be expanded to ensure that children can see their mothers at least once a month, and to create similar visitation options throughout the state.

E Reduce the cost of in-person visits by creating a network of volunteer host homes for caregivers and children visiting incarcerated mothers, allowing families to bring snacks for children into prison and jail visiting areas, and eliminating exploitative vending machine costs. In addition to the expense of taking time off of work and travel costs related to the long drives often associated with bringing children to visit their moms in prison, families face other unanticipated costs. For example, prison and jails do not allow outside food, and caregivers are forced buy snacks from vending machines with marked up prices in visiting areas in order to feed children during visits. To reduce the cost of visits, the following changes should be implemented:

- Transition from vending machines to small subsidized markets or cafés, allowing families to eat healthier foods from non-profit organizations. Ideally, food should be supplied at no cost during visits to support family bonding, leveraging culinary programs within institutions to prepare food.
- Allow families to bring in snacks for children.
- If vending machines are present for additional food, adjust prices to ensure fairness and affordability; charge at cost and no more than staff members are charged.
- Ideally, incarcerated mothers should be located in facilities near their communities. However, when they are not, create a network of volunteer host homes near facilities to allow caregivers and children to stay free of charge while visiting a parent, and explore opportunities to collaborate with local hotels to negotiate reduced rates for visiting families.
- Address the harm of intergenerational incarceration by improving the process by which caregivers with criminal records or ongoing cases are approved for bringing children to visit their parents in prisons and jails. Due to the intergenerational nature of incarceration, many caregivers of children have past criminal records. IDOC requires that visitors with any prior felony records or ongoing cases, regardless of the severity, receive special permission from the warden of the facility to visit. However, the approval process can be long and confusing, discouraging many families from visiting. Facilities should modify these requirements, including the following:
 - Unless visitors, particularly caregivers of minor children, have been convicted of bringing contraband into a penal institution, their criminal record should not be used to bar them from visitation without individualized review. Juvenile, sealed, dismissed, or expunged records should not be used against any visitor or be required to be disclosed.
 - When necessary, requests for permission to wardens should be completed through a simple form, rather than requiring a letter with unclear instructions, and be reviewed within 30 days. In addition, approvals should transfer between facilities. Visitors unaware of these procedures should be granted one initial visit to their loved ones rather than being denied entry.
 - Criminal records should never be used as the basis to deny remote visitation, including video, email, or phone contact, unless there is an identified, specific security risk.

Taylor was 16 years old when I went to prison. She was old enough to know what was going on, but still too young to process it. Once I went away, not only did her grades drop, but after a while, she just stopped going to school altogether. The school never contacted me or told me anything that was going on. With me gone and communication so hard in prison, Taylor had no one she could talk to, to trust.

After a while, Taylor started to act up more and more. She needed her mom. One night, she went out with her friends - when she was supposed to be home - and she was shot and killed. The last thing she said to me, the last time I saw her alive, was “Mommy, I need you. I can’t wait until you’re home.”

Just because I went to prison, I never stopped being her mom. I wish that the school, her guidance counselor, her guardian and I could have worked together to be a solid unit. Taylor needed us to be there together for her.

TONI TRANCHITA
Loving mom

F Ensure prison and jail visitor dress code policies are child-friendly, gender and culturally responsive, fairly enforced, and end the practice of turning away families who have driven hours to visit loved ones at the gate due to arbitrary dress code interpretations. Dress codes for children and adults can be confusing, inconsistently applied, and can result in families being turned away from a long-awaited visit. Task Force data revealed that dress code policies are enforced in an arbitrary and unreasonable manner. Some families reported being turned away for wearing ripped jeans, while others reported sexist and culturally insensitive interpretations of what constitutes “appropriate” dress. Families who are economically disadvantaged may not have clothing that conforms to the rules of an institution or the means to obtain new clothes after they have been told they cannot wear the clothes they already have. Procedures like the counting of braids can be humiliating, particularly for children of color, and the fear that a lost barrette could result in punishment for their parent or loss of visitation is traumatizing.

Dress codes for visitors should be used only when there is a clear link between the code and facility safety, and the rules should be extremely clear, reasonable, simple, and fair to women. In addition, dress codes should be relaxed for children and special consideration should be given to cultural differences, such as hairstyles and religious attire.

G Eliminate the practice of denying mothers visits with children as a disciplinary tool, and end the practice of arbitrarily locking down entire facilities, which results in denying children long-awaited visits with their mothers. Loss of visitation is often used as a disciplinary measure. For example, women who are placed in solitary confinement may have their contact visits removed or severely limited. When facilities go on lockdown, all visits are stopped even though the cause may be unrelated to the safety or actions of the mothers receiving visits. The denial of visits punishes children as well as their mothers and causes psychological harm. Policies and statutes should be changed to ensure that discipline is not used to restrict visitation between mothers and their children.

H Support mother-child bonds through Communication Justice.^{†60} While maintaining regular contact visits between incarcerated mothers and their children is critical to mother-child bonding, prisons and jails must also offer accessible and affordable ways to foster regular communication via phone calls, emails and video calls. In order to ensure Communication Justice for incarcerated mothers, the following improvements should be made:

- Follow the lead of New York City and San Francisco and make all phone services from jail and prisons free for incarcerated individuals. While the IDOC recently made important progress by reducing the cost of phone calls from state prisons down to one of the lowest rates in the nation (one cent per minute), county jails across the state often impose cost prohibitive fees that now average 52 times higher than the state.⁶¹ For example a four minute call between a mother and her child costs 14 cents at a state prison versus an average of seven dollars at a county jail (every county jail has different rates).⁶²
- Pass legislation that requires all state prisons and jails to increase the number of phones available to all incarcerated individuals, and establish a minimum of one phone per ten people on each housing unit. For example, there are an average of about four working phones available for every 124-156 women on each housing unit at Logan Correctional Center, and insufficient access to them has been an ongoing source of parental stress and conflict among the women, the majority of whom are mothers. In addition, the lack of working phones among state prisons reportedly resulted in a new policy that reduced calls times by 30% in 2019.
- Create a system that provides women incarcerated in prisons or jails access to free tablets, emails and video calls. In Illinois, incarcerated women must either access a general kiosk on their housing unit or pay \$125 to purchase a personal tablet that allows them to correspond with children and family by email or video call. However, they must also be able to afford to buy a certain number of “credits” in order to use the kiosks and tablets. For example, emails cost 20-30 cents each, and must also be purchased by her child or family member in order to correspond with her.

[†]Communication Justice exists when incarcerated women can access free and affordable forms of communication with their children, family and key supports without being exposed to price gouging and other forms of exploitation that cause them psychological harm, create isolation and deepen their economic insecurity. (*Communications Justice: Confronting the Exploitative Costs that Compromise Women’s Connections to Children, Family and Community Resources*. Women’s Justice Institute, 2020.)

They made my sixteen-year-old, who is dying of brain cancer, wait in the Logan Prison parking lot and would not let her visit me due to paperwork... I cried for days after. My family called the prison to ask what they needed to bring the kids for a visit. The prison told them to bring the kids’ social security cards and birth certificates.

They drove four hours on my birthday to bring the kids. Then they got here and the prison said that we needed a notarized form from my sister, too...But they didn’t tell them that! They wouldn’t even show them what form they needed, just told them to leave... My sister left work and got the form notarized and emailed it back, but then the prison said they wouldn’t look at it on the phone. So my sixteen-year-old, who is dying of brain cancer, ended up having to wait outside the prison – and never got in to visit me... I cried for days after.

ANONYMOUS
Loving Mother at Logan Correctional Center

Current fee structures only serve to replicate the experience of economic marginalization that impacted women and their children have experienced in the community, rather than investing in helping them to heal and strengthen bonds. In addition, only women with sufficient funds in their account have the option to purchase individual tablets to send emails, which also requires the purchase of credits. Thus, a woman’s ability to maintain healthy communication with her children and family while she is incarcerated is unjustly restricted based on her resources.

- Pass legislation that requires prisons and jails to establish fair, timely and reliable timeframes for the review and release of emails and letters. Due to varying security protocols in jails and prisons, emails and letters are screened prior to transmission. Depending on the number of security staff on duty to review them, women and their children may receive correspondence within hours, days or sometimes even weeks. These inconsistent lag times create disconnection and undermine healthy family

communication, as well as create anxiety, for example, when a child is seeking support from their mother for challenges they are experiencing or when a mother is concerned about her child’s safety and well-being. It should be noted that standards that set timeframes for the release of all forms of communications can and should be established and honored by all jails and prisons statewide, and do not have to wait for legislation.

- Require all prisons and jails to provide incarcerated mothers with the resources they need to send their children pre-addressed envelopes and/or email credits so that their children can afford to contact them. This will be necessary until comprehensive communications justice⁶³ is achieved. All children should have a right to communicate with their mothers, regardless of their family’s income level.
- Require all prisons and jails to proactively pursue innovative partnerships with nonprofit organizations that offer digital platforms designed to keep incarcerated parents, their children and families in contact at no cost. One example is the Photo Patch Foundation, which was founded by Antoine Patton, a formerly incarcerated father and his then 12-year-old daughter Jay’Aina. Together, they created a free website and mobile app where children can type letters and upload photos for their incarcerated parent, and then mail them at no cost to the family.⁶⁴

| Ensure equity for economically marginalized mothers by providing programming to support remote parenting and bonding, such as Operation Storybook, and remove eligibility restrictions that limit access to family-centered programs tied to the age of children or a mother’s release date. Not all children are able to visit their mothers in person during incarceration, often due to economic marginalization. As such, all mothers should have ample opportunities to parent remotely.

- Create programmatic opportunities such as a series of classes for mothers to learn about tools they can use to facilitate remote parenting efforts while incarcerated.
- Increase the use of video visitation, as well as programs like Operation Storybook, that videotape parents reading a children’s book; ensure such programs receive funding support so they can be expanded to all interested families.
- Provide parenting classes to all interested women, with adequate space to prevent waitlists, particularly for mothers with DCFS cases.
- Remove restrictions on program participation based on children’s ages or the mother’s release date.
- Provide arts and crafts supplies to mothers to allow them to send art home to their children. In addition, ensure that children are able to send artwork created with paint, crayons, or markers to their mothers.

J Require all prisons and jails to ensure availability of specially trained counselors or case managers who have the attitudes, knowledge, and skills needed to implement family-centered approaches with mothers and their children. Prisons and jails need to have the capacity to provide incarcerated mothers with the information, support, and resources they need to attend to the needs of their children and families and navigate child welfare and other systems. This is critical given that incarceration of any length is known to cause major disruptions to children and families.⁶⁵

- For example, prior to 2016, Logan Correctional Center had specific counselors who were trained to assist women with issues related to their children and facilitated communication, taught programming, and worked with mothers individually to facilitate their relationship-building efforts with their children. IDOC should revisit the idea of identifying and training specific counselors to focus on issues related to incarcerated mothers and their children.
- In addition, jails and prisons should implement a peer-led orientation process designed to provide recently incarcerated mothers with helpful information on family-centered programs and resources available at the facility, as well as opportunities to sign up for them.

K Create an improved system of coordinated communication and services between DCFS, jails and prisons that is built with input from impacted families, and supports successful family reunification. When an incarcerated mother is engaged with the child welfare system, she is often required to complete a service plan and meet other requirements in order to prevent the permanent loss of custody of her children. Service plans can include mandates like enrolling in a drug treatment program, completing certain types of parenting classes or having regular visitation with their child. In order for a mother to be successful, she must be able to access qualifying programs, engage regularly in visits and regularly, and communicate her progress to DCFS—or risk permanent loss of her parental rights. Yet, the child welfare system has a long history of imposing mandates and requirements upon incarcerated mothers that are either unrealistic or incompatible with the realities of jails and prisons.

Task Force data illuminated the fact that many impacted mothers have been traumatized by their lack of voice and lack of access to required programs because they simply are not offered at their facility, or not accessible due to long waiting lists,. Visits can be cancelled due to facility lockdowns and other prison or jail policies. This trauma is compounded when women are unable to reach their DCFS caseworkers to communicate about these and other barriers to their completion of their service plans.

These challenges are even more complex for young mothers, who may also have grown up as a ward of the child welfare system and are navigating their own case, as well as that which relates to their children. DCFS should partner with impacted women, advocates, and jail and prison officials to develop a standard set of policies and protocols, including reliable and timely communication and coordination of services, that is designed to protect the rights of incarcerated moms.

I was five months pregnant when I was sent to prison.
I was convicted of possession of less than five grams....
When I received my sentence, I remember feeling like the judge was sending me to prison because I was pregnant, as if he thought I would be safer there. How could anyone think a prison is a safe and healthy place to be pregnant?

Formerly incarcerated and loving mother (2019)

An improved system of coordinated communication should include:

- Partnering with jails and prisons to provide the resources and training necessary to ensure that all incarcerated mothers can complete their service plans, and not punish them if required programming is not available;
- Distributing agency directories with contact information for both DCFS caseworkers and correctional staff;
- Requiring jails and prisons to create reports about what services were/were not available to a mother prior to any DCFS administrative case review or court hearing;
- Including only items that can be realistically accomplished in service plans;
- Ensuring that all parenting classes are culturally responsive, engaging and include parent-child time; and
- Improving services for dually-involved young women, and expediting connections with their case workers upon entry to a county jail or prison.

L Create safe and readily accessible procedures for incarcerated mothers to report concerns about the safety of their children to the proper authorities, and document them to ensure systems are held accountable to responding appropriately. When a mother is incarcerated, her children may not only become emotionally vulnerable, but they can sometimes be placed in harm's way if placed with the wrong caregiver. During Task Force focus groups, listening sessions and mapping sessions, participants reported that incarcerated mothers often feel helpless when, during prison visits, phone calls, and emails, their children confide in them that they have been mistreated or feel at risk. Some reported that even when they were permitted by facility staff to call the DCFS hotline, they were disregarded for providing what was deemed second-hand information, for seeming "hysterical" or for lacking credibility due to their criminal history. It was also reported that women did not feel that their concerns were taken seriously by some facility staff in the first place. Procedures should be created to allow mothers to place hotline calls from within facilities to protect their children, and investigators should be required to follow up with incarcerated mothers and not simply dismiss their claims. Mothers should have access to legal advocates to discuss their concerns and lead them through their options.

Establish an independent monitor for issues related to children of incarcerated parents

Despite the fact that Illinois ranks sixth in the nation for the number of children who have experienced the incarceration of a parent, there is no independent oversight entity for IDOC that protects the children's best interests, including prison visitation rights.⁶⁶ For example, if a child has a negative experience when visiting their mother in prison, such as being turned away at the gate for arbitrary reasons or being treated poorly, there is no one to whom the family can report the issue and no way to seek resolution.

Similar to the successful creation of the Illinois Office of the Independent Juvenile Ombudsman, the Illinois State Legislature should pass legislation that establishes an ombudsperson that focuses exclusively on protecting the rights and well-being of children of incarcerated parents. This position should be responsible for evaluating visitation procedures and complaints, making recommendations to IDOC and government officials on improving visitation policies and procedures, and identifying programs that can strengthen family bonding and improve community-based support services for children of incarcerated parents. Since the IDOC operates the Office of Jail and Detention Standards, there is an additional opportunity to promote thoughtful approaches to the needs of children with incarcerated parents in jails across the state.

In addition to overseeing visitation challenges that impact children, this position should facilitate cooperation between facilities and court systems. This will allow families to obtain necessary court paperwork for visitation. This can be accomplished by creating e-filing terminals in law libraries, codifying telephonic writ procedures, and expanding Polycom video access for all facilities and courts.

I realized we could either help people now, or we could wait until they were out of prison, but that waiting might do more damage to relationships and provide less time to heal.

I started the Incarcerated Litigants Call because I kept getting letters from parents in prison who had no way to obtain justice. Some of the litigants were even the primary caregivers of their children before prison. I realized we could either help people now, or we could wait until they were out of prison, but that waiting might do more damage to relationships and provide less time to heal. I wanted people to be able to have a clear understanding of how to continue a relationship with their children and to facilitate leaving prison with a clean state.

Seeing litigants appear by video and allowing them to ask questions and participate in their cases has made a difference in many cases, as I've been able to see the moms and understand their goals, while also making it possible for them to see me and ask questions. I've seen mothers and children be reunited through phone calls or in-person visits. I've seen many women cry with happiness when I've granted their divorces. I would like to see litigants from across the state be able to access the same justice.

HONORABLE JUDGE GRACE DICKLER

Presiding Judge of Domestic Relations, Cook County

After dealing with addiction, I ended up in prison pregnant. When COVID-19 came in March of 2020, Governor Pritzker and the prison released almost all of the pregnant women. I was able to go home on electronic detention a year early and give birth and keep my baby. He's over seven months old now, and he is my entire life. When he got sick and had to be hospitalized for a month, I never left his side. We have an incredible bond, and it terrifies me to think how close we came to missing out on the crucial first year together.

I have to wonder, if we could release all of the pregnant women to be with their babies because of the pandemic, why can't we do it all of the time? Moms and babies won't stop needing to be together even after the pandemic is over."

DANIELLE
Loving Mom



"I have to wonder, if we could release all of the pregnant women to be with their babies because of the pandemic, why can't we do it all of the time?"

DANIELLE
Loving Mom

Improve treatment and services for pregnant and postpartum women

It has been estimated that roughly 58,000 (3-4%) of the 225,000 women admitted annually to prisons and jails across the nation are pregnant.⁶⁷ Due to the fact that carceral settings are generally not well-equipped, appropriate or safe places to address the unique reproductive health needs of pregnant and postpartum women, this presents a set of critical challenges. If unaddressed, they can lead to short- and long-term consequences that adversely impact women’s health and that of their babies.

Ultimately, the most effective way to address these issues is to identify every possible opportunity to prevent the incarceration of pregnant women and to divert them into quality community-based services, including those that focus on reproductive health. Until this is achieved, prisons and jails should ensure that pregnant women are housed safely, provided with the proper diet and nutrition, and receive quality reproductive health care services. After a child is born to an incarcerated mother, family-centered policies and protocols must be implemented to help support healthy mother-child bonding. For example, all facilities should monitor and address any postpartum needs that arise, including postpartum mental health, and eliminate disciplinary practices that prevent mothers from visiting with their newborn babies.

It should be noted that Logan Correctional Center recently launched a Pregnancy Unit that has made some promising progress in improving the safety, treatment and services for pregnant women in their custody. This program should be expanded to create opportunities for women to be released early enough to give birth in the community, prevent family separation, and keep their families intact.

A Enforce and expand laws that discourage pretrial detention of pregnant women.

Current Illinois law⁶⁸ discourages pretrial detention among pregnant women, with the exception of those who demonstrate a danger to the community. While this law has greatly reduced the number of pregnant women in pretrial detention since being enacted in 2018, not all counties are implementing it appropriately. This law must be enforced throughout the State of Illinois and should be expanded to include women who are postpartum. In addition, bond hearings and court dates for pregnant and postpartum women should be advanced to occur as quickly as possible, including when pregnant women are initially arrested or a warrant is executed. If she is released, a court date should be set for after she gives birth.

B Expedite the decarceration of pregnant women in IDOC custody by immediately applying the underutilized 1998 IDOC Women’s and Children’s Pre-release Community Supervision Program Act, IDOC credit enhancement, and accelerated release programs.

At any given time, there are approximately 30 pregnant women incarcerated in Illinois state prisons, the majority of whom typically complete their sentence within one year of their due date. While current laws and policies are in place that would allow for these women to serve the remainder of their time in their community as soon as possible and in time for childbirth, they are greatly underutilized. The state should build an operational plan to leverage the following mechanisms, whenever possible, in order to ensure the ongoing decarceration of pregnant women:

- Apply statutes such as the 1998 IDOC Women’s and Children’s Pre-release Community Supervision Program Law.
- Expedite Earned Discretionary Sentencing Credits (EDSC) approval and other accelerated release programs for pregnant women that allow them to serve their time in non-carceral settings.
- Expedite parole violation hearings for pregnant and postpartum women. Due to the large number of women awaiting hearings, the Prisoner Review Board might come to a facility multiple times before a woman receives a hearing.

C Create, legislate and enforce statewide guidelines for the safe treatment of all pregnant and postpartum women in jails and prisons that comport with standards defined by the American College of Obstetricians and Gynecologists.

The conditions of confinement for pregnant and postpartum women should be addressed and improved at all county jails and state prisons. In particular, state law should require the establishment of comprehensive, centralized written policies on the care of pregnant and postpartum women that comport with community standards as defined by the American College of Obstetricians and Gynecologists. IDOC’s recently implemented Pregnancy Unit represents an important initial effort to better address the needs of pregnant women. These standards should:

- Ban the practice of inducing labor unless medically indicated.
- Ensure that pregnant women have regular obstetrical appointments and timely appointments with specialists when needed/referred.
- Ensure that correctional staff fully comply with medical orders.
- Ensure that a trained obstetrical nurse is available at all times on units where pregnant women are housed.
- Increase pumping and milk transportation options for nursing mothers and ensure appropriate nutrition for pumping mothers.
- Ban the use of restraints with women during the peripartum period; while Illinois was the first state in the country to ban the shackling of women in labor, women report that they have still been handcuffed or otherwise restrained, particularly in some county jails.
- Ensure that all units with pregnant women have climate control, including appropriate heat and air conditioning; sleeping conditions should include double mattresses for all pregnant women, body pillows, and bottom bunks when in bunk beds.
- Provide a nutritionally adequate prenatal diet, including vitamin and mineral supplements; pregnant women should be given liberal access to nutritious snacks at all hours of the day.
- Ensure that women have access to psychological support such as counseling and group therapy, throughout the peripartum period and following birth, especially when they are unable to remain with their babies.

My baby is the love of my life... She is happy and healthy, and we are finally moving on with our lives together.

It's still so hard to believe that I gave birth to this precious child on the dirty bathroom floor of a prison.

HANNAH

With her daughter, Delilah

In late January of 2019, I was 37 weeks pregnant and incarcerated at Logan Correctional Center... The day my water broke, I was sent to the health care unit. Despite the fact that blood and fluid were pouring out, they only visually checked me, and said, “you’re fine and you have a few more weeks anyway.”

After I was sent back to my housing unit, I started having really bad contractions. The other women on my unit were concerned, and tried to help – evening timing my contractions. Another one talked to me to calm me down. It started to hurt so badly that I couldn’t lay down anymore, and I had to stand up and walk. They walked with me and even laid a mattress in the hallway for me.

The other women started begging the COs to send medical care, but they responded, “you’re inmates and don’t know anything.”... We all called for a crisis, which means I basically had to claim I would hurt myself in order to force them to send medical care. Then, the same nurses-in-training came back, checked me visually again - without even feeling my stomach or cervix – and said I was overreacting.

We all knew the baby was coming anyway... So the women set up a chair for me in the shower thinking it would be relaxing and the cleanest part of our unit... until we noticed there was poop on the floor... we literally had to pick it up and then use shampoo to clean the area. The next thing I remember, one of the women said, “Hannah, I see a head.” I laid on the ground in the shower and started pushing.

The next thing I remember, one of the women said, “Hannah, I see a head.” I laid on the ground in the shower and started pushing.

About ten minutes into it, I heard an ambulance. Paramedics came in, and the baby came out within minutes... Once we got to the hospital, everything was a blur. I had to get so many stitches, probably because of the way I had to push when I was on the floor. Luckily, my baby was ok. She was my blessing that came out of all of this, and I am so grateful to the other incarcerated women for being the ones to help me when no one else would. If you don’t have a voice, you don’t have anything in this world. Just because we are inmates, does not mean we are not human.

HANNAH

Loving mom

To facilitate data-driven decision making, IDOC and county jails should collect and report systematic, de-identified data on pregnancies and outcomes among women in their custody, including: 1) the number of women who enter custody pregnant, learn they are pregnant at reception, and become pregnant while in custody; and 2) the outcomes of women's pregnancies, including abortions, ectopic pregnancies, miscarriages, stillbirths, premature births, vaginal births, and C-sections, and 3) individual demographics. Qualitative data should be collected from women, staff and families to determine strengths, challenges and gaps in conditions and services for pregnant and postpartum women.

D Ensure access to doulas for all pregnant women in prisons and jails, and expand programs that train incarcerated women to serve as peer support doulas.

Incarcerated pregnant women should have access to doulas during the entire peripartum period (i.e., the period shortly before, during, and immediately after giving birth). Programs that train incarcerated women to serve as peer doulas at jails and prisons, such as The Chicago Volunteer Doula program currently being piloted at Logan Correctional Center, should be expanded.

In addition, women should be allowed to have doulas, partners, and family members present for prenatal appointments and in delivery rooms, in accordance with hospital rules. Pregnant and postpartum women should have access to a full curriculum of classes related to pregnancy, exercise, nutrition, labor, bonding, lactation, and other relevant topics.

E Address the under-utilization of the IDOC Moms and Babies Prison Nursery program by expanding eligibility criteria and rules to increase access to as many families as possible, and use it as a launching point for release into community-based programs.

The IDOC Moms and Babies Prison Nursery program at Decatur Correctional Center is a woefully underutilized resource within the corrections system that prevents the separation of newborn babies from their mothers. This program, which has historically maintained a nearly 0% recidivism rate, is especially important given that current laws do not prohibit the unnecessary incarceration of pregnant women. Prior to the establishment of this program over ten years ago, infants and their mothers were separated after childbirth and could not be reunited until after the mother was released from prison.

You're just pregnant, you aren't dying or anything, the guard at the jail said to me.

SHAWNA

Currently Incarcerated Mother (2019)

Whatever its intended function, the IDOC dress code policy actually functions to shame women and girls for their clothing.”

In the course of accompanying families on visits to moms incarcerated at Logan and Decatur prisons, I've witnessed family members... being told that they must change their clothing--having traveled about 180 miles from Chicago—or they would not be allowed a visit. The response of loved ones, feeling frustrated, overwhelmed and shamed, often dressed in their best outfits for their moms, was that they would not return.

HOLLY KRIG

Moms United Against Violence and Incarceration and Co-Founder of Reunification Ride

Despite its success and sometimes desperate efforts by incarcerated mothers to enroll, the Moms & Babies Program has only has eight spots for mothers, and, in recent years, has rarely filled them by more than 50%. In addition to transforming the program into a launching point for mother and babies to be released into community-based alternatives, the overall admission processes, criteria, and utilization of the Moms and Babies program should be improved in the following ways:

- Provide mothers who apply to the program with clear decisions within 30 days of their application and implement an independent appeals process.
- Expand eligibility to include mothers with babies and toddlers up to the age of four that were born prior to admission.
- Prioritize admission for mothers with children who are under eighteen months old.
- Do not require mothers to identify a biological father for their baby nor to obtain his consent for entry into the program.
- Do not require mothers to identify an emergency contact who is able to take their child in order to qualify.
- Do not prohibit participation due to histories of arrests, non-convictions (a listing of an individual's interactions with police, including charges that have been dismissed or withdrawn or ended in supervision), orders of protection (current or expired), warrants and open court cases, with the exception of felony convictions involving harm of a child. Due to the high prevalence of domestic violence experienced by women in prison, it is critical to understand the context of a person's prior contacts with the criminal justice system to avoid unjust exclusions.
- Do not exclude mothers with DCFS cases unless DCFS bars the mother from caring for her child. In many cases, DCFS may be working with a woman to keep her family intact and the IDOC should not maintain a policy that disrupts this important process.



She replied, **“Not even worth my time to do the paperwork.”**

I know that two months might not have seemed long to her, but I would have done anything to be with my baby for even a day...

EMILY

Formerly Incarcerated Mother, Central IL (2019)

In 2019, I gave birth to my beautiful son while incarcerated at Logan Correctional Center for drug possession. I did everything I could to keep them from taking him away from me during the critical bonding period – but it did not work and my aunt agreed to take care of him until I got out.

There is a Moms & Babies Nursery program that lets you stay and bond with your baby until your release. It had empty beds, but I was not interviewed for it until one month after he was born. During the interview, I was so nervous that I shook the entire time... The administrator asked when I was getting out, and I told her in about two months. She replied, “I was under the impression you had more time. That’s not even worth my time to do the paperwork.”

I know that two months might not have seemed long to her, but I would have done anything to be with my baby even for a day... She made me feel so little and unimportant.

I know that two months might not have seemed long to her, but I would have done anything to be with my baby even for a day... She made me feel so little and unimportant. After the interview, I waited and waited for a response. Those days were some of the longest, but I just didn’t hear anything...The worst part was that they had empty beds in the program the whole time.

My aunt tried to send me photos of my son so I would have something to look at during those long days, especially when I was pumping breast milk in the middle of the night. I never received the pictures. For all I know, they are still sitting in the mailroom at Logan.

I’ve been home with my son for almost a year now... I love him, but I feel like we missed a bond because we weren’t together those first three months. He won’t remember that, but I always will.

EMILY

Formerly Incarcerated Mother, Central IL (2019)

REENTRY: PROBATION & PAROLE

Transform the culture of probation and parole to remove obstacles to family reunification, facilitate the supported reentry of mothers, and reduce harm to children

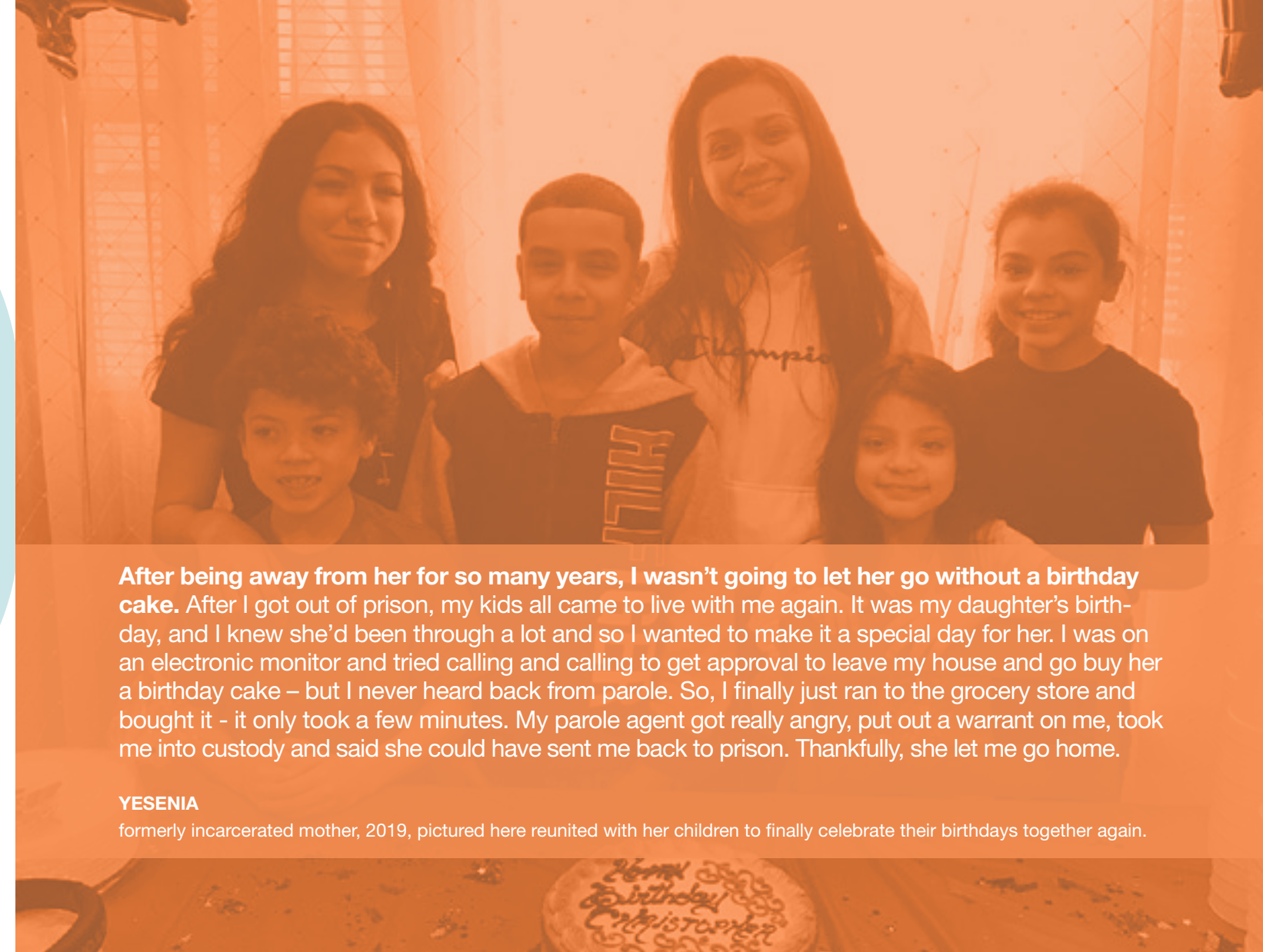
Probation and parole systems tend to consider the reentry needs of men, often ignoring the needs of reentering mothers seeking to reunite with their children and stabilize their lives. Recognizing the limitations of these systems to meet the complex needs of reentering mothers and their children is the first step toward transforming the harm these systems cause. Women who return home after the disruption to their families caused by pretrial detention or a prison sentence face collateral consequences related to employment, housing, reunification with their children, and numerous other areas. Emergency public aid benefits are often inaccessible and denied. Mothers also experience a daunting lack of resources to support their specific housing needs. Even if they find an affordable place to live that is large enough to accommodate their children, mothers may be barred due to their criminal history.

A Create family-centered policies and programs throughout probation and parole systems that support mothers with child reunification efforts, overhaul punitive technical violation policies, and eliminate burdensome electronic monitoring restrictions.

- Make reasonable accommodations for the needs of mothers and their children, for example: expediting consents for movement, provide updates on child custody concerns for court appearances, and facilitating child welfare service plans.
- Eliminate the use of electronic monitoring and related movement restrictions for mothers on probation and parole. Electronic monitors create barriers to housing and employment, are stigmatizing for mothers who are reintegrating into their children's lives, and create embarrassment for children with peers, teachers, and service providers.
- Overhaul approaches to technical violations in general. Until changes can be made, probation and parole officers should be required to carefully review a mother's circumstances before filing a violation, and cases should be heard on an expedited basis to ensure mothers can be reunited with their children as quickly as possible. Should a mother receive a violation that involves reincarceration, she should be given ample time to arrange for her children's care.

B Create a training program for probation and parole officers that gives them the tools they need to work proactively with mothers and their children, and to support healthy family reintegration through referrals to housing, jobs and childcare programs.⁶⁹

Comprehensive, gender responsive training should provide probation and parole officers with the knowledge, skills and attitudes that are required to support women's efforts to access safe and stable housing for themselves and their children, and secure the employment they need to maintain family stability and unity. Such training should prepare officers to recognize the multiple and often conflicting requirements that mothers are forced to meet, and actively support their efforts to take of their children, secure safe childcare, and access support for school-aged children and those involved with DCFS.



After being away from her for so many years, I wasn't going to let her go without a birthday cake. After I got out of prison, my kids all came to live with me again. It was my daughter's birthday, and I knew she'd been through a lot and so I wanted to make it a special day for her. I was on an electronic monitor and tried calling and calling to get approval to leave my house and go buy her a birthday cake – but I never heard back from parole. So, I finally just ran to the grocery store and bought it - it only took a few minutes. My parole agent got really angry, put out a warrant on me, took me into custody and said she could have sent me back to prison. Thankfully, she let me go home.

YESENIA

formerly incarcerated mother, 2019, pictured here reunited with her children to finally celebrate their birthdays together again.

C Ensure that mothers have access to family-centered support services during reentry, including access to three months of childcare and rapid access to legal aid to support family reunification efforts.

While women may be connected to reentry resources that help them fulfill court or parole board orders such as substance use treatment, departments often lack resources to assist women in addressing their basic needs.

- Provide three months of community-based childcare services during reentry, allowing mothers to focus on obtaining housing, employment, and completing parole requirements.
- Offer legal assistance to mothers seeking to reunite with their children through domestic relations (which includes divorce, custody and visitation), child welfare, or probate court guardianship cases.
- Make written guides available to women that include information about information about early childcare programs and education systems, as well as other parenting resources.
- Increase family education and engagement during the reentry process. During reentry, peer-led community engagement programs should be established for mothers and youth affected by incarceration.

I have been told that I was the last incarcerated woman shackled during childbirth due to a state law banning it in Illinois prisons. However, I can tell you that even after they removed those shackles that day... I felt like I have had to spend every single day since then breaking free of the invisible ones that formerly incarcerated moms must wear long after prison.

HEATHER CANUEL

Entrepreneur, Founder of Art from the Heart, Loving Mom and WJI Central Illinois Organizer



On the day my daughter was born, I was shackled at my ankles and wrists. It was painful and humiliating. I will never forget how a male corrections officer angrily stood watch in my room during labor, as if I could even run away? Later, I will never forget how the nurses treated me like I wasn't a real mother since I was in prison.

That was 16 years ago. Since then, I have been told that I was the last incarcerated woman shackled during childbirth after a law banned it. However, I have still had to spend years breaking free of the invisible shackles that incarceration creates for mothers for a very long time after prison.

The system has a pattern of being cruel to mothers. The way I was treated before, during and even after prison reminded me of the abusive relationships I had my whole life—the ones that led me to prison and robbed me of my confidence.

Since then, I am proud of the life I have built for myself and my daughter. However, I have had to work twice as hard to get on my feet and regain custody with very little support. At one point, I was homeless and jobless due to my record - and, instead of support, I got a parole violation and sent right back to prison. The system just kept pushing me further away from my little girl.

Why should a mother have to go to prison instead of getting the support and respect she needs - and deserves - in the first place?

I am the kind of person who always believes in positivity and never giving up, and so I just kept going. I finally got connected with groups that believed in me, like the YWCA McLean, and even got a new parole officer that actually helped me - which was so important. I was able to rebuild my self confidence, enroll in college classes, start a business, reunify with my daughter and founded "Art from the Heart," to help children with incarcerated parents heal.

These were the kinds of relationships and supports I needed all along—that every mother needs. However, the question is this: Why should a mother have to get incarcerated instead of getting the help, respect and support she needs - that she deserves - in the first place?

HEATHER CANUEL

Entrepreneur, Founder of Art from the Heart, Loving Mom and WJI Central Illinois Organizer

Note: Women reported during Task Force convenings that they have been shackled at local jails during pregnancy, suggested an effort should be made by the state to ensure compliance with the ban.

Economic Security & Empowerment

ending the criminalization of women's poverty

- 1
- Prevent women’s incarceration by addressing the root causes of their economic insecurity and marginalization
- 2
- Launch statewide reform of fines and fees that entrench women in the criminal justice system and perpetuate poverty
- 3
- Implement comprehensive pretrial services and bond reform for women
- 4
- Increase women’s access to quality, affordable legal services
- 5
- Implement a Women’s Transitional Jobs Pilot as an alternative to prison
- 6
- Expand access to non-carceral work release programs for women statewide
- 7
- Expand access to education and vocational programs in all women’s prisons to set the stage for employment and career development opportunities
- 8
- Eliminate exploitative Prison Survival Costs (PSCs) by ensuring more equitable prison commissaries, Communications Justice and dignified access to basic needs
- 9
- Launch a national model Women’s Reentry Employment Initiative and innovative micro loan fund
- 10
- Eliminate arbitrary and punitive collateral consequences that create barriers to women’s economic security and opportunity

The criminal justice system has a long history of punishing people who are experiencing poverty, and replicates policies and practices that create and perpetuate poverty, and prevent people from accessing the tools and resources they need. In fact, research shows that poverty is both a predictor and an outcome of involvement with the criminal justice system.¹ Countless fines, fees, and lack of access to affordable legal services, create deeper system entrenchment and perpetuate poverty. Women suffer in unique and often invisible ways in this unjust system, and this suffering extends to their children and future generations. Data consistently shows that women are more likely to experience poverty and economic insecurity, and single mothers, women of color, individuals who identify as LGBTQ+, Indigenous women, immigrant women and women with disabilities suffer from unique forms of oppression and inequity that impact their economic security.²

Intergenerational and Structural Inequity

Despite recent overall improvements in their educational attainment,³ women continue to face social and structural inequities that create risk very early in their lives. They tend to be the primary caregivers for their families, receive lower wages for equal work, and have comparatively limited access to resources, economic opportunities, and political power. Research has clearly shown that women's pathways into the criminal justice system are best understood in the context of their poverty and economic marginalization. For example, women are more likely to commit economic crimes such as theft, check fraud, and drug-related offenses compared to men. As a result of their economic status and the high rates of gender-based oppression that persists in their communities, women are more vulnerable to sexual coercion and exploitation. Once in the criminal justice system, they are disproportionately harmed by policies and collateral consequences that not only sustain, but deepen their economic instability.

Basic Economic Survival as a Way of Life

All too often, basic economic survival becomes a way of life for at risk and justice-involved women, and they are criminalized when they are forced to engage in various survival behaviors before, during, and after incarceration to create safe and sustainable living conditions for themselves and their families. Lack of access to quality affordable housing, legal and other services, combined with harmful criminal justice practices such as cash bail, excessive fines and fees, incarceration, and electronic surveillance only deepen their system

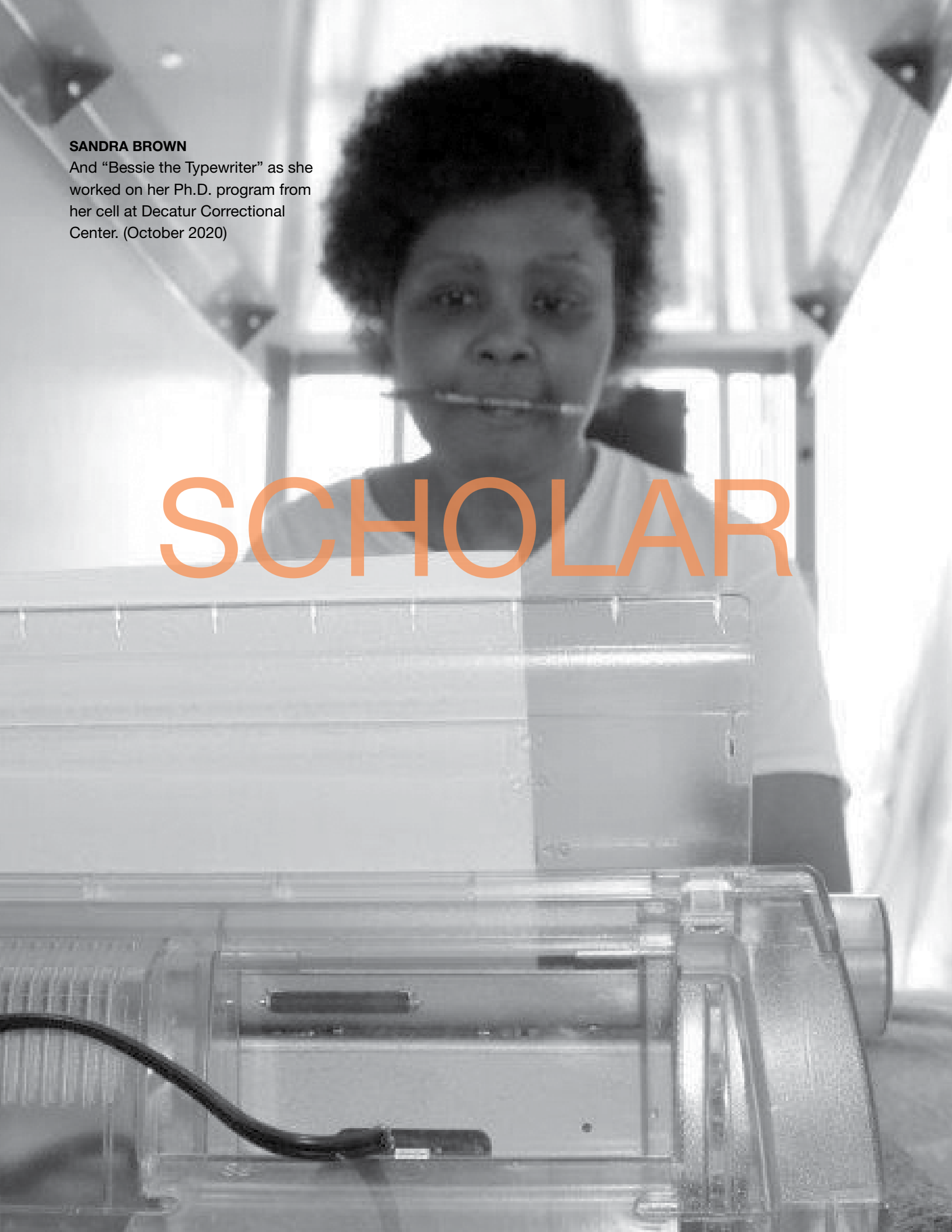
entrenchment. Incidents like an increase in rent, lost wages due to a sick day, car repairs, parking tickets, and unexpected medical bills, can pose challenges for women already paying system-related fines and fees. Forced to make difficult decisions related to their own and their children's survival, many women endure emotional, physical, and sexual abuse and exploitation in exchange for housing and other basic needs, and are often coerced into drug use and crime by abusive partners.

A Vicious Cycle

Once a woman becomes justice-involved, the collateral consequences of having a criminal record, combined with burdensome and arbitrary criminal justice system policies and supervision requirements, serve to deepen her entrenchment in the system and entrap her in a vicious cycle that not only amplifies economic, racial, and social marginalization, but places her at greater risk of sexual and economic coercion. Women that are already incarcerated face unique challenges given that they have been actively removed from their communities, and often face exploitative commissary and communications costs that create barriers to addressing their basic needs and nurturing bonds with their children. These issues are compounded by insufficient access to harm reduction programs for incarcerated women such as work release centers, and quality educational programming and employment services that could prepare them to secure jobs in high-demand sectors beyond "pink collar" or minimum wage jobs upon reentry.

Call to Action

This section calls for a commitment to an equitable and intersectional approach to building economic security and opportunity for and with at-risk and justice-involved women, and an end to the harmful policies and laws that criminalize their survival and create barriers to their success outside of the justice system. In order to end the mass incarceration of women, we must address the structural inequities that plague their lives. These include, but are not limited to, inequities in types of employment, unequal pay and benefits, lack of affordable childcare, lack of family medical and sick leave policies, and inattention to the unique roles many women play as mothers and caregivers. This section also calls for criminal justice and social service system stakeholders to acknowledge the economic landscape of women's lives and implement policies and practices that ensure access to justice and, instead of preying upon women's economic and other vulnerabilities, create pathways to their economic empowerment.



SANDRA BROWN
And “Bessie the Typewriter” as she
worked on her Ph.D. program from
her cell at Decatur Correctional
Center. (October 2020)

In Her Words

“A glaring connection exists between
illiteracy and incarceration.”

A glaring connection exists between illiteracy and incarceration. Our historical footprint continues to travel the path of oppression via illiteracy. Education is still perceived as a privilege and not a necessity. As an incarcerated woman for 20 years, I have witnessed educational programs dwindle and disappear from female correctional facilities.

What few that did remain prepared women for minimum wage jobs with no benefits or full-time hours. Male correctional facilities, on the other hand, continue to offer college degree programs. Most incarcerated women were locked up long before they came to prison. And were we ever asked why we remained trapped in those vicious cycles, more often than not the answer would be because we couldn’t find a way out.

Today, I am a doctoral student at California Coast University’s Ph.D. program. Were college degree programs available to incarcerated women, I am beyond certain that I would be one among the norm rather than the exception. Countless women over the years were inspired by my aspiration but discouraged by the barriers commensurate with pursuing an education in prison. This continues to be the case today, but it doesn’t have to be. Because women are often the primary caregivers of generations to come; because the rate of recidivism drops drastically when prisoners have access to education; and because 96% of those incarcerated WILL return home whether they earn an education or not, it is important that we view education not as a privilege, but a necessity.

SANDRA BROWN, MA
The first women in Illinois history to earn her Master’s Degree from prison & currently incarcerated PhD Student
(Written while incarcerated at Decatur Correctional Center, 2020)

Sandra Brown is the first—and only—woman in Illinois history to have earned her master’s degree from behind bars. Sandra, who is currently serving the last year of a 22-year sentence, addressed the Statewide Women’s Justice Task Force Economic Opportunity Mapping Session via video conference from the Warden’s Office at Decatur Correctional Center. She spoke of her challenging experiences trying to finish her college degree with the sparse resources and support provided to women in prison. Sandra, who had to type, retype, and edit her master’s thesis on a typewriter, discussed the challenges of seeking higher education while incarcerated, including the lack of institutional funding for educational programs and the limited staff members available to proctor lessons and exams. Sandra, while acknowledging that her accomplishments are considered exceptional given the barriers to educational achievement, stated that universal access to higher education should be the norm for all incarcerated women.

Economic Security & Empowerment is a fundamental human right and an important protective factor against women’s criminalization and incarceration. The following section offers a brief snapshot of dominant themes identified throughout the Statewide Women’s Justice Task Force process that are centered on the lived experiences of directly impacted women and supported by national and state-specific research. These powerful threads of information both inspired and informed the recommendations in this section.

Before they even have a chance to succeed, women, especially marginalized women, are born into a system inherently burdened by structural inequity and false narratives - rooted in sexism, racism and other oppressions - that has historically undermined their economic security, empowerment and opportunity.

Poverty, inequality, and discrimination systematically disadvantage marginalized women, their economic prospects and their families’ stability. This creates a pathway to criminal justice system involvement and its cycle of harmful collateral consequences.

- The benefits of the current economy are spread unevenly among workers. While African American women’s labor participation rate is higher than the rate for all other women, they are less likely than their white counterparts to occupy higher-level jobs that offer better benefits, greater mobility, and economic stability.⁴
- African American and Hispanic families face a more challenging path to financial stability and economic prosperity; they typically face lower median incomes and higher poverty and unemployment rates.⁵ They also face unique barriers to paid family and medical leave, paid sick leave, affordable childcare, and pay equity.⁶
- Nearly 50% of all single African American and Hispanic women have zero – or even negative – net wealth.⁷ Even as they are working hard to support their families, African American and Hispanic women are not paid fairly compared with white, non-Hispanic men (who have the highest net wealth), and face significant sources of work-related worry and hardship due to an absence of paid sick leave, a lack of reliable childcare, and low pay.⁸
- Economic insecurity leaves transgender people with high rates of unemployment and poverty; transgender individuals face clear financial barriers, simply because they are transgender, and are left economically vulnerable.⁹
- African American women are five times more likely to live in poverty and receive public assistance, and three times more likely to be unemployed than white women.¹⁰

- The disproportionate rate of imprisonment of women of color and the growing rate of incarceration among white rural women¹¹ reinforces the need to take an intersectional approach to how we assess and address economic security and empowerment for justice-involved women.

Economic inequity, insecurity, and a lack of opportunity create conditions that disrupt the lives of women, catalyze their involvement with the justice system, and result in a series of collateral consequences that perpetuate the cycle of poverty.

A lack of economic security is a leading risk factor for justice involvement among women, who face greater economic challenges than men and have much higher rates of unemployment after contact with the criminal justice system.¹² Their risks are compounded by intersecting oppressions regarding race, ethnicity, gender identity, sexual orientation, and disability.

- Incarcerated women are more likely than their male counterparts to be the primary caregivers of minor children, and less likely to have been employed prior to their period of incarceration.¹³
- According to a 2019 study from Vanderbilt University, justice-involved women experience a more disproportionate economic burden than justice-involved men. In addition to structural economic inequities for women in general, this is also compounded by the collateral consequences of incarceration such as licensing barriers regarding the kinds of occupations they typically pursue, as well as access to fewer vocational programs while incarcerated.¹⁴
- Employment burdens upon reentry are higher among formerly incarcerated women, who experience unemployment rates five to six times higher than women in the general population.¹⁵

Among all formerly incarcerated people, African American women experience the most severe rate of unemployment (43.6%), followed by Hispanic women (39.4%).

Among all formerly incarcerated people, African American women experience the most severe rate of unemployment (43.6%), followed by Hispanic women (39.4%); comparatively, white women experience an unemployment rate of 23.2% and white men experience the lowest unemployment rate (18.4%).¹⁶

- A 2008 study of individuals released from prison in four states, including Illinois, found that a higher percentage of formerly incarcerated men found employment and secured jobs faster than formerly incarcerated women.¹⁷
- In Illinois, women experiencing poverty in rural areas have the highest rate of increase in arrests and incarceration.
- According to the Heartland Alliance 2019 Report on Illinois Poverty, transgender individuals live in poverty at higher rates than the statewide average, and experience rampant employment discrimination and harassment, “resulting in disparate economic outcomes for many trans Illinoisans.”¹⁸

Low wages and unemployment contribute to women’s incarceration.¹⁹

Historically, women who work full time make less on the dollar than men, and the gender wage gap slightly widened in 2018, creating even greater disparities, particularly among women of color. These conditions are exacerbated by a criminal record, and the collateral consequences it carries when justice-impacted women seek employment.

- Women are more likely than men to work in low-wage jobs. In fact, of the 23 million workers in the low-wage workforce, two-thirds of them are women.²⁰
- Discrimination through wage disparity is most detrimental to women of color. In 2018, white women made 81.5 cents on the dollar compared with white men, yet African American women earned 65.3 cents on the dollar and Latina women made 61.6 cents on the dollar.²¹

Research shows that 30% of single moms and their families are living in poverty compared to 17% of single fathers and their families.

- While 25% of all US families are headed by a single parent, 85% of those single-parent households are led by moms.²² Research shows that 30% of single moms and their families are living in poverty compared to 17% of single fathers and their families.²³
- To obtain schedules and the flexibility to care for their families, women are more likely to work in low-wage, seasonal or part-time jobs.²⁴
- Due to the lack of equal pay, one study estimated that women employed in Illinois collectively lose nearly \$20 billion every year, undermining their ability to achieve economic security and resulting in a missed opportunity to grow the state’s economy.²⁵

Justice-involvement creates additional economic hardships for women, especially those who are providing essential supports to their families, including dependent children.

The vast majority of justice-involved women are the custodial parent of their children, and many face this responsibility alone. In addition to caring for their children, women also play critical roles supporting the emotional and financial health of their families. For example, research shows that they shoulder the heaviest burden of criminal justice prevention and diversion costs for their family members, including expenses related to bail, visitation, and phone calls.

- Over 80% of incarcerated women are mothers and most are the custodial parent of their children.²⁶

- 77% of mothers in state prison who lived with their children just prior to incarceration provided most of the children’s daily care, compared to 26% of fathers. 88% of incarcerated fathers identified the child’s other parent as the current caregiver, compared to 37% of mothers.²⁷
- Women represent 83% of the individuals that cover the court-related costs of family members who are at risk of incarceration.²⁸
- According to data provided to the Task Force from Loyola University, from 1989-2019, there were 29,307 court admissions to women’s prison for property crimes - representing 38% of all court admissions during this period. Most incarcerated women are imprisoned for either drug or property crimes, such as retail theft—a crime often linked to supporting an addiction or basic survival needs.²⁹

Note: The Supported Families section further describes how a lack of support services for women who are the primary caregivers of dependent children, such as quality and affordable housing, childcare, reproductive and children’s health care, paid family leave, and flexible scheduling, all contribute to an economic landscape that puts women, especially low-income women, at risk.

Women experiencing poverty are often unnecessarily incarcerated in local jails due to their inability to pay bond or pay civil fines and fees.

Thousands of women are incarcerated throughout the United States, simply because they cannot afford bail. Nationally, sixty percent of women in jail have not been convicted of a crime and are awaiting trial.^{30,31} Estimates in Illinois are significantly higher. This time in jail can lead to a downward financial spiral, including loss of employment, public benefits and housing. This is particularly problematic because the majority of women come into contact with the criminal justice system for low level crimes of survival. When women are incarcerated for not being able to pay fines and fees, they incur a debt burden that can have devastating and long-term impacts on their credit, economic opportunities and ability to care for their children.

- Due to their inability to pay fines and fees, women can face penalties such as professional licensure suspensions which then disrupts their employment, and inhibits their ability to work and attend to the needs of their children. Until the License to Work Act was passed in 2020, they also faced driver’s license suspensions and related consequences.
- The National Bail Project reports that women in pretrial detention have an average income of \$11,071 (nearly 30 percent less than men’s \$15,598), yet the median bail amount is \$10,000 despite the fact that fewer women are charged with violent crimes and are likely considered a lower flight risk.³²
- Statistics from the Chicago Community Bond Fund demonstrate that while bond reform in Cook County has decreased the number of men and women held in jail for their inability to pay bond, the rate of decrease was lower for women: From August 2017 to August 2018, the number of women incarcerated with a money bond decreased by 18%, which was well below the average decrease of 39% for all individuals (men and women). Furthermore, while targeted efforts are underway, there is no bond fund readily accessible to communities outside of Cook County.

Some pay a little [bond], others a lot for the same thing. It's like a car salesman game. There were women who come in [to bond court] and if they got \$4000 bond, but only had \$1700, they [the court] would take it. It seems like a game. It should be 'this' but we will make it 'this' because we can get it out of you.

ANONYMOUS

Statewide Women's Justice Task Force Focus Group Participant, Southern Illinois

Note: In the Southern Region Focus Group, the women claimed that bond fees varied for the same offense. Some participants also questioned whether the practice was a means to generate revenue.

- According to a 2018 Women's Justice Assessment (WJA) of Jefferson County in Southern Illinois, conducted by the Women's Justice Institute (WJI), the most frequent booking charges for women incarcerated at the jail included the following: violation of bail bond (most likely for failure to appear); retail theft under \$500; and driving without or on a suspended or revoked license. The hardship caused by these kinds of excessive civil penalties for women impacts their families by creating difficulties with caregiving and maintaining employment.³³
- Illinois is ranked 10th highest in the nation among jurisdictions that derive a percentage of their revenues from fines, fees, and forfeitures. Within Illinois, many jurisdictions rely upon fines and fees to fund their court operations, including the following:
 - 33 jurisdictions derive over 10% of their revenue from fines, fees, and forfeitures
 - 11 jurisdictions derive over 20%
 - Four jurisdictions derive over 30%
 - One derives over 50%
 - 70 jurisdictions earn more than \$100 per adult resident within that jurisdiction in fines and fees³⁴

The chronic underfunding of public defenders and lack of affordable and accessible legal services increases women's risk of incarceration.

Due to poverty and lack of economic security, women have difficulty securing or affording responsive legal services. In general, most public defender's offices are notoriously overworked and underfunded. Even with the best of intentions, public defenders with excessive caseloads find it difficult to attend to more complex range of challenges related to the nuances of their women client's cases. These resource limitations, combined with lack of training on the unique and intersecting legal needs of women, create a situation wherein many public defenders are unable to provide adequate counsel that is in the best interest of their woman clients. Consequently, women may be offered and agree to limited options regarding their case that deepen their disadvantage.

- It is estimated that 90-95% of all convictions among women and men are a result of plea bargains.³⁵
- To get out of jail sooner to care for their children, some women who are primary caregivers willingly plead guilty to crimes they did not commit.³⁶
- The lack of access to affordable legal services for low-income women increases their risk of being incarcerated and, consequently, encountering detrimental and possibly irreversible child custody issues.
- Economically disadvantaged women of color have fewer resources to make bail, causing them to wind up behind bars for far too long, even for crimes they have only been charged with and often are not found guilty of.³⁷
- Nationally, it has been estimated that state and county governments spent a total of \$5.3 billion on indigent defense systems a year, just 2.5% of the over \$200 billion spent on criminal justice (police, corrections and courts) by states and local governments every year. The depth of crisis varies in each state, which is indicative of the complex patchwork of defense systems that are funded and administered.^{38,39}

Incarcerated women are offered far fewer and less career-oriented educational, vocational, and higher education opportunities than incarcerated men.

Correctional education has long been understood as both the most impactful and the most cost-effective tool for reducing reincarceration; however, it is in increasingly short supply for the Illinois women's prison population since IDOC converted Logan Correctional Center into a women's prison. While access to affordable higher education should be provided long before prison, ensuring educational opportunities for incarcerated women can have a tremendous and widespread impact on their lives, while also offering an important opportunity to strengthen families, communities, and local economies.

- Studies of rigorous Associate's and Bachelor's degree programs such as the Bard Prison Initiative show that more than 97.5% of women participants never go back to prison after returning home,⁴⁰ and program graduates have an 85% employment rate.
- As the national field of higher education in prison continues to grow exponentially, Illinois lags behind, dramatically underserving incarcerated women. In Illinois, men are able to obtain a college degree in prison, but women are not. While there are currently two 4-year degree programs offered for incarcerated men, there are no 4-year degree programs offered for women.

Currently, 43.8% of women at Logan Correctional Center do not have a high school diploma or GED, and there are long waiting lists for these programs.

- Currently, 43.8% of women at Logan Correctional Center do not have a high school diploma or GED, and there are long waiting lists for these programs.
- The lack of computer skills training for incarcerated women in Illinois is a barrier to their employment upon release from prison. Women in prison do not have access to a computer lab, training, or technology to help them participate more effectively in the limited class offerings (or remote ones) or to prepare for the modern workforce.
- Women in Illinois prisons do not have equal access to a robust vocational programming facility geared toward job readiness and preparation for higher wage careers. In contrast, Kewanee is a fully-dedicated Lifeskills Reentry Facility for incarcerated men that works with Defy Ventures to provide economic and vocational programming and entrepreneurship in high-wage paying careers.
- Incarcerated women in Illinois have only one option for work release programming at an Adult Transition Center (ATC), Fox Valley Adult ATC, where they can complete their sentence in a low security facility and be allowed to work in the community each day while earning income to prepare for their reentry. While men have ATC options within Chicago (where most incarcerated persons in the state will return home) and throughout Central and Southern Illinois, Fox Valley ATC for women is located in the western suburbs of Chicago removed from the city's economic center.
- IDOC data requested by the Statewide Women's Justice Task Force in Spring 2019 indicated that of the women approved for Fox Valley, they were disproportionately white in comparison to the overall IDOC women's population. This demonstrates the need to address implicit bias in eligibility screening and policies, and to take immediate measures to ensure equitable access to economic opportunity.
- Despite research showing the benefits of peer-led programs and supports, there are few, if any, paid job assignments in Illinois prisons for incarcerated women to lead classes or other programming.

People sometimes have no control over the zip code in which they live in... I need the world to see how we live and what I see, what's available in my community and why people end up in prison.

COLETTE PAYNE
Statewide Women's Justice Task Force Co-Chair, Photovoice Project Submission

Poverty is replicated in prison, and affects women in gender-specific ways.

The poverty that so many women endure in their communities is replicated by prison policies and practices that create inequitable conditions and set the stage for deeper poverty and marginalization upon reentry. For example, women's access to hygiene products, communication with their children and families, educational materials, and other necessities like shampoo, soap, bras and clean underwear (that fits) and winter jackets are basic rights; however, they are often rationed or sold at higher prices than in the community. Gender-neutral policies often fail to address the different costs associated with women's incarceration, including reproductive health needs; and only very recently was specific action taken to address the chronically inequitable costs incarcerated women bear for their health care needs.

While Illinois has banned the use of private prisons, private companies continue to profit from the incarceration of women. The majority of women in state prisons earn a base pay of \$10.00 each month, while a smaller percentage are fortunate enough to get a "higher paying" job that pays \$20-\$60. Unless her friends or family can afford to send her money, a woman in prison must rely on \$10 per month to address her basic needs.

- When an incarcerated woman earns only \$10 per month, she must make difficult choices: Should she spend 48% of her income to buy a box of tampons (\$4.78), spend 530% to buy a decent winter coat (\$53), spend 60% to send a daily email to her child for the month (\$6.00) or over 60% to pay for a pair of reading glasses (\$6.25)?
- The John Howard Association of Illinois successfully advocated for passage of legislation in 2020 that now mandates free copays for medical visits in all state prisons; this was a critical issue and long-ignored issue for women, who often require more medical appointments, including those related to reproductive health care needs.
- Lack of access quality, affordable feminine hygiene products, often referred to as "period poverty," is prevalent among incarcerated women. While the IDOC provides a free ration of maxi pads for women, they thin and low quality - thus, many women to need more than is rationed to get through their cycle. During Task Force convenings, women with heavier menstrual flow repeatedly reported desperate, humiliating experiences pleading with officers for additional supplies to properly care for their bodies. Many said they were forced to address their needs with toilet paper, which is also in short supply throughout prisons. The only women able to avoid these issues are those who can afford to purchase an additional supply of feminine hygiene products at a premium cost from the commissary.

- The state’s 102 county jails do not adhere to a consistent standard for distribution of feminine hygiene products. Task Force focus group data revealed that with women in at least one jail in Southern Illinois revealed that women were given access to a small bin of maxi pads that created conflict on the unit when they ran out.

Lack of access quality, affordable feminine hygiene products, often referred to as “period poverty,” is prevalent among incarcerated women.

Once on parole, women with a criminal background face collateral consequences that often compound the unique challenges of securing stable employment during the reentry process; this is especially true for mothers who are impacted by limited education, training, and poverty.

A combination of parole requirements, the lack of economic opportunity and political power, and collateral consequences create significant barriers to successful reentry for women. There is little-to-no training, support, or tools available for parole officers to assist women on parole in securing gainful employment and economic support upon release from prison. This heightens women’s risk of recidivism and reincarceration.

- Formerly incarcerated women, especially women of color, have much higher rates of unemployment and homelessness, and are less likely to have a high school education, compared to formerly incarcerated men.⁴¹
- According to the Prison Policy Initiative (PPI), formerly incarcerated people face “prison penalties” that result in wage gaps and dramatically higher unemployment rates than the general population. For example, unemployment rates increase from a baseline of 6.4% to 42.6% post incarceration among African American women, and from a baseline of 4.3% to 23.2% post incarceration among white women.⁴²

According to a 2012 National Institute of Justice (NIJ) study, 79% of women interviewed 30 days pre-release cited “employment, education, and life skills services” as their greatest area of need.

- One study found that poverty is the strongest predictor of recidivism among women; providing state-sponsored support to address short-term needs (e.g., housing) reduces the likelihood of recidivism by 83% for low-income women on probation and parole.⁴³
- According to a 2012 National Institute of Justice (NIJ) study, 79% of women interviewed 30 days pre-release cited “employment, education, and life skills services” as their greatest area of need.⁴⁴

- During Task Force focus groups, listening sessions, and mapping sessions, parole officers expressed a desire to gain better tools to work with women, and shared that there were different philosophies regarding their role; one officer stated that helping women parolees seek employment is “not my job,” while another officer described her efforts to help women become employed, yet felt challenged and frustrated because of the limited resources and tools available to her.

21% of trans women have experienced incarceration in this country, and that number rises to 47% among Black trans women. This is all primarily due to survival.

When I was working at Cook County Jail, I observed that incarceration replicates and perpetuates the harmful social conditions that so disproportionately lead transgender women there in the first place. From the moment she arrives at jail, they look at her as if this was either bound to happen to her or if she wasn’t there, she would probably be dead. From there, she is isolated under the guise of PREA... but that is a really futile and shallow way of protecting people that only ends up denying them access to programs and the supports they need to return to the community, find housing and get a job.

There is just not an active investment in this human, this whole person, that needs to be treated with equity.

CHANNYN PARKER
Director of Strategic Partnerships, Howard Brown Health &
First Openly Transgender Woman to Work at Cook County Jail

False Narratives That Fuel Women’s Incarceration

False narratives about justice-involved women have enabled and perpetuated criminal justice and human service system policies and practices that are harmful to women, children, families and entire communities. These false narratives were identified and explored through a variety of Statewide Women’s Justice Task Force convenings wherein women with lived experiences came together with a diverse array of stakeholders and public systems to name them and to redefine them.

“Why don’t you just get a job? There are plenty of jobs out there.”

When women are released from prison, they must not only comply with numerous parole requirements, but also find ways to find and maintain a job while also managing and providing care for their children. Patterns of gender-based and interpersonal violence that persist for so many women upon their release create housing disruptions, which contribute to employment challenges and instability. These conditions are exacerbated by the thousands of collateral consequences and stigma of having a criminal record, including legal, administrative and discriminatory barriers to securing employment, housing and public benefits.

“Women are detained in jail to protect public safety.”

In most cases, women are detained in jail simply because they cannot afford to pay bail, not because they pose a public safety risk. The majority of women in jail are pretrial and have not even been convicted of a crime. This unjust practice creates greater safety risks for women, their children, and their communities—especially since most women lead single parent households. It creates a harmful disruption to women’s lives, and exposes them to the risk of unemployment and homelessness. As a result, it also increases their risk of recidivism and various forms of economic and sexual coercion, creating a vicious and painful cycle of oppression.

“Education and employment programs are ‘privileges’ for ‘deserving’ women who have committed nonviolent crimes.”

Many incarcerated women in prison for “violent crimes” are survivors of trauma and abuse who acted to protect themselves and their children or under the threat and coercion of their abusive partners. Families, communities, and public safety are best served when prison-based programming and reentry support are offered to all women based on their individual strengths, needs, and risks. Reentry planning and support processes that center women’s education and employment needs should be prioritized throughout the justice continuum regardless of their “crimes”.

“The system improves public safety.”

Too many criminal justice system policies and practices harm women, children, and families, and do not prevent crime or improve community safety. Justice-involved women are repeatedly told by criminal justice system officials that they need to be held accountable for their “crimes”, yet public systems in general are not held accountable for their failure to address the conditions of chronic poverty, gender-based violence and lack of economic opportunity for women that result in their criminalization and mass incarceration.

“You had choices.”

When women who are underemployed and underpaid, running households as single parents, and experiencing disturbing rates of gender-based and interpersonal violence that impact their health and well-being, they are forced to engage in survival behaviors that society identifies as “crimes.” Chronic and pervasive structural racism, sexism, inequity and poverty severely restricts, and in some cases entirely eliminates, women’s choices.

“The ‘worthy’ offender”

Court diversion programs that are designed to prevent incarceration, as well as various prison and reentry programs, are made more accessible to financially and socially privileged individuals viewed as “worthy offenders” who would otherwise have had “promising” futures if not for their “mistakes”. Conversely, women who are involved in sex work, those who have experienced economic marginalization, and those who may have been convicted of violent crimes related to their traumatic experiences of gender-based violence, are viewed as unworthy. This is particularly true for women of color, immigrant women and those who identify at LGBTQ+.

“Women in the system are broken.”

Justice-involved women are working hard to survive and support their families despite their ongoing exposure to unimaginable circumstances. While broken systems and harmful policies deepen the harms and injustice they experience, their efforts to survive demonstrate immeasurable power, resilience, and untapped potential that, with the right investments, could transform communities and society as a whole.

The following recommendations are informed by national and state-specific research, the voices and perspectives of a diverse array of criminal justice system stakeholders, and, most importantly, our impacted colleagues; their direct experiences of Economic Security & Empowerment in their homes, communities and systems provided the most critical lens through which we could envision opportunities for harm reduction and system transformation.

SOCIAL SERVICES

Prevent women’s incarceration by addressing the root causes of their economic insecurity and marginalization

If women were able to truly receive pay equity, entrepreneurial assistance, and basic support as primary caregivers, it could unleash billions of dollars into the global economy. This would unlock the potential of families and create the kind of safer, healthier, and resourced communities needed to move beyond the epidemic of mass incarceration.. Although women are paid 15% less than their male counterparts, as primary caregivers they invest 90% of their earned income back into their families and communities.⁴⁵

A first step is to raise the minimum wage in order to increase the annual income of families, which will make communities and the economy as a whole stronger. Affordable childcare can allow women to find stable, living-wage employment without sacrificing the health and safety of their children. Illinois must ensure paid family and medical leave in order to reduce the economic burden women face in their unique role as caregivers.

- A **Enforce the Equal Pay Act and build equitable workplaces.** Illinois became the 37th state to ratify the Equal Rights Amendment in 2018, and took a critical first step in ensuring equal pay by passing the Equal Pay Act. Now, the Department of Labor must enforce the new law, provide employers with instruction about their responsibilities under the new law, give job applicants clear language about their rights, and create a simple process for making a claim.
- B **Increase the minimum wage to a family-sustaining wage.** While Illinois’ recent minimum wage increase is a promising first step in improving working conditions and economic sustainability for women and families, policy makers should pursue legislation that mandates a living wage.

The ways that we are forced to survive under all these constant assaults of gender violence and poverty and all that... is wrong. It’s not a crime to survive. That’s what I want people to know: Our survival is not a criminal act.

HEATHER CANUEL
Statewide Women’s Justice Task Force, Redefining the Narrative
Working Group Member & WJI Central IL Organizer

- C **Increase investments in financial education and entrepreneurship opportunities for women.** It is crucial that resources be allocated to programs that provide women with fiscal and social capital to achieve economic security and wellness, and reinvest back into their communities.
- D **Invest in affordable and accessible childcare.** The state should invest in and subsidize quality childcare, including childcare opportunities that are accessible to women who work overnight and other non-traditional hours. In addition, childcare should be provided to allow women time to pursue job opportunities and throughout any orientation periods. Funding should also offer providers livable wages and access to professional development and higher education opportunities.
- E **Pass legislation requiring paid Family and Medical Leave (FMLA).** While FMLA has provided critical job protections that have allowed millions of people take time off of work due to illness, to care for a family member or to care for a new child, many women and families cannot afford this benefit if that time is unpaid. This particularly impacts women, who are often the primary caregivers in their families. Illinois must pass legislation to create a system whereby all working people in need can access paid leave.
- F **Pass the Healthy Workplace Act (SB471) and ensure protections for justice-involved women.** Currently, 80% of the lowest-paid people in the nation, of whom a disproportionate number are women, do not have access to even one paid sick day; and there are no protections for justice-involved women and their families who must address system-related requirements.⁴⁶ Championed by House Majority Leader Jehan Gordon Booth, former Senator Toi Hutchinson, and Senator Kimberly Lightford, SB471 would not only provide five paid sick days for working people, but also has a provision that allows justice-involved women to use paid sick time for court appearances, to address probation and parole requirements, and to visit incarcerated family members.

My experience was a nightmare, and I am determined to share my story to protect other women from this injustice. We must end cash bail now.

CRYSTAL ROUNDS
Loving Mother

The first and only time I was ever in jail, they detained me for 3 years because I couldn't afford bail or a quality lawyer. I was not even convicted of a crime, but they just kept me there. I was stuck in a nightmare, sexually assaulted and even lost custody of my kids.

They detained me for 3 years because I could not afford bail... I was stuck in a nightmare, sexually assaulted and even lost custody of my kids. I felt so scared and trapped that I finally just pled guilty to a crime I did not commit to get out of there and move on with my life.

I felt so scared and trapped that I finally just pled guilty to a crime I did not commit to get out of there and move on with my life. I was not the only one... there were so many women there, just like me, with no money or support, and treated like we were not even human beings.

CRYSTAL ROUNDS
Loving Mother

LAW ENFORCEMENT

Launch statewide reform of fines and fees that entrench women in the criminal justice system and perpetuate poverty

Criminal justice fines, fees, and tickets have a detrimental impact on women, particularly women of color and those who are low-income in both rural and urban areas. These fines and fees function to further criminalize women for low-level offenses when they cannot pay, and undermine opportunities to engage in prison-based programs designed to keep families intact. Unpaid balances accrue late fees and can escalate quickly for women, many of whom are already financially distressed. The adverse impacts and crises these financial burdens create for women extend to their families and communities. Women who are unable to pay their fines or fees risk jail time, further exacerbating their financial and personal hardship when they are unable to go to work or care for their family. Statewide reform of fines that address the unique circumstances of women, particularly single mothers, will ensure that they are not criminalized for an inability to bear the burden of unjust fines and fees policies.

- A Prohibit arrest and all forms of incarceration for failure to pay fines and fees.** Women should never be criminalized or incarcerated for their inability to pay fines and fees. Such practices are socially and economically oppressive and exploit women's vulnerabilities.
- B Eliminate or drastically lower all fines and fees, particularly those that pose the greatest harm to low-income women.** It is critical that the state create relief programs for low-income individuals to relieve the burden of unjust fees. The state should conduct a statewide review of all state and local fines and fees, as well as a plan to reduce them, to create more avenues for individuals, especially those who are more economically vulnerable, to pay them, and to remove the arbitrary deadlines for paying them.
- C Fully enforce the License to Work Act to ensure that economically marginalized women are not criminalized for their inability to pay tickets.** The License to Work Act, which prohibits its driver's license suspensions for minor violations or inability to pay tickets, was signed into law in 2019 due to the leadership of Representative Carol Ammons and Senator Omar Aquino. It will be critical to ensure that the law is enforced and these practices end as soon as possible.
- D End all IDOC policies that ban access to programming for outstanding warrants linked to fines and fees.** Currently, women who have outstanding warrants for failure/inability to pay fines and fees can be restricted from participating in the IDOC Moms & Babies prison nursery program and possibly other programs. These policies should be reviewed and such restrictions should be immediately eliminated.
- E Create opportunities for rapid relief from fines and fees for survivors of domestic violence.** In 2019, Chicago City Clerk Anna Valencia released "Advancing Equity: First Steps Towards Fines & Fees Reform in Chicago," a report that recommended several ways to make fines, fees, and compliance practices more equitable. According to Clerk Valencia, domestic violence survivors report that their abusers use economic coercion tactics that create financial, civil and even criminal risks for them if a system of timely relief is not available. This includes racking up tickets on their cars.

← Contents

COURTS

Implement comprehensive pretrial services & bond reform for women

Most individuals who are held in local jails have not been convicted of a crime. After arrest, an individual's ability to return home often depends on their ability to pay cash bail, and many remain in jail while they or their family members try to rally the funds necessary. Not surprisingly, individuals already experiencing poverty, and whose families are already economically marginalized, often have trouble meeting bail requirements or take longer to do so. Simply put, they are stuck in jail solely because they are low-income. This can be especially true for women. Women are less likely to be able to afford money bond. One study found that women in jail before trial earned scarcely more per year than the average bond amount of \$10,000.⁴⁷ Additionally, most women in jail are charged with nonviolent crimes; thus, they do not pose a risk to public safety.

In response to the economic injustice of cash bail policies, a number of states have recently begun implementing bail reform, granting rights to individuals who await trial. In 2017, Illinois signed into law the Bond Reform Act, which relieves individuals accused of nonviolent crimes and misdemeanors of having to post cash for their bond. However, the cash bail system is still misused. Illinois must take necessary steps to create a comprehensive bond reform plan that eliminates cash bail altogether. Moving toward a system that assesses an individual's risk to the community would allow more women to return to their families and communities while they await their time in court.

- A Support Governor JB Pritzker's plan to end cash bail.** In January 2020, Governor JB Pritzker and Lt. Governor Juliana Stratton announced their plan to end cash bail as a top priority of the Administration's Justice, Equity & Opportunity Initiative (JEO). This is the surest way to address the harmful inequities this system creates for women.

**Following the writing of this report, Illinois became the first state to pass legislation ending the practice of money bail. This law should become effective in 2023.*

- B Establish a statewide Women's Bond Fund.** In the absence of state laws that eliminate cash bail, a specialized, statewide fund should be established to support women during pretrial. This fund should include resources for housing, employment services, and child-care while a woman is working through her court requirements and her case. A Women's Bail Fund has operated in Cook County for several years, but it is under-resourced and should be scaled to all regions of the state.
- C Appoint Peer Justice Navigators to support women throughout the pretrial process.** Peer Justice Navigators should be available to women, including those held in jail, to help them address childcare and family issues while they are detained and access other needed services throughout the pretrial process until its conclusion. It is critical that these individuals are not criminal justice agency staff, but rather linked to community-based organizations in order to create a bridge to community-based supports, build trust, and prevent women's entrenchment in the system.

For so many women, court fines or fees lead them to situations that are de facto debtors' prisons or lead to horrific consequences.

One of the most egregious issues I've seen is women who have warrants for failure to pay fines or fees. Having a warrant in a jail or prison can have horrible consequences. For example, I once met a mother at Cook County Jail who had concluded her case in Chicago, but couldn't be released because she had a warrant from Whiteside County for not paying fines of less than \$150. She was kept in jail another month, separated from her infant son.

For women in prison, warrants can also change their security clearance and prohibit access to programs. Once I worked with a young mother who was disqualified from the Moms & Babies Prison Nursery - and separated from her newborn baby - because she had a warrant for two unpaid parking tickets. She had been ordered to appear in court every few months until the tickets were paid, but obviously she could not appear while in prison. Despite that fact, the judge still issued a warrant for her arrest for failure to appear.

When I called to request that the warrant be dropped, and explained her situation, the person at the county said, "If she wanted to keep her baby, maybe she should have paid her parking tickets." At that point, poverty became the justification for why she should not be able to keep her own baby. Debtors' prisons have been banned in the United States since 1833, with the Supreme Court again finding people should not be incarcerated for debts in 1983. Yet for so many women, court fines or fees lead them to situations that are de facto debtors' prisons and lead to horrific consequences.

ALEXIS MANSFIELD
WJI Senior Advisor, Children & Families

Increase women's access to quality, affordable legal services

The largely overburdened public defense system creates legal inequities for women who are economically marginalized. Women who are arrested typically have fewer financial resources than their male counterparts, both to obtain legal counsel and to post any needed bond. Women are also less likely to be able to afford private counsel who are more likely to be able to offer individualized attention for their case.

Lack of access to quality, affordable legal services has far reaching impacts on women's criminal justice system trajectories. For example, women who are represented by private counsel are more likely to be released on their personal recognizance than those who are not. Multiple studies show that low-risk defendants who are released pretrial are both less likely to be convicted, and if convicted, less likely to be sentenced to jail or prison.

Women who are detained or even released on electronic monitoring pretrial face a range of unique issues that drive them toward incarceration. They are more likely to be responsible for the care of their children or to be fighting child welfare cases, both of which require release and freedom of movement. Many will violate the conditions of their electronic monitoring in order to address pressing responsibilities to their families, even if that means incurring a criminal record that will follow them in the future.

The public defense system is overextended and significantly underfunded compared to the prosecutorial system, with a 2007 national report finding that the total spending by state prosecutor offices exceeded that of public defender offices by nearly \$3.5 billion. This disparity leads to women facing charges, and enduring months or years of continuances of their cases. If they are detained in jail, they may spend longer fighting their case than if they were to accept a guilty plea. Often referred to as a "trial tax," they are essentially being punished for exercising their constitutional rights through longer stays in jail. Research shows that for women, even a stay of a few days in jail can lead to critical problems such as loss of housing or custody of children.⁴⁸

For many women, pleading guilty appears to be the least restrictive, and least expensive alternative, and one that offers them quick reunification with their dependent children. According to the ACLU, an estimated 90-95% of clients plead guilty to charges; and some studies suggest that this is due to the fact that it may be the only option for economically marginalized people to get out of jail and home to families faster and avoid lengthy and costly trials, even if it means pleading guilty to a crime they did not commit.⁴⁹

- A **Increase public defender budgets, including funding for social workers, and decrease caseloads.** Conduct an analysis to determine comparable budgets for public defenders and state attorneys on a per case basis, including necessary supplemental resources such as investigators, social workers, trainings, and trial materials. Budgets should be equalized to allow for high quality representation and defense.
- B **Fully train defense attorneys to advise women on the potentially harmful impact of accepting pleas on child custody or immigration status, and ensure materials are language accessible.** As described in the Supported Families section, defense attorneys should be fully trained on the impact of guilty pleas on child custody and parental rights.

In addition, plea agreements should specifically outline the immigration and child custody implications of the conviction. Specific protocols should be implemented that ensure women, particularly women for whom English is a second language, fully understand plea agreements.

- C Increase and integrate legal services for women, who often face co-occurring legal issues, such as child welfare, evictions, divorce tied to gender-based violence (GBV), child support and custody issues.** Women often have co-occurring legal needs when facing a criminal charge. Legal issues might include eviction, child welfare cases, probate guardianship, divorce, child support, and custody issues. Women experiencing gender-based violence might require legal advocacy. Legal services should be provided across these areas to support detained and incarcerated women. In addition, even when women have attorneys, they often work in isolation and do not know the complex interplay of women’s legal cases and needs. Attorneys should receive cross-training in multiple issue areas that impact women.
- D Increase access to free or low-cost post-conviction and appellate legal services for incarcerated women seeking to appeal their cases.** While many incarcerated women have meritorious post-conviction claims, they are often unaware of their options for appealing their cases, or are required to file pro se (i.e., on their own behalf), which is less likely to be successful. Women in prison should receive free legal education about their post-conviction rights to seek appeals and access to legal counsel. Additionally, statutes should be updated to automatically place the issue of appointment of counsel before judges without requiring a motion.

INCARCERATION: JAIL & PRISON

Implement a Women’s Transitional Jobs Pilot as an alternative to prison

Having employment before, during, and after incarceration reduces the likelihood of re-incarceration among women, many of whom are mothers. Women’s poverty is directly tied to structural inequities and their role as caregivers in society. Discrimination results in lower wages and disproportionate rates of criminalization and incarceration among women of color and those who identify as LGBTQ+.

Due to their traditionally comprehensive design, transitional jobs programs present an important alternative to incarceration for women if intentionally designed to address their gender-specific needs in a non-carceral environment. An innovative initiative for women should seek to address their comprehensive needs, including childcare, housing, and advance pay for those in need of stability.

In 2019, I was arrested for two drug-related cases and given a bail they knew I couldn’t pay. I was pregnant and had no history of violence or of not coming to court, but I wasn’t allowed out on bond. I feel like they were punishing me for being pregnant, and it put me and my baby at risk.

The whole time at the jail, I felt at risk. The guards regularly handcuffed me, and even denied my doctor’s written request to send me to a specialist when they noticed that my placenta was dangerously close to my cervix. They said I was only entitled to a “minimum” level of care, and instead sent a midwife who did not even specialize in high-risk pregnancies.

Then, when it was almost time for me to give birth, the judge released me on furlough for a month. They said they didn’t want to have to pay for me to have the baby... so I could go home for the month, have the baby, and then turn myself back into the jail. So, I don’t know why I had to go through all of that? Why couldn’t I have gotten bail or why did they always have to handcuff me if they trusted me to go home for a month?

After giving birth, leaving my baby to go back to the jail was horrible. The very next day, they sentenced me to prison, and I was sent to Logan. Because I had already had my baby, I was not allowed to go to the Moms and Babies Program and keep my son with me. So, basically they punished both of us. It is so hard to be away from him, and I think about him every moment of every day.

SHAWNA
Currently Incarcerated Mother

A Build a dedicated Adult Redeploy Illinois (ARI) grant promoting investment into transitional jobs for women, including subsidized wages and wraparound services that address needs such as childcare and emergency cash assistance. The state’s ARI grant program is successfully working to incentivize counties to make investments into a variety of community-based services, rather than sending young people and adults into prison. Reports on ARI programs in Will County and Perry County indicate that results have been promising among women. Due to the success of the ARI program in reducing prison admissions, as well as the unique ways that transitional jobs models could be leveraged to address the unique challenges faced by justice-involved women, the state should incentivize funding for ARI sites to pilot gender responsive transitional jobs models that provide subsidized wages and focus on the needs of women, particularly those with children. Issues such as emergency cash assistance should be addressed, particularly for those in the early stages of the program who may need economic stabilization.

B Fund innovative training and job placement programs in high demand sectors for women, such as construction, TDL, solar energy and technology. The state and counties should invest in developing innovative training and job placement programs for women to work in high demand and high wage sectors. For example, the YWCA of Metropolitan Chicago has had tremendous success with their training program, which prepares women for careers in key sectors, such as construction, TDL, and solar energy. The recently launched Dreams are Possible program in McLean County is securing support from local trade unions to help place economically marginalized women in well-paying jobs in the trades.

Expand access to non-carceral work release programs for women statewide

As stated in the introduction of this report, there is a critical need to create new systems of justice for women that address their unique rights and needs. While these systems are being built, there are concrete steps that can and must be taken to ensure equitable access to education and employment opportunities and support for women who are currently incarcerated. These steps must immediately address the gaps within and harms being caused by the current system and pave the way for innovative, non-carceral models that are rooted in and lead by communities.

The state of Illinois operates four work release centers that provide individuals with the opportunity to serve their sentence in a minimum security setting, working in the community and saving money for their return home. Fox Valley ATC located in the Western Suburbs of Chicago, Illinois is only the ATC for women, serving up to 130 women at a time. Adult transition centers allow qualified individuals with 6 to 24 months left on their sentence the opportunity to gradually transition to the community. At the ATCs, most individuals are on what is called Work Release, where they work in the community during the day and are able to save money for their reentry. An ATC’s annual per person cost is almost half of that of a state prison.

In addition to being lower cost, non-carceral ATCs can help grow the economy and create opportunities for women to gain experience and earn money to support their reentry. According to the Illinois Sentencing Policy Advisory Council (SPAC), every dollar invested in ATCs returns a benefit of \$1.73. Out of 10 justice programs for adults, ATCs had the greatest net benefit second only to drug courts.⁵⁰ The Work Release model offers many opportunities to help address the needs of women and promote their success; however, the model needs to be non-carceral, enhanced to be more gender responsive and evidence-based for women, and scaled to offer more equitable opportunities on a regional basis.

A Address women’s inequitable access to work release programs by launching a new regionalized model of scattered-site, gender responsive work release programs around the state in non-carceral settings. The state should identify the most successful outcomes of the Fox Valley ATC for women and the Safer Foundation’s two ATCs for men in Chicago, and design an innovative, regionalized, gender responsive model for women. Due to the smaller size of the women’s population and the increasing admissions from smaller rural communities, the state should pilot a scattered-site model specifically designed to allow women from all parts of the state to serve their time at home with their children or in innovative community-based settings. For example, the state could incentivize investments in subsidized apartments as well as transitional housing and recovery home programs to provide safe and stable housing for women while they engage in a holistic work release program.

A regionalized model for women should be in a more cost effective and non-carceral setting, integrate the research and evidence on women, and include multiple locations statewide. Due to the high number of women already deemed “minimum security” by IDOC, and the fact that existing laws allow them to complete their sentences in the community with their children, the state should partner with directly impacted women and co-create the partnerships needed to launch a regionalized, non-carceral work release model for women. This would allow the state to leverage Medicaid to provide support services.

B Ensure training and educational opportunities for women are not limited to “pink collar” jobs that may limit their economic options, opportunities and mobility. While women’s prisons have traditionally offered vocational training in nail tech and culinary arts, they should diversify program and training offerings to include training in areas such as financial education, small business development, as well as employment in high demand sectors, including the trades, as a means of empowering women with higher wage job opportunities.

C Explore innovative ways to increase access to affordable transportation for women, particularly in rural communities with limited public transit options, and for those who must travel long distances for work. Lack of access to transportation is a major barrier for impacted women, especially when they are seeking already limited employment opportunities. The challenges vary by region and include affordability barriers and a general lack of public transit in rural areas. Overcoming these challenges will require innovative solutions. For example, #cut50 has developed partnerships with rideshare programs to serve justice-involved populations.

Women’s prisons do not have access to computer labs and higher education like they offer men. So, I spent the last 20 years fighting for my education with “Bessie,” my precious typewriter, at my side.

Due to the lack of prison jobs and inhumane wages, buying \$7 typewriter ribbons and school books presented tough decisions for me, humiliating ones... Sometimes, I couldn’t buy soap and waited for other women to shower so I could collect leftover soap chips from the floor just to save enough money to keep going.

When I get out, I am most excited - but nervous - about getting my first computer ever. I plan to name her “Bessie 2.0.”

SANDRA BROWN
Written while incarcerated at Decatur Correctional Center (2020)
and the first woman in Illinois history to earn a Master’s Degree while incarcerated

Expand access to education and vocational programs in all women’s prisons to set the stage for employment and career development opportunities

Women should have access to high-quality education long before any system contact. However, for those who are currently entrenched in the system, Higher Education in Prison (HEP) provides them with a path forward to find meaningful employment or continued education post-release. Investing in women not only helps grow the economy, but also promotes a population of empowered women leaders, entrepreneurs, change-makers, and engaged community members. In addition, incarcerated women who have degrees and other credentials and are serving long or life sentences can act as advisors, tutors, and mentors to newer students and help set the example for others in prison to follow.

While nine credit-bearing higher education in prison (HEP) programs exist in the men’s prisons in Illinois, with 4 HEP programs in one male facility alone, no academic higher education programs exist in any women’s prisons in the state. There are currently some limited vocational opportunities in women’s prisons, but no two- or four-year academic degrees are available for women. As the national field of higher education in prison continues to grow exponentially, Illinois lags behind, dramatically underserving incarcerated women.

By far, the greatest barrier to expanded access to college education for incarcerated women in Illinois is funding. The recent vote in Congress to lift the ban on Pell grants for incarcerated learners has tremendous potential for women, but - as history has shown - it will be critical for the state to build awareness and make these opportunities accessible. When the 1994 federal Violent Crime Control and Law Enforcement Act made people in prison ineligible for Pell grants, the college programs that had once been common in prisons across the nation shuttered. Illinois followed the conservative federal lead and banned access to its state-level Monetary Award Program (MAP) funding to people in prison.⁵¹ Every HEP program currently operating in Illinois is privately funded, yet public funding streams are needed to help ensure that women have equitable access high quality higher education. In 2016, even after the United States Department of Education’s Second Chance Pell pilot program returned some limited federal funding to postsecondary education in prison on an experimental basis - no Second Chance Pell programs were developed in Illinois. A comprehensive plan for reestablishing access to prison educational programs and providing incarcerated women with support on applying for Pell grants should include the following action steps:

- A Increase access to funding for higher education by removing state scholarship restrictions for incarcerated women, particularly as it relates to Illinois MAP grants, and providing awareness and support with completing Pell Grant applications.** Develop an aggressive plan to build awareness of Pell grants throughout state prisons and provide support with the applications process; and ensure that incarcerated women are eligible for the Illinois (MAP) grant.
- B Build a “continuum” model of robust vocational and higher education programs throughout the women’s prison and parole system, and remove barriers to completing college degree programs after release.** Each women’s facility should offer a robust higher education program, including vocational, Associate’s and Bachelor’s Degree programs for incarcerated women in Illinois.⁵² The programs should make it easy for women to complete their education in the community upon their release via a network of higher education institutions. Students should also be protected from for-profit and predatory Institutions of Higher Education (IHEs). Vocational programs should not train incarcerated women in fields where there are prohibitive barriers to employment.
- C Establish computer labs in all women’s prisons and jails, and leverage technology partnerships to create access to virtual and remote learning opportunities.** Currently, there are no computer labs or computer training programs for women in state prisons, and anecdotal data suggest that there are few—if any—offered in county jails. The state should invest in computer labs that not only allow women to access and enhance their education, but also to develop the valuable technological skills they need to obtain jobs, housing, and training upon release to their communities. The labs should also be used to create new remote learning opportunities.

I am living proof that life can get better, if we only have the help, hope and belief that we have the power to change our own world. However, I was the exception, not the rule, and I never forget that most of my friends are dead today because they did not get the opportunities or help they needed.

MELIA WELCH

CEO, You're Covered Painting, and her daughter (and best friend), Gracelynn



I grew up in a rural Southern Illinois town. My mother worked several jobs to build a better life for us, but despite her best efforts... early childhood trauma caught up with me, and I began experimenting with heroin at the age of 18. Before that moment, I was my high school class president, a track star, and my coach believed I was on my way into the Olympic trials. Instead, I began a decade-long cycle of addiction, incarceration, and poverty.

I quickly learned that treatment and social services were practically non-existent in my community. Everything is far away in rural areas—treatment, work, probation appointments, childcare—and we barely had public transportation options. It is worse when you don't have a driver's license or can't afford a car. It all made me vulnerable to demoralizing forms of coercion related to using, housing, and money.

I went to prison twice, served my time and never got any guidance or support—inside or outside. I will never forget that one prison officer told me that I would never be more than “a junkie” and that I would probably “die in prison.” My life had become a revolving door of arrests, handcuffs, and detoxing on cold, hard jail floors. But, the most painful moment was when I lost custody of my daughter.

Everything is far away in rural areas—treatment, work, probation appointments, childcare—and we barely had public transportation options.

It was not until my third incarceration that I got into a construction trades program. It was a game-changer because it taught me about the unions, and gave me the motivation and the hope I needed to get work, regain custody of my daughter and provide housing and a stable life for her. Combined with lifesaving Vivitrol, I had all of the tools I needed to rebuild my life.

Because of opportunities such as these I was one of the “success stories,” but I knew I was the exception, not the rule. After completing the program, I joined the union and built a six figure corporation that helps put others to work like myself. I am evidence that prison is not the answer. Second chances, education, counseling and empathy are the keys to reducing recidivism and saving women's lives.

MELIA WELCH

CEO, You're Covered Painting

Eliminate exploitative Prison Survival Costs (PSCs)[†] by ensuring more equitable prison commissaries, Communications Justice[‡] and dignified access to basic needs

The economic and social marginalization that women experience in their communities is replicated in prisons and jails, where limited access to economic supports combine with exploitative commissary, technology and communication costs to create profound deprivations and isolation. According to the Prison Policy Initiative (PPI), private corporations generate nearly \$3 billion per year through commissary and phone services charged to incarcerated individuals and their families.⁵⁴

Commissary costs

One of the largest Prison Survival Costs (PSCs)⁵³ for incarcerated women are prison or jail commissaries, which they must rely on in order to supplement the limited supply of food, clothing, toiletries, and feminine hygiene products. In addition, the cost of hygiene and high-quality sanitary products is often extremely high. Even the purchase of a warm coat or a pair of shoes can decimate five months of wages for a woman. All of these costs are incredibly difficult to pay when most incarcerated women make \$10.00 each month.

Communications costs

Technology and communications, which should be used to create opportunities for connection, also carry exploitative costs for their use and become yet another economic burden for women in Illinois prisons. This is problematic given that women’s prisons are far from women’s homes and the reality that their incarceration creates harmful ruptures in communication with family. For example, the GTL tablets offered in Illinois prisons, which can be used to send and receive emails from family members and even access educational software, cost \$125 each. The tablets require additional subscriptions or data package fees, which cost \$24.99 for a single month or \$199.99 for a full year to access content. In addition, each email costs a minimum of 20 cents both to send to family or friends or for those people to send back to women in prison. As revealed by the Marshall Project, these fees are well above monthly streaming fees outside of prison.⁵⁴

Even premium versions of streaming services like Spotify and Apple Music only cost \$9.99 a month for those on the outside, and those plans grant access to millions more songs than what GTL offers.

[†] Prison Survival Costs (PSC) are the commissary, medical, communications and other costs that incarcerated women in both jails and prisons must pay to meet their basic needs. These include, but are not limited to, nutritious food, medical services (e.g., copays), warm clothing, and phone calls and emails with their children, families and social service providers. (*Prison Survival Costs: An Invisible Toll on Women Children and Families*. Women’s Justice Institute, 2020.)

[‡] Communication Justice exists when incarcerated women can access free and affordable forms of communication with their children, family and key supports without being exposed to price gouging and other forms of exploitation that cause them psychological harm, create isolation and deepen their economic insecurity. (*Communications Justice: Confronting the Exploitative Costs that Compromise Women’s Connections to Children, Family and Community Resources*. Women’s Justice Institute, 2020.)

Every time I had a prenatal appointment for my baby, the jail would charge me \$20. I didn’t have any money, so that meant my commissary fund was negative. I was pregnant, and couldn’t even afford snacks or something to make me more comfortable.

SHAWNA
Currently Incarcerated Mother

Technology costs

Exploitive costs also prevent women from accessing technology that offers education and recreational activities. This technology is particularly important given the lack of access to and long waitlists for programming. For example, an Mp3 player costs \$93.74, and televisions, which are often one of the only way for women to occupy themselves while incarcerated, cost \$189. For people who are deemed “indigent,” they are allowed to request a television as a loan from the state; however, the wait list for these televisions can be upwards of several years, particularly at Logan Correctional Center.

Limited and low-wage prison jobs

The challenges of meeting basic needs are worsened by the fact that there are limited ways for women to earn money to pay for the costs of their incarceration. While data on the total number of jobs and average wages statewide was not available, the Task Force was able to gather information to demonstrate that prison wages in Illinois are historically and inhumanely low for incarcerated individuals, and that women’s access to jobs, which may pay more money than the base state pay of \$10.00 per month that is given to every incarcerated person, is very limited.

Data provided by Logan Correctional Center demonstrates that most women do not get access prison-based jobs, and an estimated 585 of 1400 women at Logan had a prison job as of May 2020. Of those women that had a job at Logan, the majority made an average of \$20 per month, and most of the jobs were in dietary (which makes \$30 per month) or as housing unit porters (which make \$20 or less per month). The highest paying jobs at Logan are in the pet grooming and dog training program and other Illinois Correctional Industries (ICI)programs. Women with access to these jobs earn about \$100 per month, with some as high as \$160 per month - but it is only an extremely limited number of women (57) who get those jobs as they are considered privileges.

In addition, women who enroll in certain education programs may have to sacrifice the opportunity to access a higher paying job. To offset this, they are provided with \$15 per month; however, this is insufficient, pins education against earning, and perpetuates hardship. While data was not available to confirm, many believe that women have inequitable access to higher-wage jobs, and that a higher percentage of men have access to more high-paying jobs tied to construction, grounds-keeping, labor or other technical skills. Finally there is a lack of data on women’s access to prison jobs and their wages, which obscures long-standing equity issues.

Overall Exploitation

Women and their families, most of whom were already economically marginalized prior to their incarceration, should not be financially exploited to the benefit of the companies supplying commissary, technology and communication to jails and prisons. Women have a lower income than men on average prior to incarceration, and their families are more likely to have to care for their children, stretching their finances even further. By changing systems inside correctional centers that shift the cost burden away from women and their families, those impacted will be able to use funds to work toward more stable lives.

- A Conduct a review of all commissary, technology and communications contracts, set statewide price gouging standards, and incentivize nonprofit social enterprise led by directly impacted women and families.** Price gouging targeting the most socially and economically marginalized women, children and families impacted by incarceration must be exposed and eliminated through a transparent, comprehensive review and the establishment of a mandated set of standards. In addition, nonprofit social enterprises led by directly impacted women and families should be incentivized to provide these services.
- B Leverage the expertise and leadership of Illinois’ innovative technology sector and universities to build a free platform for phone calls, emails and video visitation in all jails and prisons.** Illinois has access to incredible resources throughout both the public and private sectors that can and should be leveraged to build a high quality, accessible and free platform that ends the exploitation of impacted mothers, children and families.
- C Increase job opportunities and wages inside women’s facilities.** By providing access to more jobs, as well as higher wages within institutions, women will be able to purchase items without creating an expense for their families and, ideally, begin to accrue savings for their reentry needs.
- D Provide readily accessible and high quality sanitary and hygiene products without cost, and never withhold these items as a form of punishment.** While all women are provided with a free supply of maxi pads every month, these products are of poor quality and the supply is inadequate, as women have different needs related to their menstruation cycles. High quality sanitary products, including tampons and toilet paper, should be made readily available to incarcerated women without cost and provided in a manner that does not require women to request them in undignified or humiliating ways. Additionally, these items should never be withheld as a form of punishment or control.

The public is unaware of the day-to-day lives and needs of women within the prison system. I know my family and friends were shocked to hear that every other week we were only provided 1 roll of toilet paper, and that toothpaste and tampons can be luxuries.

JUDY SZURGOT
Statewide Women’s Justice Task Force member

- E Ensure the availability of gender and culturally-specific personal care and hygiene products.** Women deserve access to additional personal care and hygiene products that they may need based on their gender and cultural identities. Such products may include moisturizing body lotions and hair products that are required for basic hygiene, as well as makeup. Access to these products is important to incarcerated women’s well-being.⁵⁵ For years, incarcerated women have reported concerns about the poor quality and high cost of hair care products and other personal care items made specifically for African American women; and a review must be conducted to ensure both equitable access to needed products.
- F Increase access to nutritious food in women’s facilities.** Prisons and jails should increase the amount and type of healthy food available overall, and particularly during unnecessarily long lockdown periods. During Justice Task Force focus groups, listening sessions and mapping sessions, many women reported that they were constantly hungry while incarcerated and could not obtain nutritional food unless they could afford to purchase additional food from the limited options offered by the prison commissary. No one should have to rely on money from their families to have enough food and adequate nutrition while incarcerated.
- G Allow care packages from nonprofit groups for women in prison.** Women should be allowed to receive care packages purchased from non-profit organizations that include food and other basic needs, such as bras, underwear, toiletries, shoes and coats. Currently, incarcerated individuals can only make purchases from for profit commissaries, and families are unable to send any care packages. A nonprofit option will allow families to support their loved ones while keeping pricing competitive and non-exploitive.

- H Increase commissary spending limits for women, especially as it relates to addressing their basic needs, such as food, warm clothing, over-the-counter medicine (e.g., painkillers for headaches and cramping), extra toilet paper and tampons.** While a policy increasing spending limits should not substitute the need to eliminate many of these costs altogether, commissary spending limits should be removed (or increased) to prevent an illicit-market system, which can lead to disciplinary issues, especially when women are hungry, in pain, or lack access to dignified distribution systems for basic hygiene items like tampons.
- I Eliminate costs for items that meet women’s basic needs, such as hygiene products and warm clothing.** Current rations of items such as shoes, winter jackets, gloves, shirts, bras and underwear are insufficient and should be reviewed. Women should never have to pay for basic needs, such as ensuring they have a warm winter coat and clean underwear.
- J Ensure Communications Justice for incarcerated women by making phones calls, emails and tablets free – especially as it relates to communicating with children and working to secure housing and employment.** As described in the Supported Families section, the state should ensure that women do not have to pay exploitative fees to communicate with their loved ones or providers with whom they are working to secure employment, housing and other necessities for successful for reentry. This includes, but is not limited to, access to free phone calls, emails, video calls and tablets.

Prison Survival Costs:

While Illinois has banned the use of private prisons, private companies continue to earn immense profits from the incarceration of women. The vast majority of women in the IDOC earn \$10.00 each month, while those who are fortunate enough to have one of the limited higher paying jobs receive \$20-\$60. Unless her friends or family provide additional financial support on an on-going basis, a burden to families who are often already caring for women’s children and facing other financial challenges, a woman in prison must use that monthly pay to pay for all her expenses.

With only \$10 in her account each month, a woman must make choices. For example, should she buy a box of tampons (\$4.76) or save for five months to buy a pair of tennis shoes (\$46.00)? Should she send a daily email to her child for the month (\$6.00) or pay for a pair of reading glasses (\$6.25) to be able to read their letters? Should she spend 15% of her monthly pay on cough drops to prepare in case she gets sick, or should she put that money toward buying three pairs of underwear (\$8.75)?

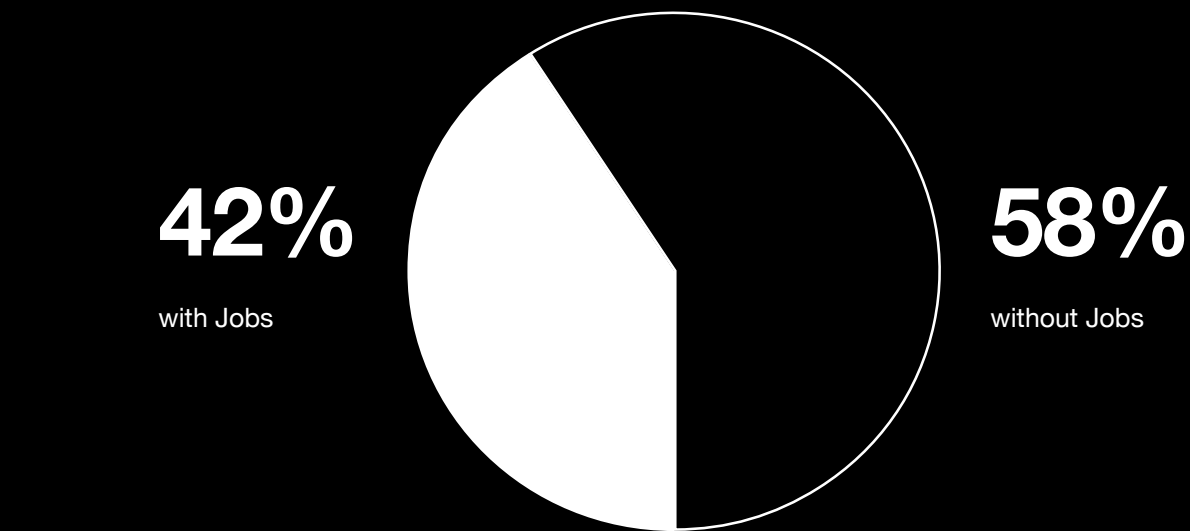
Larger items, such as a tablet to communicate with family (\$189) are completely beyond the ability of most women to afford. Even a winter coat can cost up to \$53, with clothing costing more for women who wear larger sizes. These decisions do not even account for items such as food and basic hygiene products. The choices women are forced to make between food, hygiene, clothing, health, communication with family, and comfort items are impossible.

Further, women receive a limitation on how much they are permitted to spend each month, meaning that even if they receive outside financial support, they must still choose what they will purchase to survive. The reality is that women are forced to live in a constant state of scarcity, while private companies profit from the financial exploitation of women and their families.

Prison Survival Costs: Inside vs outside

The majority of incarcerated women experience poverty well before prison, and the combination of extremely limited and low-wage prison jobs, as well as often exploitative Prison Survival Costs (PSC), serve to perpetuate these conditions. All women receive a “base pay” of only \$10 per month, and even for those fortunate enough to secure one of the limited jobs, but that still means they may not earn more than \$20 per month. Due to ongoing price gouging and poor conditions in prisons for women, the cost of even a single PSC can require several months of wages and some tough decisions on which basic needs she must give up to get by. Every day she struggles to find ways to survive with dignity.

Jobs are Limited (at Logan)



Employment and Wages are Low

	Monthly	Yearly
Base Pay	\$10	\$120
Highest-paying jobs	\$100	\$1,200
Dietary/Cooks	\$20-30	\$240-360
Housing Unit Porters	\$20	\$240

Source: Data collected and analyzed by the Women’s Justice Institute using IDOC Commissary Lists and prison job data from Logan Correctional Center

Important Note: Sample costs of basic needs and hygiene products were pulled from a very cursory, online search of shopping platforms, such as Walmart, Target, Amazon, and LOLA, that immediately revealed price gouging of these items in women’s prisons. However, they represent only the individual cost per item, and do not reveal what additional cost savings could be achieved by the state for bulk purchases of products.

If you made \$10 per month, what basic needs would you give up?

Price gouging and low wages in prison vs community force women to spend high percentages of their income to get by.

(Below are % of women’s monthly income spent per item based on prison “minimum wage” vs community minimum wage.)

Inside

% of income \$10/month

Tampons \$4.73
47%

Bra \$10.31
103%

Winter coat \$53
530%

Email \$6 for 30
60%

Tablet \$125
1250%

Outside

% of income \$11/hour

Tampons \$3.97
0.2%

Bra \$7.50-9
0.5%

Winter coat \$40-50
2%

Email free
0%

Tablet \$44-89
2.2-4.5%

REENTRY: PROBATION & PAROLE

Behind these walls, survival costs.

They don't really give you nothing here! Not even a hat & gloves for the wintertime. You have to buy it all off commissary. You only get 2 pairs of white panties, bras and socks every 6 months. And that's when they have it. You usually have to use a rubber band to tie the panties up because they don't have your correct size. Not to mention how long can you keep white clean when you wear it over and over for 6 months straight? You put in for a care package and don't get called over for a month it seems like. And when you do get called, you get hotel size soap, deodorant and toothpaste that don't last.

You don't even get the correct serving size at the chow hall, so you go to eat but still leave hungry. You basically wake up hungry and go to sleep hungry. You do things that might get you a ticket, but you're just trying to survive. But I guess the fear of not having your basic needs of undergarments, soap, deodorant, and toothpaste will always outweigh the fear of the ticket. Behind these walls, survival costs.

ANONYMOUS

Submitted by a women incarcerated at
Logan Correctional Center, December 2019

Launch a national model women's reentry employment initiative and innovative micro loan fund

Poverty has been found to be the strongest predictor of recidivism among women, and one study revealed that providing short-term support services, such as housing, reduces the odds of recidivism by 83% among low-income women being released from prison.⁵⁶ Given the dramatic impact that economic disparities have on women's lives and criminalization, it is troubling that so few resources have been targeted to ensure their economic stability and empowerment upon release from jails and prisons.

In order to improve outcomes among women on probation and parole statewide, the State should launch a comprehensive employment reentry initiative that applies evidence-based and gender responsive practices in a manner designed to help women secure living wage jobs, while providing the kinds of support they need to address the unique role they play in their families and communities. This initiative should include training to help probation and parole officers improve their ability to support the efforts of women on their caseload who are seeking employment, and ensure that their policies do not create barriers to women's success. This initiative should also include the launch of innovative new programs, such as a micro-loan revolving fund, that helps provide cash assistance, emergency support and economic stability that women may need when they are at their most vulnerable upon release from jail or prison.

A Create a national model Women's Reentry Employment Initiative. There are a very limited number of employment programs focused on addressing the needs of formerly incarcerated individuals statewide, and very few, if any, that focus specifically on the holistic needs of impacted women, including job placement in high growth sectors. The IDOC should leverage the important work being generated by the department's recently created Office of Reentry Management by partnering with the Women & Family Services Division to launch a national model Women's Reentry Employment Initiative. The initiative should incorporate gender responsive, evidence-based practices and deliver a comprehensive set of services specifically designed to address the unique risks, strengths and needs of women being released from prison to parole statewide.

- **Launch a robust pre-release planning and job placement program.** Pre-release planning and job placement should begin the day that each woman is admitted to prison, and include an extensive pre-release process that offers her support with resume building, interviewing skills, career planning, prison-based job fairs and job placement.

- **Provide women with access to State ID's, transit cards, and transportation planing prior to their release.** Every woman should receive a valid State ID, local transit cards where possible, and transportation planning prior to release from prison to ensure she can begin her employment search as quickly as possible. Strategies must be developed to address the unique transportation barriers faced by women throughout rural communities where public transportation is limited or non-existent. In addition, efforts should be made to help women from Chicago secure a Chicago Municipal ID or the Chicago City Clerk's City Key Card.
- **Establish an email address and provide cell phone access to every woman prior to her release.** As communication is critical to a woman's successful reentry, particularly as it relates to getting a job, the department should ensure that women are provided with access to a computer lab to create an email address. Innovative partnerships should be explored to provide those in need with access to cell phones, even if temporarily, while she stabilizes her life.
- **Create individualized service plans that are co-developed by impacted women and their parole officer to help overcome any anticipated challenges to their education or employment, such as child care.** Each impacted women should be engaged in the co-development of an individualized service plan with her probation or parole officer to address the kinds of supports she will need to both secure and retain employment while also managing childcare, expectations from other systems (e.g., child welfare, public assistance) and probation or parole requirements.
- **Develop an individualized strategy and safety plan to help women anticipate and overcome financial challenges in order to prevent exposure to abuse and other forms of coercion, and prevent technical violations.** In addition to a service plan, each woman should be provided support to help design a strategy to anticipate and address any specific financial challenges she may face regarding her financial needs, including emergencies, until she secures employment and stability in order create economic security and independence and reduce her exposure to financially exploitative relationships.

B Provide training to enable probation and parole officers to more effectively support job searches among women on their caseloads and ensure that supervision policies are implemented in a manner that does not create barriers to women's employability.

Women face considerable challenges securing employment amidst probation and parole requirements, and may require additional support should they encounter financial emergencies that impact their ability to care for children or even pay their rent. It is critical that they develop a strong and supportive rapport with their probation or parole officer who can work with them to overcome these challenges without punitive measures.

When a probation or parole officer has the knowledge and access to resources to refer a woman for support in her job search, they can dramatically improve her success. However, the lack of trust, communication or a lack of understanding about the impact of arduous requirements that can disrupt her work and childcare schedules, can carry harmful repercussions that include reincarceration. In addition to providing training for probation and parole officers on gender responsive practices, the state should also ensure that they are equipped with the resources needed to support women's efforts to secure and maintain employment.

People kept telling me to just go get a job, but they just did not understand how hard it is with a criminal record.

After I got out of prison, I searched for a job for months while also working to reunify with my daughter, at least, had some savings from a work release program, but I burned through every dollar because it took so long. Plus, you need be able to afford the right clothes for interviews, a phone for employers to call you at, and a way to get there.

At one point, my ex tried to come back into my life around the holidays, but then he physically abused me and then stole my rent money. Then, after months of searching, denials due to my record and even losing a retail job due to COVID-19, I finally got hired by a local factory. By the time I got the offer, I had run out of money... and could barely pay for rent or even transportation to get to the job. When they told me I needed to buy \$100 boots in order to do the job, it may sound hard to believe, but those boots nearly put me into a panic. If I didn't have an organization to call to ask for that extra cash, I would still be unemployed today – and probably even homeless.

TABITHA

Statewide Women's Justice Task Force member (2020), Peoria

C Create reentry scholarships or micro-loan funds for women upon their release from prisons that enable access to funds they can use to create economic stability, address financial emergencies, and support entrepreneurship opportunities.

Once they are released from state prisons, it often takes a considerable amount of time for women to truly achieve economic stability. Consequently, they are highly vulnerable to abuse and coercion when faced with any form of economic emergency, such as a loss of employment, housing, car repairs that prevent them from getting to work, and medical bills.

Women leaving prison typically receive a train ticket home, a “gate fee” of \$10, and access to any money they earned or had deposited into their commissary account (by friends or family) while incarcerated. They are often even released in their prison uniforms and many women reported being released during freezing temperatures without even a winter coat. When they return home to their community with such limited resources, it can be incredibly daunting to start their lives again, find transportation, get a job, put food on the table, and find quality childcare while trying to comply with parole conditions and the requirements of other systems with which they are involved. In addition, while women are often referred to social service agencies to receive drug treatment or even to help them find jobs, those agencies are often ill-equipped to provide or prohibited from providing emergency cash assistance or help women address their basic needs.

In order to address these longstanding issues, state and regional philanthropic and social service organizations should come together to explore innovative solutions, such as Revolving Micro Loan Funds and other cash assistance programs for women reentering their communities from prison. These programs can offer assistance to support women’s basic needs, as well as help them become economically independent by starting their own businesses or securing critical skills training needed to secure stable employment upon release. Some options for structuring these kinds of funds include:

- **Establish a revolving micro loan or reentry scholarship fund that provides women with access to financial resources upon release from prison, and supports entrepreneurship.** Similar to the way the highly successful Chicago Community Bond Fund operates, a centralized or community-based set of scholarship funds could be formed and provide women with the opportunity to apply for financial support in advance of their release. Such funds can either be awarded as scholarships or provided as loans to support basic needs or entrepreneurship endeavors. These funds should be given based on a good faith agreement that does not create further risk of criminalization, and each loan that is then repaid should be reinvested into a revolving fund that supports the next woman in need.
- **Create policies that allow providers to use grants to create reserves for emergency cash assistance.** Providers should explore the policy of organizations such as Thistle Farms of Tennessee, which has an Emergency Fund for their clients, or Operation Restoration, which reserves a percentage of all grant dollars to support the immediate, often cash-based needs of women on their caseloads, such as transportation, emergency rent, and childcare, without imposing additional contingencies on women.

- **Incentivize cash assistance set asides through grantmaking policies.** Both public and private grantmaking agencies should explore barriers that may prevent grantees from exercising the flexibility needed to provide emergency support to the women they serve in a non-punitive manner, or even encourage reserves that acknowledge these realities.
- **Launch a reinvestment strategy to fund a temporary basic income program for women recently released to parole, and fund it with savings from costs associated with decarceration and reduced recidivism.** The IDOC and IDHS should explore creating short-term financial stability for formerly incarcerated women by establishing a process by which they are able to receive a need-based, temporary income for a set number of months upon release from prison. This program could be funded based on assessment of the alternative costs of recidivism and reincarceration, with savings invested into a revolving fund.

Eliminate arbitrary and punitive collateral consequences that create barriers to women’s economic security and opportunity

Once a woman becomes involved with the justice system and has a criminal record, the economic disparities she has already experienced immediately begin to multiply and increase the barriers she must overcome in order to support herself and her family. These barriers, which are often referred to as “collateral consequences” of her justice involvement, can dramatically undermine her ability to secure employment due to bans on individuals with criminal histories working in numerous job sectors and securing professional licensure. As discussed throughout this report, collateral consequences also render many impacted women ineligible to receive public benefits (TANF and SNAP) and access to public housing, and can also result in the devastating loss of their parental rights.

Despite progress in Illinois focused on removing barriers, many impacted women continue to struggle with long waiting periods and arduous processes required to seal or expunge their records or obtain waivers that allow them to obtain professional licenses. As a result, they suffer from lost economic opportunities and are often limited to low-wage jobs, regardless of their credentials and the progress they have made to move beyond the control of the justice system. One study found that 73% of employers conduct criminal background checks on applicants for employment,⁵⁷ which adversely impact hiring decisions regarding women with criminal histories and compounds structural inequities rooted in racism and discrimination that impact economic security and opportunities.

While a number of nationally significant reform measures have been implemented in Illinois, particularly as it relates to recent and sweeping occupational licensing reform, debilitating collateral consequences persist. The state must implement a more comprehensive, cross-sector approach in order to address the ongoing, deeply harmful impact that collateral consequences are having on justice-involved women, their children and families.



Kimberly Britt (third from the left) and her fellow Worker-Owners of ChiFresh Kitchen

ChiFresh Kitchen: A New Model for Investing in Worker-Owned Businesses Led by Impacted Women

For me, the most important thing about ChiFresh Kitchen is that it is about empowerment for all women who have been incarcerated, like I was. It is about those of us who have experienced the same oppression, fears and obstacles of coming back to the community trying to get a job with a background, trying to do parole, trying to do house arrest – all of it. We all need inspiration, and women have it harder because sometimes we are not taken as seriously in business – so I want the success of ChiFresh to open doors and send the message that if you work hard enough, you can do it.

KIMBERLY BRITT

Founding Worker-Owner, ChiFresh Kitchen

In an exciting development in May 2020, a team of formerly incarcerated women entrepreneurs launched ChiFresh Kitchen and became among the first Illinois residents to incorporate under a new Illinois law as a Limited Worker Cooperative Association (LWCA). In an LWCA, the workers all share equally in the management and profits of the business.

For me, the most important thing about ChiFresh Kitchen is that it is about empowerment for all women who have been incarcerated, like I was.

The team of five formerly incarcerated women worker-owners, which includes Kimberly Britt, Edrinna Bryant, Sarah Stadtfeld, Renee Taylor, (all of whom met while incarcerated), formed the ChiFresh LWCA with support from a team of Chicago-based community organizers, consultants and national experts in worker owned businesses, including Camille Kerr, Joan Fadiyro, Amiel Harper and Angela Yaa Jones, as well as Daniel McWilliams, who is also directly impacted.

A Establish a State Commission charged with building a public and private sector strategy to address the impact of collateral consequences, including the unique ways they harm women and families. The state should establish a Commission that is empowered by Executive Order or legislation, and charged with developing a comprehensive strategy for assessing and addressing the impact of collateral consequences throughout the public and private sectors, including the unique harms they have on women and families. At minimum, the Commission should include women and men who have been directly impacted by the justice system, advocates, employers, policymakers and leaders from the Illinois Department of Employment Security (IDES), Illinois Department of Professional Regulation (IDPFR), Illinois Department of Human Services (IDHS), Illinois Department of Commerce and Economic Opportunity (IDES) and the Illinois Criminal Justice Information Authority (ICJIA).

Studies have shown that there are an overwhelming 44,778 “collateral consequences” following a conviction in the United States that are scattered throughout state and federal statutory and regulatory codes that are often unknown even to those responsible for their administration and enforcement. It is estimated that 3.2% (or 1,423) of these barriers exist in the State of Illinois.⁵⁸ A statewide strategy should be centered on fairness and restoration and include an assessment of the extent of these collateral consequences, identify those that should be removed entirely, and establish a set of guiding principles by which all policies and laws can be assessed, including but not limited to:

- 1) **No consequence should arbitrarily last for years or even a lifetime.** There should always be an end to a restriction or the ability for an impacted woman to request that the restriction be removed. Also, waiting periods for access to certain kinds of employment, benefits and other form of assistance should be reevaluated for appropriateness, as they may be long enough to severely impact a woman’s ability to provide for herself and her children during critical stages, especially upon reentry. For example, current Illinois law imposes a lifetime ban on providing cash assistance to women living in poverty if they have been convicted of certain drug crimes, and imposes a two-year ban on women convicted for a drug offense if they violate their probation or parole (which, in many cases, may be tied to relapse, gender-based violence, and other issues that impact women).
- 2) **No consequence should be over-inclusive or immune from an independent evaluation.** Women should never be arbitrarily denied access to economic security and opportunity as a result of blanket regulatory and statutory restrictions tied to their criminal history without allowing for their unique circumstances to be taken into account. Laws and policies should be amended to both eliminate unnecessary blanket restrictions and require an independent review of individual circumstances that the law does not cover.
- 3) **All consequences should offer a relief process rooted in fairness and accessibility.** Standards should be set statewide that ensure the right of all individuals to a fair and highly accessible process of relief from any collateral consequences. The process must be clear, straightforward, and it must not require legal representation, because the gap in legal services is too great.

B Make Illinois a “Fair Chance Hiring” State by passing the Employee Background Fairness Act (HB3056). While Illinois has a “ban the box” law that prevents employers from inquiring about an individual’s criminal history on a job application, the law does not protect those with criminal histories from employment discrimination after a background check is performed. The Employee Background Fairness Act (HB 3056), sponsored by Representative Sonya Harper, should be passed In order to prevent employers from arbitrarily refusing to hire an impacted woman based on her criminal record.

C Leverage recent occupational licensing reforms to invest in the training needed to build an employment pipeline where impacted women can have access to living wage jobs in high demand sectors. As a result of years of advocacy led by the Safer Foundation, Governor Pritzker signed a historic and sweeping occupational licensing reform bill into law (Public Act 100-286) in January 2020. The Act removed licensing barriers for over 100 occupations, many of which are high demand sectors that will now open new doors of economic opportunity for impacted women, including health care, social work, medical cannabis, insurance, barbering and cosmetology, and many others. Now that the Act is passed, the state must leverage this landmark opportunity by building a pipeline that is specifically designed to assist women in accessing these jobs. This includes building awareness of these opportunities, expanding access to targeted training programs for women, and investing in the legal services and supports they will need to navigate the licensure process.

D Remove punitive public benefits restrictions that deny women with criminal records access to critical resources to support their families, such as the state TANF felony drug ban. Despite the fact that the majority of justice-involved women are the custodial parents of their children and disproportionately impacted by poverty and substance use, they are often punished for their addiction by laws and policies that prohibit individuals with drug offenses from accessing critically needed public benefits. For example, federal law allows states to deny benefits to individuals convicted in state or federal courts of felony drug offenses; but states have the discretion to opt out [21 U.S.C. §862(a)].⁵⁹ Similar policies have also been unnecessarily adopted by local housing authorities, despite the fact that justice-involved women are severely impacted by homelessness. A comprehensive review of these policies should be conducted in order to remove these restrictions, and the state should begin by passing legislation to remove the TANF felony drug ban.

E Design and implement a system for automatic removal of criminal records from the public view in order to create more fair, accessible for women working to seal their criminal records. As a result of an advocacy campaign led by the Restoring Rights and Opportunities Coalition of Illinois (RROCI) in 2017, Illinois became a national leader in sealing of criminal records by making nearly every misdemeanor and felony conviction eligible for relief. Despite this tremendous progress, relief is not immediate and the only way that an individual can expunge or seal their criminal record is by filing a petition to the court where their conviction took place. This process can be time consuming, especially for single mothers who are already struggling financially and raising children, and it is highly dependent on access to resources and legal aid.

I was able to graduate law school this year after a second chance changed my life... but it was a long, hard road.

Even with all of my education, I learned that the collateral consequences of being labeled a “felon” were lifelong and profound: I was punished even further with barriers—and shame—to just about everything I needed to live, including housing, a job and the kind of basic respect and dignity that every woman deserves.

SARAH GAD

2020 University of Chicago Law School Graduate,
Founder of The Jacket Exchange,
Former Clinton Global Initiative Fellow & Statewide
Women’s Justice Task Force Member

My opioid addiction began in 2012 after doctors prescribed me with painkillers, including oxycodone, after a serious car accident. At the time, I was 24 years old and in medical school living the life I’d always dreamed of: I had a full scholarship, had just passed the first step of medical board exams, and was gearing up for a visiting rotation at the prestigious Mayo Clinic.

I suddenly found myself dependent on the drugs, forging prescriptions, expelled from medical school, and cycling in and out of jails. In 2013, this nightmare landed me at Cook County Jail for a first-time, nonviolent drug offense. Instead of getting support, I was thrown into maximum security unit (due to overcrowding) where I was raped – and then beaten and stabbed for reporting it... but that was just the beginning of my challenges.

My record had officially nullified every achievement from my past, and became a mountainous barrier to everything in my future. The hopelessness that comes along with being discounted as a “damaged woman” in my community became a standing invitation for repeated relapse.

My record had officially nullified every achievement from my past, and became a mountainous barrier to everything in my future.

It was not until 2015 that I finally got a second chance when a world-renowned civil rights and wrongful convictions attorney took a risk on me and gave me a job—a risk that proved life changing. If it hadn’t come when it did, I would in all likelihood be dead or in prison. But instead, I recently graduated from law school at the University of Chicago, while running two nonprofits—one for incarcerated substance users and one for the homeless—and advocating for people in the very same courthouse where I once stood as an inmate, handcuffed and shackled 7 years ago.

SARA GAD

2020 University of Chicago Law School Graduate, Founder of The Jacket Exchange,
Former Clinton Global Initiative Fellow & Statewide Women’s Justice Task Force Member

When I was in prison, no one sent me money so I learned to do tattoos as my “hustle,” my way to survive... I was always drawing, and it was a way to express myself.

The last time I was there, I put the “Game Over” tattoo on my fingers to remind myself of the lifestyle I used to live, the one I needed to leave behind.

CHRISTINE ESCALERA

Street Outreach Worker, ALSO Chicago & Member of the Redefining the Narrative Working Group, Statewide Women’s Justice Task Force

As a small child, I grew up homeless, walking the streets endlessly, getting kicked out of shelters and staying in drug houses with my mom, brother, and sister in New Orleans. I was too little to understand, but later in life, I realized that my mom was addicted to drugs and had toxic relationships.

At one point, a really kind lady took us into her home, but then my mom just left us there — and never came back. This lady was one of the kindest people I ever met, and helped us reach our dad in Chicago to avoid foster care. He took us in, but then our stepmother began beating us.

I was already an angry kid with a lot of pain and did not know how to process my trauma, and so I ran away to the streets — that was where the street organizations were obviously waiting for me. They taught me how to make quick money and take care of myself, and it was addicting at first. I felt like I belonged because of how I grew up.

I was already an angry kid with a lot of pain and trauma... and so I ran away to the streets — that was where the street organizations were obviously waiting for me.

The next thing I knew, I had two kids of my own. Their father wasn’t around and there was no family support, no “hey can you watch my kids.” That was the point I started getting locked up. I kept going in-and-out of jail and prison. I was a kid, but no one ever asked me “why” or what was going on with me... one Probation Officer told me that I was a “piece of sh--,” and another was more worried about me removing tattoos than getting my court ordered GED.

Nothing seemed like it was ever going to change until one day I got a letter from a lady I didn’t know. She had my son for three years and wanted guardianship. At that moment, it was so painful when I realized: “You did the same thing your mother did to you.” I started working on a plan to get a job and fight for my kids as soon as I got out - and that’s exactly what I did.

It hasn’t been easy, but today, I work for ALSO Chicago as a Street Outreach worker with at-risk and in-risk youth - many are girls who are going through the same things I did. The difference is I am now in the position to ask them about the “why?” that I deserved, but never got from the system.

CHRISTINE ESCALERA

Street Outreach Worker, ALSO Chicago & Member of the Redefining the Narrative Working Group, Statewide Women’s Justice Task Force

The State should explore the Pennsylvania 2018 “Clean Slate Initiative,” and establish a system that allows for the automatic removal of criminal records from the public view in order to ensure that already economically marginalized women do not have to file arduous court document to access relief. This kind of initiative in Illinois would build from the existing Youth Opportunity Fairness Act (YOFA) of 2018, which resulted in automation of the expungement process for certain juvenile records, as well as the Cannabis Tax & Regulation Act for adult conviction records.

- F Expand women’s awareness of and access to prison-based education programs that, by law, qualify them to expedite the sealing and expungement of their criminal records to help improve their employability after release.** Illinois law requires all individuals to wait three years from the completion of their last sentence to petition the court to seal any eligible conviction record. However, there is an exception to that waiting period that allows individuals who obtain an educational degree or career certification to petition the court immediately upon completion of their sentence. Due to a lack of awareness of this exception, advocates report that it has been underutilized.

The IDOC has a unique opportunity to help incarcerated women overcome employment barriers more quickly upon release by expanding access to educational and vocational opportunities for women in prison and on parole, and promoting education and awareness of the record sealing and expungement process. This will provide women with access to meaningful skills and education they need to secure well-paying jobs as quickly as possible upon reentry and prevent the loss of potential job opportunities.

- G Provide women with copies of their criminal history record prior to release from prison in order help them file record sealing and expungement petitions as quickly as possible.** The first step in analyzing any part of a woman’s relief or eligibility requires access to her complete criminal history record. The IDOC should provide every woman with a copy of her criminal history record prior to her reentry so she can begin efforts to remove barriers (financial or otherwise) as soon as possible. As the IDOC already has the capability to provide individuals with copies of their Illinois State Police Criminal History transcripts, this should not be a complicated measure to implement.

Safe & Stable Housing

a way out of the cycle of incarceration

Top 10 Safe & Stable Housing Recommendations

- 1 **Launch a statewide strategy** that expands access to permanent, safe, stable, and affordable and non-coercive housing for at-risk and justice-involved women
- 2 **Develop and adopt** a statewide commitment to dignified housing for women
- 3 **Remove barriers** to safe and stable housing by strengthening and enforcing protections against the discrimination of women with criminal records
- 4 **Prevent evictions** among women by expanding investments in prevention programs and ending policies that place survivors at risk of homelessness
- 5 **Increase supportive housing options** for survivors of commercial sexual exploitation (CSE)
- 6 **Expand innovative public housing partnerships** to support full criminal justice system diversion & remove housing barriers for impacted women
- 7 **Eliminate pretrial policies and practices**, including cash bail and restrictive electronic monitoring policies, that punish women for unstable housing and homelessness
- 8 **Increase and enhance prison and jail alternatives** that allow women to serve their time in the community instead of prison
- 9 **Build an infrastructure for reentry housing** that is designed to address the unique challenges of justice-involved women
- 10 **Invest in holistic housing programs** for women across the state that are architected and led by impacted women

Lack of access to safe, affordable and dignified housing is one of the most significant barriers women face before and after incarceration. Consequently, they are at greater risk for poverty, homelessness, exploitation and gender-based violence (GBV). Women are more likely than men to report homelessness or unstable housing prior to incarceration and upon release, as well as to be subjected to coercive housing situations that increase their risk of criminal justice system contact. This web of circumstances looks vastly different for women of color and those who identify as LGBTQ+.

Women's housing challenges, including disturbingly high rates of evictions, particularly among African American women, are embedded in the interwoven structural conditions that carve their pathways to incarceration. These conditions include gender-based violence (GBV), racism and other forms of oppression, and systemic isolation from the legal economy. LGBTQ+ individuals, particularly transgender women, face additional barriers that limit their options and access to safe, stable housing and create unhealthy forms of isolation.

Criminal Justice Policies and Practices Replicate and Perpetuate Structural Inequity and Injustice

Research clearly shows that women's involvement in the criminal justice system profoundly disrupts their housing security and, in turn, creates a dangerous cascade of negative impacts. The significant and chronic lack of housing programs, including those that are family-centered, creates a situation wherein women are leaving jails and prison and expected to lead stable lives without having access to one of the most fundamental human needs - a safe and dignified place to live. When women do not have housing, it is extraordinarily difficult for them care for their children, secure employment, and address behavioral health and other needs - This perpetuates the cycle of family strain, trauma and incarceration.

The stability that is a key factor in re-establishing the roots of a disrupted family and successfully completing criminal justice and other system mandates is further thwarted by harmful penalties and policies that are created by the criminal justice system and replicated in other systems. For example, a criminal record may create barriers to rental agreements, and public benefits can become more difficult to access with no permanent address.

Relational Vulnerabilities and Additional Victimization

In the absence of stable housing, many at-risk and justice-involved women experience ongoing gender-based violence (GBV). These risks are heightened among those subjected to electronic monitoring restrictions. Even after fleeing an abusive relationship, survivors and their children may become trapped in a vicious cycle of housing instability. Homeless women are vulnerable to unique and multiple forms of victimization including forced, coerced, or manipulated sexual activity in exchange for resources and basic needs.

Lack of Dignified Housing Options

Transitional housing programs, shelters and recovery homes may function as extensions of oppressive systems, lacking the culture of dignity, safety and respect that is essential for women. Many women in these settings are survivors of gender-based violence and other traumas; instead of experiencing the safety and stability that is essential for their healing, they face stigma and suffer additional violence and victimization. Lacking training on essential topics such as gender responsive approaches and trauma-informed care, staff may exacerbate women's trauma and compromise their ability to regain residential stability. In some cases, these experiences serve to increase the risk of probation and parole violations.

Call to Action

This section calls for the state to confront housing insecurity as a risk factor for women's criminal justice system involvement and entrenchment and actively affirm women's right to dignified housing before, during, and after incarceration. This includes creating a cadre of non-carceral, gender responsive and trauma-informed housing options for women and their children, including transitional, permanent, supportive and affordable housing choices. It calls for confronting discriminatory housing policies and other barriers to living in safe environments, including those disproportionately faced by women of Color, LGBTQ+ individuals, and those living in rural areas where women have limited socioeconomic opportunities and experience spatial isolation and stigma.

Barriers that prevent impacted women from accessing housing must be actively dismantled by applying a cross-systems approach that is centered on deep community engagement and designed and led by women with lived experience. Investments must be diverted from the corrections infrastructure and into community-based housing options where women and their children can heal, live and thrive with dignity.



LIFESAVER

BETHANY LITTLE
Founder, WIN Recovery
(WIN), Champaign

In Her Words

REDEFINING THE NARRATIVE | SAFE & STABLE HOUSING 5E.7

“I knew I had to get off the streets if I was going to have a chance to survive and prevent relapse, but I literally had nowhere to go.”

When I was going in-and-out of jail, one of the most unfair things that people kept saying was: “Why can’t you just find somewhere to live? There are plenty of places to go.” The truth is that safe places barely exist for women with criminal histories, especially those identifying as LGBTQI. When you can’t find housing while you are literally fighting for your life, it is easy to feel defeated and risk going right back to where you started - or even worse.

After years of battling addiction and homelessness, I had completed treatment, was successfully discharged and began doing everything I could to start a new life. But, no matter how hard I tried, I found myself homeless again. I knew I had to get off the streets if I was going to have a chance to survive and prevent relapse, but I literally had nowhere to go.

After bouncing from place-to-place, I was eventually able to find a stable home, but I never forgot about the women I met in recovery who weren’t as fortunate. Time and time again, they would end up homeless, forced back into environments infested with drugs, relapse and then I would see them land right back in prison. Tragically, there were others who I would never see again because they overdosed and died. I spent three years building WIN Recovery to save those lives, and give women the chance they need to succeed with the dignity and support they deserve starting with a place they can call home.

BETHANY LITTLE

Founder, Women in Recovery (WIN) and member, the Statewide Women’s Justice Task Force.

Safe & Stable Housing is a fundamental human right and an important protective factor against women’s criminalization and incarceration. The following section offers a brief snapshot of dominant themes identified throughout the Statewide Women’s Justice Task Force process that are centered on the lived experiences of directly impacted women and supported by national and state-specific research. These powerful threads of information both inspired and informed the recommendations in this section.

The lack of safe, affordable and non-coercive housing for women is a local and national crisis that deeply undermines their well-being, creates cycles of vulnerability and paves the way to their incarceration.

Looking back, it is clear that many women experienced a profound lack of access to permanent, safe, and affordable housing before their incarceration. Deeply rooted in economic and social inequities, housing instability dramatically undermines women’s safety, health and well-being, and compromises their ability to care for their children and lead their communities.

- Among industrial nations, the U.S. has the largest number of homeless women and the highest number on record since the Great Depression.¹
- Women and families are the fastest growing segments of the homeless population in the United States.² It has been estimated that 84% of all homeless families are headed by women.³
- A study of 100 major US cities showed that in only 7 of those cities, the average woman’s earnings would make it possible for her to afford the average rent for a one-bedroom apartment without challenge. In comparison, 63 of those cities fulfilled that criteria for men.⁴
- Women’s lack of affordable housing can entrap them in abusive situations and create a greater risk of homelessness if they leave. Domestic violence disproportionately affects women and is a major cause of homelessness among them; it can become so severe that women leave their homes, even when they have no place to go. In one study, half of all homeless women and children reported experiencing physical violence, and 92% of homeless mothers reported experiencing physical or sexual assault.⁵

- When women experience homelessness, their access to health care – especially pre-ventative care – decreases dramatically. They may lack access to regular mammograms, prenatal care, and reproductive health care.^{6,7}
- Homelessness is associated with higher mortality rates among women; for example, in one study, homeless women between the ages of 18 and 44 are 10 times more likely to die than women in the general population.⁸
- One in four of all individuals experiencing homelessness is living with a severe untreated mental illness. A staggering 47% of homeless women meet the criteria for a major depressive disorder; this is twice the rate of the general population.⁹
- The dangers of not having a safe, permanent home pose more of a threat to women’s lives on a daily basis than they do for men. Homeless women are intimidated or threatened with violence more than homeless men and experience higher rates of sexual assault. This increased susceptibility to violence, combined with limited access to health care, can cause severe long-term physical and psychological harm and be life-threatening.¹⁰
- Due to a lack of affordable housing and living wage jobs, a third of households facing evictions spend 80% of their income on rent.¹¹ Women are uniquely impacted given that they tend to earn less than men; for example, 58% of low-income jobs earning \$11 per hour are held by women.¹²

Homelessness is associated with higher mortality rates among women; for example, in one study, homeless women between the ages of 18 and 44 are 10 times more likely to die than women in the general population.

Housing instability, homelessness and harmful eviction policies disproportionately impact women of color, low-income women, women from rural communities, survivors of gender-based violence (GBV) and individuals who identify as LGBTQ+.

Discrimination and economic and social marginalization are deeply embedded in the policies and practices of both public housing authorities and private landlords. For example, African American women, low-income single mothers, women from rural communities with limited or isolated housing options, individuals who identify as LGBTQ+, and survivors of gender-based violence (the vast majority of whom are women), experience alarmingly high rates of eviction. The confluence of these experiences function to increase the risk of women’s exploitation and incarceration.

- A 2015 national study found that, despite that fact that women who are provided access to long-term public housing are less likely to be incarcerated or re-incarcerated, public housing policies often restrict their eligibility. For example, families can be evicted for allowing a formerly incarcerated person to reside with them (i.e., due to their criminal history).¹³
- African American and Hispanic individuals are less likely to live in safe, adequate housing than white individuals (24% and 12% respectively).¹⁴

- Homelessness, housing barriers, and evictions in Illinois are disproportionately high among people who identify as transgender, and studies have shown that LGBTQ+ young adults have a 120% higher risk of reporting homelessness compared to youth who identified as heterosexual and cisgender.¹⁵

19% of people who identify as transgender have experienced homelessness at some point in their lives. Of those who attempted to access a homeless shelter, 55% were harassed, 22% were sexually assaulted, and 29% were turned away.

- 19% of people who identify as transgender have experienced homelessness at some point in their lives. Of those who attempted to access a homeless shelter, 55% were harassed, 22% were sexually assaulted, and 29% were turned away.¹⁶ Often, transgender women are expected to stay in shelters for men, and suffer mistreatment in these settings.
- Of the 28,000 reported complaints of housing discrimination in 2016, 19.6% involved racial discrimination, 8.5% involved discrimination against families with children, and 6.4% involved sex-based discrimination.¹⁷
- The combination of limited socioeconomic opportunities, spatial isolation, dependency on tenuous social networks for assistance, and stigma are common among rural women; consequently, their experiences of homelessness are unlike those of women in urban areas.¹⁸
- A lack of affordable housing and harmful eviction policies disproportionately impact women from socially and economically marginalized communities.
 - One in five African American women renters report being evicted at some point in their lives, compared to one in 15 white women renters.¹⁹
 - Low-income women, especially low-income women of color, are evicted at much higher rates than men.²⁰
 - In 2016, there were 26,453 evictions recorded in Illinois.²¹ Research from Chicago, shows that over half (62%) of the tenants facing eviction are women.

Homelessness and housing insecurity expose women to multiple forms of victimization, including exploitative, coercive, and abusive relationships.

Women who are homeless or lack housing security experience higher rates of victimization before and after their incarceration, including severe patterns of physical and/or sexual violence that occur in multiple settings at the hands of multiple perpetrators.²² These experiences exacerbate women’s trauma and compromise their ability to secure the housing stability they deserve.

- Over 90% of homeless women have experienced abuse in their lifetimes.²³
- Homeless women are more likely than homeless men to have experienced sexual abuse and/or foster care as children as well as later adult partner abuse.²⁴
- During Task Force convenings, it was reported that women’s shelter staff who fear violence from abusive partners sometimes may not offer beds to women, leaving them no choice but to return to dangerous places to sleep, where they risk re-victimization.²⁵
- To avoid homelessness upon release from jail or prison, women may find refuge in shelters and other housing programs that exhibit the same oppressive conditions they experienced while incarcerated, including retaliation and victimization in response to their grievances about policies or procedures.
- A study by BPI Chicago and the Roosevelt University Policy Research Collaborative showed that men and women with criminal records experience different challenges on the rental market; women reported multiple challenges, including sexual coercion. For example, one woman reported sexual harassment by a landlord who said he would not rent to her, and even threatened to ruin her housing record, unless she performed sexual favors for him.²⁶

Families comprise the fastest growing segment of the homeless population in the US, and estimates suggests that women head 90% of homeless families

Housing instability and homelessness create unique challenges for women during the pretrial process.

There is a connection between women’s lack of safe and stable housing and their risk of being detained in county jail. The lack of an address or residing in a precarious housing arrangement, and all the risks that accompany such instability, including sexual coercion, can make it difficult for women to move through the pretrial process. Women may struggle to maintain communication with court personnel and show up to required court dates. These behaviors are often viewed as “noncompliant” and subject women to sanctions that increase the risk of deeper criminal justice system entrenchment.

- Homelessness impacts women during the pretrial process, and research has suggested it is a gender responsive risk factor that disproportionately impacts Failure to Appear (FTA) in court, as well as rearrests within 4 and 6 months.²⁷
- A survey of women detained at Cook County Detention Center conducted by the Chicago Coalition for the Homeless found:²⁸
 - 54% reported being homeless in the 30 days prior to entering the jail;
 - Homeless women were six times more likely to be detained than those with housing;
 - 54% reported being unemployed prior to admission; of those 54%, 23% said they were not employed because they had no permanent address.

Women experience disturbing patterns of housing instability, homelessness, and sexual coercion prior to their incarceration.

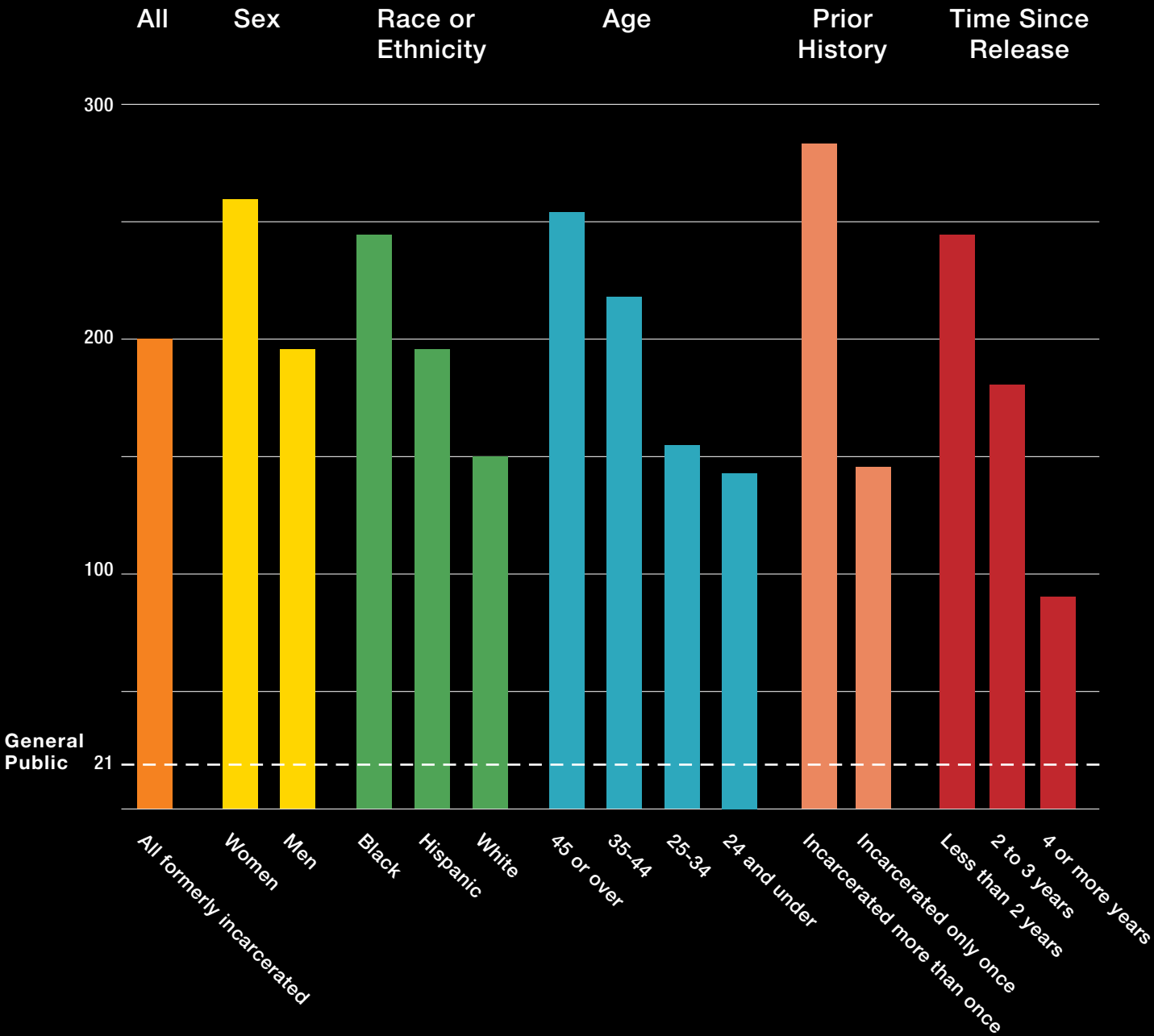
While national research has demonstrated the connection between homelessness and incarceration among men and women, gender-based research is lacking, specifically as it relates to how the dynamics of housing instability operate in the lives of women and impact their prison trajectories. New Illinois research is reinforcing what impacted women have been sharing for decades – that housing instability and homelessness create significant vulnerability to gender-based violence (GBV) and poor health and behavioral health outcomes, which are significant risk factors for system involvement and entrenchment.

- According to a gender neutral study, adults incarcerated in state and federal prisons were 4–6 times more likely than the general adult population to report an episode of homelessness in the year prior to their arrest.²⁹
- Homeless women are very visible to law enforcement and are often swept up in campaigns to “crack down” on “high crime” neighborhoods.³⁰
- Results of a 2017-2018 survey of 800 women incarcerated at Logan Correctional Center, performed by the University of Chicago School of Social Service Administration in partnership with the WJI, revealed the following challenges in the year prior to their incarceration:³¹
 - Almost 40% reported being unable to pay rent and were forced to move in with family or friends.
 - Almost 20% were evicted, and 28.1% were homeless at some point.
 - A very low percentage reported receiving housing services, and those who struggled with homelessness reported living in hotels (25%), shelters and transitional housing (11.7%), or sleeping in a car (19.5%).
 - Ongoing challenges linked to sexual exploitation, including the exchange of sex for housing among nearly 30% of a sub-population of respondents.

Almost 40% of women at Logan Correctional Center were unable to pay rent in the year prior to their incarceration, 20% had been evicted, and 19.5% had slept in a car.

Formerly Incarcerated Women Experience Disproportionate Rates of Homelessness: Challenges greatest among Black women, women from rural communities and those identifying with LGBTQ+

According to the Prison Policy Initiative, formerly incarcerated individuals are almost 10 times more likely to be homeless, however the greatest risks are most profoundly experienced by women of color, women experiencing homelessness in rural areas, those who identify as LGBTQ+, those who have been incarcerated more than once, and those just released from prison.³²



This chart, which was produced by the Prison Policy Initiative, represents the number of homeless individuals per 10,000 formerly incarcerated people in each category, compared to the general public in 2008 (the most recent year for formerly incarcerated people in which data was available).

2% of formerly incarcerated people were homeless in 2008 (the most recent year for which data are available), a rate nearly 10 times higher than among the general public.

Homelessness and housing insecurity create more significant barriers to reentry for women than men and perpetuate a vicious cycle of victimization and criminalization.

There is a significant lack of reentry support and pre-release services that are specifically designed to address the unique risks, strengths and needs of women returning to their communities from prison or jail. This includes a shortage of reentry housing options overall, as well as those that treat women with dignity and embrace gender responsive and trauma-informed principles. In addition, reentry housing for women with children is virtually nonexistent. As a result, women are forced to engage in a variety of survival behaviors to keep themselves and their children safe.

- In general, formerly incarcerated individuals are almost 10 times more likely to be homeless, however the greatest risks are most profoundly experienced by women of color, women experiencing homelessness in rural areas, those who identify as LGBTQ+, those who have been incarcerated more than once, and those just released from prison.³³

Formerly incarcerated individuals are almost 10 times more likely to be homeless, however the greatest risks are most profoundly experienced by women of color, women experiencing homelessness in rural areas, those who identify as LGBTQ+, those who have been incarcerated more than once, and those just released from prison.

- African American women face severe barriers to housing after incarceration; in one study from the Prison Policy Initiative, African American women experienced the highest rate of sheltered homelessness - nearly 4 times the rate of white men and twice the rate of African American men.³⁴
- A 2005 jail study found that at intake, women identified housing as the primary problem they expected to face after release (71%), followed by substance abuse (69%), inadequate income (65%), unemployment (40%), education (27%), and family problems related to reunifying with their children (22%).³⁵
- According to documentation provided to the Task Force from the IDOC Parole Reentry Group in May 2019, the department only had 7 paid contracts for reentry housing programs that accepted women on parole statewide. Among these contracts, only two accepted children, and all but one were in Northern Illinois – there was no coverage in Southern Illinois. During Task Force convenings, IDOC representatives expressed that the department's challenges were linked to resources, as well as longstanding difficulties with community acceptance of transitional housing programs for justice-involved populations.

The confluence of reentry housing challenges with substance use and/or mental health issues creates serious risks to women's health and safety and that of their children.

When a woman who suffers from substance use and/or mental health issues is released from prison or jail without safe and stable reentry housing services, it disrupts her ability to connect to the services and supports she needs. This impedes her recovery process, undermines her health and well-being, and increases the risk that she will be reincarcerated. In particular, women suffering from addiction are at high risk of overdose immediately following their release from jail or prison.

- Women engaging in substance use who have been justice-involved are systemically isolated from the legal economy and have significant challenges maintaining the stable income needed to secure stable housing. This is due to the collateral consequences of incarceration, ongoing trauma, as well as employment disruptions related to their drug use.³⁶
- One study examined housing as a resource for 200 women exiting the criminal justice system who reported having a history of substance use. Women who had spent the majority of their time in independent house settings had experienced significantly lower rates of resource loss (COR-L), compared to those who spent the majority of their time in precarious settings.³⁷
- Research has documented the importance of housing as a component of good mental health care.³⁸

In a survey of subgroup of women from Logan Correctional Center, 30% reported that they had exchanged sex for housing.

Survivors of commercial sexual exploitation (CSE) frequently cycle through homelessness and the criminal justice system without receiving the kinds of specialized interventions that are proven to most effectively address their needs.

In response to untenable social and economic conditions, some women - including a high rate of transgender women - become trapped in economically and sexually exploitative relationships to meet basic needs, including a place to stay. This includes survivors of sex trafficking and those who engage in unwanted sex work. Without front-end, relational, survivor-centered and culturally responsive housing and other supportive services the justice system will continue to serve as the default response to their needs, and exacerbate their vulnerabilities.

- A 2013 study found that there were only 33 residential programs operational and exclusive to trafficking survivors in the US; two of them were in Illinois.³⁹
- According to the 2015 U.S. Transgender Survey, 19% of all transgender people, and 47% of African American transgender women, have engaged in sex work, but few residential programs exist that serve their needs.⁴⁰
- A study from the Cook County Commission on Women's Issues found that of the women interviewed who were incarcerated for sex work, more than half were homeless.⁴¹
- According to research completed by the Chicago Alliance Against Sexual Exploitation, there are 16,000 to 25,000 girls and women engaged in the commercial sex trade just in the Chicago area at any given time each year.⁴²

According to info provided by the IDOC Parole Reentry Group to the Statewide Women's Justice Task Force, the department has reentry contracts with only three housing providers that accept children.

Permanent, safe, and affordable housing is critical to the well-being of justice-involved mothers and their children.

There are a lack of temporary living arrangements that prioritize women's reunification with their children and provide the immediate stability they need to navigate multiple priorities, including protecting their children's well-being, securing employment and obtaining long-term housing.

- A 2018 study by BPI Chicago and the Roosevelt University Policy Research Collaborative revealed that it is especially difficult for mothers with children to find housing, both because some landlords do not want multiple children living in a unit, and/or because women's personal finances may be more burdened, particularly if the other parent is not providing financial support.
- Results of a 2017-2018 survey of 800 women incarcerated at Logan Correctional Center, conducted by the University of Chicago School of Social Service Administration in partnership with the WJI, revealed that 25% of mothers reported having to live apart from their children due to lack of safe housing in the year prior to their admission to prison.⁴³
- According to information provided to the Task Force by the IDOC Parole Reentry Group, the department has reentry contracts with only three housing providers that accept children.
- Women who are the primary caregivers of dependent children face additional challenges to maintaining stable housing, as evidenced by the fact that households with children face higher rates of eviction than those without.⁴⁴

- In Illinois, since 1998, state law (the Women & Children's Pre-release Community Supervision Law) has provided IDOC with broad authority to fund programs that allow women to serve their time in the community with their children; however, the department has contracted with only one such program, The Women's Treatment Center (TWTC), in Chicago. In addition, the IDOC has grossly underutilized this program and has only approved three women to participate in the last four years – even as the state worked to address ambitious goals of decarceration.

25% of mothers reported having to live apart from their children due to lack of safe housing in the year prior to their admission to prison.

You know what a judge tells a person with felonies? They tell you that you can't get an apartment. You can't get a car. You can't own a home. Now that I have this felony, I'm pretty much going to have to live in a slum, and with my children, too. That's how having a felony makes you feel. I live with those words etched in my brain.

TANISHA STEPHENS

False Narratives That Fuel Women’s Incarceration

False narratives about justice-involved women have enabled and perpetuated criminal justice and human service system policies and practices that are harmful to women, children, families and entire communities. These false narratives were identified and explored through a variety of Statewide Women’s Justice Task Force convenings wherein women with lived experiences came together with a diverse array of stakeholders and public systems to name them and to redefine them.

“She provided a parole address, so she must not need housing.”

While women must provide the IDOC with an address where they plan to live upon release, it does not necessarily mean that the address is a safe or stable option. During Task Force convenings, women described having limited housing options and providing IDOC any address they could for fear of being held in prison longer, even if it meant returning to an abusive relationship.

“Why doesn’t she just leave?”

Due to the lack of housing options and economic opportunity, many women have no choice but to live with an abusive partner. These living situations can become coercive, as well as threatening, and expose them to the risk of becoming implicated in the criminal activities of their abuser. Women with children can be faced with the impossible choice between enduring abuse versus living on the streets or in a shelter that separates them from their children.

“Any housing will do.”

During Task Force convenings, women described experiences in shelters, recovery homes, and transitional housing programs that felt carceral, like an extension of prison. In addition to being retraumatized by punitive rules, no accommodation for children, and sometimes unsanitary conditions, they described a pervasive culture where they felt forced to relinquish their dignity in order to get a roof over their heads. Transgender women reported an impossible choice between homelessness or risking harassment and/or sexual assault in men’s shelters.

“Housing is only a need for women in recovery.”

During Task Force sessions, women expressed frustration that if they don’t fit into a certain category (e.g., veterans, people with mental health or substance use issues), they have less access to housing because systems do not perceive them as in real need of support. For example, women reported having to participate in residential drug treatment– even if they did not use drugs – just to keep a roof over their head and to comply with parole requirements that they maintain an approved address.

“Prison is housing.”

Women returning to the community without housing, even if they lacked housing before their incarceration, don’t qualify as “homeless” under the HUD definition, which provides that stays “in jails or prison for longer than 90 days represent a break in homelessness”. This dramatically limits their eligibility for various affordable housing programs.

“There are plenty of places to go.”

In reality, housing programs for at-risk and formerly incarcerated women are in short supply statewide, and they are almost non-existent throughout most Southern Illinois counties. The challenges of getting a lease or into public housing are profoundly difficult for women with a criminal record. Due to these issues, the IDOC has had to place women from Central and Southern Illinois into Chicago-based housing services that are hundreds of miles from their children, families and support systems.

Housing should only be for women with ‘non-violent’ offenses.”

Housing is less accessible for women who were convicted of offenses classified as violent. This is due to a serious lack of understanding of women’s justice pathways. As significant numbers of incarcerated women survived gender-based violence, and violent offenses are often tied to abuse or coercion, housing restrictions perpetually criminalize their survival and undermine their safety. By so profoundly limiting their options, systems are forcing women to seek shelter in abusive and high-risk situations.

The following recommendations are informed by national and state-specific research, the voices and perspectives of a diverse array of criminal justice system stakeholders, and, most importantly, our impacted colleagues; their direct experiences of Safe & Stable Housing in their homes, communities and systems provided the most critical lens through which we could envision opportunities for harm reduction and system transformation.

SOCIAL SERVICES

Launch a statewide strategy that expands access to permanent, safe, stable, and affordable and non-coercive housing for at-risk and justice-involved women

Diverse types of housing are needed to disrupt the trajectories of women into the criminal justice system. Nationally, it has been more than 30 years since there has been any significant investment in affordable housing for the lowest income people.⁴⁵ The current federal commitment to housing is minimal and there is scant rental housing for people with the greatest need, especially low income, chronically homeless and formerly incarcerated women.

A statewide housing strategy for women is needed and should bring the public and private sector together to support the development of affordable private market, public and supportive housing opportunities for women that address homelessness and housing insecurity before, during, and after incarceration. This should include, but not be limited to, options for women who are struggling with mental health and/or substance use challenges, and for whom access to housing could prevent their incarceration. Given that an estimated 80% of justice-involved women are mothers, housing resources should prioritize options and holistic support for families.

The strategy should begin with a statewide gap analysis specifically centered on the unique risks and needs of homeless and housing insecure women, including those with children. In addition, all solutions should be co-architected by directly impacted women, guided by gender responsive principles, policies and indicators, and include the following elements:

A Leverage innovative financing tools, such as Justice Reinvestment and Pay for Success (PFS), to propel historic investments into housing programs designed to sustainably reduce the number of women in prisons and jails. The State of Illinois should launch an ambitious new strategy, based on the principles of Justice Reinvestment and PFS, to dramatically reduce the number of women in prison in a sustainable and meaningful way. The strategy should center on making targeted investments into sustainable housing opportunities and gender responsive alternatives to incarceration. As the costs of incarceration among women are higher-than-average and less effective than community-based services, particularly as it relates to health and behavioral health, this strategy could be fueled by leveraging Medicaid and other social services available to them upon release.

Both Justice Reinvestment and Pay for Success (PFS) are data driven investment models that have had promising results with reducing incarceration and recidivism. By generating private, front-end investments into community-based solutions that reduce reliance on prisons, such as increasing housing opportunities for women, these tools can be leveraged to save taxpayer dollars by reducing prison costs and improving outcomes for communities.⁴⁶

By generating private, front-end investments into community-based solutions that reduce reliance on prisons, such as increasing housing opportunities for women, these tools can be leveraged to save taxpayer dollars by reducing prison costs and improving outcomes for communities

A targeted strategy could generate high return investments that address gaps such as under-utilized prison-based credit programs and alternatives to incarceration housing programs that are already authorized by Illinois statute (i.e., the 1998 Women & Children’s Pre-release Community Supervision Law that provides IDOC broad discretion to allow women to serve their sentences in the community with their children). We explore additional opportunities to apply JRI and PFS strategies to address women’s mass incarceration in the conclusion of this report.



I think about how many women
could finally get a safe place to put their
heads down, to care for their children,
if the city just let them live there.

COLETTE PAYNE
Statewide Women's Justice Task Force Co-Chair



I walk past all these foreclosed, vacant, unused buildings a lot in my
community... then, they all start getting boarded up. It makes me think
about how so many doors are closed to women when we come home
from prison – even the doors to the empty buildings are closed.

These beautiful homes are just sitting there – empty – while so many of
us are struggling just to keep a roof over our heads. Why does it have to
be like that?

I walk past all these foreclosed, vacant, unused buildings a lot
in my community... then, they all start getting boarded up.

I think about how many women could finally get a safe place to put their
heads down, to care for their children, if the city just let them live there. We
could come together, and make it a halfway house for women, and support
each other. It would be good for the community too... we could build a gar-
den there, we could all be safe. Together, women can do powerful things.

COLETTE PAYNE
Statewide Women's Justice Task Force Co-Chair



B Leverage city, county and township housing investments to expand access to housing for at-risk and justice-involved women and their children. Due to the social marginalization experienced by many justice-involved women, as well as a general disconnect that can occur between the prisons and local housing programs, important opportunities to leverage exciting work and investments on behalf of women can be missed. The following are a few examples of opportunities to leverage city and township programs via replication or increased investment:

- Expand the Chicago Low-income Housing Trust Fund’s Families First Program to include eligible at-risk and justice-involved women and their children. The Families First program currently provides a subsidy and support to landlords who are willing to provide permanent housing to eligible first time homeless families receiving wraparound services to enhance their employment, education, and housing stability.
- Leverage township rental assistance opportunities. Nearly every area in Illinois (except the City of Chicago) is in a township. Townships may, at their discretion, provide emergency assistance to very low-income households through direct cash assistance or vouchers to pay for rent, utilities, etc. Cunningham Township’s (Urbana) rental assistance program, which helps residents facing eviction or who are homeless access assistance for deposit/first month’s rent, has grown into a county-wide collaboration. Replicating the Cunningham Township collaborative model across all counties in Illinois, and allowing women to apply while still incarcerated, would help prevent women’s release from prison into homelessness. Similarly, the City of Chicago and Cook County’s existing Cook County Flexible Housing Pool (FSP), which provides emergency assistance, should be expanded to allow women to apply while still incarcerated.

C Fully fund and implement the State Reentry Housing Task Force’s recommendations to expand access to gender responsive reentry housing opportunities for women, including those with children. As the result of an in-depth, three-year effort, the Illinois Justice Project and the Metropolitan Planning Council (MPC) published a comprehensive report, entitled “Reentry Housing Issues in Illinois”, which includes recommendations designed to dramatically increase reentry housing opportunities for men and women state-wide through targeted investment strategies and by removing policy barriers.⁴⁷

As a result of this report, the State Reentry Housing Task Force was launched. Co-Chaired by Illinois Department of Human Services Secretary Grace Ho and Illinois Department of Corrections (IDOC) Director Robert Jeffreys, the Task Force is currently working with a broad coalition to build implementation strategies designed to drive key report recommendations. Among the leading recommendations being promoted by the Task Force, which includes directly impacted women leaders and members of the Statewide Women’s Justice Task Force, is the expansion of gender responsive reentry housing opportunities for at-risk and justice-involved women, as well as increased investment in housing that is appropriate for women with children.

D Create reentry housing subsidies for landlords who agree to house justice-involved women and their children. Consistent with the recommendations of the aforementioned “Reentry Housing Issues in Illinois” report, the state should create tax incentives and a mitigation fund for landlords willing to rent to women who are leaving IDOC or county jails, or who are referred as part of an alternative to incarceration program.⁴⁸ The Returning Home Ohio program, which is a partnership between the Corporation for Supportive Housing and the Ohio Department of Rehabilitation and Correction, is one example of ways that re-entry housing subsidies can be offered to private landlords as part of a comprehensive pre-release and reentry support program.⁴⁹

E Explore gender responsive application of the Frequent Users System Engagement (FUSE) model to support alternatives to incarceration for justice-involved women with intensive clinical needs. As the direct result of the “Reentry Housing Issues in Illinois” report, the Illinois Housing Development Authority (IDHA) established a statewide Frequent Users System Engagement Re-Entry Rental Subsidy in 2019 that accesses new sources of funding for reentry housing.

The Frequent Users System Engagement (FUSE) model applies a Supportive Housing approach (which is an evidence-based program model combining permanent affordable housing with case management and access to other wraparound supportive services using a harm reduction approach) to meet the needs of populations that are frequent utilizers but inadequately served by multiple systems, such as individuals who cycle in-and-out of jails, homeless systems and hospital emergency rooms.

It is recommended that IDHA designate a portion of the new FUSE housing subsidies to gender responsive services for women, and that the state consider expanding upon this model to support full diversion of incarcerated women into community-based alternatives. Combined with gender responsive practices, the FUSE housing subsidy model could offer a promising opportunity to holistically address the needs of women disproportionately criminalized for coping behaviors that may be linked to mental health issues, complex trauma, substance use and homelessness.

F Launch a major statewide initiative to incentivize cities and counties to convert vacant and foreclosed properties into affordable housing for at-risk and justice-involved women and mothers to live safely with their families. Throughout Task Force convenings, formerly incarcerated women who had experienced patterns of homelessness and/or housing instability throughout their lifetimes repeatedly stated how often they noticed boarded up buildings and houses throughout their communities – buildings that could instead offer safe havens for women and mothers to live as an alternative to unsafe and coercive environments and the streets. The state should join together with cities and counties to develop a targeted initiative to convert both vacant and foreclosed buildings into safe, stable housing options for at-risk and justice-involved women and their children.

Cook County Land Bank (CCLBA) is the largest land bank by geography in the nation and has access to a substantial inventory of vacant residential, industrial and commercial property throughout the county. It also has the highest number of justice-involved women in the state. Therefore, it would be an ideal place to launch a demonstration project designed to reduce homelessness and housing insecurity among directly impacted women and mothers under the leadership of CCLBA Chairwoman and Cook County Commissioner Bridget Gainer.

Develop and Adopt a Statewide Commitment to Dignified Housing for Women

Women deserve to have access to a range of housing options where they can live with dignity. Dignified housing for women should, at minimum, be safe and clean; be free from coercion, abuse and retribution; honor personal choice, agency and self-determination; and facilitate relationship and connection with children, family and community. When people have access to dignified environments, they feel comfortable, confident, and in control. To treat people with dignity “is to forbid any form of abuse, to treat each person as an individual with individual needs; to enable them to maintain as much independence, choice, privacy, and control as possible.”⁵⁰

Throughout the statewide Women’s Justice Task Force convenings, impacted women reported experiences in various housing environments such as transitional homes, recovery homes, and domestic violence shelters that not only lacked dignity, but replicated their experiences of incarceration. Women reported having to endure unsanitary conditions (e.g., lice and bedbugs), overly burdensome restrictions that prevented them from exercising autonomy and agency, and being misunderstood, judged, and fearful of retribution and reincarceration if they complained about poor treatment and conditions. These conditions replicate a prison environment and trigger coping behaviors linked to past trauma that are cast as “noncompliant” acts. Women are either “kicked out” of these programs or leave due to the oppressive conditions. This places them back in a highly vulnerable situations and perpetuates cycles of housing instability and homelessness.

In many cases, women reported difficulty accessing housing support because jails and prisons did not perceive them as in need of housing if they did not meet certain criteria, such as being a person in need of mental health or drug treatment services. They also felt coerced into completing treatment programs at recovery homes just to get a roof over their head. Women also described being placed into faith-based programs and feeling alienated and shamed if they did not share the same belief system.

LGBTQ+ and gender non-conforming individuals reported experiences of rejection, alienation, and mistreatment as a result of the lack of culturally inappropriate housing placement options. For example, transgender women reported facing the “choice” of being homeless or enduring transitional housing programs for men where they would be exposed to high risk of sexual assault and/or harassment.

Providing dignified housing addresses the root cause of homelessness for many women, which is a lack of agency. Efforts that do not center on the dignity and humanity of women are in danger of replicating the very trauma that led to homelessness and deprivation. Therefore housing with dignity addresses both the consequence and the cause of trauma.⁵¹

National initiatives addressing human rights and dignity have been developed by Canada and Australia. For example, the Canadian Government is dedicating \$40 billion to a ten-year human-rights based housing strategy. Twenty-five per cent of this funding is dedicated for housing projects and services that specifically prioritize women and their families.^{52,53} The Equal Rights Alliance of Australia has promoted a Gender Responsive National Housing and Homelessness Agreement and a National Policy on Homelessness, asserting that “issues of gender and violence are not marginal to the ‘main problem’ of homelessness and housing; they are central” and that “an effective national homelessness policy has to put [women] at the centre.”⁵⁴ Australia has also created a set of Dignity Principles for health care settings.⁵⁵

The State of Illinois can build upon these precedents by engaging with directly impacted women to create and operationalize a Statewide Commitment to Dignified Housing for Women that addresses the unique needs of diverse women.

- A Convene a team of directly impacted women to develop a “Vision of Dignified Housing for Women” and a specific set of “Dignity Commitments” that will ensure achievement of that vision.** Partnering with women who have lived experience is essential to changing the culture of housing providers to deliver dignified, gender responsive supports.
- B Ensure the aforementioned Dignity Commitments are incorporated into housing contracts at the state, county and local levels.** Dignity Commitments should be enforced among all housing programs for at-risk and justice-involved women (e.g. shelters, transitional housing programs, recovery homes).

They say “you had choices” to a lot to women... but what if all of those choices are bad?

From the day I got out of prison and arrived at my first transitional housing program, it immediately felt like I was just released from one prison into another.

MONICA COSBY
Chair, Redefining the Narrative Working Group

I felt less like an individual, and more like some sort of contract, a checklist.

The manager at the time made me feel like a number all over again with all these rules and constant threats of calling my parole officer for not going along with programs that did not even address my needs. I felt less like an individual, and more like some sort of contract, a checklist.

We could not eat when we wanted, we needed permission to use the phone, we could not get visitors unless they were approved... Even the way the staff jingled their keys as they walked down the hallway started to remind me of a cellblock. All of it triggered this anxiety in me from so many years in prison. It was like: “Didn’t I get just released from prison?”

Going there was supposed to be about my freedom and the start of a new life... instead, it felt more like reliving all of those abusive relationships I had before, the kind where you know you are desperate for a roof over your head and walk on eggshells because you constantly have this threat of punishment hanging over your head. Prison was like that too for us.

MONICA COSBY
Chair, Redefining the Narrative Working Group

Dignity highlights the universality principle of human rights and the role of the State to fulfill those rights. It challenges the notion of ‘deserving’ and ‘non-deserving.’

Dignity and Human Rights: The Missing Dialogue, Rockefeller Foundation Bellagio Center (2009)

Remove barriers to safe and stable housing by strengthening and enforcing protections against the discrimination of women with criminal records

Current practices and policies prevent women with criminal records from accessing the limited housing options that exist. According to a 2015 national survey, 79% of formerly incarcerated individuals were either ineligible for or denied housing because of their own or a loved one’s conviction history, and the challenges were greatest among women.⁵⁶ Tenant screening policies prevent women with a criminal history or eviction record from securing housing, and disproportionately impact women of color.⁵⁷ to women before, during and after prison. The interrelated and compounding issues that criminalize women and bring them into the criminal justice system are exacerbated when they cannot access safe and affordable housing for themselves and their children – both in the private and subsidized housing market.

Blanket bans on renting to a person with a conviction record run afoul of the federal Fair Housing Act because of the disproportionate impact on people of color; accordingly, women of color are severely impacted due to their overrepresentation in the criminal justice system. As stated in the 2016 guidance released by HUD’s Office of General Counsel, while a criminal record is not a protected class under the Fair Housing Act, housing restrictions based on a criminal history violate the act if they impact one race or national origin over another.⁵⁸ It goes on to say that:

79% of formerly incarcerated individuals were either ineligible for or denied housing because of their own or a loved one’s conviction history, and the challenges were greatest among women.

In addition to screening policies that result in barriers caused by past criminal records, landlords routinely deny housing to people that were named in an eviction case — even if a court never ordered the eviction. These unfair policies punish women and families based on a prior landlord’s decision to file a case, without taking into account the reason for the filing, the outcome of the case, or the family’s circumstances. Applicants are often asked whether they were ever involved in an eviction case, and tenant screening companies provide court data to landlords that may be used to discriminate. Even if the eviction case was dismissed, filed several years ago, or based on unsubstantiated reasons, people’s housing options disappear.⁵⁹ While these unfair screening policies affect all applicants, African American women are disproportionately impacted.

- A Enact laws that provide consistent protections against discrimination for individuals impacted by the justice system statewide, so that every woman benefits no matter where she may live in Illinois.** In 2019, the Illinois Human Rights Act was amended to prohibit housing discrimination based on non-conviction records (such as arrests), records ordered expunged and sealed, and juvenile records under Public Act 101-0565. While local governments, such as Champaign County and Cook County, have taken steps to pass ordinances that limit the use of conviction records and ensure fairness in housing decisions, there is no statewide policy.
- B Remove barriers to subsidized housing opportunities for women with criminal histories.** Studies have shown that women with access to long-term public housing are less likely to be incarcerated or reincarcerated.⁶⁰ However, women with criminal histories in Illinois currently face considerable barriers to accessing subsidized housing opportunities due to often unjustified overextension of federal policy by local housing authorities. In order to improve access to safe and stable housing for impacted women statewide, the Illinois’ Housing Authority Act (310 ILCS 10/1) should be amended to align with the U.S Department of Housing and Urban Development’s guidance and highlighted best practices on the use of criminal records in public housing decisions.⁶¹ These best practices include allowing people with records to present mitigating evidence, codifying factors for consideration in admissions, establishing look back periods, providing for due process in notification, and allowing opportunities to dispute or provide mitigation prior to rejection. It should be further noted that, even without passage of legislation, local housing authorities already have broad discretion to address these issues.
- C Provide education on the Illinois eviction sealing process and amend the Human Rights Act to prohibit discrimination based on these sealed records.** As with most criminal conviction records, sealing is available for certain eviction records, which provides for the removal of eviction court records from public view and in turn, private screening reports. Effective January 1, 2018, a person may file a motion to seal the court record of eviction, which the court may grant if (1) the landlord’s action was without a basis in fact or law; (2) sealing the court file is “clearly in the interests of justice,” and (3) “those interests are not outweighed by the public’s interest in knowing about the record.”⁶² This requires people knowing about the law to take advantage of it. In addition to educational information being available to people to utilize this available remedy, the Illinois Human Rights Act should also be amended to prohibit housing discrimination based on eviction records, and, at a minimum, protect individuals who have had eviction records sealed.



In 2019, the Just Housing Coalition convened formerly incarcerated leaders and other advocates to successfully push for passage of the historic Just Housing Amendment, which will now protect over one million people from housing discrimination due to their criminal histories. At the forefront of the effort were Maria Moon (back row, first from right) and Willette Benford (back row, third from left), whose testimony on their safe housing challenges as formerly incarcerated women helped inspire the passage of the amendment.

Local governments in Illinois have paved the way for statewide policy reforms that remove housing barriers for individuals with criminal histories. Specifically, the City of Urbana and Cook County have amended local human rights ordinances to limit the use of conviction records in housing decisions.

Illinois counties are leading efforts to prohibit housing discrimination for impacted women and families.

The City of Urbana's Human Rights Ordinance prohibits discrimination based on arrest and conviction records, without exception.⁶³ The City of Champaign has prohibited discrimination based on conviction records (with exceptions) since 1994, and even for those exceptions, it prohibits the use of such conviction records if a person has been released from prison for five years.⁶⁴

In Cook County, the Just Housing Coalition, which was fueled by the leadership and voices of directly impacted women, successfully advocated for the passage of the Just Housing Amendment in 2019. The amendment, which will now protect over one million people from housing discrimination, includes the following provisions: (1) requires housing providers to consider an application before inquiry into a criminal history; (2) bans discrimination based on arrest record, citation, juvenile record, sealed or expunged record, or participation in a deferral or judgment program; and (3) bans automatically rejecting applicants based on convictions (with exceptions) without considering mitigating factors, including length of time, nature and severity of the conviction, and evidence of rehabilitation.⁶⁵

Prevent evictions among women by expanding investments in prevention programs and ending policies that place survivors at risk of homelessness

Gender-based violence (GBV) often leads to housing instability and evictions, which, in turn, place women at risk of justice involvement, entrenchment and incarceration. During Task Force focus groups, listening session and mapping sessions, women with a criminal record or those currently on probation or parole supervision described a “no win” situation where they were afraid to reach out for help when enduring gender-based violence. Any unwanted attention from law enforcement could result in a woman getting “on the radar” of her landlord as a “problem tenant” and, ultimately, evicted. For this and other reasons, risks of eviction are a not only a concern for formerly incarcerated women, but their families as well; a 2015 survey revealed high risk of eviction among family members when loved one has returned home from prison.⁶⁶

Furthermore, probation and parole policies often do not address safety planning; accordingly, women expressed very real concerns that they would be violated and reincarcerated if they stayed in a high-risk housing situation, as well as if they attempt to flee the situation without authorized movement. Consequently, they chose to stay silent about the ways in which they were surviving the conditions of their lives.

Central to some of these challenges are nuisance ordinances which place women who are victims of partner violence at greater risk of eviction; women with criminal records are particularly vulnerable. Nuisance ordinances or “crime free ordinances” are local laws that punish landlords and tenants when crimes occur on a property, endangering victims’ housing and interfering with their ability to report crimes. A household can be defined as a “nuisance” if it reaches a certain threshold number of nuisance infractions—anything from arrests on the property to noise complaints to suspected sex work. Under these ordinances, any contact with the police, including 911 calls to report domestic violence, may become a threat to housing.⁶⁷ These laws are particularly prevalent in Illinois, which has more than 100 such ordinances on the books.⁶⁸

These and countless other situations, which are disproportionately endured by women, can culminate in eviction, and those eviction records, like criminal records, carry a stigma. In fact, eviction sets off a chain of hardship that becomes almost impossible to break. Women with prior eviction records face discriminatory treatment—even if they won the eviction case in court, the eviction case was dismissed, the disputes were settled before trial, or the evictions were filed in error⁶⁹—because many landlords will not rent to someone who has been evicted. An eviction can also ban a person from affordable housing programs. Once evicted, women are often forced to move from one undesirable and unsafe situation to another.

The following recommendations will prevent evictions for women and reduce their vulnerability to cycles of homelessness and incarceration.

A Provide free legal counsel and mediation in eviction court. In other parts of the country model legislation gives tenants the right to counsel when faced with eviction.

- In New York City, legislation guarantees low-income renters the right to representation during eviction proceedings. The law provides legal services to residents who make less than 200% of the federal poverty line and are facing eviction. The protections are expected to reduce the number of tenants brought to housing court and the number of evictions. A number of other cities like San Francisco and Los Angeles are following suit.
- At the federal level, Senators Maggie Hassan, Tim Kaine, and Chris Van Hollen are leading the fight to establish a federal grant program to create landlord-tenant mediation courts and fund translators to assist tenants who speak languages other than English.

B Pass legislation to end unfair eviction screenings. Illinois State Representative Theresa Mah is leading efforts to change policies in a manner that would require that all eviction records be sealed at the time of initial filing and that only final eviction judgements be made public.

C Expand emergency funding to prevent eviction of women. The state should increase supplemental funding to the Illinois Homeless Prevention Program and HOME program. These investments should be coupled with case management and legal assistance.⁷⁰ A study of the Illinois Homeless Prevention Program outcomes in Chicago found that recipients were 88% less likely to become homeless after three months than those who did not receive a prevention grant.⁷¹

D Strengthen state legislation that guarantees the right of all people to seek emergency aid without fear of penalty from nuisance ordinances. Current legislation in Illinois (Public Act 99-441) protects survivors of domestic violence and sexual assault, people with disabilities and their landlords, yet illegal enforcement of nuisance ordinances continues. Strengthening the existing law in Illinois by requiring municipalities to annually report the number of warnings, notices, or violations they send to landlords and the basis for each (e.g., what sort of police call or arrest triggered the enforcement action). This will help to prevent illegal enforcement of nuisance ordinances. In Iowa and Pennsylvania, legislation preempts local laws that impose penalties on tenants and landlords because they sought emergency services.⁷² Similar protections exist in Minnesota and Indiana.⁷³

It should be noted that in 2016, US Senator Jeanne Shaheen fought to amend the Fair Housing Act to prohibit discrimination against survivors of domestic violence or sexual assault in housing matters, including prohibiting intimidation in fair housing transactions. This bill, which would designate survivors of gender-based violence as a “protected class” to prohibit discrimination, remains in committee.⁷⁴

E Implement co-responder models and train police officers on safer, survivor-centered responses to domestic violence. The Relationship Safety and Health & Well-being sections of this report call for police deflection and alternate responses to domestic violence situations that emphasize the use of trained co-responders. Co-responder models instill greater protections for women, and can also be designed to protect the privacy of survivors and reduce unwanted attention in their buildings.

Unfortunately, despite all of Illinois’ legislative victories, our state does not offer the specialized services that could provide survivors with freedom from exploitation. Survivors and advocates repeatedly identify the unmet need for specialized services, most acutely a lack of housing, as the constant barrier to making positive change.

Chicago Alliance Against Sexual Exploitation (CAASE)

Increase Supportive Housing Options for Survivors of Commercial Sexual Exploitation (CSE)

Women with lived experiences in the commercial sex trade often cycle through multiple systems, including the homeless and criminal justice systems, without improved outcomes. Illinois must provide more supportive housing options and services to help sex trafficking survivors reconstruct their lives. Just six years ago in Illinois, there were only two residential homes serving trafficking survivors. Although that number has grown with the creation of programs including, but not limited to, Restoration 61, Selah Freedom, the Chicago House TransLife Care (TLC) Program, and Grounds of Grace, collectively, these programs do not offer nearly enough beds or services to meet the demand statewide.

The homeless shelters and domestic violence shelters that also serve these vulnerable populations have historically been subject to precarious state budgets, especially as a result of the 2015 state budget impasse. Some programs also lack the trauma-specific counseling, workforce development, and other services to meet the health, social, and economic support needs of survivors.

- A Invest in a wide range of community-based, long-term housing programs that include partnerships with drop-in centers and specialized providers that are able to offer a menu of supports that account for CSE survivors’ unique needs for trust and safety.** Specialized housing options for survivors of CSE should not be limited to the Chicago area and should be accessible statewide. CSE survivors should also have the option of where they access such supports around the state. For example, some will seek out a distant residential program far from a violent perpetrator, while others may feel most comfortable in a community they already know. Overall, targeted housing options should be affirming and welcoming, and programming should be individualized, strengths-based and trauma-informed to meet each woman’s complex needs.

- B Invest in Safe Houses for survivors of CSE and ensure regional availability.** Safe and stable housing with recovery support groups and peer mentoring to women and those from the LGBTQ+ population should be available regionally. These programs should be service-rich and have the funding and infrastructure to effectively link to existing resources at local, state, and federal levels to ensure women are not just housed but connected to vital trauma-informed wraparound services that help them navigate their involvement with multiple service systems including health, criminal justice, and child welfare, and employment.

COURTS

Expand innovative public housing partnerships to support full criminal justice system diversion & remove housing barriers for impacted women

In 2016 HUD warned that a policy of denying housing to people with criminal conviction records may violate the Fair Housing Act. A common misconception is that women and men with a criminal record are barred from living in public housing subsidized from the U.S. Department of Housing and Urban Development (HUD). In fact, HUD only bars individuals with two types of convictions: (1) individuals found to have manufactured or produced methamphetamine on the premises of federally-assisted housing, and (2) individuals convicted of a sex offense who are subject to a lifetime registration requirement under a state sex offender registration program.⁷⁵

Local public housing authorities have wide discretion to set admission policies for the public housing and Housing Choice Voucher programs. Unnecessarily restrictive policies have unintended negative consequences, particularly for women with children. Prior to prison release, a person must have an address. If that address corresponds to a family member with a voucher that prohibits them from housing someone with a felony, that person’s incarceration term will be extended, lengthening the time they are separated from children and unable to contribute to the household. Family members are tragically caught between wanting to support loved ones, while also not placing their housing stability at risk.

- A Change local housing authority eligibility policies to provide fair housing rights to all applicants regardless of criminal conviction records, except when HUD rules require it.** Unfortunately, numerous housing authorities in Illinois choose to impose additional screenings and prohibitions based on criminal backgrounds, such as barring someone with a felony conviction for 3 or 5 years, from accessing housing, which is not required by HUD. These restrictions should be changed statewide.

B Expand local housing authority diversion partnerships with the criminal justice system, including the dozens of problem-solving courts across the state. By establishing diversion partnerships with local housing authorities, county courts can instill a culture of support, rather than punishment, of women struggling with poverty and public health issues such as addiction and trauma. By diverting women away from jail and/or prison and into stable housing and support services in their community—that are not embedded within the criminal justice system—courts can play a critical role in decarceration, harm reduction, and strengthening families and communities.

The following are examples of promising diversion partnerships with public housing authorities that are benefitting justice-involved women and communities:

- **Cook County Drug Court Housing + Services Pilot.** The recently launched CookCounty Drug Court Housing + Services Pilot is a partnership between the Circuit Court of Cook County’s Men’s and Women’s Rehabilitative Alternative Probation Drug Treatment Court (RAP/WRAP Drug Court), Treatment Alternatives for Safe Communities (TASC), and the Housing Authority of Cook County (HACC). Business & Professional People for the Public Interest (BPI), a Chicago-based non-profit, serves as project manager for the pilot.

This pilot is providing 25 drug court graduates with a Housing Choice Voucher, assistance with their housing search on the private market, and extended case management for up to 12 months. The program is designed to support women and men as they transition from the highly structured, supervised environment of the problem-solving court to independent life outside of the justice system. As voucher holders secure employment and build their income over time, they will transition off the voucher and take over the lease. The vouchers can then cycle back to the drug court to help future graduates.

- **Champaign County Housing Authority’s Reentry Transitional Housing Project.** This project emerged after Champaign County’s Reentry Council identified housing as the key issue impacting the success of individuals returning to Champaign County after prison. Thanks to community advocacy, the Housing Authority of Champaign County (HACC) launched a program to rehab and offer up to four houses to non-profits to operate transitional housing with intensive services for those coming home to Champaign County from IDOC.

An RFP was created and two organizations were selected: Women in Need (WIN) Recovery, which provides recovery support groups and peer mentoring for women and those from the LGBTQ+ community with substance use and/or criminal convictions, and First Followers, which operates a drop-in center for those with criminal convictions to access housing and employment support. Both of these programs are led by formerly incarcerated women and men who have gone through the hardships of reentry and are well-positioned to provide culturally competent, trauma-informed support.

In the rural areas where we live, you need to realize that women have no place to go after treatment but [the places] where they were using before.


KYLIE TURNER
Redefining the Narrative Working Group member and Adult Redeploy Illinois Graduate (Perry County)

- **Chicago Housing Authority (CHA) Reentry Pilot.** The CHA Reentry Pilot was created as the result of a collaboration between the Chicago Coalition for the Homeless (CCH) Reentry Committee and the CHA for the purpose of providing secure Housing Choice Vouchers (HCV) to 50 people with criminal records and a pathway to permanent housing. While the program was designed for both men and women, the majority of participants have been women, including those with children. According to the Safer Foundation, one of the lead service providers for the pilot, 22 of the 31 clients placed into permanent housing were women – all of whom received employment, family re-engagement, social services and have remained stable since the program kickoff in 2016.

As a result of the program’s success, advocates were able to persuade CHA to revise their eligibility criteria to allow public housing access for individuals three years after the date of conviction, rather than five.


Eliminate pretrial policies and practices, including cash bail and restrictive electronic monitoring policies, that punish women for unstable housing and homelessness

Housing instability not only makes a woman more vulnerable to arrest by law enforcement, but the courts also use women’s housing status as a basis to set bail or conditions of release. Any stability that women do have, permanent, transitional, shelter or otherwise, may be lost as a result of detainment, with a trickle-down effect on children and employment, and the loss of formal and informal networks of support. Electronic monitoring confines women to certain locations where they may be subject to abuse and exploitation. These losses experienced by women in pre-trial detention impact their overall stability and push them further into the criminal justice system. Ending the current system of cash bond, as promoted by the organizing and advocacy efforts of the Coalition to End Money Bond, reduces the ability of the courts to punish women for their housing instability. Ending restrictive electronic monitoring policies will increase safety among women and eliminate barriers to successful no entry/reentry.



It was hard to find a place to live because you need a landline for an electronic monitoring box. This ‘friend’ of my dad offered me a room until I got on my feet. It was great at first, until he wanted something more. He wanted sex. Once again, I was living in fear..

JUDY SZURGOT



It was hard to find a place to live because you need a landline for the monitoring box. This friend of my dad offered me a room until I got on my feet. It was great at first, until he wanted something more. He wanted sex. Once again, I was living in fear.

One day, it got so bad that he threatened to throw my electronic monitoring box out the window and tell IDOC that I had violated my movement if I would not sleep with him. If that happened, I knew I would go straight back to prison. I freaked out, locked myself in my room, and called IDOC to get permission to leave after I knew he had left for work because I would set off the alarm on my bracelet if I left the house unauthorized – and that could result in an arrest. They told me I had to wait for my parole officer, who was not at work yet, and then said they needed to call my landlord to confirm it before I could leave – but my abuser was my landlord! That was obviously not an option.

One day, it got so bad that he threatened to throw my electronic monitoring box out the window and tell IDOC that I had violated my movement if I would not sleep with him.

It wasn’t until I got help from my lawyer and advocates from the WJI that the IDOC sent my parole officer to the apartment to approve my move to another location. I guess they could not understand why I did not just leave... well, that is because I learned that hard way that you can’t trust the system and they never believe us. I was not going to risk going back to prison – no way. I was so grateful, but could only wonder what would have happened to me – or other women – if they did not have the same kind of support?

JUDY SZURGOT



A **Revise Illinois law that allows the court to consider “whether there is any verification as to prior residence... and length of residence in the community,”⁷⁶ as one of many factors to be used in their decision to set the amount of bond or conditions.** Women have been repeatedly held in pre-trial detention on a cash bond merely because they are unable to provide a stable address. The use of housing instability in pre-trial detention decisions imposes a disproportionate gendered harm for known survivors of domestic violence, trafficking, and other forms of abuse, many of whom are often trapped in unstable and unsafe living situations.

B **Avoid the use of electronic home detention as an alternative to detention in jail.** Women on electronic monitoring report experiences that are just as harmful as pre-trial detention, including exposure to violence and exploitation and the inability to meet critical family responsibilities and respond to emergencies due to their social isolation. The argument that electronic monitoring is needed to “assure the appearance of the defendant” is simply unsupported by evidence, as pointed out in the newly released report by the Challenging E-Carceration project team and MediaJustice’s #NoDigitalPrison campaign.⁷⁷

- Invest in technologically advanced and financially cheaper methods than electronic monitoring to ensure people come to court. These alternatives include text messaging options and the purchasing of phones to ensure communication. Text messages and phone calls do not impede a woman’s ability to raise her children, access employment or educational opportunities, or leave unsafe conditions. These methods also reduce stigma and shame.
- Instead of posing restrictions on women, provide meaningful, non-carceral community-based support services that address their unique needs.

INCARCERATION: JAIL & PRISON

Increase and enhance prison and jail alternatives that allow women to serve their time in the community instead of prison

The road to reducing the women’s prison population by at least 50% requires expanding the availability of non-carceral alternatives to incarceration, especially those that provide a bridge to supportive housing. In addition, women should never be released from prison only to find themselves facing housing instability, especially when carrying a felony conviction record that poses additional debilitating barriers that may prevent them from finding permanent housing.

A **Immediately expand implementation of the 1998 Women’s & Children’s Pre-Release Community Supervision Program Law statewide.** Despite passage of this law in 1998, which provides IDOC very broad authority to allow women to serve their time in the community with their children with housing and other services, Illinois has consistently limited the program by issuing a contract to only one provider, The Women’s Treatment Center (TWTC) in Chicago. In addition, the IDOC has grossly underutilized the program and has only approved three women to participate in the last four years – even as the state worked to address ambitious goals of decarceration.

B **Establish non-carceral alternatives to incarceration for women across the state that are gender responsive, trauma-informed and geographically diverse, with at least 100 beds offered in each region.** Women should be able to serve their sentences in their communities, with their children, rather than hundreds of miles away at a prison location that does not address their reentry needs or contribute to their improved outcomes upon release. Given the diversity of needs within the population of justice-involved women, alternatives to incarceration must include a variety of community-based housing models, including affordable housing with wraparound services, that can provide services designed to address individual and family-level needs. These alternatives must be made available throughout the state. This can be achieved by scaling up evidence-based models that have been specifically designed for women and children.

C **Every woman admitted to prison should be immediately assessed for placement in an alternative to prison program that is closer to her community.** Until all eligible women are provided with alternatives to incarceration as part of the sentencing process, IDOC must take steps to ensure that every possible effort is made for women to serve their sentences in the community. Current admission protocols at IDOC must be built out to identify ways to divert women into alternative community-based housing opportunities from the day they arrive – if not sooner. This process must also ensure that their role as mothers is taken seriously and addressed in the placement process.

Build an infrastructure for reentry housing that is designed to address the unique challenges of justice-involved women

A high percentage of women experience housing instability and homelessness before admission to jails and prisons, and this pattern only worsens as thousands of them are released each year without a source of income and with a criminal record. Due to the lack of a proactive, gender responsive planning process and the poor investment into a diverse set of reentry (and no entry) housing options, women reported at several Task Force convenings that they are being released from incarceration into high risk situations. With options so limited, some of the most economically and socially marginalized women are released into homeless shelters with only \$10-\$20 in their pockets, while others return to prior living situations that expose them to the same gender-based violence, exploitation and other forms of violence and coercion they experienced before their incarceration.

Missed Opportunity:

Less than one family per year has benefitted from from a 1998 State Law that Prevents Family Separation by a Providing Community-based Housing Alternative

The Women's & Children's Pre-Release Community Supervision Program Law (730 ILCS 5/3-2-2 from Ch. 38, par. 1003-2-2) became law in 1998 for the purpose of reducing family separation by authorizing IDOC broad discretion to allow mothers to serve their time in community-based housing with their children.

Despite the critical opportunity this law provides to strengthen families, the program has been historically limited to only one location, the Chicago-based Women's Treatment Center. Furthermore, the state has funded less than ten slots for decades – a number that has increasingly declined. In fact, only 3 women have accessed the program since 2017.

The law amends the Unified Code of Corrections, and states:

“... the Department of Corrections may establish a Women's and Children's pre-release Community Supervision Program for the purpose of providing housing and services to eligible female inmates, as determined by the Department, and their newborn and young children.”

Homelessness was a major factor that led to my incarceration. I was 23 years old, pregnant, running the streets and unnecessarily getting into trouble. I was fortunate to get to keep my baby when I was incarcerated, but when I finally got out, I still did not have a home. I was hopeless, lost and so scared that I would not find a safe place to live with my baby and to reunify with my little boy who was already very traumatized by being away from me.

I was blessed to finally get into a place at A Safe Haven because it is helping me to keep my family together. It has been all positive energy, and they have a caseworker helping me to get our lives back on track.

That is the kind of help I need as a mom trying to figure things out for my family, find a job and change our lives. There needs to be more of these places.

So many people judge a mom with a record, and only see a convicted felon, but they told me that I am so much more than what the system portrays me to be... and keep supporting me and my children to get through everything. That is the kind of help I need as a mom trying to figure things out for my family, find a job and change our lives. There needs to be more of these places.

E.P.

Loving Mother

Particularly as it relates to prison, women’s challenges go largely unreported because the IDOC requires an approved address in order for a woman to be released from prison to parole. Due to extremely limited housing options and a fear being held in prison longer, many women report that they are forced to identify housing environments that compromise their recovery, expose them to gender-based violence and coercion, harm their children and deepen family separation. Given the serious and chronic lack of housing options for returning women throughout the state, the requirement to provide an address in order to be released, in the absence of meaningful supports and planning, is inhumane, increases women’s risk of gender-based violence (GBV) and re-incarceration, and sets women up for failure.

The reentry and housing placement process in jails and prisons should begin from the day that a woman is admitted, not at the end of her incarceration. This process must provide each woman with an opportunity to engage with a trusted individual who has the knowledge of her community and the skills, attitudes and empathy required to explore her unique housing challenges and work with her to make concrete, individualized plans that pave the way to safety and success, not abandonment, exploitation and harm.

A Increase the number of trained and dedicated staff and partner with community-based contractors to facilitate women’s reentry housing. The process of identifying a woman’s housing challenges should begin the day she is admitted to prison or jail, and a team of dedicated staff members and community-based contractors should also be activated to work closely with her to identify the most appropriate housing opportunities.

This can include housing specialists, and, importantly, directly community-based partners who can engage women as peers and offer deeper knowledge of their respective region of the state. This is particularly critical at the state’s two women’s prisons, where the length of stay is longer, staff are often located hundreds of miles away from the communities to which women will return, and where women are often fearful of being held in prison longer if they share that they do not have safe housing options.

B Partner with directly impacted women, as well as projects such the Roadmap Initiative, to inform strategic planning and investments needed to facilitate women’s successful reentry housing. In order to overcome barriers to understanding the housing pathways of justice-involved women and address their needs, a statewide analysis, architected and guided by impacted women, is required to examine the experiences of women across various and often siloed systems, including the criminal justice, housing and public health systems. This not only requires cross-sector data analysis, but also peer-led approach that instills the trust necessary to collect accurate feedback from women on their challenges prior to release from prison. The Roadmap Initiative, which was spearheaded by Smart Policy Works with support from TASC, the Safer Foundation and the WJI, has been working to gather cross-sector data needed to understand the trajectories of men and women in/out of Cook County Jail, along with their admission patterns into housing programs and health care systems. Information gathered from this process should be used to inspire and inform housing policies and investments at the city, county and state levels.

C Collaborate with city, county and state agencies, to leverage available information on housing options for women, including the City of Chicago’s Homeless Management Information System (HMIS) and the Statewide Referral Network (SRN). Housing information from these two systems can be used to identify housing opportunities for justice-involved women well in advance of their reentry. For example, the SRN has the potential to link vulnerable women, including those with disabilities and those at-risk of chronically homelessness, to affordable, available, and supportive housing. In addition, community-based organizations can currently get certified to file housing applications for clients on the HMIS system. The IDOC and county jails should get staff trained and certified to use that system as well.

D Leverage city, county and state resources to build a statewide “No Entry + Reentry Women’s Housing Network” that offers gender responsive, trauma-informed and family-centered services. Due to a lack of investment statewide into gender responsive housing options for women, both county jails and state prisons lack an adequate number of no entry and reentry housing options for women, particularly those with children. The state should initiate innovative partnerships that leverage city, county and state resources across all regions to ensure that women have access to safe, stable and non-coercive housing for themselves and their children. This may include working with counties to leverage resources to support a “No Entry + Reentry Women’s Housing Network.”

E Launch a targeted grant initiative to expand holistic community-based housing and services that address the unique housing needs of transgender women statewide. Due to the fact that transgender women of color live at the dangerous intersection of racism, sexism, homophobia, transphobia, and HIV stigma, specific support is needed to fight this overwhelming amount of systemic discrimination. Structured, comprehensive, and affirming reentry plans and connection to long-term housing, employment, hormone therapy and other health services, are a proven model for reducing the recidivism rate for this high-risk and vulnerable population. Despite their success of programs such as the Chicago House TransLife Center (TLC) are extremely limited and must be expanded. The initiative should include:

- **Specialized reentry housing planning with transgender women that is informed and led by directly impacted women,** includes partnerships with organizations who intimately understand the unique housing experiences and needs of transgender women, and pre-release in-reach from day one to establish trust.
- **Holistic reentry housing services that meet the unique needs of transgender women,** including, but not limited to, individual and group counseling and support programs, trans-affirming health care, employment and legal support—all of which help to keep transgender women from living on the streets and experiencing further trauma.

When I was forced into sex work for almost 20 years, I always heard people say “well, trans people choose to live that way” when I would experience violence... as if I deserved it.

The reality is that society has continuously pushed trans women out of the mainstream and into the shadows...so, how else do they expect for us to survive?

REYNA ORTIZ
Trans Resource Navigator,
Chicago House TransLife Care (TLC)

Like many other trans women, especially those of us from black and brown communities, I was forced into sex work in order to survive. I endured a life which involved being sexually assaulted and exploited for almost 20 years because I had very little options. Discriminatory barriers made it difficult for me to get out and nearly impossible to find a safe and stable place to live.

The society where we work, get a degree, get a job, make money, find housing and seek safety is unfair to trans women – it was never built for us at all. Even our families reject us. It is as if the foundation of every basic need we have is fractured. We are regularly denied housing, yet there is only one shelter for trans women in Chicago, called Sara’s Circle. Only one. So, trans women are faced with an impossible choice: Risk going into a men’s shelter only to be harassed or sexually assaulted... or go back to living on the streets, doing sex work and getting right back into the surveillance of the police, jail and prison system.

Through our work at the Chicago House/TransLife Care (TLC) program, we have served over 450 trans people per year with legal services, employment, housing and medical care.

I became a social worker and have dedicated my life to helping other trans women overcome these barriers and achieve the dignity, safety and support they deserve. Through our work at the Chicago House/TransLife Care (TLC) program, we have served over 450 trans people per year with legal services, employment, housing and medical care. I conduct in-reach into Cook County Jail to help trans women safely connect to those services before getting out.

Since I began my work, I became a certified housing assessor on the Chicago Homeless Management Information System (HMIS), and have placed more than 100 trans women in housing. In addition to more targeted investments in holistic, safe and stable housing for trans women to live with dignity, I think prisons and jails really should start using HMIS across-the-board.

REYNA ORTIZ
Trans Resource Navigator,
Chicago House TransLife Care (TLC)

REENTRY: PROBATION & PAROLE

Fund peer-led housing programs for women across the state that provide holistic, wraparound services

One of the most powerful recommendations that came out of Task Force convenings is to invest in smaller, peer-led housing programs for women. In addition to a national survey that shows that 79% of formerly incarcerated women said that they could not afford housing upon release, studies also show that the culture of the housing program is critical to its success. Peer-led programs improve outcomes and there is an enormous need for them.^{78,79,80,81} Women who have directly experienced the challenges of criminal justice system involvement, incarceration and reentry are optimally positioned to both design and lead housing programs to support other women upon reentry.

Peer-led housing models for women have demonstrated success across the nation. For example, A New Way of Life (ANWOL) is a national model program in Los Angeles that was founded by CNN Hero Susan Burton, a formerly incarcerated woman seeking to ensure other women get the support they need to survive and thrive. ANWOL is a “survivor-focused” and peer-led model grounded in six guiding concepts: (1) personal agency and autonomy; (2) multi-dimensional and holistic services; (3) gender-specific support; (4) community-based and community-building activities; (5) power building; and (6) social transformation.

Due to the success of ANWOL, Susan launched the SAFE Housing Network, an initiative to replicate the model across the nation by investing in the leadership of other directly impacted women. In August 2019, the first SAFE Housing Network grant was awarded in Illinois to the Women in Need (WIN) Recovery program in Champaign, founded by Bethany Little, after her personal experiences with homelessness, housing instability, addiction, and incarceration as an LGBTQ+ person. WIN Recovery’s model is centered around a peer-led, gender responsive environment focused on addressing trauma and recovery through peer-facilitated groups and support services, as well as addressing the unique needs of LGBTQ+ individuals.

Peer-led housing programs such as ANWOL and WIN should be replicated statewide and used to support both the successful reentry of impacted women, as well as “no entry” models that fully divert them away from the criminal justice system.

- A State prisons, county jails and the Department of Alcoholism and Substance Abuse (DASA) should create targeted contractual opportunities for smaller, peer-led housing models for women like ANWOL and WIN Recovery.** Currently, state prisons and DASA, which is housed within the Illinois Department of Human Services, contract with recovery homes and transitional housing providers across the state, while county courts and jails typically have limited contractual partnerships to support pretrial services, if any. In addition to increasing investments in housing for justice-involved women overall, these agencies should issue RFP’s for peer-led programs for women that model the SAFE Housing Network

Model. Smaller, peer-led housing programs for women can be launched faster and at a lower cost than incarceration, and may be particularly effective in rural communities due to the geographic spread and long distances to services.

- B Establish a regional grant program that incentivizes transformation of foreclosed properties into peer-led housing programs for impacted women.** As women with criminal histories from disproportionately impacted communities have often experienced economic marginalization, the state should incentivize investment into the expansion of peer led housing models, similar to the ANWOL and SAFE Housing Network model and culture of services, in at least three regions statewide. The grants should prioritize programs being led by directly impacted women and programs that serve women in of reentry housing, alternatives to incarceration or full system diversion.

These grants should also include an outcome and process evaluation to document the development of the initiative, key procedures, services, and performance indicators, and identify the cost savings and participant outcomes (in comparison to comparable non-participants) that result. The evaluations should be used to inform further expansion throughout the state.



I was imprisoned in so many different ways before I ever went to prison. And then when I got out, the lack of housing was carceral, too.

MARIA MOON

Housing Justice Organizer, Chicago Area Fair Housing Alliance & Street Preacher

Given the opportunity and support, women who have been incarcerated have the ability to rebuild their lives, find their voice, and discover their meaning. These women have value and deserve a chance to succeed and fulfill their purpose. It's time to invest in them so that our communities can thrive.

SUSAN BURTON

Founder, A New Way of Life Reentry and the SAFE Housing Network, and Top 10 CNN Hero

A New Way of Life provides women with safe housing, assists with re-establishing community connections and creates an environment that allows them to heal from trauma. This enables women to connect with dreams and aspirations of the past while working toward a better future.

Because of my own prison experiences, it long ago became clear to me that if women had safe homes to live in after incarceration, they would have a chance to make a better life for themselves.

In 2017 and 2018, I visited 64 prisons and jails in 26 states and three countries, and I realized that most of the women I met would not have access to a place like A New Way of Life after release. Because of my own prison experiences, it long ago became clear to me that if women had safe homes to live in after incarceration, they would have a chance to make a better life for themselves. But A New Way of Life can't serve the thousands of formerly incarcerated women who need help. Thus, SAFE Housing Network was born.

We welcome you to join us as we work to help women, families and our communities break the cycle and heal from the formidable experiences of incarceration. We have been beyond excited to begin our journey with Bethany Little and WIN recovery as our first location in Illinois.

SUSAN BURTON

Founder, A New Way of Life Reentry and the SAFE Housing Network, and Top 10 CNN Hero

DATA & TRENDING

Top 10 Data & Trending Points

- 1 Historically, women have been the smallest, yet the fastest growing prison population.** The Illinois women's prison population skyrocketed, increasing by 776% between 1980 and 2014, far outpacing the growth of the men's population and exceeding the national growth rate of 700% for women.¹ Despite episodic declines, reductions in statewide crime rates, and recent downward trends, the women's prison population has never recovered in sustainable ways.
- 2 The majority of women in prison are incarcerated for low-level, nonviolent offenses, and drug-related crimes in particular.** Over the course of the last three decades (1989 to 2019), there have been a total of 67,978 court admissions to Illinois women's prisons, of which 86.3% were for nonviolent crimes. Nearly 30% of those admissions (20,316) occurred in the last decade (2010-2019). The majority of women (77%) have been sentenced to prison for low-level Class 3 and 4 felonies, particularly those related to drug and property crimes. For example, 50% of the 25,266 women's admissions for drug crimes during that period were for Class 4 drug possession.
- 3 Lack of data on violent offenses among women obscures the impact of gender-based violence, related coercion and accountability laws.** The chronic lack of gender-specific data on women incarcerated for violent offenses and under accountability laws is obscuring the impact of gender-based violence on violent convictions and lengthy prison sentences among women.
- 4 Punitive laws and policies that keep women in prison longer cost taxpayers millions of dollars.** Increasingly punitive laws, reduced access to Prison Sentence Credit (PSC) programs, and harsh disciplinary practices have resulted in women staying in prison longer, even as many counties reduced their admissions. This includes a 100% increase in prison length of stay (between 2006 and 2019) among women convicted of the lowest-level Class 4 felonies. This has prevented the state from reducing the size of the women's prison population and costs taxpayers millions of dollars in prison operating budgets. Between 2000-2015, the average length of stay for women in prison increased by roughly one year (to 1010 days in 2015); by 2018, it reached three years and three months (1202 days).
- 5 Disproportionate disciplinary sanctions in prison are unjustly increasing women's length of stay.** Women in prison are disciplined at a rate 2-3 times higher than men. This is unjustly increasing their length of stay in prison. Despite progress since the passage of the 2018 Women's Correctional Services Act (WCA), women in prison receive more than double the average number of disciplinary tickets per person than men, and nearly three times as many tickets for minor infractions than men.² This can, and does, result in revocation of Good Conduct Credits (GCC), as well as disqualification from programming, and restricts access to accelerated release opportunities.

- 6 Women's limited access to prison-based sentence credit programs is increasing their length of stay and preventing them from accessing needed services.** Despite the fact that IDOC has broad discretion to grant Earned Discretionary Sentence Credits (EDSC), an accelerated release tool, only 26% of women received EDSC in 2018. While 85% of women are eligible for Program Sentence Credits (PSC), which provide the opportunity for them to reduce their length of stay in prison by participating in programming, the percentage of women who accessed PSC declined by 21% between 2011 and 2018 (from 45% of all to 24%). Use of these tools increased in 2020 in response to COVID-19 pandemic. The 2021 SAFE-T Act expands access to these credits. If implementation does not overlook women, it could dramatically impact the size of the women's prison population.
- 7 The number of women on felony probation reached a record high in 2019.** The majority of women engaged in the criminal justice system are on probation. As of 2019, an estimated 18,898 women were on probation in Illinois, representing 25.4% of all probationers statewide. The number of women on felony probation reached a record high in 2019 while the number of men declined. The use of felony probation among women rose by 79% between 1993 and 2019, regardless of fluctuations in the women's prison population during that period.
- 8 Women who have received technical violations while on parole represent an increasing proportion of the overall women's prison population.** Between 2016 and 2019, the overall three-year recidivism rate among women fell to 24.8%, however, the practice of reincarcerating women for technical violations is on an upward trajectory. The percentage of women in prison for technical violations rose from only 6% in 1989 to 17% by 2019.
- 9 Recent declines in the women's prison population, primarily driven by reduced admissions from Cook and more populous counties, is obscuring concerning increases in nearly half of the state's counties, particularly in rural areas.** While statewide data shows that total court admissions of women to prison fell 42% between 2010 and 2019, a more detailed analysis reveals a 98% increase in women's prison admissions among 43 of the state's 102 counties. Almost all of the increases were in Central and Southern Illinois, and the result of sentences to prison for drug-law violations, many of which are believed to be linked to the resurgence of the methamphetamine epidemic.
- 10 Recent reductions in the women's prison population resulting from bi-partisan criminal justice reforms - accelerated by the impact of the COVID-19 pandemic - present a once in a generation opportunity to sustainably rollback decades of skyrocketing incarceration rates.** The recent impact of the COVID-19 pandemic on communities, policing and the court system, as well as crisis-driven, temporary, state-level measures, has resulted in unprecedented declines in both the men's and women's prison populations. In 2020 alone, admissions to women's prisons fell by nearly 50% as arrests declined and court systems nearly came to a standstill. Combined with state efforts to limit the spread of the virus, including halting prison admissions and accelerating use of Prison Sentence Credits (PSCs), medical furloughs and commutations, the women's prison population dropped by nearly 38%. These measures can and must be sustained to permanently rollback the 776% increase in women's incarceration.

Learning from Our Past: The Onset and Persistence of Policy Drivers of Women’s Mass Incarceration in Illinois (1989-2020)

The Illinois women’s prison population skyrocketed by 776% between 1980 and 2014, far outpacing growth among men, and exceeding the national growth rate of 700% among women.³ Even despite reductions in the state crime rate and the advancement of bi-partisan criminal justice reforms that resulted in promising state prison population declines overall, the number of women in prison in 2019 was more than six times higher than it was in 1980. Furthermore, as incarceration among women has climbed, the number of women on probation supervision has also risen to nearly 19,000 statewide (as of 2019) – dramatically increasing the number of women under justice system surveillance and enabling cycles of system entrenchment.⁴

The true roots of mass incarceration among women run far deeper than criminal justice system policies. Ending it will require addressing long standing social, political and economic injustices, including various forms of structural oppression. However, criminal justice system policies replicate and perpetuate these injustices and continue to fuel the mass incarceration of women.

This chapter offers a historical perspective of the leading system policy drivers of the skyrocketing rates of women’s imprisonment, which largely began in the 1980s and 1990s and set forth three decades of mass incarceration.

Over the last three decades, increases in the number of women incarcerated in prison outpaced increases in the number of men. In fact, women’s rate of incarceration grew so quickly that, between 1989 and 2001, there were more women admitted to Illinois’ prisons than were released. As a result, the number of women in prison rapidly grew from less than 1,000 on June 30, 1989 to just over 2,800 by June 30, 2000.

The 1980s and 1990s represented the most dramatic period of women’s prison population growth in Illinois and across the nation, as arrests, prison admissions and prison lengths of stay all increased among justice-involved women. Despite representing the smallest prison population overall, women became the fastest growing prison population throughout this period and beyond.

Incarceration for Non-violent, Often Drug and Property Related Crimes

Over the course of the last three decades (1989 to 2019), there have been a total of 67,978 court admissions to Illinois women’s prisons, of which 86.3% were for nonviolent crimes. Nearly 30% of those admissions (20,316) have occurred in the last decade (2010-2019).

77% of women’s prison admissions have been the result of low-level felonies, particularly those tied to drugs and addiction. The vast majority of women incarcerated in the last three decades were sentenced for the lowest level

felonies, Class 4 (23.7%) and Class 3 (43.3%). In fact, during this period, there were 29,371 court admissions for property crimes and 25,266 admission for drug crimes, of which 56% was for drug possession

Recent Impacts Related to COVID-19

The recent impact of the COVID-19 pandemic on communities, policing and the court system, as well as crisis-driven, temporary, state-level measures, has resulted in unprecedented declines in both the men’s and women’s prison populations. In 2020 alone, admissions to women’s prisons fell by nearly 50% as arrests declined and court systems nearly came to a standstill. Combined with state efforts to limit the spread of the virus, including halting prison admissions and accelerating use of Prison Sentence Credits (PSCs), medical furloughs and commutations, the women’s prison population dropped by nearly 38%. These measures can and must be sustained to permanently rollback the 776% increase in women’s incarceration.

Drivers of Women’s Mass Incarceration

It is critical to understand the system drivers that brought about this devastating rise in women’s incarceration. Specifically, a series of harmful policies and practices began in the 1980s and 1990s and set the course for more than three decades of criminalization and incarceration among women,⁵ creating many of the challenges the Illinois criminal justice system continues to face today. It is a destructive legacy that, to this day, policy makers and criminal justice system administrators must continuously work to unravel in order end the epidemic of women’s mass incarceration.

The four leading drivers of the rise in women's mass incarceration in Illinois



DRIVER 1

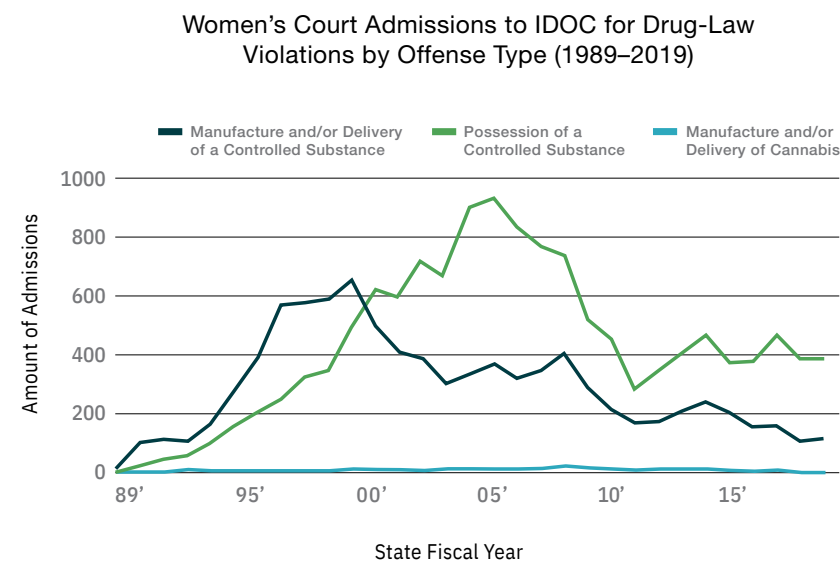
CRIMINALIZATION OF DRUG USE INSTEAD OF TREATMENT

Prison instead of public health: Women suffering from addiction have been getting sent to prison, rather than treatment.

High Rates of Women Continually Sent to Prison for Drug Possession Instead of Treatment

25,266

From 1989 to 2019, drugs accounted for 37% (25,266) of all admissions to women's prisons, of which 50% were for Class 4 drug possession.



Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of data provided by the Illinois Department of Corrections' Planning and Research Unit.

1

Criminalization of Drug Use Instead of Treatment

The late 1980s and early 1990s saw an increased emphasis on drug enforcement, dramatically increasing the number of arrests for violations of Illinois' Controlled Substances Act (CSA) among both women and men. In just the five years between 1987 and 1992, arrests for CSA violations increased 159%, totaling more than 37,000 in 1992. Arrests for these offenses continued to increase throughout the 1990s, and exceeded 51,000 in 2001. Importantly, almost every CSA offense is considered a felony, and is thus subject to a possible prison sentence upon conviction. In some cases, prison is mandatory. The criminalization of drug use has a unique impact on at-risk and justice-involved women, many of whom use substances to cope with trauma.

The following data demonstrates how the criminalization of drug use had - and continues to have - unique and devastating impacts on women:

- Between 1989 and 2000, the majority of the increase in the women's prison population (78%) was due to nonviolent crimes, of which 50% were due to drug law violations.
- By the year 2000, more women were admitted to prison for drug possession than any other type of drug crime (e.g., manufacture or delivery), signaling alarmingly punitive responses to substance use challenges among women.
- By comparison, 44% of the increase in the male prison population during that time was due to violent crime and less than 40% of the increase was due to drug-law violations.
- High levels of property crimes among women, often involving retail theft, are not only driven by poverty but deeply intertwined with substance use.

Between 1989 and 2000, the majority of the increase in the women's prison population (78%) was due to nonviolent crimes, of which 50% were due to drug law violations.

DRIVER 2

INCREASED USE OF PRISON SENTENCING FOR LOW-LEVEL OFFENSES

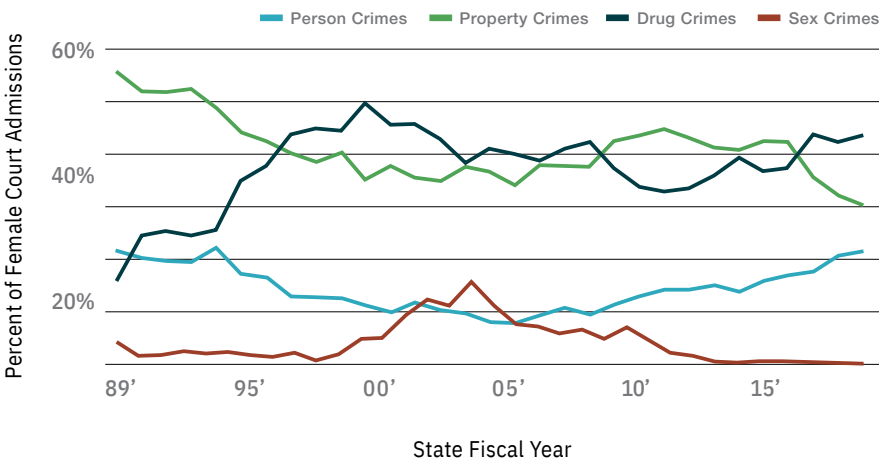
Women’s mass incarceration first began skyrocketing when courts started increasingly sentencing women to prison for low-level felonies, particular for Class 3 and 4 drug and property offenses.

Majority of Women’s Prison Admissions have been Driven by Low-Level Class 3 and 4 Felonies

77%

From 1989-2019, 77% of women’s prison admissions were for low-level Class 3 and 4 felonies. 23.7% of all admissions were for Class 4 and 43.3% were for Class 3 felonies.

Proportion of Women’s Court Admissions to IDOC Accounted for by Offense Type (1989–2019)



Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy & Practice of data provided by the Illinois Department of Corrections’ Planning and Research Unit.

Note on the terms “Prostitution” and “Sex Crimes”:

IDOC prison population data includes “prostitution” as a “sex crime.” While the Task Force does not embrace the term “prostitution” and strongly opposes it being categorized as a sex crime, the terms are repeated here to represent system-level data. Notably, there was a dramatic increase in so-called “sex crimes” among women after the passage of a 2000 law that made a second conviction for a felony-level offense, and therefore eligible for either a prison or a probation sentence. As a result, admissions of women to IDOC for “prostitution” increased from 56 to more than 500 between 1999-2005 – the vast majority of whom were from Cook County. In 2013, the law was reversed; since then, the number of women’s court admissions for “sex crimes” has dropped by 86%. In 2019, just 16 women’s court admissions were for “sex crimes” overall.

2

Increased Use of Prison Sentencing for Low-level Offenses

Due to the “tough on crime era” and “war on drugs” that emerged in the 1980s and continued throughout the early 2000s, the number of arrests among both women and men dramatically increased. As a result, the number of overall felony cases filed and disposed of in Illinois’ courts more than doubled between the late 1980s and early 2000s. Combined with new laws that imposed mandatory minimum prison sentences for certain crimes, these trends corresponded with an increased likelihood of an individual convicted of a felony being sentenced to prison.

During this period, it was Class 3 and 4 felonies - the least serious felony classes - that accounted for the largest number and proportion of women’s new court admissions to prison in Illinois. Between 1996 and 2005, dramatic increases in Class 4 felony court admissions of women to prison drove nearly all (79%) of the overall growth in women’s prison admissions. Specifically, between 1996 and 2005, the number of Class 4 felony court admissions of women increased by a stunning 230 percent - more than threefold, from just over 600 to more than 2,000.

While Class 3 and 4 felonies continue to represent a major driver of women’s prison admissions, they have been trending downward as a result of promising reforms targeting low-level drug and property crimes. In fact, from 2005 to 2019, the number of annual women’s court admissions for Class 4 felonies fell by roughly 73%, from just over 2,000 to fewer than 600.

Between 1996 and 2005, dramatic increases in Class 4 felony court admissions of women to prison drove nearly all (79%) of the overall growth in women’s prison admissions.

While this downward, statewide trend in women’s admissions is promising, it’s important to note that most of the decline (80%) can be attributed to a decline in admissions to prison from the state’s largest county, Cook County, as a result of reduced arrests and reforms. The significant decline in prison admissions from Cook County (approximately 1662 fewer admissions) has obscured increases in nearly half of the state’s counties, particularly those from rural regions with limited access to resources.

DRIVER 3

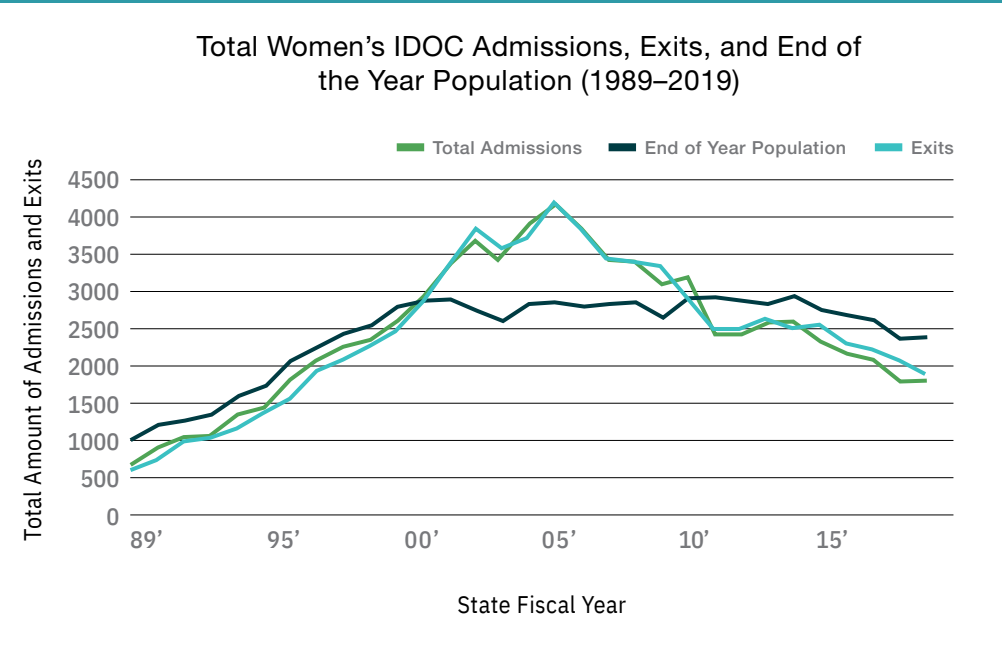
INCREASED PRISON LENGTH OF STAY DUE TO PUNITIVE POLICIES THAT CAUSE DISPROPORTIONATE HARM

Increasingly punitive sentencing policies, disproportionate prison discipline for women and lack of access to prison program sentence credits is keeping women in prison longer than ever.

Keeping Women in Prison Longer Has Kept the Women’s Prison Population High, Even as Admissions Have Declined

100%

Even women with the lowest-level Class 4 felonies are staying in prison 100% longer due to increasingly punitive policies, disproportionate discipline and limited access to prison program sentence credits.



Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy & Practice of data provided by the Illinois Department of Corrections’ Planning and Research Unit.

3

Increased Prison Length of Stay Due to Punitive Policies that Cause Disproportionate Harm

Trends regarding to the average length of stay for women in prison have had a more recent, yet dramatic impact on the size of the women’s prison population. The amount of time that a woman spends in prison can be related to several factors, including but not limited to:

- A. Sentencing decisions and mandatory minimums
- B. Declining access to prison-based sentencing credit programs that accelerate release, including Good Conduct Credits (GCC), Program Sentencing Credits (PSC), Earned Discretionary Sentencing Credits (EDSC) and Electronic Detention (ED)
- C. Disproportionate levels of discipline among women in prison

Prison Length of Stay Has Increased Among Women for Every Type of Conviction

Percentage Increases in Women’s Length of Stay in Prison by Offense Class (FY2006-FY2019)			
Offense Class	FY2006 LOS (years)	FY2019 LOS(years)	FY2006-FY2019 Percentage Increase in LOS
Murder	11.9	23.9	100.8%
Class X	4.6	5.4	17.8%
Class 1	1.7	2.8	64.7%
Class 2	1.4	2.1	50.0%
Class 3	0.9	1.3	44.4%
Class 4	0.5	1.0	100.0%

Source: Analyses by the Women’s Justice Institute of data retrieved from Illinois Department of Corrections online reports.

A. Sentencing decisions and mandatory minimums

The impact of the increased length of stay among women has significantly slowed progress with prison population reduction efforts. Holding women in prison longer has kept the population stubbornly and unnecessarily elevated. Even despite a series of state and local policy changes that led to a 54% reduction in women’s prison admissions between 2006 and 2019, the standing women’s prison population declined by far less – a reduction of 15% between 2006 and 2019 (from 2,770 to 2,366).

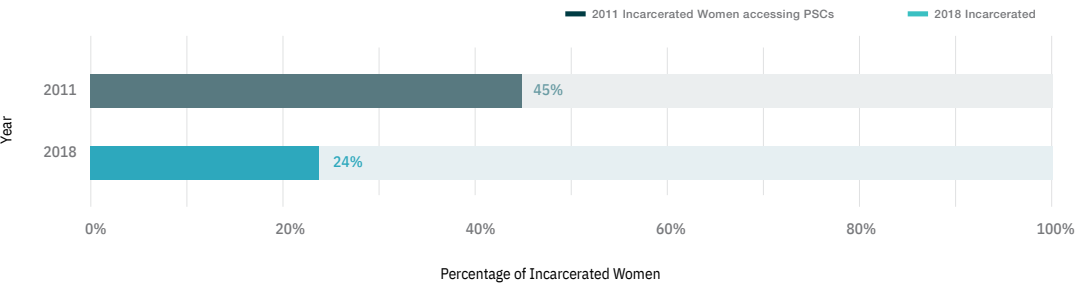
Notably, from FY2006 to FY2019, women experienced an increased length of stay in prison among all offense classes; this included a 100% increases for Class 4 felonies, which are not only the least serious but also a leading driver of women’s justice involvement and incarceration.

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Between 2000-2015, the average length of stay for women in prison increased by roughly one year; by 2015, it had reached two years and nine months (1010 days). These increases were tied to changes in Illinois law that increased the possible sentence that could be imposed and restricted the amount of good conduct credits (GCC) that could be awarded, particularly among those sentenced to prison for more serious felony offense classes.⁶ Since then, the upward trend has continued. By 2018, the average length of stay for women in prison in Illinois was three years and three months (1202 days).

Declining Access to Program Sentence Credit Programs (PSC) for Incarcerated Women: Results in Increased Prison Time, Missed Opportunities to Reduce Recidivism & Higher Taxpayer Costs

Access to Program Sentence Credits (PSC) fell from 45% in 2011 to 24% in 2018)



Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy & Practice of data provided by the Illinois Department of Corrections’ Planning and Research Unit.

B. Declining access to prison-based sentencing credit programs

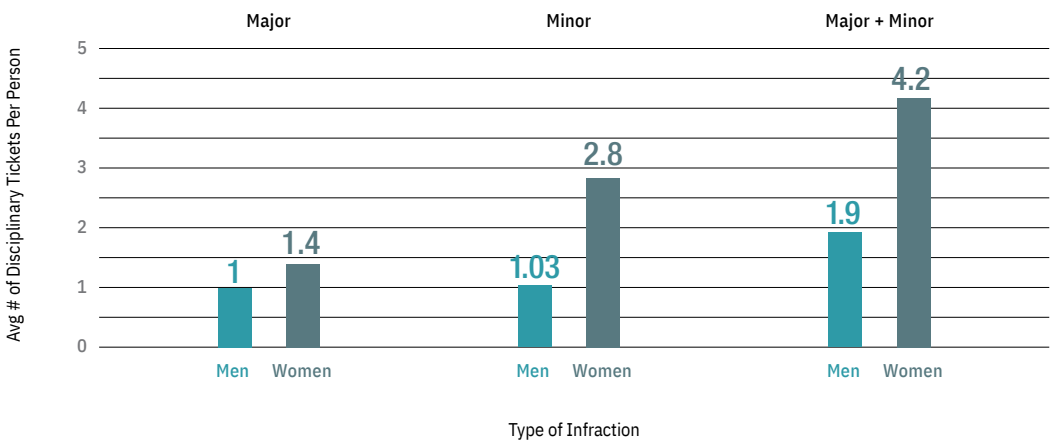
Despite the fact that 85% of all incarcerated women are eligible for Program Sentence Credits (PSC), which provide an opportunity to reduce their length of stay in prison for participating in programming, the percentage of women who accessed them declined from 45% in 2011 to 24% in 2018. In addition, only 26% of all eligible incarcerated women in 2018 (98% of whom were in prison for nonviolent crimes) were awarded Earned Discretionary Sentencing Credits (EDSC), which can be provided at the broad discretion of the IDOC Director for “good behavior.”

Despite the fact that 85% of all incarcerated women are eligible for Program Sentence Credits (PSC), which provide an opportunity to reduce their length of stay in prison for participating in programming, the percentage of women who accessed them declined from 45% 2011 to 24% in 2018.

Women in Prison Receive Nearly 3x More Disciplinary Tickets for Minor Infractions than Men: Results in Reduced Programming Opportunities & Keeps Women in Prison Longer

Despite recent progress, women in prison still receive more than double the average number of disciplinary tickets per person than men overall, and nearly three times as many tickets for minor infractions than men.⁷

IDOC Total Average Disciplinary Tickets Among Men and Women (2018)



Source: Analyses by the Women's Justice Institute (WJI) of data provided by the Illinois Department of Corrections.

C. Disproportionate levels of discipline

In addition to the impact of punitive laws and policies that have increased women's length of stay in prison, harsh disciplinary practices that disproportionately impact women have played a significant role and reduced their access to needed programming.

The initial and dramatic rise in the criminalization and incarceration of women throughout the 1980s and 1990s was a trend that the state was largely unprepared to address. This was due to the fact that the vast majority of individuals in prison were men, and a prevailing assumption that policies that have been designed for men's prisons and should be applied in women's prisons. This mindset has persisted for decades – and continues to cause harm - despite clear evidence to the contrary.

The lack of evidence-based, gender responsive policies and practices has resulted in inadequate and harmful practices at all levels of prison operations and programming. It has also resulted in unfair and disproportionate disciplinary practices that unnecessarily increase women's length of stay in prison in many ways, including revoking Good Conduct Credits (GCC), limiting access to credit-based programming, and restricting access to accelerated release opportunities.

The 2016 Gender Informed Practices Assessment (GIPA) of Logan Correctional Center was the first to reveal high levels of discipline among women and their impact on length of stay, and, in turn, the size of the women's prison population.⁸ GIPA findings demonstrated ways that disciplinary sanctions, such as the revocation of Good Conduct Credits (GCC) and restricted access to programming that would otherwise have yielded Program Sentence Credits (PSC), unnecessarily keep women in prison longer.

For example, within the first two years of its the conversion into a women's prison, Logan had revoked more than 88,000 days of GCC from women, which equates to imposing operational cost of 241 beds on an already under-resourced facility.⁹ Based on the total average cost of \$36,219 per year to incarcerate a woman (which is a low estimate because it does not include the cost of staff benefits), one could estimate that these punitive practices cost taxpayers up to \$8.7 million during that period alone (note that costs must be scaled between marginal cost, step costs and total average costs based on the number of beds).

In recent years, the state has made meaningful progress advancing gender responsive practices and reducing levels disproportionate discipline, particularly due to the passage of the Women's Correctional Services Act (WCA) and implementation of a comprehensive gender responsive and trauma-informed staff training program. Specifically, IDOC data showed that between 2016 and 2019, 300 series discipline reports decreased by 50%, 400 series discipline reports decreased by nearly 80%, and both assaults and use of force were significantly reduced. These are important, but insufficient gains, and there is much more work to be done. Levels of discipline among women are still disproportionate, the staff coaching, supervision and accountability that is critical for sustaining and expanding progress is lacking, and harmful practices persist.

Even though rates of discipline among women have decreased, 2018 data shows that women in prisons statewide received more than double the average number of disciplinary tickets per person than men, and nearly three times as many tickets for minor infractions than men.¹⁰ This is related to numerous leadership changes among women's facilities, the fact staff training has not been consistently supported by critically important staff coaching, supervision, and accountability, and the lack of implementation of vital culture, operational and policy changes that are required by the Women's Correctional Services Act and are consistent with evidence-based gender responsive practice.

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DRIVER 4

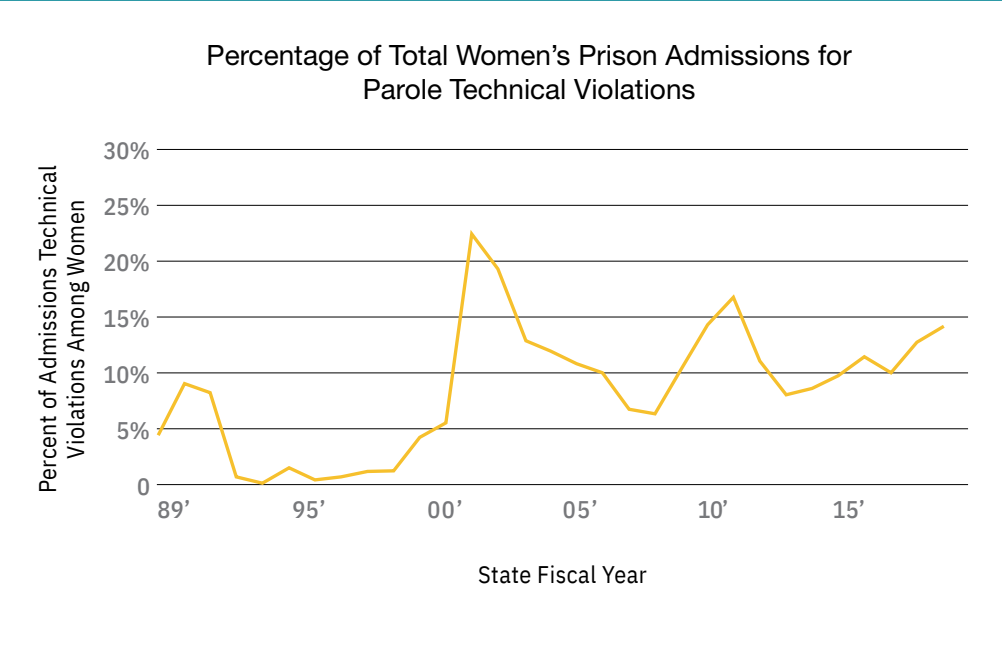
RECIDIVISM TIED TO GENDER-NEUTRAL PAROLE POLICIES

Parole practices that result in reincarcerating women for technical violations, which often don’t involve new convictions, have had an increasing impact on the overall women’s prison population. Even despite declines in the three-year recidivism rate among women, the practice of reincarcerating women for technical violations continued to trend upward. The percentage of women in prison for technical violations rose from only 6% in 1989 to 17% by 2019.

Parole Technical Violations Among Women Have Trended Upward & Represent an Increasing Proportion of Women’s Prison Admissions

344

In 2019, 344 women were reincarcerated for parole technical violations, which often do not involve a new conviction. The proportion of total women’s prison admissions represented by parole violations steadily rose from 6% to 17% between 1989 and 2019.



Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy & Practice of data provided by the Illinois Department of Corrections’ Planning and Research Unit.

4

Recidivism tied to gender-neutral parole policies

Increasing numbers of women incarcerated during the 1980s and 1990s also led to a corresponding rise in the number of women released back to their communities on a period of parole supervision. Due to the lack of gender responsive policies, practices and community supports, a vicious cycle of recidivism resulting from increased parole technical violations among women has progressed for over 30 years. In fact, the percentage of women in prison for technical violations rose from 6% in 1989 to 17% by 2019.

The Illinois Department of Corrections (IDOC) defines recidivism as someone released from prison being returned to prison within 3 years, either as a result of a “technical violation”, a “new offense” violation, or a new sentence to prison. Unlike sentences to prison from the court, which are the result of a judicial decision following a conviction, admissions to prison resulting from a technical violation of parole are returns to prison initiated by a parole agent in response to a violation of parole conditions and reviewed by the Prisoner Review Board (PRB).

It is important to note that technical violations are typically issued for parole compliance issues, rather than for new convictions. IDOC has wide discretion to issue these violations to parolees for such things as missed appointments, testing positive for drug use, or a new arrest. In some cases, a person can even be sent back to prison for lack of stable housing. In contrast, a new offense violation is issued when an individual on parole is convicted of a new crime.

While recent data shows that between 2016 and 2019, the overall three-year recidivism rate among women fell to 24.8%, technical violations – which are one driver of recidivism – stubbornly continued on an upward trajectory. They have had a significant impact on the rise of women’s incarceration.

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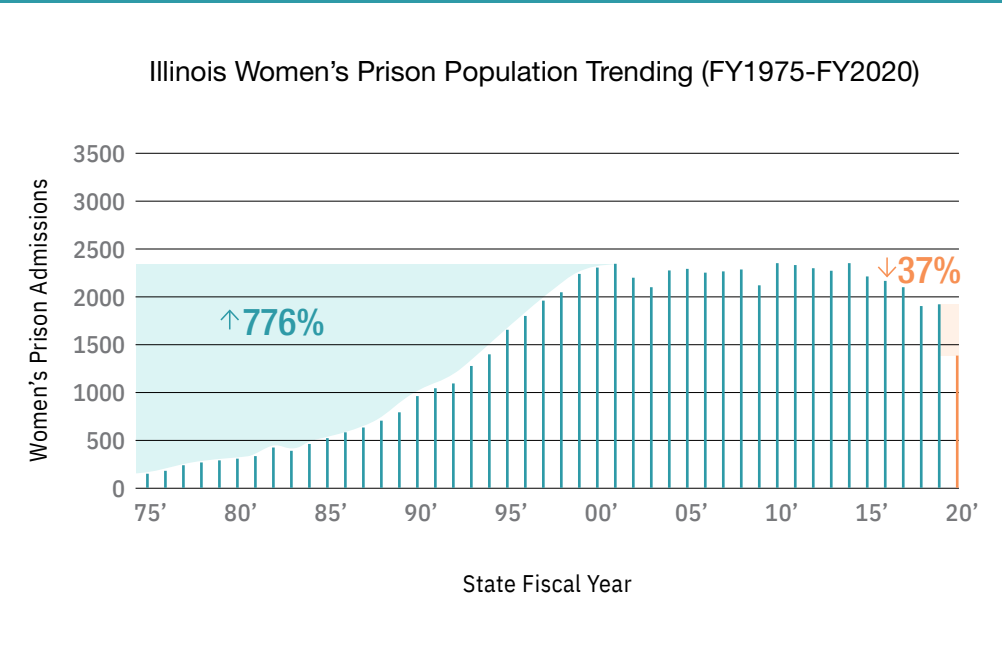
24.8%

SHIFTING FROM CRISIS TO OPPORTUNITY

After skyrocketing by 776%, the Illinois women’s prison population has recently begun to decline. Bi-partisan reforms accelerated by crisis-driven responses to the COVID-19 pandemic are paving the way for a once in a generation opportunity to permanently rollback decades of women’s mass incarceration.

67,978

There have been a total of 67,978 court admissions to Illinois women’s prisons. 86.3% were for nonviolent crimes, and a chronic lack of data obscures the impact of gender-based violence, related coercion and accountability on those convicted of violent offenses.



Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy & Practice of data provided by the Illinois Department of Corrections’ Planning and Research Unit.

Shifting from Crisis to Opportunity: Recent Trending Signals Historic Opportunity to Rollback Decades of Skyrocketing Incarceration Among Women

As previously noted, women have historically been the smallest, yet the fastest growing prison population in Illinois and across the nation. The Illinois women’s prison population skyrocketed by 776% between 1980 and 2014, far outpacing growth among men and exceeding the national growth rate of 700% for women.¹¹ In fact, there have been 67,978 admissions to women’s prisons in the last three decades alone – causing untold levels of harm that have ripped through the lives of women, their children and generations of families.

In 2015, after the advancement of bi-partisan criminal justice reforms at both the state and local levels, the state prison population slowly began to experience a period of modest declines, including among women. However, the recent impact of the COVID-19 pandemic on communities, policing and the court system, as well as crisis-driven, temporary, statelevel measures, has dramatically accelerated those declines in ways that have significantly impacted women.

In the year 2020 alone, admissions to women’s prisons fell by nearly 50% as arrests declined dramatically and court systems nearly came to a standstill. Combined with state efforts to reduce the spread of the pandemic throughout prisons, including an Executive Order halting prison admissions from local jails and escalating the use of prison sentence credits, medical furloughs and commutations, the women’s prison population dropped by over 37% in less than a 12-month-period.

While these recent declines are incredibly promising and bolster the feasibility of the Task Force’s Cut 50%+ and Beyond goals, experts have cautioned that these reductions will be temporary unless swift action is taken to instill permanent policy, practice and programmatic changes broadly across the justice continuum – particularly as it relates to policing, court, prison and parole practices – many of which are outlined throughout this report. Of note, historic legislation, called the SAFE-T Act was championed by the Illinois Black Caucus and signed by Governor Pritzker in February 2021. While this legislation lays the groundwork for sustaining reductions, it will require a firm commitment from the state to attend to the gendered impacts of implementation efforts, and keep women in focus when making corresponding investments.

Importantly, the more recent trending among women prior to the onset of the pandemic can serve as a baseline for establishing sustainable change.

Pre-pandemic data trends impacting the state women’s prison population include

Fewer number of arrests statewide among women

- Between 2014 and 2018, total arrests of women (including both felony and misdemeanor offenses) fell 15%, with women between the ages of 18 and 24 experiencing a greater decrease in arrests (down 29%) relative to older age groups of women. By comparison, arrests of women 25-44 fell 8% while arrests of women over 44 years old fell 12%.

- The types of crimes that women were arrested for also changed between 2014 and 2018; there was a 24% increase in arrests for non-marijuana drug offenses, compared to a 3% decrease in arrests for violent crimes and an 11% decrease in arrests for property crimes. These changes in arrests help to explain the 27% decrease in court admissions of women to IDOC between 2014 and 2019.

Decline in total court admissions among women

- Between 2010 and 2018, the estimated proportion of women convicted of a felony and subsequently sentenced to prison decreased from 25% in 2010 to 19% in 2018.¹²
- The types of crimes that fueled the increase in the Illinois women’s prison population between 1989 and 2000 also explain most of the decrease between 2015 and 2018. Much of the decrease in the number of women in prison during this time period was the result of fewer individuals in prison for property crimes (63% of decline) and drug sale/delivery violations (18% of the decline). An additional 14% of the decline can be explained by a decrease in women in prison for violent crimes.

Decline in three-year recidivism rates among women

- The rate at which women released from prison were returned to prison within three years, either as a result of a technical violation of their parole or a new sentence to prison (i.e., recidivism), decreased. Specifically, among women released from prison in 2016, 24% were returned to prison within three years, compared to 36% of those released from prison in 2010.¹³

Majority of women’s prison admissions are for low-level, non-violent crimes

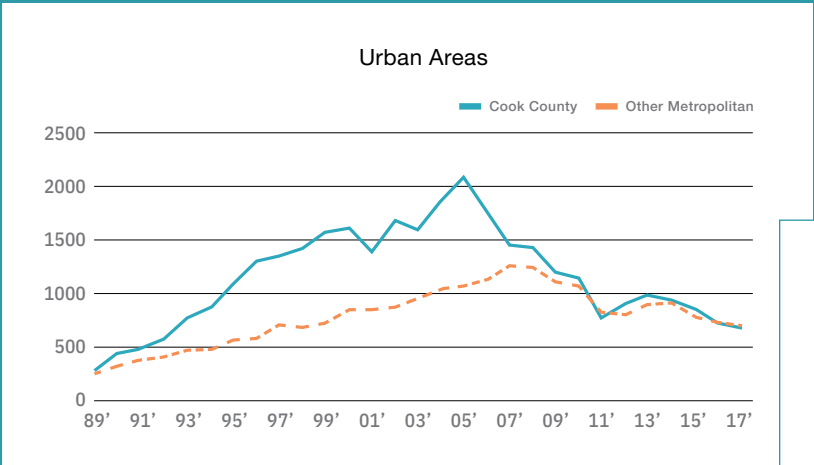
- The majority (60%) of women in prison at the end of 2019 were sentenced for nonviolent crimes, of which 36% were for violations of drug laws.
- One-third (33.5%) of women in prison at the end of 2019 were in prison for either Class 3 or Class 4 felonies, which are the least serious and probationable felonies. Fifteen percent of women in prison were incarcerated for 1st degree murder.
- The majority of women incarcerated among the state’s three correctional facilities have historically been, and continue to be, classified as minimum security level.

Greatest declines in prison admissions among African American women statewide, yet disproportionality persists

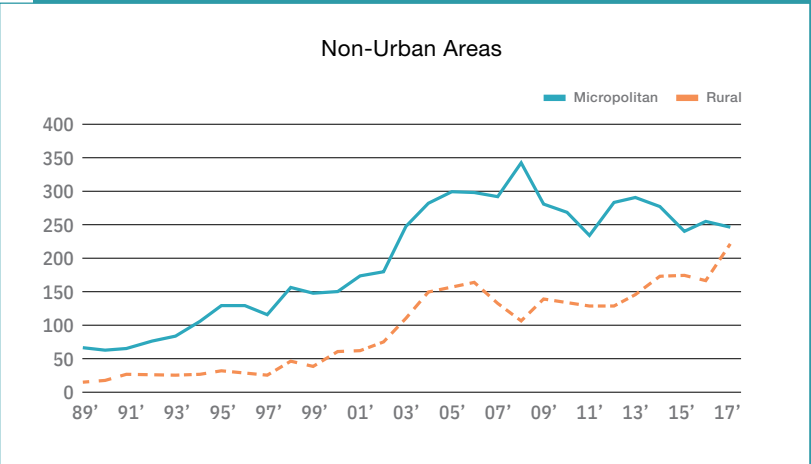
- Between 2014-2019, African American women experienced the greatest decline in court admissions to prison (down 58%), relative to Hispanic women (down 22%) and white women (down 17%). Despite these positive trends, their disproportionate representation in prisons and jails statewide persists.
- During this period, court admissions among African American women fell in all regions of the state, including declines of 63% in Central Illinois, 56% in Chicago and the Collar Counties, 56% in Southern Illinois and 36% in Northern Illinois.

REGIONAL TRENDING MUST NOT BE OVERLOOKED

Recent declines in the statewide women’s prison population have been primarily driven by reduced admissions from larger counties, such as Cook County—obscuring concerning increases in nearly half of the state’s counties, particularly in rural areas.



Characteristics of Illinois Women’s Prison Population: Regional Characteristics



There has been an average 98% increase in women’s prison admissions among 43 of the state’s 102 counties (2010-2019.) Most increases were in Central and Southern Illinois and the result of drug offenses, many of which are believed to be linked to the meth epidemic.

Source: Analyses by Loyola’s Center of Research, Policy and Practice of data provided by the Illinois Department of Corrections’ Planning and Research Unit

Regional Trends Signal the Need for Regional Responses

Due to the fact that the women’s prison population is smaller than the men’s population, the trending among women often gets obscured by gender-neutral data. For example, for many years, national news headlines touted declines in the overall prison population, yet these reports failed to acknowledge that the women’s prison population actually increased in 35 states where the men’s prison population had declined.¹⁴

In Illinois, state-level data has obscured the emergence of regional trends impacting women’s incarceration. While Illinois consists of 102 counties, Cook County, the largest, has driven the majority of prison admissions among both women and men for decades. Recent declines in women’s prison admissions from Cook County has heavily impacted statewide data, obscuring an opposing set of trends among at-risk and justice-involved women from Downstate communities.

While statewide data shows that total court admissions of women to prison fell 42% between 2010 and 2019, it obscured a combined 98% increase in women’s prison admissions among 43 of the state’s 102 counties. Almost all of the increases were in Central and Southern Illinois, and were the result of sentences to prison for drug-law violations, many of which are believed to be linked to the resurgence of the methamphetamine epidemic.

The statewide data was heavily influenced by trending in more heavily populated counties, such as Cook County, which experienced a decline in women’s prison admissions of 42% between 2014 and 2019. On the other hand, six counties saw no change in the number of women in prison during that time period, and 54 counties saw more women in prison at the end of 2019 than in 2014. The implication of these regional trends is explored in more detail below.

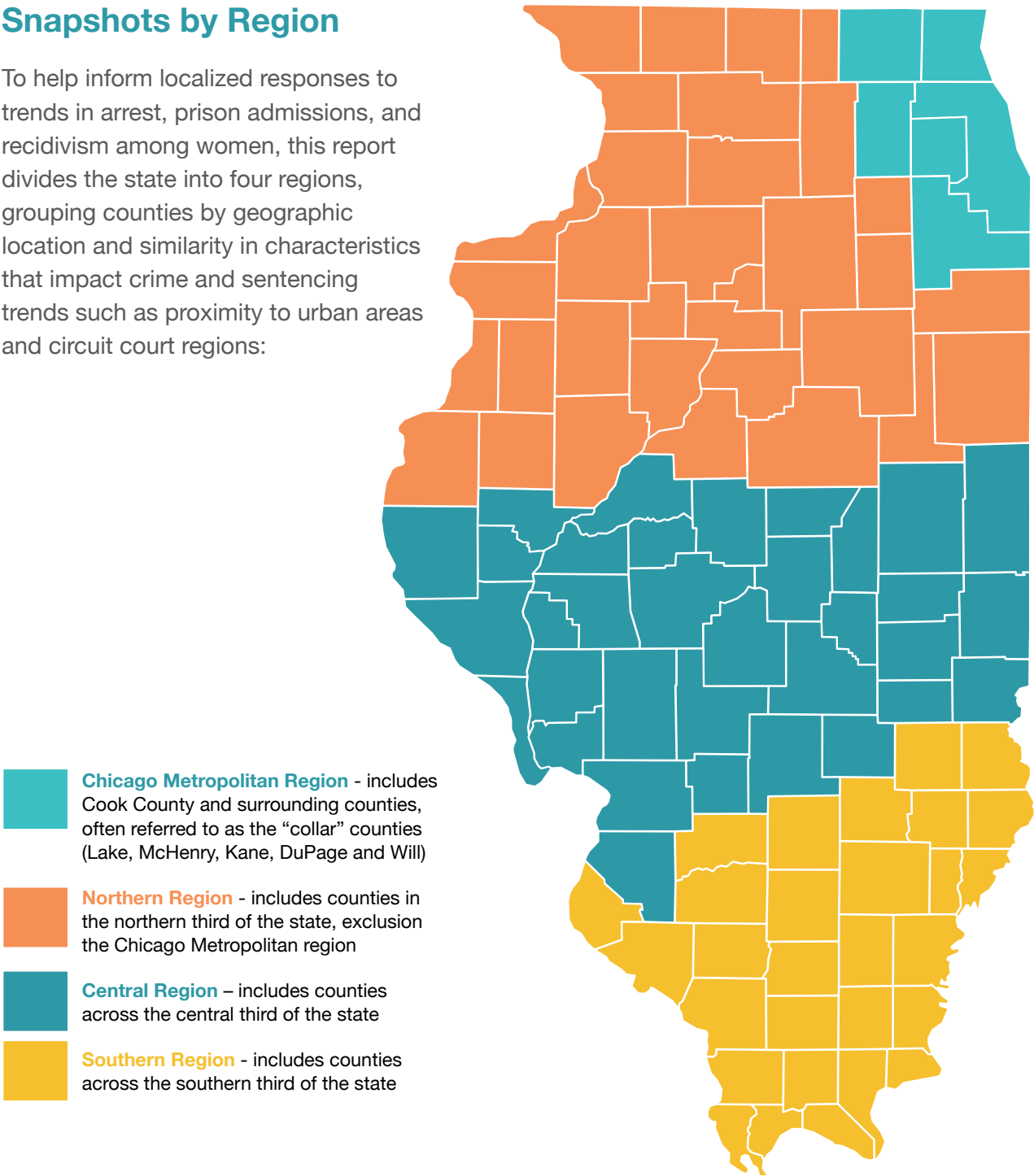
This is a unique trend among the women’s prison population, as 2020 data from the IDOC indicates that 60% of all women’s prison admissions are now from Downstate counties, well above the statewide average admissions among all men and women from Downstate of 38.1% (which is highly impacted by the larger men’s population).¹⁵

It should be noted that, even despite these significant declines overall and particularly among African American women, Cook County is still the leading source of women’s prison admissions statewide; and the majority of African American women sent to prison are sentenced from Cook County and are disproportionately represented in the women’s prison population.

While statewide data shows that total court admissions of women to prison fell 42% between 2010 and 2019, it obscured a combined 98% increase in women’s prison admissions among 43 of the state’s 102 counties.

Snapshots by Region

To help inform localized responses to trends in arrest, prison admissions, and recidivism among women, this report divides the state into four regions, grouping counties by geographic location and similarity in characteristics that impact crime and sentencing trends such as proximity to urban areas and circuit court regions:



Trends in the Chicago Metropolitan Region: 2014-2018

Between 2014 and 2018, the number of women sentenced to IDOC from the Chicago Metropolitan region decreased by 47%. While this region accounted for 54% of all IDOC women’s prison admissions in 2014 (the highest in the state), this proportion fell to 43% by 2018 as direct result of these reductions.

Key trending data from the Chicago Metropolitan Region includes:

- Admissions for non-violent crimes among women decreased by 56% while admissions for violent crimes remained relatively stable, increasing by 3% during this time period. More specifically, admissions from the Chicago Metropolitan region for property crimes and drug-law violations declined by 62% and 47%, respectively. In 2018, 40% of the women sentenced to IDOC from the Chicago Metropolitan region were sentenced for drug law violations, followed by property crimes (28%) and violent crimes (28%).
- There was variation in the decline in women’s admissions to prison from the Chicago Metropolitan region by race. Between 2014 and 2018, admissions of African American women declined the most (down 56%), followed by admissions of white women (down 35%) and Hispanic women (down 22%). As a result of this shift, African American women made up 53% of the women admitted to IDOC in 2018 from the Chicago Metropolitan region, compared to 64% in 2014.
- African American women are still disproportionately admitted to prison from the Chicago Metropolitan region compared to Hispanic or white women. In 2018, white women made up 33% of women’s admissions to prison, followed by African American women (53%), Hispanic women (13%), and Asian and Native American women (1% combined).



In 2018, African American women made up 53% of the women admitted to IDOC from the Chicago Metropolitan region.

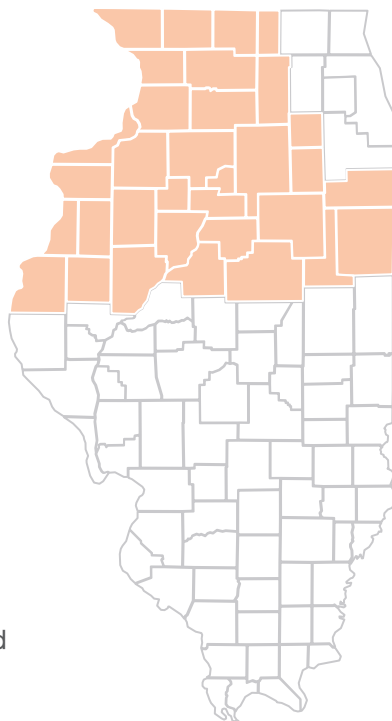
53%

Trends in the Northern Region: 2014-2018

Between 2014 and 2018, the number of women sentenced to IDOC from the Northern region decreased by 19%. Because there was a smaller decline in number of women admitted from the Northern region (down 19%), relative to the decline in the number of women admitted from the Chicago Metropolitan (down 47%) and Central (down 23%) regions, admissions from the Northern region have made up a slightly larger proportion of women admitted to IDOC in recent years.

Key trending data from the Northern Region includes:

- In 2018, women sentenced from the Northern region accounted for 18% of the women admitted to IDOC, compared to 15% in 2014.
- Admissions for non-violent crimes decreased by 23%, while there was a small increase in admissions for violent crimes (up 4%) during this time period.
- Breaking down the admissions by offense type reveals that admissions to prison for property crimes declined the most significantly (down 37%), followed by drug-law violations (down 10%).
- Admissions of African American women from the Northern Region declined the most (down 36%), followed by admissions of white women (down 16%). The number of admissions of Hispanic women increased from 12% to 17% between 2014 and 2018. As a result of these shifts, African American women made up 21% of the women admitted to IDOC in 2018 from the Northern region, compared to 27% in 2014. In 2018, white women made up 71% of women’s admissions to prison, followed by Hispanic women (6%) and Asian and Native American women (less than 3% combined).



In 2018, women sentenced from the Northern region accounted for 18% of the women admitted to IDOC, compared to 15% in 2014.

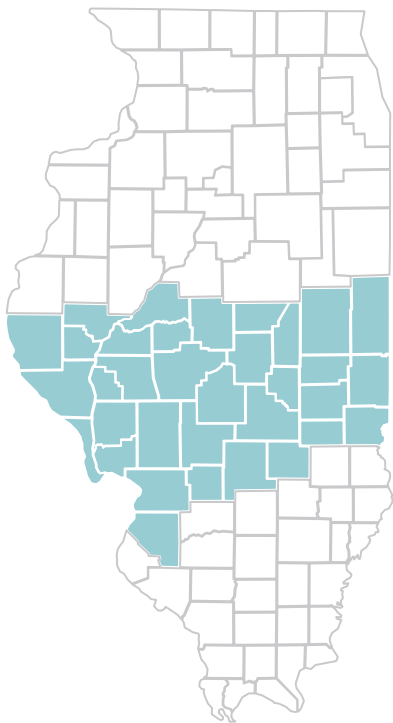
18%

Trends in the Central Region: 2014-2018

Between 2014 and 2018, the number of women sentenced to IDOC from the Central region decreased by 23%. Because there was a smaller decline in number of women admitted from the Central region relative to the decline in the number of women admitted from the Chicago Metropolitan region (down 47%), they have made up a slightly larger proportion of women admitted to IDOC in recent years.

Key trending data from the Central Region includes:

- In 2018, women sentenced from the Central region accounted for 20% of the women admitted to IDOC, compared to 17% in 2014.
- Admissions for non-violent crimes decreased by 24% and admissions for violent crimes decreased by 12% during this time period.
- Breaking down the admissions by more specific offense types reveals that admissions of women to prison for property and drug related crimes decreased by 32% and 10%, respectively.
- There was variation in the decline in women’s admissions to prison from the Central region by race. Admissions of African American women declined by 63% while admissions of white women declined by 8%. As a result of this shift, African American women made up 12% of the women admitted to IDOC in 2018 from the Central region, compared to 25% in 2014. In 2018, white women made up 87% of women’s admissions to prison, followed by African American women (12%), Hispanic women (1%) and Asian and Native American women (less than 1% combined).



Between 2014 and 2018, the number of women sentenced to IDOC from the Central region decreased by 23%.

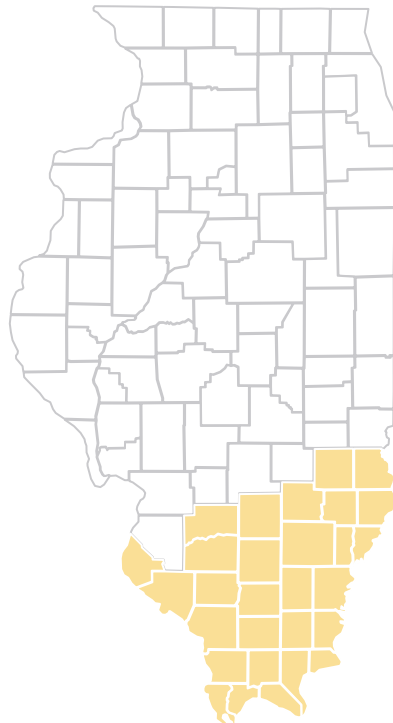
-23%

Trends in the Southern Region: 2014-2018

Between 2014 and 2018, the number of women sentenced to IDOC from the Southern region decreased by 14%. This was the smallest decline due to upward trends in recent years among several Southern Illinois communities. Because the Southern region experienced the smallest decrease compared to all other regions, admissions of women from the Southern region have made up a larger proportion of women admitted to IDOC in recent years.

Key trending data from the Southern Region includes:

- In 2018, women sentenced from the Southern region accounted for 18% of the women admitted to IDOC, compared to 14% in 2014.
- Breaking down the admissions by offense type reveals that admissions of women to prison for property crimes decreased by 19% while admissions for drug crimes decreased by 5%.
- There was variation in the decline in women’s admissions to prison from the Southern region by race. Admissions of African American women declined by 56% while admissions of white women decreased by 5%. As a result of this shift, African American women made up 7% of the women admitted to IDOC in 2018 from the Southern region, compared to 15% in 2014. In 2018, white women made up 90% of women’s admissions to prison, followed by African American (7%), Hispanic women (2%) and Asian and Native American women (less than 1% combined).



In 2018, women sentenced from the Southern region accounted for 18% of the women admitted to IDOC, compared to 14% in 2014.

18%

A Tale of Two Circuits

Disaggregating the trends by even smaller geographic areas, such as by county or judicial circuit, reveals even greater variation in trends in admissions of women to prison. The table below compares trends in Cook County and the 2nd Judicial Circuit in the Southern Region from 2014-2018.

This data demonstrates that while some very promising gains have been made in several communities, disproportionality continues to persist and must continue to be addressed as aggressively as possible. Increased investments into targeted solutions must be supported by the state, but developed and driven at a local level.

Metric	Cook County	2nd Judicial Circuit
Total Arrests	↓ 24%	↑ 8%
Arrests Ages 18-24	↓ 30%	↓ 27%
Arrests Ages 25-44	↓ 21%	↑ 20%
Arrests Aged 45+	↓ 25%	↑ 20%
Arrests for non-marijuana drug offenses	↓ 28%	↑ 149%
Arrests for violent crimes	↓ 7%	↓ 7%
Arrests for property crimes	↓ 16%	↑ 9%
Court admissions to IDOC	↓ 49%	↑ 38%

Source: Analyses by Loyola’s Center for Criminal Justice Research, Policy & Practice of CHRI data generated and provided by the Research and Analysis Unit, Illinois Criminal Justice Information Authority.

CUTTING 50%+
AND BEYOND:
Opportunities Matrix

Three Decades of Data & Trending Surrounding Women's Mass Incarceration in Illinois

The trending data and analysis of the women’s justice population presented in this chapter, and throughout this report, was developed for the Statewide Women’s Justice Task Force by a dedicated team of faculty, students, and staff at Loyola University Chicago’s Center for Criminal Justice Research, Policy and Practice. The team was led by Dr. David Olsen and Dr. Amanda Ward.

Through analysis of existing data collected by the Illinois Department of Corrections and Illinois criminal history record information (CHRI) supplied by the Illinois Criminal Justice Information Authority, the team examined trends in crime, arrests, and sentencing that impacted the number and characteristics of adult women who were admitted to and released from prison in Illinois in the past three decades.¹⁶

This report is intended to extend the analyses of a previous report, “An Examination of Admissions Exits and End of the Year Populations of Adult Female Inmates in the Illinois Department of Corrections State Fiscal Years 1989-2011”¹⁷ and focuses particularly on shifts in crime, arrests, and sentencing that influenced the stabilization and decline in the number of women held in Illinois prisons annually since 2010.

Cutting the Women's Prison Population by 50%+ and Beyond: An Essential and Feasible Strategy

The Statewide Women's Justice Task Force launched in July 2018 with the goal of building a strategy to reduce the women's prison population by 50%+ and Beyond. This chapter provides practical, data-driven steps that demonstrate the feasibility of this goal, and explore lessons learned from the trends in policy and practice that led to the current state of women's mass incarceration in Illinois.

While this chapter centers purely on a statistical analysis of women's incarceration, the data must be viewed through a human lens.

Reducing the number of incarcerated women means fewer women who are traumatized by the experience of prison, fewer children traumatized by family separation, and fewer communities crippled by the unnecessary loss of a women leaders, village keepers, nurturers and advocates. Each woman has a name and story, and those stories need to be rewritten beyond the specter of incarceration.

The feasibility of the Cut 50%+ goal is validated by the following three examples:

- 1** The success of the juvenile justice movement that led to a 69% reduction in the population and the Pritzker Administration's juvenile justice transformation model;
- 2** Growing bi-partisan support for decarceration strategies & sentencing reform; and
- 3** The rapid decline of the statewide prison population due to the temporary impact of the COVID-19 pandemic.

An Ambitious, Yet Feasible Goal

The feasibility of the Cut 50%+ and Beyond goal is bolstered by recent and promising declines in the women's prison population, and powerfully validated by examples of similar and sweeping changes achieved by the juvenile justice reform movement in Illinois, which recently led to the Pritzker Administration's groundbreaking initiative to close all juvenile prison facilities.

Lessons Learned from the Illinois Juvenile Justice Reform Movement

The Illinois juvenile justice reform movement, which recently inspired the recent Pritzker Administration's groundbreaking plan to close all juvenile prisons, resulted in a 69% reduction in the number of young people incarcerated in state juvenile prisons. The juvenile prison population was nearly the same size as the women's prison population when the movement began, and ultimately fell from a peak of 2,199 to 300.

Similar to many of the recommendations throughout this report, the reductions in the juvenile justice population were achieved through a combination of interventions designed to attend to the needs of young people at earlier points in the justice system. These included targeting fewer juvenile arrests, increasing state investments into community-based programs designed to incentivize county-level diversion (e.g., Redeploy Illinois), policy reforms designed to limit the types of crimes for which juveniles can be sentenced to IDJJ (e.g., misdemeanor offenses can no longer result in IDJJ commitment), and improved services and post-release supervision strategies that reduced recidivism. There is an incredible opportunity to achieve similar outcomes with the women's prison population.

The juvenile justice reform process in Illinois grew from an awareness of the dangers of a one-size fits all approach (i.e., treating youth like adults). Similarly, the national movement to implement gender responsive policies and practices grew out of an awareness that subjecting at-risk and justice-involved women to criminal justice system policies and practices that were designed for men is not only harming women, but fueling their incarceration.

Growing Bi-Partisan Support for Decarceration Strategies & Sentencing Reform

At the beginning of 2015, Illinois was on the heels of the highest five-year period of women's incarceration levels in state history and reeling from escalating levels of crisis throughout the women's prison system related to the highly mismanaged and under-resourced conversion of Logan Correctional Center to a women's facility.

That year, two critical things began the process of reversing these trends:

- 1** The IDOC embarked on a partnership with the Women's Justice Institute (WJI) to conduct the Gender Informed Practices Assessment (GIPA) at Logan Correctional Center and to build a long-term plan for implementing gender responsive practices across the women's prison and parole system; and

2 The bi-partisan Illinois Commission on Criminal Justice and Sentencing Reform was formed by Governor Bruce Rauner’s Executive Order 14 and charged with reducing the state’s overall prison population by 25%. Since then, a series of policies were put into place that helped contribute to prison population reductions among both women and men, including legislation that expanded eligibility for prison-based Program Sentence Credits (PSC).

The work of the Commission contributed to building the bi-partisan support needed to advance long-needed criminal justice reforms and to establish decarceration as a top political priority, particularly as it relates to sentencing. In addition, the Commission’s final report featured important sentencing reform recommendations, some of which are included in this report; and also featured key findings and recommendations of the GIPA report.

COVID-19 Related Declines are Promising, but Must be Sustained & Expanded

While crisis-driven, recent declines in the women’s prison population since the onset of the COVID-19 pandemic also demonstrate the feasibility of rapid decarceration among women when there is political will.

According to data provided by Loyola University, within months after the first wave of the pandemic, from April to June 2020, the total number of women admitted to prison (including those sentenced to prison by court and those returned to prison due to parole technical violations) fell by 86% when compared to the same period in 2019 (falling from 507 to 70). In fact, in the year 2020 alone, the women’s prison population had declined by 37% as a result of the pandemic.¹

In order to improve public safety and create an effective justice system, it has become clear that a one-size-fits-all approach does not work. Just as there is clear evidence — now reflected in practice and law — that treating juveniles like adults is counterproductive, there is now growing evidence that treating women prisoners like male prisoners and expecting positive outcomes is futile.

We now know that a woman’s pathway to prison is disproportionately paved by gender-specific abuse and trauma, and that must not be overlooked when building solutions to creating safer communities and ending mass incarceration.

PAULA WOLFF

Executive Director, Illinois Justice Project & Lead Strategic Partner, Statewide Women’s Justice Task Force

These rapid declines in prison admissions have been attributed to dramatic reductions in arrests, community lockdowns/shelter in place orders, court process disruptions, and the spread of the virus among police and other first responders (which has resulted in fewer police on the street to make arrests).² These effects were significant in Chicago, which reportedly experienced a dramatic 43% decline in overall drug arrests — one of the leading drivers of women’s incarceration — within months of the onset of the pandemic.³

In addition, emergency measures taken by the state to prevent the spread of the pandemic throughout prisons also contributed to these declines, including temporarily halting prison admissions from local jails, leveraging accelerated release programs and advancing commutations. For example, the state’s second largest women’s prison, Decatur Correctional Center, experienced a 30% decline in population, the most significant among the state’s women’s prisons. Additionally, with support from the WJI, IDOC accelerated the release of mothers incarcerated in the prison’s Moms & Babies Prison Nursery, as well as the majority of pregnant women in prisons statewide.

Regardless of their crisis-driven nature, these dramatic reductions are incredibly promising. While mass incarceration should always be addressed as a crisis and addressed with urgency, the pandemic has ignited a more aggressive and intentional dialogue on ways to accelerate pathways out of prison. This demonstrates that rapid decarceration among women is entirely feasible. These measures can and must be sustained and expanded well beyond COVID-19 in tandem with the recommendations of this report.

Addressing a History of Episodic Growth and Decline in the Illinois Women’s Prison Population

Over time, the state has experienced episodic increases and declines in the women’s prison population. While the recent declines in the women’s prison population represent some of the most significant on record, history has taught some valuable lessons about the need for sustainability and systems change strategies specifically targeted toward addressing women’s unique justice pathways. Instead of complacency in these moments of progress, the state should address them as opportunities to drive down the women’s prison population permanently and to replace antiquated systems with more transformative solutions to mass incarceration.

For example, between the period of 2005 and 2010, a series of criminal justice reform measures implemented in Cook County contributed to a dramatic decline in total annual court admissions of women to prison. However, this progress intersected with more punitive policies at IDOC that increased the length of stay among women in prison, as well as an IDOC parole practice change that dramatically increased parole violation rates—and thus re-incarceration—among women on parole between 2009 and 2011.⁴ The result: Progress was undermined, and a period of record high women’s prison population levels ensued between 2010 and 2014.

The dramatic changes in incarceration rates among women during such a short period of time clearly demonstrated the state’s ability to bring about positive change at various

points in the system when there is political will, but also a lack of consistency in adhering to a shared philosophy and sustainable practices for addressing the needs of justice-involved women at both the state and local levels.

Fluctuations in women’s incarceration rates underscore the high vulnerability of the women’s population to changing policies and practices. Sustainable efforts to enact gender responsive policies and practices could have significant, positive impacts on women, children and communities.

How We Cut 50%+

The Task Force set the goal of reducing the women’s prison population by 50%+ and Beyond beginning with an initial reduction of 50% within a seven-year-period, while concurrently building the capacity of systems before, during and after incarceration to support ongoing, deeper reductions.

Due to the fact that prison populations fluctuate over time, an initial baseline was set at 2,349, which was the size of the women’s prison population when the Task Force launched in 2018. Based on this figure, a goal was set to build a plan to sustainably reduce the population to 1,174 in order to achieve an initial 50% reduction.

However, it is important to note that, as the work of the Task Force evolved and the data was analyzed, it became clear that it was becoming increasingly feasible to reduce the women’s prison population by a far greater percentage in this initial phase. This was powerfully validated by the crisis-driven responses and impacts of the COVID-19 pandemic that resulted in dramatic declines in admissions to women’s prions. This included a dramatic 86% reduction in court admissions between, which resulted reducing the standing size of the women’s prison population by 37% in 2020 alone.

Experts agree that without a scaffolding of policy and practice changes, these unprecedented reductions will be temporary and the prison population will likely rise back to 2019 pre-pandemic levels. Rapid decarceration is feasible and can be achieved by expanding the use of the tools that were used to manage the prison population during the pandemic. Further, historic legislation championed by the Illinois Black Caucus and signed by the Governor in February 2021, called the SAFE-T Act, can support Task Force goals – but it will require keeping women in focus throughout the implementation and investment process.

It should also be noted that, while COVID-related reductions have been significant, they pale in comparison to the 776% rise in women’s incarceration that took place between 1980 and 2014. Despite episodic declines during this period, these increases were generally sustained and prison costs rose—even despite the fact that the statewide crime rate fell nearly every year during this period.

A Roadmap to Women’s Decarceration: The Cut 50%+ and Beyond Opportunities Matrix

In order to illustrate the feasibility of achieving the Task Force’s goal, the WJI worked with Loyola University to create a Cut 50%+ and Beyond Opportunities Matrix to model the impact of targeted recommended policies, practices and programs presented throughout this report.

This report acknowledges the multiple factors that impact women’s flow in-and-out of prison, and asserts that ending the mass incarceration of women will require a multi-pronged, multi-systemic approach that addresses social determinants of women’s incarceration, including racism, gender-based violence, and poverty. As we confront and change the social and economic conditions that criminalize women, we can also immediately drive down the women’s prison population by applying simple math: reduce the number of women coming into prison, reduce women’s length of incarceration, and reduce women’s recidivism/reincarceration.

The Cut 50%+ and Beyond Opportunities Matrix applies the following three measures, as well as IDOC data on women’s length of stay in prison based on offense class, to quantify the impact of key report recommendations:



It is estimated that the collective impact of implementing targeted recommendations will yield the reductions in these measures that are necessary to cut the women’s prison population by at least 50%.

Assessing Impact Along the Gender Responsive Justice Continuum (GRJC)

The Cut 50%+ Opportunities Matrix quantifies the potential impact of key report recommendations designed to disrupt women’s prison pathways at 4 Impact Points along the Gender Responsive Justice Continuum (GRJC)(see Methodology chapter for a description of the GRJC).

As previously described, the GRJC offers stakeholders a way to explore the ways in which women’s rights and needs are addressed along a series of 8 Impact Points, each of which represents an opportunity to build real justice for women and facilitate overall prevention, deflection, diversion and decarceration.

It is important to note that, to address immediate harms, the Cut 50%+ and Beyond Opportunities Matrix intentionally focuses on the Impact Points where women are directly engaged in the criminal justice system. A conservative analysis reveals that interventions at these points will most rapidly lead to cutting the women’s prison population.

Measuring Impact Along a Gender Responsive Justice Continuum (GRJC):
The 8 Women’s Justice Impact Points



The following are examples of key tools that can be used to cut the women’s prison population - reduce prison admissions, reduce length of stay in prison, and reduce recidivism/return to prison – and high impact recommendations from the Cut 50%+ Opportunities Matrix.

Reduce Prison Admissions

- a. **Reduce arrests** arrests (implement and scale Police Deflection, Crisis Intervention Teams, Mobile Crisis Units, community-based Co-responder Models, and Alternative Responder Models that do not involve police)
- b. **Implement sentencing reforms** (decriminalize drug possession, increase retail theft threshold, reform Accountability law)
- c. **Expand court diversion** (implement Children’s Best Interest Act, increase investment into robust network of “no entry” housing and peer-led services to support full diversion at pre-trial or sentencing level, divert women to restorative justice programs, launch a gender responsive Adult Redeploy Illinois program)

FEATURED OPPORTUNITY

Pass legislation to defelonize (or decriminalize) Class 4 felony drug possession

- In 2019, there were 188 admissions to women’s prisons for a Class 4 felony drug possession offense.
- If legislation was passed to defelonize (reduce it to a misdemeanor) or decriminalize Class 4 drug possession crimes, it would reduce the women’s prison population by 120.
- If this legislation also allowed for resentencing for individuals currently incarcerated for Class 4 felony drug possession, it would have a more immediate impact on the women’s prison population (at the end of 2019, there were 109 women in prison who would have the opportunity to be released).

FEATURED OPPORTUNITY

Implement the Children’s Best Interest Act statewide

- At the end of 2019, there were 1,184 women in prison for a non-violent Class 1, 2, 3, or 4 felony; roughly 80% (947) of these women were mothers. That year, the Child’s Best Interest Act became law in Illinois, requiring courts to consider family impact statements as a mitigating factor in sentencing decisions – particularly those that could result in prison - for mothers, fathers and other caregivers.
- If courts offered alternative sentences to community-based support programs (and received resources to support them) for even 10% of these mothers, it would reduce the women’s prison population by 101; and if 25% of these women were offered alternative sentences, it would reduce the women’s prison population by 253.
- Based on an average length of stay of 209-305 for Class 3 or 4 felony and an average length of stay of 509-663 for Class 1 or 2 felony.

REDUCTION
265-341

REDUCTION
101-253

Reduce Length of Stay in Prison

- a. **Maximize access to all credit-based programs** (Earned Discretionary Sentencing Credits/EDSC, Program Sentencing Credits/PSC; address disproportionate discipline among women; address impact of gender-based violence on prior criminal history that serves as barrier to programming access and accelerated release)
- b. **Implement community-based, non-carceral alternatives** (expand application of the Women and Children’s Pre-release Community Supervision Law (730 ILCS 5/3-2-2), implement “scattered site” work release, and other community-based residential options with wraparound services)
- c. **Pass Sentencing Reform** (reform Theory of Accountability Laws, reform Failure to Protect Laws, make the Domestic Violence Re-sentencing Law (Public Act 099-0384) unquestionably retroactive, reduce minimum sentencing overall)
- d. **Launch a mass commutation initiative to free currently incarcerated survivors of gender-based violence** (invest in comprehensive, post-conviction legal aid services for women, implement specialized training and a dedicated initiative to review cases by the Prisoner Review Board, increase philanthropic investment into Participatory Defense work)

FEATURED OPPORTUNITY

Dramatically expand access to Program Sentencing Credits (PSC)

An estimated 85% of women incarcerated in state prisons are eligible to access Program Sentence Credits (PSC), which provide opportunities to “earn” days off of their prison time for each day of participation in approved programming, including education and drug treatment. Until recently, individuals could only earn one-half day of credit for each full day of programming; however, the allowable credits earnings were increased to one full day for each day in programming as a result of the passage of the historic 2021 SAFE-T Act.

- In 2019, an estimated 1,103 incarcerated women were eligible for these credits. However, based on available data from recent years (e.g. 2018), only 37% of all eligible women received them (if not less); and the average sentence credit earned per woman was only 78 days (a baseline figure which doubles to 156 days under the new provisions of the SAFE-T Act).
- By expanding PSC opportunities for all eligible women and leveraging the SAFE-T Act, the women’s prison population can be reduced in meaningful ways while also incentivizing investments into more programming for women.
- Increasing access to the average number of PSC’s (156 days per woman) from 37% to 50% of eligible women would result in a reduction in the women’s prison population of 62; expanding access to 75% would result in a reduction of 172; and expanding access to 100% would result in a reduction of 278.
- Impact should be further enhanced by increasing the number of days of programming; eliminating barriers to program credits among women by reforming disciplinary procedures and addressing disproportionate discipline among women; and by ensuring that women are not denied eligibility purely due to violent offense histories without a full examination of the impact of gender-based violence and other mitigating circumstances.

REDUCTION
62-278

FEATURED OPPORTUNITY

Invest in a network of community-based residential programs as alternatives to incarceration

Current law (730 ILCS 5/3-2-2) allows for mothers sentenced to IDOC to serve their time in a community-based setting with their children. Despite this fact, the IDOC has only contracted with one provider, The Women’s Treatment Center of Chicago, to serve this population, and only three women have been referred to this program in a four-year period.

- It is estimated that 80% of women in prison are mothers. If the state partnered with community-based organizations to serve 50 women in each of the four regions of the state, the women’s prison population would be reduced by **150**.

REDUCTION
150

Reduce Recidivism/Return to Prison

- a. **Reduce Parole Violations** (dramatically reduce or end the use of reincarceration as a response to parole technical violations, expand training on gender responsive parole practices, invest in a robust network of community-based, gender responsive reentry services for women)
- b. **Dramatically expand access to a robust network of reentry housing** (invest in a statewide network of peer-led housing models, expand partnerships with local housing authorities, expand access to a network of individual apartments, leverage foreclosed properties and Cook County Land Bank)
- c. **Build Regional Women’s Care Coordination Networks to provide support to at-risk and justice-involved women both before and after incarceration.**

FEATURED OPPORTUNITIES

Reduce parole violations and eliminate the practice of reincarcerating women for technical violations

In 2019, a total of 344 women were admitted to prison for technical violations of parole, which involve violation of parole rules and does not involve a conviction for a new crime; and an additional 78 were resentenced to prison as a result of a new offense violation, which involves a conviction for a new crime while they were on parole. Based on 2019 data, women reincarcerated for technical violations served an average number of 138 days in prison; and those reincarcerated for a new offense violation served 523 days.

- a. **Reduce Parole Violations** (dramatically reduce or end the use of reincarceration as a response to parole technical violations, expand training on gender responsive parole practices, invest in a robust network of community-based, gender responsive reentry services for women)
- b. **Dramatically expand access to a robust network of reentry housing** (invest in a statewide network of peer-led housing models, expand partnerships with local housing authorities, expand access to a network of individual apartments, leverage foreclosed properties and Cook County Land Bank)

REDUCTION
59-157

Strengthening Data Collection to Elevate a Gender Lens Throughout the Justice System

While the Cut 50%+ analysis can guide our efforts, we cannot rely solely on traditional criminal justice system data to define women’s risks, strengths, needs and outcomes. For example, merely cataloging the crimes for which women are incarcerated only tells one part of the story, and not the most important one.

Such data fails to acknowledge the social, political and economic conditions that catalyze women’s contact with and entrenchment in the criminal justice system—including chronic racism, gender-based violence and untenable community conditions—and misplaces accountability. Instead of confronting structural and systemic barriers, we punish women for surviving the conditions of their lives, focus on creating interventions designed to “fix” or “correct” women, and use tools that replicate the violence and trauma that they have endured.

While traditional criminal justice system data is a helpful tool to monitor system contact and the direct impact of crime policies, it offers only a fraction of information needed build truly transformational solutions for women. This is compounded by the fact that justice system data, including evaluations of programs and other interventions, is often gender neutral and rarely illuminates the factors that paved women’s pathways to prison in the first place.

We must no longer define “success” based purely on traditional measures, such as relapse, rearrest, a disciplinary infraction in prison or a reincarceration. We must also define success as the presence of policies and resources that support women’s safety, health and well-being at the community-level and throughout the justice continuum.

Solely relying upon traditional criminal justice system data is antithetical to the principles of data-driven decision making and creates blinders that prevent us from developing and implementing dynamic, responsible and sustainable solutions to women’s incarceration.

Opportunities Matrix: Cutting the Women's Prison Population 50%+ and Beyond

The Cut 50%+ Opportunities Matrix quantifies the potential impact of key report recommendations designed to disrupt women's prison pathways at Impact Points 4-7 along the Gender Responsive Justice Continuum (GRJC).

In order to illustrate the feasibility of achieving the Task Force's goal, the WJI worked with Loyola University to create a Cut 50%+ Opportunities Matrix to model the impact of recommended policies, practices and programs presented throughout this report. It is estimated that the collective impact of implementing the recommendations featured in the matrix will yield the reductions necessary to cut the women's prison population by at least 50%+ and Beyond.

Estimates were developed using 2019 IDOC data on the estimated length of stay in prison stay among women by offense type and class, and reinforced by departmental data on percentages of women in prison by security level.

IMPACT POINTS

- 1 Social Conditions vs Resilience
- 2 Relationships vs Connection
- 3 Social Services vs Resourced Communities
- 4 Police Engagement vs First Response
- 5 Courts vs Access to Justice
- 6 Incarceration vs Decarceration
- 7 Community Supervision vs Reentry Support
- 8 Collateral Consequences vs Reclamation

IDOC Women's Prison Length of Stay and Security Level

Opportunities Matrix calculations were made using IDOC data detailing the average length of stay in prison and security level.

Average Length of Stay (LOS) by Offense Class Among Women in Prison (2019)

	Calendar Year 2019 Exits		SNAPSHOT POPULATION ON 12.31.2019	
	Average Days Spent in IDOC	Number of exits in SFY 2018	Average Days in IDOC	Number in IDOC
Murder	8,044	10	4,759	357
Class X	1,604	80	1,538	361
Class 1	706	194	603	302
Class 2	563	338	449	439
Class 3	336	412	260	415
Class 4	201	538	226	284
Total Sentenced	497	1,572	1,300	2,158
Technical Violators	138	350	276	102
Grand Total	431	1,928	1,254	2,260

Note: There were 4 other types of admissions included in the total but not the sentenced vs. technical violation totals

Source: Analyses by Loyola's Center for Criminal Justice Research, Policy & Practice of data provided by the Illinois Department of Corrections Planning and Research Unit.

Snapshot of IDOC Women's Prison Population by Security Level (2019)

Population data reflects that only 2.7% off all women incarcerated in state prisons have been assessed as maximum security level.

Security Level	Level	Decatur	Fox Valley	Logan	Total	%
	Minimum	545	119	975	1,639	73.3%
	Medium	0	0	463	463	20.7%
	Maximum	0	0	61	61	2.7%
	Pending	0	0	74	74	3.3%
	Total	545	119	1,573	2,237	100.0%

Source: Data provided by the Illinois Department of Corrections Women's Division and Planning & Research Unit.

4

Law Enforcement vs First Response

Explores police engagement and opportunities to build gender responsive, trauma-informed and family-centered first response protocols.

REDUCTION**RECOMMENDATION**

175-350 Reduce Arrests for Class 3 and 4 Felonies

87-252 Reduce Arrests for Felony Drug Crimes

91-260 Reduce Arrests for Felony Property Crimes

IMPACT POINTS

1

Social Conditions vs Resilience

2

Relationships vs Connection

3

Social Services vs Resourced Communities

4

Police Engagement vs First Response

5

Courts vs Access to Justice

6

Incarceration vs Decarceration

7

Community Supervision vs Reentry Support

8

Collateral Consequences vs Reclamation

The above represents the impact of key recommendations on reducing the size of the state's standing women's prison population.

5

Courts vs Access to Justice

Explores court processes and opportunities to improve women's access to justice at the earliest stages of their system involvement.

REDUCTION

RECOMMENDATION

145-290	Reduce incarceration for Class 3 and 4 Felonies through Court Diversion & Sentencing Reform
126-252	Expand Court Diversion Programs & Policies for Class 3 & 4 Felony Drug Possession
72-144	Create court diversion programs & policies for Class 1 and 2 felonies
120	Pass legislation to defelonize or decriminalize Class 4 felony drug possession
31-62	Pass legislation to increase the threshold for felony retail theft
101-253	Implement the Children's Best Interest Act statewide
93-186	Pass legislation to reduce minimum sentences for Class X, 1, 2 and 3 felonies

IMPACT POINTS

- 1 Social Conditions vs Resilience
- 2 Relationships vs Connection
- 3 Social Services vs Resourced Communities
- 4 Police Engagement vs First Response
- 5 Courts vs Access to Justice
- 6 Incarceration vs Decarceration
- 7 Community Supervision vs Reentry Support
- 8 Collateral Consequences vs Reclamation

The above represents the impact of key recommendations on reducing the size of the state's standing women's prison population.

6

Incarceration vs Decarceration

Explores incarceration processes and opportunities to decarcerate women and connect them with community-based services and supports.

REDUCTION

RECOMMENDATION

51	Expand access to pretrial program credit opportunities for women
62-278	Increase access to Program Sentence Credits (PSC) in state women's prisons
131-300	Increase access to Earned Discretionary Sentence Credits (EDSCs) for incarcerated women
225	Leverage current laws that allow mothers to serve their time in the community with children
26-370	Create a systems of community-based alternatives for women projected to serve 6-12 months in prison
149-298	Establish a policy whereby women with Class 3 or 4 felonies qualify to serve their sentences in the community
100	Implement statewide strategy address criminalization of survivors of gender-based violence

IMPACT POINTS

1	Social Conditions vs Resilience
2	Relationships vs Connection
3	Social Services vs Resourced Communities
4	Police Engagement vs First Response
5	Courts vs Access to Justice
6	Incarceration vs Decarceration
7	Community Supervision vs Reentry Support
8	Collateral Consequences vs Reclamation

The above represents the impact of key recommendations on reducing the size of the state's standing women's prison population.

7

Community Supervision vs Reentry

Explores community supervision processes with women and opportunities to build gender responsive, trauma-informed and family-centered re-entry supports.

REDUCTION

RECOMMENDATION

59-157

Reduce parole violations and eliminate the practice of reincarcerating women for technical violations

90-111

Reduce probation violations overall, and create more avenues to prevent incarceration as a response to them

IMPACT POINTS

1

Social Conditions vs Resilience

2

Relationships vs Connection

3

Social Services vs Resourced Communities

4

Police Engagement vs First Response

5

Courts vs Access to Justice

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Incarceration vs Decarceration

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Community Supervision vs Reentry Support

8

Collateral Consequences vs Reclamation

The above represents the impact of key recommendations on reducing the size of the state's standing women's prison population.

4

Law Enforcement vs First Response

Explores police engagement and opportunities to build gender responsive, trauma-informed and family-centered first response protocols.

REDUCTION

175-350

RECOMMENDATION

Reduce Arrests for Class 3 and 4 Felonies

- During 2019, a total of 970 women were admitted to prison for Class 3 and 4 felonies, of which 816 (84%) were for non-violent offenses (an estimated 620 (64%) involved women who had no prior convictions for violent crimes).
- If 25% of women admitted to prison for Class 3 and 4 felonies were deflected, it would reduce the women’s prison population by 175 ;if 50% were deflected, the reduction would be 350.
- Based on an average length of stay of 201-336 for Class 3 or 4 felony

REDUCTION

87-252

RECOMMENDATION

Reduce Arrests for Felony Drug Crimes

- During 2019, a total of 350 women were admitted to prison for Class 3 and 4 felony drug possession offenses, of which 280 (66%) had no prior convictions for violent crimes.
- If 25% (87) of the women admitted to prison for Class 3 and 4 felony drug possession were deflected, it would reduce the women’s prison population by 63; if 50% (175) were deflected, it would reduce it by 126; if a 100% (350) were deflected, it would reduce it by 252.
- Based on an average length of stay of 201-336 for Class 3 or 4 felony.

Implement and scale gender responsive:

- Police Deflection
- Crisis Intervention Teams
- Mobile Crisis Units
- Community-based Co-responder Models
- Alternative Responder Models that do not involve police

TOOLS

Implement and scale gender responsive:

- Police Deflection
- Crisis Intervention Teams
- Mobile Crisis Units
- Community-based Co-responder Models
- Alternative Responder Models that do not involve police

4

Law Enforcement vs First Response

REDUCTION

91-260

RECOMMENDATION

Reduce Arrests for Felony Property Crimes

- During 2019, a total of 365 women were admitted to prison for Class 3 and 4 felony property offenses, of which 277 (76%) were estimated to have had no prior convictions for *violent crimes.
- If 25% (91) of the women admitted to prison for Class 3 or 4 felony theft offenses were deflected, it would reduce the women’s prison population by 65; if 50% (182) were deflected, it would reduce it by 130; if 100% (365) were deflected, it would reduce it by 260.
- Based on an average length of stay of 201-336 for Class 3 or 4 felony.

TOOLS

Implement and scale gender responsive:

- Police Deflection
- Crisis Intervention Teams
- Mobile Crisis Units
- Community-based Co-responder Models
- Alternative Responder Models that do not involve police

5

Courts vs Access to Justice

Explores the court processes and opportunities to improve women’s access to justice at the earliest stages of their system involvement.

REDUCTION

175-350

RECOMMENDATION

Reduce incarceration for Class 3 and 4 Felonies through Court Diversion & Sentencing Reform

- During 2019, a total of 970 women were admitted to prison for Class 3 and 4 felonies, of which 816 (84%) were for non-violent offenses (and it is estimated that 620 (64%) of them involved women who had no prior convictions for violent crimes).
- If even 25% of the 970 women admitted to prison for Class 3 and 4 felonies were deflected, it would reduce women’s prison population by 175; if 50% were deflected, the reduction would be 350.
- Based on an average length of stay of 201-336 for Class 3 or 4 felony.

REDUCTION

126-252

RECOMMENDATION

Expand Court Diversion Programs & Policies for Class 3 & 4 Felony Drug Possession

- In 2019, there were 350 admissions to women’s prisons for a Class 3 and 4 felony drug possession.
- If 50% (175) of the women admitted to IDOC for Class 3 and 4 felony drug possession were diverted from prison by the courts, it would reduce the women’s prison population by 126; a 100% (350) diversion would reduce it by 252.
- Based on an average length of stay of 201-336 for Class 3 or 4 felony.

TOOLS

Implement sentencing reforms:

- Decriminalize drug possession
- Increase retail theft threshold
- Reform Accountability law

Expand court diversion programs:

- Implement Child’s Best Interest Act
- Invest in a network of “no entry” housing and peer-led services to support full diversion at pre-trial or sentencing level
- Divert women to restorative justice programs
- Launch a gender responsive Adult Redeploy initiative

5

Courts vs Access to Justice

REDUCTION

72-144

RECOMMENDATION

Create court diversion programs & policies for Class 1 and 2 felonies

- In 2019 there were a total of 456 admissions to women’s prisons for Class 1 and 2 felonies (154 admissions for Class 1 felonies and 302 admissions for Class 2 felonies). Overall, 75% (343) were for nonviolent drug and property offenses, of which 278 women had no prior convictions for a violent crime.
- While Class 1 and 2 felonies are considered more serious in nature and state statute limits courts from diverting some individuals from prison for certain types of crimes and for the extent of criminal histories, the high percentage of women incarcerated for drug and property crimes suggests greater opportunities for court diversion without legislation.
- In addition, creating more avenues for diversion for higher-level felonies could open doors to justice among survivors of GBV charged with violent crimes related to defending themselves from an abuser, as well as cases of coercive control where they have been implicated in crimes committed by their abuser.
- Taking into account current limitations and the need for sentencing reform, even a conservative estimated increase in court diversions for Class 1 and 2 felonies would still yield meaningful reductions in the women’s prison population.
- If 12.5% of Class 1 and 2 felonies were diverted from prison by the courts, it would reduce the women’s prison population by 72; if 25% were diverted, it would reduce the women’s prison population by 144.
- Based on an average length of stay of 509-663 for Class 1 or 2 felony.

TOOLS

Implement sentencing reforms:

- Decriminalize drug possession
- Increase retail theft threshold
- Reform Accountability law

Expand court diversion programs:

- Implement Child’s Best Interest Act
- Invest in a network of “no entry” housing and peer-led services to support full diversion at pre-trial or sentencing level
- Divert women to restorative justice programs
- Launch a gender responsive Adult Redeploy initiative

5

Courts vs Access to Justice

REDUCTION

120

RECOMMENDATION

Pass legislation to defelonize or decriminalize Class 4 felony drug possession

- In 2019, there were 188 admissions to women’s prisons for a Class 4 felony drug possession offense.
- If legislation was passed to defelonize (reduce it to a misdemeanor) or decriminalize Class 4 drug possession crimes, it would reduce the women’s prison population by 120.
- If this legislation also allowed for resentencing for individuals currently incarcerated for Class 4 felony drug possession, it would have a more immediate impact on the women’s prison population (at the end of 2019, there were 109 women in prison who would have had the opportunity to be released).

TOOLS

Implement sentencing reforms:

- Decriminalize or defelonize drug possession

REDUCTION

31-62

RECOMMENDATION

Pass legislation to increase the threshold for felony retail theft

- In 2019, there were 141 admissions to women’s prisons for a Class 3 or 4 felony retail theft offense.
- If legislation was passed to increase the threshold for felony retail theft, it would reduce the women’s prison population by 31 to 62.
- If this legislation also allowed for resentencing for individuals currently incarcerated for Class 3 or 4 felony retail theft, it would have a more immediate impact on the women’s prison population.

TOOLS

Implement sentencing reforms:

- Increase retail theft threshold

5

Courts vs Access to Justice

REDUCTION

101-253

RECOMMENDATION

Implement the Children’s Best Interest Act statewide

- At the end of 2019, there were 1,184 women in prison for a non-violent Class 1, 2, 3, or 4 felony; roughly 80% (947) of these women were mothers. That year, the Child’s Best Interest Act became law in Illinois, requiring courts to consider family impact statements as a mitigating factor in sentencing decisions – particularly those that could result in prison - for mothers, fathers and other caregivers.
- If courts offered alternative sentences to community-based support programs (and received resources to support them) for even 10% of these mothers, it would reduce the women’s prison population by 101; if 25% of these women were offered alternative sentences, it would reduce the women’s prison population by 253.
- Based on an average length of stay of 209-305 for Class 3 or 4 felony and an average length of stay of 509-663 for Class 1 or 2 felony

TOOLS

Expand court diversion:

- Implement Child’s Best Interest Act statewide, and support it with investment into a robust network of family-centered, community-based services for mothers and their children
- The Adult Redeploy Illinois grant program could serve as a model or source of investment

REDUCTION

93-186

RECOMMENDATION

Pass legislation to reduce minimum sentences for Class X, 1, 2 and 3 felonies.

- In 2016, the bi-partisan Illinois Commission on Criminal Justice Sentencing Reform recommended reducing the minimum allowable prison sentence for most felony classes to one year. It was based on the observation that a large portion of prison sentences imposed by the court (and usually at the recommendation of the State’s Attorney due to a plea bargain) was at the minimum allowable sentence.
- Based on 2018 data on women in prison, if just 33% of women who received the current minimum sentence for Class X, 1, 2, and 3 felonies received a sentence 1 year shorter, it would reduce the number of women in prison by 93; if 66% of the women who receive the current minimum sentence receive a sentence 1 year shorter, the reduction would reach 186.

TOOLS

Implement sentencing reforms:

- Reduce the minimum allowable prison sentence for most felony classes to one year.

6

Incarceration vs Decarceration

Explores incarceration processes and opportunities to decarcerate women and connect them with community-based services and supports.

REDUCTION

51

RECOMMENDATION

Expand access to pretrial program credit opportunities for women

- Current law allows for individuals who complete 60 or more days of eligible programming in county jails to receive credits that reduce the length of their incarceration. However, only two counties currently offer individuals access to these credit opportunities, resulting in women staying in prison longer.
- Since an estimated half of all incarcerated women in Illinois are detained in county jails, the state should raise awareness and incentive funding for eligible pre-trial programs that allow women to earn credits against their prison sentences.
- Of the women released from prison in 2018, approximately 35% were held in jails during the pretrial phase for 180 days or longer, which is a sufficient amount time to complete a 60-day program. If half of the women received the required programming, it would reduce the women’s prison population by 51.

TOOLS

Expand access to all available program credit opportunities:

- Incentive grants and investment into expanding pre-trial programs that allow women to earn credits against prison sentences
- Build awareness of this law among counties statewide

6 Incarceration vs Decarceration

REDUCTION

62-278

RECOMMENDATION

Increase access to Program Sentence Credits (PSC) in state women’s prisons

- An estimated 85% of women incarcerated in state prisons are eligible to access Program Sentence Credits (PSC), which provide opportunities to “earn” days off of their prison time for each day of participation in approved programming, including education and drug treatment. Until recently, individuals could only earn one-half day of credit for each full day of programming; however, credits earnings were increased to one full day for each day in programming under the 2021 SAFE-T Act.
- In 2019, an estimated 1,103 incarcerated women were eligible for these credits. However, based on available data from recent years (e.g. 2018), only 37% of all eligible women received them (if not less); and the average sentence credit earned per woman was only 78 days (a baseline figure which doubles to 156 days under the new provisions of the SAFE-T Act).
- By expanding PSC opportunities for all eligible women and leveraging the SAFE-T Act, the women’s prison population can be reduced and incentivize investments into more programming for women.
- Increasing access to the average number of PSC’s (156 days per woman) from 37% to 50% of eligible women would result in a reduction in the women’s prison population of 62; expanding to 75% would result in a reduction of 172; and expanding to 100% would result in a reduction of 278.
- Impact should be further enhanced by increasing the number of days of programming; eliminating barriers program credits among women by reforming disciplinary procedures and addressing disproportionate discipline among women in prison; and by ensuring that women are not denied eligibility purely due to violent offense histories without a full examination of the impact of gender-based violence and other mitigating circumstances.

TOOLS

Expand access to all available Program Sentencing Credit (PSC) opportunities:

- Expand access to Program Sentencing Credits (PSC)
- Increase the number of days of eligible PSC programming
- Eliminate barriers to PSC eligibility among women by addressing disproportionate impact of prison discipline policies on women
- End automatic exclusionary criteria based related to histories of violent crimes without case reviews of the unique impact of gender-based violence and trauma on criminalized survivors

6 Incarceration vs Decarceration

REDUCTION

131-300

RECOMMENDATION

Increase access to Earned Discretionary Sentence Credits (EDSCs) for incarcerated women

- State law provides the IDOC Director broad discretion to award up to 180 days of Earned Discretionary Sentence Credit (EDSC) for individuals who have served at least 60 days in prison; EDSC may be awarded for a variety of accomplishments or to facilitate accelerated releases tied to a range of issues, such as health concerns and pregnancy. The 2021 SAFE-T Act has expanded this discretion and increased the number of days accessible to those serving five years or more from 180 to 360 days.
- As of 2018, only 26% of eligible women exiting prison had received at least one day of EDSC; and the average credit awarded to each woman was 123 days (68% of the 180 days of credit available). In addition, 98% of recipients were incarcerated for nonviolent crimes, suggesting the need to expand opportunities for survivors of gender-based violence in prison for violent offenses tied to self-defense and coercive control.
- There are considerable opportunities to expand access to EDSC among more women, and to reinvest cost savings into community-based partnerships, such as reentry housing outside of the prison system.
- Conservative estimates show that even if the IDOC did not increase the average number of credits issued, simply increasing EDSC access from 26% to 70% of eligible women would reduce the women’s prison population by 131; an increase to 80% would reduce it by 190.
- Increasing the number of women with access to the maximum amount of credit (180 days) would contribute to even greater, more rapid declines of 300 or more women –which would accelerate the ability of the state to reinvest resources into community-based programs.

TOOLS

- Expand access to all available program credit opportunities:**
- Expand access to prison-based Earned Discretionary Credit (EDSC) opportunities
 - Eliminate barriers to access EDSC by reforming disciplinary procedures and addressing disproportionate discipline among women in prison compared with men.
 - End automatic exclusionary criteria based on prior history without full case reviews of the impact of gender-based violence and trauma.

6 Incarceration vs Decarceration

REDUCTION

225

RECOMMENDATION

Leverage current laws that allow mothers to serve their time in the community with children

- A 1998 law called the Women’s and Children’s Pre-release Community Supervision Program Act (730 ILCS 5/3-2-2) allows for mothers sentenced to IDOC to serve their time in a community-based residential program with their children. However, the IDOC has only contracted with one provider, The Women’s Treatment Center of Chicago, to serve this population, and only three women have been referred to this program in a four-year period.
- Based on an average length of stay in prison for women with drug and property crimes of 9 months, the state could reduce the women’s prison population by 75 for every 100 women kept in a community setting with her children as an alternative to prison. If 100 beds were offered in three regions (totaling 300), it would reduce the state women’s prison population by 225.

TOOLS

Expand access to community-based, non-carceral alternatives:

- Increase number women serving their time in the community
- Prevent family separation by leveraging the Women and Children’s Pre-release Community Supervision Law (730 ILCS 5/3-2-2)

REDUCTION

26-370

RECOMMENDATION

Create a systems of community-based alternatives for women projected to serve 6-12 months in prison

- The 2021 SAFE-T Act allows for IDOC to divert individuals sent to prison who have 4 months left to serve on their sentence for a nonviolent Class 3 or Class 4 felony. Based on data showing that 196 women met this criteria in 2019, this law could reduce the women’s prison population by 26.
- If the state expanded this policy (using current tools or by passing legislation), it could invest in a network of alternatives where women with 6-12 months estimated prison time, could serve it in the community.
- An expansion to six months, would reduce the overall size of the women’s prison population by 77; and an expansion of up to 12 months would reduce it by 370.

TOOLS

Building a network of regionalized, community-based, non-carceral alternatives:

- Pass legislation or change IDOC policy to establish standards
- Leverage and invest in application of existing laws and policies, such as the Women and Children’s Pre-release Community Supervision Law, ED and EDSC
- Expand work release opportunities (in non-carceral settings), including “scattered site” work release
- Leverage Medicaid and expand community-based residential options with wraparound services

6 Incarceration vs Decarceration

REDUCTION

149-298

RECOMMENDATION

Establish a policy whereby women with Class 3 or 4 felonies qualify to serve their sentences in the community

- During 2019, 816 women were admitted to state prisons for non-violent Class 3 and 4 felonies, and were projected to serve an average of 266 days (8.7 months) in prison.
- The 2021 SAFE-T Act included a provision authorizing diversion from prison and directly into community-based services for all individuals convicted of nonviolent Class 3 and Class 4 felonies and who have an estimated 4 months of prison time left to serve at the time of sentencing. Based on data showing that 196 women met this criteria in 2019, proper implementation of this policy has the potential to reduce the women’s prison population by 26.
- Since most women sentenced to prison for Class 3 and 4 felonies are projected to serve an average of 266 days in prison (8.7 months), expansion of this SAFE-T Act provision through new legislation or IDOC administrative policy could address sentencing inconsistencies among 102 counties (where some may issue longer prison sentences for similar crimes), and have a greater impact on decarceration among women.
- If 25% of the 816 women sentenced to prison for Class 3 and 4 felonies were automatically diverted to community-based programs, it would reduce the women’s prison population by 149; and if 50% were diverted, it would be reduced by 298.

TOOLS

Building a network of regionalized, community-based, non-carceral alternatives:

- Pass legislation or change IDOC policy to establish standards
- Leverage and invest in application of existing laws and policies, such as the Women and Children’s Pre-release Community Supervision Law, ED and EDSC
- Expand work release opportunities (in non-carceral settings), including “scattered site” work release
- Leverage Medicaid and expand community-based residential options with wraparound services

6 Incarceration vs Decarceration

REDUCTION

100

RECOMMENDATION

Implement statewide strategy address criminalization of survivors of gender-based violence

- Task Force data revealed that an untold number of women are serving lengthy prison sentences for murder and other violent crimes linked to gender-based violence. This includes cases where women have been convicted for killing an abuser in self-defense, as well as those where they were convicted under accountability laws for violent crimes committed by an abuser.
- There are currently 354 women in prison for murder, and 316 women were admitted to prison in 2019 for violent offenses. While not all of these cases involve GBV, there is a pervasive lack of state-specific research and understanding of the unique impacts of GBV on women’s prison sentences that must be addressed with urgency – especially in cases where women have unjustly languished in prisons for defending their lives.
- A recent national survey found that 31% of women in prison for murder were convicted of killing their abuser in the course of self-defense, or committed the crime under duress linked to an abuser. The National Council for Formerly Incarcerated Women & Girls launched a 2021 campaign to promote the commutation of 100 women from federal prisons.
- A multi-pronged state strategy should be launched that includes a mass commutation initiative, robust research, sentencing reform and a push to retroactively implement the Domestic Violence Resentencing Act (Public Act 099-0384). In solidarity with national efforts and due to the urgent need to ensure justice for impacted survivors, this strategy should be launched with the initial goal of freeing 100 survivors, and expand through sentencing reform and other strategies included in this report. Due to the lengthy sentences associated with these convictions, this would result in reducing the women’s prison population by at least 100.

TOOLS

Implement Statewide Strategy:

- Improved data collection on impact of gender-based violence on sentencing for violent crimes among incarcerated women
- Mass Commutation Initiative supported by public/private partnerships
- Establishing a review committee at the Prisoner Review Board

Sentencing Reform:

- Ensure the Domestic Violence Resentencing Act (Public Act 099-0384) is consistently implemented retroactively
- Further examination of the impact of accountability laws on survivors (building from the reform provisions of the SAFE-T Act)

7

Community Supervision vs Reentry Support

Explores community supervision processes with women and opportunities to build gender responsive, trauma-informed and family-centered re-entry supports.

REDUCTION

59-157

RECOMMENDATION

Reduce parole violations and eliminate the practice of reincarcerating women for technical violations

- In 2019, a total of 344 women were admitted to prison for technical violations of parole, which involve violation of parole rules and does not involve a conviction for a new crime; an additional 78 were resentenced to prison as a result of a new offense violation, which involves a conviction for a new crime while they were on parole.
- Based on 2019 data, women reincarcerated for technical violations served an average number of 138 days in prison; those reincarcerated for a new offense violation served 523 days.

Reduce/eliminate reincarceration for technical violations

- If the number of readmissions to prison for parole technical violations was reduced by 25%, the women’s prison population would decline by 32; if they were reduced 50%, it would decline by 64; and if they were reduced by 100% (by implementing new policy prohibiting the use of prison as a response to technical violations), it would be reduced by 130.

Reduce new offense violations

- Investing in more robust community-based resources, including gender responsive care coordination and other non-carceral support systems for women, will help reduce the rate of readmissions following a new conviction. While IDOC has less direct control over readmissions for new convictions, even a moderate reduction could have a meaningful impact. If readmissions for new convictions were reduced by 25%, it would reduce the women’s prison population by 27.

TOOLS

Reduce Parole and Probation Violations:

- Change probation and parole policies to reduce or eliminate prison as a response to technical violations
- Implement gender responsive training and policies
- Create specialized probation and parole units with caseloads dedicated to supporting women

Invest in a regionalized network of reentry housing for women:

- Peer-led housing models
- Expand partnerships with local housing authorities
- Invest a network of apartments tied to support services
- Leverage foreclosed properties, including those controlled by county land banks statewide

Build region women’s care coordination networks offering gender responsive health & behavioral health services:

- Expand women’s access to effective and gender responsive services and supports statewide
- Implement a regionalized care coordination model for women on probation and parole

7

Community Supervision vs Reentry Support

REDUCTION

90-111

RECOMMENDATION

Reduce probation violations overall, and create more avenues to prevent incarceration as a response to them

- In 2019 there were 1,794 court admissions of women to IDOC. Court admissions to IDOC include women who violated their probation, but data on probation violations is largely unavailable.
- Based on estimates that probation violation rates among women are similar to IDOC’s three-year recidivism rate of 24.8%, then 24% of the 1,794 admissions would equate to 430 admissions for probation violations.
- Based on this estimate, if an investment in more quality, gender responsive community-based resources resulted into reducing probation violations among women even modestly from 24% to 19% (a 5% reduction), it would reduce the women’s prison admissions by 90.
- Women who are incarcerated for probation violations have various lengths of stay; thus, based on an average length of stay of 449 days among all court admissions, reducing probation violations by 5% would reduce the women prison populations by 111.

Note: The impact of probation on women (an estimated 19,000 women are currently on probation) is significant and the state lacks data on the reasons for and responses to violations.

TOOLS

Reduce Parole and Probation Violations:

- Change probation and parole policies to reduce or eliminate prison as a response to technical violations
- Implement gender responsive training and policies
- Create specialized probation and parole units with caseloads dedicated to supporting women

Invest in a regionalized network of reentry housing for women:

- Peer-led housing models
- Expand partnerships with local housing authorities
- Invest a network of apartments tied to support services
- Leverage foreclosed properties, including those controlled by county land banks statewide

Build region women’s care coordination networks offering gender responsive health & behavioral health services:

- Expand women’s access to effective and gender responsive services and supports statewide
- Implement a regionalized care coordination model for women on probation and parole

Supporting Data

The trending data and analysis on the women’s justice population presented in this chapter and throughout this report was developed for the Statewide Women’s Justice Task Force by a dedicated team of faculty, students, and staff at Loyola University Chicago’s Center for Criminal Justice Research, Policy and Practice. Through analyses of existing data collected by the Illinois Department of Corrections and Illinois Criminal History Record Information (CHRI), supplied by the Illinois Criminal Justice Information Authority, the team examined trends in crime, arrests, and sentencing that impacted the number and characteristics of adult women who were admitted to and released from prison in Illinois in the past three decades.

This report is intended to extend the analyses of a previous report, “An Examination of Admissions Exits and End of the Year Populations of Adult Female Inmates in the Illinois Department of Corrections State Fiscal Years 1989-2011” and focuses particularly on shifts in crime, arrests, and sentencing that influenced the stabilization and decline in the number of women held in Illinois prisons annually since 2010.

An Initial 50% Reduction

As with all prison populations, the women’s prison population fluctuates over time, has historically experienced episodes of increases and declines, and has proven highly vulnerable to changes in criminal justice system policies, practices and philosophical approaches.

The Task Force set an initial goal of a 50%+ reduction based on the 2018 level of 2,349, which would result in a women’s prison population of 1,174. Regardless of population fluctuations since that time, particularly as it relates to the dramatic, temporary declines resulting from the COVID-19 pandemic, the Opportunities Matrix was created to offer analysis of several different ways the state can achieve the reductions needed to drive the population down to 1,174 in a sustainable manner that outlasts the temporary impact of the pandemic, as well as sets forth a trajectory to push declines well beyond that goal.

Combined with the recommendations that would prevent justice system involvement in the first place, of this report, this matrix demonstrates a series of opportunities to roll back decades of women’s mass incarceration in meaningful ways.

An Unduplicated Count

While there is obviously potential for overlap among some of the counts within the matrix, an analysis was conducted and determined that implementing a robust combination of these targeted recommendations could be achieved in a largely unduplicated manner.

Long-term Restorative Investments needed to Cut50+ and Beyond

Similar to the progression of the juvenile justice reform movement, it will be through long-term, restorative investments into other key Impact Points, such as Social Services & Resourced Communities, that ongoing, deeper reductions and true justice transformation can and must take place. As the women’s prison population declines, it is essential that resources, including every dollar saved from decarceration, are increasingly pushed away from incarceration and into the front-end community investments that are outlined in this report.

Ending Women’s Mass Incarceration

Reducing the women’s prison population to 1,174 will certainly serve as an important milestone in an effort to reverse the course of harmful women’s mass incarceration for the last three decades, but it should only be considered a modest beginning, rather than the end, of the essential work needed to end mass incarceration among women.

THE WAY FORWARD

From Redefine to Reclaim

The Way Forward

There is an immediate need to address the harms being inflicted on women, children and families and build a system of real justice, including meaningful policies and practices, that address the intersecting injustices that women experience, including chronic racism, poverty and gender-based violence.

As demonstrated in the Cut 50%+ and Beyond Opportunities Matrix, there are dozens of opportunities to reduce the flow of women into the state prison system. Cutting 50%+ of the women’s prison population is feasible and represents an opportunity to ensure that women have access to the 5 Rights & Needs identified throughout this report, disrupt women’s pathways to prison, end the drain on taxpayer dollars and finite state resources, and reinvest in communities.

This report includes 50+ recommendations, each of which merits action and is entirely feasible. However, it will be impossible to implement them in sustainable and transformational ways without a commitment to building the right infrastructure, including the laws, policies, resources, and investments that are needed to support a fully functional Gender Responsive Justice Continuum (GRJC).

Cutting 50%+ of the women’s prison population and beyond will require a sustainable stream of resources and investments that address women’s rights and needs, supported by essential gender responsive policies and practices. We can no longer afford to build systems – from a social or an economic perspective - that default to investments in law enforcement and incarceration as solutions to women’s public health and safety needs.

A robust infrastructure will support the ongoing implementation work that is needed to address the deep roots of gender injustice and inequity that reside in our culture and cut across multiple systems. This structure must be embraced broadly and be impervious to political and leadership changes, or other factors that have caused such episodic changes in the women’s prison population throughout the state’s history.

It will also require a sustainable stream of resources and investments that address women’s rights and needs, supported by essential gender responsive policies and practices. We can no longer afford to build systems – from a social or an economic perspective - that default to investments in law enforcement and incarceration as solutions to women’s public health and safety needs.

As we conclude this report, we call upon the state to begin the process of building this infrastructure by implementing the following systems change solutions:

- 1
- Keep Women in Focus: Create a State Gender Index
- 2
- Commit to Implementing Gender Responsive Approaches Across Systems
- 3
- Launch a Historic Women’s Justice Reinvestment Initiative (W-JRI)

The Gender Responsive Justice Continuum[®]

The Gender Responsive Justice Continuum (GRJC) is a comprehensive tool for disrupting women’s pathways to prison. It cues systems to explore opportunities to create real justice throughout a series of 8 Impact Points, each of which presents an opportunity to reduce harm, improve well-being and inspire new ways of conceptualizing and ensuring justice for and with women. In doing so, it promotes the reimagining of new, innovative supports that can exist outside of traditional, one-dimensional system structures.



Findings

Over the last three decades, the Illinois women’s prison population increased by 776% and there were over 67,978 court admissions to women’s prisons. These are more than numbers. They represents harmful disruptions in the lives of women, their children and their communities. Even though the Illinois crime rate has been steadily declining since the 1980s, the women’s prison population has skyrocketed. Despite episodic declines, it has remained six times higher until the COVID-19 pandemic spurred crisis-driven reductions. And, despite the decline in the women’s prison population, the cost of incarcerating women continues to increase every year.

As we have outlined throughout this report, despite the thousands of lives disrupted and well documented harms, little has changed.

Our data revealed that justice-involved women have experienced and suffered from a chronic lack of access to the 5 Rights & Needs identified by the WJP Model, and that specific steps must be taken by criminal justice and other system stakeholders to ensure that women’s Pathways to Prison are replaced by Pathways to Justice. This includes ensuring that directly impacted women are no longer overlooked by local, state and national movements pushing for solutions to mass incarceration. And, most importantly, directly impacted women must not only have a place at the table, but stand at the forefront of these discussions.

Multiple, Intersecting Oppressions

While lack of access to even one of the WJP’s 5 Rights & Needs is sufficient to create a risk of criminal justice system contact and incarceration, particularly among economically and socially marginalized women, our research revealed that most justice-involved women have multiple and intersecting unmet needs.

Instead of experiencing Relationship Safety, Health and Wellbeing, Safe & Stable Housing, Economic Security & Empowerment and Supported Families, justice-involved women have experienced profound harm - physical, emotional and sexual violence - in their homes, communities and at the hands of the state. Instead of having access to community safety nets and support services for the inevitable trauma that ensues from their experiences of gender-based and interpersonal violence, marginalization and poverty, they are forced to either cope on their own or navigate often punitive social and human service systems. All of this occurs within a backdrop of economic insecurity and disempowerment - including unstable and often unsafe and coercive housing arrangements.

These multiple and intersecting oppressions cause them significant harm, reach into the lives of their children and communities, and catalyze their contact with the criminal justice system. Once in the system, they experience a variety of additional injustices and endure a variety of policies and practices that cause additional trauma and deepen their disadvantages and vulnerabilities.

Untapped Strengths & Resilience

Our data also amplified women’s unwavering resilience. The directly impacted women who have informed and led the Task Force have not only overcome unimaginable injustices, but have led and organized various efforts to reveal and address the harms being inflicted on their communities. Those behind bars are helping each other to endure unimaginable circumstances, and those who have been released are reaching back to provide support and instill hope – refusing to leave their sisters behind.

Even as systems continue to overlook their unique risks, strengths and needs and fail to implement evidence-based, gender responsive policies and practices, formerly incarcerated women are building some of the most innovative and impactful programs to address system gaps, including designing and leading highly successfully peer led reentry housing models and reentry programs, leading advocacy campaigns to pass essential laws, and fighting for the freedom of those still incarcerated through powerful participatory defense work and commutation campaigns.

Directly impacted women are leading the way forward in powerful ways, often while simultaneously surviving ongoing discrimination and marginalization, healing their traumas, and taking care of their children, families and communities. This resilience was evident during our multiple convenings and is embedded in the personal stories and narratives that are amplified throughout this report. These narratives describe the powerful ways in which directly impacted women are surviving, helping others to survive, uncovering powerful truths, and working to transform justice.

And yet the fact remains that women should not have to constantly overcome. They should not be forced to navigate chronic injustices. Task Force findings powerfully revealed that the strengths of women are not being cultivated; instead, system policies and practices introduce numerous barriers to women’s ability to access the 5 Rights & Needs.

Key Findings

- 1 **Systems are not meeting the needs of women before, during or after their incarceration.** Policies and practices are eroding, not facilitating, women’s access to Relationship Safety, Health and Well-being, Safe & Stable Housing, Economic Security & Empowerment and Supported Families. When women’s rights and needs are not addressed, their survival is criminalized and they become entrenched in the criminal justice system.
- 2 **Transformative changes requires a commitment from all sectors.** In order to cut the women’s prison population by 50%+ and Beyond, we must create a system of real justice with and for women. We must redefine the narratives and tools that have created and enabled current approaches, redesign systems to address women’s 5 Rights & Needs, and realign human and fiscal resources to create real justice for and with women.
- 3 **As we work to transform systems, we must be fiercely committed to the safety and dignity of women who are currently incarcerated.** Harm reduction measures that improve the health, well-being, safety and family connections among currently incarcerated woman must not be overlooked.

Alongside the trauma and scars of incarceration lives the deep and fierce resilience that women bring, over and over again, to healing themselves, liberating their loved ones, and ending incarceration’s harm to all women.

Excerpt from Because She is Powerful, Essie Justice Group

Mobilizing the State: Justice for Women Across Sectors

The state must reach beyond a one-dimensional criminal justice system construct and begin to build the infrastructure that is needed to support implementation of the numerous recommendations throughout this report. It can do this by committing to the following three actions:

- 1 **Keep Women in Focus: Implement a Gender Index**
- 2 **Implement Gender Responsive Approaches Across Systems**
- 3 **Launch a Historic Women’s Justice Reinvestment Initiative (W-JRI)**

Keep Women in Focus: Create a State Gender Index

One of the first things we must do to reclaim the narrative on women and justice is to identify and track metrics that reflect a commitment to women’s well-being and acknowledge social determinants of women’s health and incarceration.

As has been revealed throughout this report, systems change and transformation must begin with a vision of what real justice is for women. We assert that real justice for women is, at minimum, having access to the 5 Rights & Needs identified in the WJP Model. The reality is we are not measuring justice for women based on their access to these rights and needs, we are simply measuring the consequences of failing to address their needs through “success” metrics like arrest and incarceration.

We have also identified how women tend to be overlooked in data sets across systems, which creates a general lack of accountability for addressing and understanding their risks, strengths and needs well before and throughout criminal justice system involvement. In order to establish accountability for addressing the health, social, political, economic, and cultural conditions that increase the risk of incarceration among women, Illinois should not only become one of the first states in the nation to create a Gender Index, but the first to identify women’s incarceration as a risk to their well-being (or lack thereof).

In addition, we recommend that Illinois become the first state to take steps to ensure that the Gender Index acknowledges and addresses women’s intersectional identities and the reality that women with marginalized identities (e.g., gender, race, ethnicity, immigration status, class, LGBTQ+, age and ability) often experience multiple forms of inequality and disadvantage that combine and create unique experiences and obstacles that are not understood within conventional ways of thinking.

An Illinois Gender Index should be based on the 5 Rights & Needs identified in the WJP, as well as components of the Global Gender Gap Report 2018 and the California Women’s Well-Being Index that capture the magnitude of gender-based disparities and track progress over time on key dimensions, including Health, Personal Safety, Employment & Earnings, Economic Security, and Political Empowerment.¹ Importantly, the impact of incarceration should be incorporated. The Index should provide rankings of counties statewide to allow for effective comparisons, public education, informed policy solutions and targeted interventions.

Commit to Implementing Gender Responsive Approaches Across Systems

Ensuring real justice for women requires all agencies and sectors to commit to implementing gender responsive policies and practices designed to prevent justice-involvement and related harms at all points along the Gender Responsive Justice Continuum (GRJC) - before, during and after incarceration.

Building lasting cross-sector systems change is a long-term goal that will require action on multiple levels, including changes in policy, training, budgeting standards and legislation. For example, public agencies should be required to adopt a broad set of standards mandating adherence to gender responsive practices and conduct an inventory of their key policies, practices, trainings, programs and budgets in order to ensure gender equity and adherence to evidence-based, gender responsive principles.

I have found that systems have too often siloed responses to the needs women in our prisons and jails as if they are either justice populations or human services populations. When, in fact, all of these women are human services populations, and it is only common sense that improving access to public health resources will reduce their justice involvement, as well as help build stronger, healthier families and communities.

GRACE HOU
Secretary of Illinois Department of Human Services

Using the Gender Responsive Justice Continuum (GRJC) as a guide, the state can expand its capacity to partner, leverage shared resources, and implement policies and practices across sectors that truly address the rights and needs of women. The following cross-sector actions are essential:

- **Work with Impacted Women as Architects and Leaders.** Ensure that all efforts to improve systems engage directly impacted women as architects of policies, practices and programs, and administrators, managers and deliverers of direct services.
- **Implement Gender Responsive Training Within and Across Systems.** Ensure that those developing, overseeing and implementing interventions and programs with women have been trained in evidenced-based and innovative gender responsive approaches.
- **Adopt Gender Responsive Policies and Practices Within and Across Systems.** Ensure that all programs and interventions for women are supported by gender responsive policies and practices.
- **Co-create and Establish Statewide Dignity Standards.** Work with directly impacted women to create a set of dignity standards that govern the environment and delivery of social services by state contractors, including housing.
- **Implement Gender Responsive Tools and Curricula.** Ensure that all organizations that serve women are using the most cutting-edge, evidence-based, gender responsive models and curricula, including those that are rooted in restorative justice principles.
- **Facilitate Cross-Sector Collaboration to Support Gender Responsive Services and Interventions.** Create partnerships and service networks across sectors that are needed to address women’s intersecting rights and needs and ensure a holistic approach.
- **Advance a Women-Centered Statutory Scaffolding.** Ensure a statutory and policy framework to prevent the criminalization of women’s survival of gender-based violence and untenable social conditions.
- **Ensure Systems of Accountability and Transparency.** Ensure that agencies and systems collect data that measures the impact of interventions on the health and well-being of women and their children.

The goals of a functioning GRJC are to create the conditions that uphold women’s safety, health and well-being and prevent them from coming into contact with or from becoming entrenched in the criminal justice system. Across the GRJC, agencies should be working in unison to address women’s risks, strengths and needs and facilitate their deflection, diversion, and decarceration.

Launch a Historic Women’s Justice Reinvestment Initiative (W-JRI)

Ending decades of mass incarceration among women will require investing in their rights and needs across all systems. However, it is without question that prisons have increasingly drained valuable resources and untold opportunities away from incarcerated women, their children, families and communities for decades – even as prisons have deteriorated, forcing women to endure untenable and inhumane conditions.

In order to address these challenges, the state should launch a multi-phase Women’s Justice Reinvestment Initiative (W-JRI) that leverages an unprecedented public-private partnership to generate the front-end resources needed to continuously drive down women’s incarceration, while concurrently reinvesting savings into transformative solutions.

The Current Investment Approach

Illinois Women’s Prisons: Increasing Costs and Poor Outcomes

- **Higher Per Capita Costs for Women**
- **Deteriorating Facilities & Increasing Capital Costs**
- **Chronic Staffing Challenges**
- **Over \$1 Billion Spent on a Decade of Poor Outcomes**

Higher Per Capita Costs for Women

According to the Illinois Department of Corrections (IDOC) Annual Reports, the department spends over \$84 million per year to operate the state’s three women’s prisons (one of which is a work release center) at an average per capita cost that is significantly higher than that of men’s prisons. It costs taxpayers an average of \$36,219 per year to incarcerate each woman at an Illinois Department of Corrections (IDOC) facility, compared with \$27,388 for each man.

For example, dramatically higher medical and mental health care costs among incarcerated women, which are more than double than those among men (\$8,713 among women vs \$3,883 among men), are linked to the ongoing failure to address women’s unique health, reproductive, and behavioral health needs, including medical and mental health challenges stemming from gender-based violence and other traumatic experiences.

The Illinois Sentencing Policy Advisory Council (SPAC) produced a gender neutral analysis estimating the “true” cost of incarceration is actually much higher when taking into account full employee benefits and other factors – and that these costs are on the rise. According to SPAC’s 2019 Dynamic Marginal Costs Study, the cost to incarcerate an individual per year reached \$48,275, and the state also invested another \$3,626 to supervise them on parole each year.² These numbers are likely even higher for women due to their higher costs of incarceration overall.

Despite these high costs, poor prison conditions have persisted for years, creating poorer health and mental health outcomes among women overall. For example, confinement in prison often replicates the gender-based violence and trauma women experience before prison, causes additional harm, and triggers a range of coping behaviors that are often criminalized and pathologized. The persistent use of gender-neutral and punitive policies and practices are likely to 1) worsen symptoms among women who entered prison with mental health issues or conditions, 2) create symptoms and conditions that might have not developed in a resourced, supportive and trauma-informed environment, and 3) result in longer, costly lengths of stay in ill-equipped prisons.

Operating Budgets of the State’s Women’s Prisons are on the Rise

Converted into a woman’s prison at the end of FY2013 in order to help address state budget gaps, Logan’s operating budget - as well as the costs of operating all women’s prisons - has actually increased even as the women’s prison population has experienced promising declines. Specifically, from FY2014-FY2019 the overall women’s prison population declined by 18% from FY2014 to FY2019, yet total prison operational costs (primarily driven by Logan) increased by 16.8% from \$72.05 million to \$84.21 million. Of note, these estimates do not include the cost of employee benefits, and thus actual taxpayer costs are much higher.

Women’s 5 Rights & Needs



Deteriorating Facilities & Increasing Capital Costs

Sustaining large, deteriorating facilities with increasingly high capital repair bills far exceeds the costs of smaller, more manageable settings. In 2013, the state sought to address budget gaps by closing Dwight Correctional Center due to the high cost of needed capital repairs, and consolidated the women’s prisons population at Logan Correctional Center. Seven years later, the state is again faced with over \$25 million in desperately needed capital repair bills at Logan.

Logan Correctional Center in Persistent Disrepair

According to numerous accounts about the conditions at Logan from staff, incarcerated women and their families, lengthy monitoring reports by the John Howard Association, and the 2016 Gender Informed Practices Assessment (GIPA), the long, unaddressed challenges at Logan have persistently disrupted nearly every aspect of operations there.

In particular, housing units have been closed down due to fallen ceilings, rodent and insect infestations; mold and major plumbing issues that have resulted water supply shutdowns on occasion; ongoing electrical issues have resulted in outages; and the main gymnasium, which was desperately needed to facilitate already-limited programming, was recently condemned and shuttered.

Furthermore, the lack of investment into critical communications infrastructure, such as phone lines and internet access, have created barriers to remote educational programming and communication that women rely upon to stay connected to children and family, as well as to plan for their successful reentry. For example, many housing units have an average of four phones for approximately 150 women, which causes stressful encounters in long waiting lines among women desperate to check in on children and families, many of whom get turned away at the last minute if they can’t get to a phone within the allotted time. Also, women are often limited to sending emails during one hour of day room time each day.

As the state’s largest and most complex women’s prison and statewide reception and classification center, Logan Correctional Center costs \$60 million per year to operate and represents over 70% of the IDOC Women’s Division’s operational costs.¹ Logan had operated as a men’s facility for nearly two decades before it was hastily converted into a women’s facility in 2013 as part of an ill-conceived plan to address a state budget shortfall by consolidating the majority of the women’s prison population there without the proper planning, preparation or staff training.¹ Since this occurred, Logan has increasingly fallen into disrepair and various levels of crisis to the point that a Logan staff member stated at a convening: “No one should ever have to live like this, and no one should have to work like this... it feels like the women’s facilities are always put last.”¹

“No one should ever have to live like this, and no one should have to work like this... it feels like the women’s facilities are always put last.”¹

Staff member, Logan Correctional Center

Ongoing challenges related to deteriorating physical plant issues, as well as limited programming space available in poorly designed facilities, pose ongoing challenges to the delivery of comprehensive programming that women need in order to ensure their successful reentry, as well as to offer hope and purpose to women with long-term sentences.

Rising Capital Costs

According to information provided by the House Public Safety Appropriations Committee, the state spent upwards of \$20 million on capital costs among all women’s prisons between FY2010 and FY2019. Now, as the state approaches another multi-billion dollar budget shortfall, the IDOC’s FY2022 capital request for repairs and renovations at only one facility, Logan, is \$24.9 million. Based on the aforementioned reports, it is likely that the department will require millions more as the request does not address some of the critical issues documented, particularly as it relates to housing units and communications infrastructure.

For example, the current FY2022 Logan capital request includes:



Notably, the largest request is for \$11.2 million to rebuild a gate house, gate system and visiting room for individuals visiting incarcerated women there - visits that would arguably be less expensive for the IDOC, taxpayers and women’s families if women were all closer to home. At the time of this report, however, the IDOC had not increased its request to include renovations for the housing units or the condemned gymnasium, or to address longstanding communications infrastructure issues.

Chronic Staffing Challenges

The challenges faced for decades by the women’s prison system go well beyond bricks and mortar. There are significant human resource challenges at Logan. A January 2020 report from the John Howard Association highlighted the ongoing issues with staffing shortages at the facility, including the fact that more than 40% of the 77 mental health staff positions were vacant – which is a major challenge considering the women need and deserve mental health services and support.³

A January 2020 report from the John Howard Association highlighted the ongoing issues with staffing shortages at the Logan, including the fact that more than 40% of the 77 mental health staff positions were vacant.

Demonstrating the ongoing difficulties with maintaining sufficient staffing levels needed to address the high rate of clinical needs among the women at Logan, the IDOC made a concerted effort – yet failed to generate enough qualified applicants - to fill 16 social worker positions critical to the proper implementation of a gender responsive risks, strengths and needs assessment tool and case management system required by the Women’s Correctional Services Act (WCA). Consequently, the IDOC has been unable to fully implement these provisions.

Ongoing clinical staffing shortages compromise medical and behavioral health care and outcomes. Despite the fact that incarcerated women have greater needs in these areas, and meeting these needs costs more than double in a women’s prison, larger prison facilities, like Logan, have historically had difficulty staffing and delivering services to address them.

Additionally, staffing to support reentry preparation is lacking; consequently, reentry planning begins too late, is often led by staff with limited knowledge of women’s communities and available resources, particularly as it relates to reentry housing. Despite the fact that the state has successfully implemented holistic and well-resourced reentry models at men’s facilities, such as Sheridan, Southwestern and Kewanee, the reentry planning and preparation process has been limited throughout women’s facilities. This is due to limited staffing, limited resources to provide women with the support they need, and the fact that the process often begins too late in her incarceration. In particular, reentry housing opportunities that women need to return home safely are often in short supply for women, and are even non-existent in high impact communities throughout Southern Illinois.

Perhaps most appallingly, sexual assault persists in large facilities. Incarcerated women often fear reporting sexual assault out of fear of not being believed or suffering retaliation. The reality is, incarcerating women in a few large facilities and inadequate staffing carries inherent, and very gendered challenges as it relates to sexual assault. During Task Force convenings, an overwhelming number of formerly incarcerated women stated that women fear reporting custodial sexual misconduct because there is “nowhere for them to go” since there are only two women’s prisons. Furthermore, in larger, poorly staffed facilities, women said that they feel less safe and that there is a higher risk that sexual assault will go unnoticed.

\$1.4 Billion Spent on a Decade of Poor Outcomes

Despite these investments of taxpayer dollars into women’s incarceration, more than 25% of women released from state prisons will be reincarcerated within a three-year-period for a new offense or technical violation of their parole, both of which are linked to ongoing, unmet needs, ongoing exposure to gender-based violence and collateral consequences that result from incarceration. According to a gender neutral analysis performed by the Illinois Sentencing Advisory Council (SPAC), recidivism carries a high cost: \$151,662 for each individual recidivism event.⁴

Over the course of the last decade, it is estimated that Illinois has spent at least \$1.4 billion on the incarceration of women with repeatedly poor outcomes and harmful, lifelong repercussions for children, families and communities. After reading this report, is this how anyone would choose to invest over one billion dollars in the next decade?

It is time to ask the question: After reading this report, is this how anyone would choose to invest over one billion dollars in the next decade?

The result of this failed approach extends far beyond the criminal justice system, including significant social and economic costs that cascade throughout multiple systems with unimaginable consequences for women and their children upon release. If Illinois is serious about improving the status of women, especially those entrapped in the criminal justice system, the state must realign and reinvest resources in a sustainable manner. Oftentimes, the state has committed to theories or even legislation with good intentions, but without the necessary funds to sustain them. If the proper resources are not allocated, these well-intentioned policies and programs will fail.

When one takes into account a decade of investments into the IDOC’s budget for rising women’s prison operations costs, deteriorating facilities, capital improvements and the toll of recidivism, it is estimated that taxpayers have footed a bill amounting to more \$1.4 billion. The toll only escalates when one considers the cascading economic and social impact of women’s incarceration on other human service systems, such as child welfare. In fact, estimates from the Sentencing Policy Advisory Council suggest a minimum economic loss of \$700 million specifically tied to state investments into women’s incarceration in the last decade when one calculates the deadweight cost of taxation, which reflects economic losses that occur with each tax dollar raised to pay for program costs as well as the overall criminal justice system.⁵ While this does not include the other economic losses imposed on women and their families due to lost economic opportunity, barriers to employment and housing, and other related collateral consequences, it is significant and worth noting.

The large facility model for women is a failed and costly experiment that the state cannot afford to sustain.

The large facility model for women is a failed and costly experiment that the state cannot afford to sustain. It is ineffective and an unsustainable drain on taxpayer dollars. Women’s prisons are far from children and families, despite the fact that the majority of women were the primary caretakers of their children prior to incarceration. Even for shorter sentences, the family separation that occurs when a mother’s incarceration has devastating consequences. Furthermore, prison rules, physical infrastructure and poor access to phones and email, make it hard for mothers to maintain healthy bonds with their children.

And, due to the fact that there is only one Reception & Classification Center (R&C) for women statewide, taxpayers must fund costly transport of relatively smaller numbers of women long distances. Currently, all women sentenced to IDOC must be transported to Logan to be assessed and classified upon admission to prison. This long process is burdensome and costly, operates regardless of the length of their sentence, and includes women reincarcerated on parole violations.

Alternatives to prison are grossly under-utilized and under-resourced, especially as it relates to prevention of family separation. Despite the passage of the 1998 Women’s & Children’s Pre-Release Community Supervision Program Law, which provides IDOC very broad authority to allow women to serve their time in the community with their children with housing and other services, Illinois has underutilized and under-invested in the program. In over 20 years, only one provider has received a contract, which never exceeded 12 beds, and only three women have been authorized to participate in the last four years – even as the state worked to address ambitious goals of decarceration.

Without question, the resources spent to incarcerate women can and should be spent differently, especially when there are more humane, effective and less costly community-based alternatives that uphold the self determination of communities and are rooted in evidence-based, gender responsive practices.

Without question, the resources spent to incarcerate women can and should be spent differently, especially when there are more humane, effective and less costly community-based alternatives that uphold the self determination of communities and are rooted in evidence-based, gender responsive practices. Gender neutral studies have shown that decarceration can be achieved without impacting public safety.⁶ It is arguable that this is even more true for women given their lower risk profile and different justice pathways.

For example, in Illinois, women have lower recidivism rates than men - the most recent three year recidivism rate among women 23.8% versus 41.3% among men. This raises the question of why we are incarcerating women who pose little threat to public safety, whose incarceration is very expensive and harmful, and whose separation from their family leads to myriad negative consequences that further tax our society with economic and social costs.

A women’s justice reinvestment strategy is needed.

Women’s Prisons: A Failed Investment Approach

\$1.4B

\$1.4 billion estimated IDOC women’s prison and parole operating costs 2010-2020.

\$700M

\$700 million in estimated state economic losses from related to the deadweight cost of taxation alone, which reflects losses associated with (and limited to) each tax dollar invested in the criminal justice system from 2010-2020.

\$24.9M

\$24.9 million requested by IDOC in FY2021 to repair crumbling facilities at Logan in addition to its \$60 million operating budget.

+16.8%

Spending increased at least 16.8% to operate women’s prisons, even as the population declined 18% between FY2014-FY2019.

Sources:

1. Estimated costs of incarceration and parole among women were informed by the 2019 Illinois Sentencing Policy Advisory Council (SPAC) report, Dynamic Marginal Costs of Incarceration report. Note that the costs are gender neutral, but are helpful because they account for staff benefits and other cost that are not accounted for in IDOC’s Annual Budget; but the cost of incarceration among women is typically higher.
2. Estimated economic impact was informed by the SPAC 2015 High Costs of Recidivism study, and an estimated \$1.4 billion expenditure on the women’s prisons and parole system from 2010-2020. SPAC calculated the deadweight cost of taxation, which reflects economic losses that occur with each tax dollar raised to pay for costs related to the criminal justice system. Using the best national research, SPAC varied this cost at an average of \$.050 per tax dollar spent. As it is estimated that taxpayers sent \$1.4 billion on women’s incarceration and parole supervision in the last decade, the deadweight cost of taxation is \$700 million.
3. The IDOC Capital Request was provided by the House Appropriations Committee.
4. Estimated increases in IDOC women’s prison operational costs were calculated using IDOC Annual Reports from FY2014-FY2019.

The \$1 Billion Proposition

After spending \$1.4 billion on a deeply troubled women’s prison system over the course of the last decade alone, as well as the deadly impact of a global pandemic that exacerbated these inhumane conditions, Illinois is at a critical moment in history. The state can choose to invest the next \$1.4 billion dollars into repeating the same failed cycles that drain taxpayer dollars, or embrace key opportunities for transformative justice opportunities to reinvest into safe, healthy communities for women, their children and families.

With every new generation of criminalized women and children the net widens - increasing numbers of individuals and families being drawn into the cycle of criminalization, child protection, poverty and despair – at great cost to the state. At the same time, they are being drawn away from social and economic productivity and contribution.⁷

“With every new generation of criminalized women and children the net widens - increasing numbers of individuals and families being drawn into the cycle of criminalization, child protection, poverty and despair – at great cost to the state. At the same time, they are being drawn away from social and economic productivity and contribution.”

The State of Illinois should launch an ambitious women’s decarceration strategy, rooted in the principles of Social Return on Investment (SROI), that leverages public-private partnerships. Innovative financing tools, such as Justice Reinvestment Initiatives (JRI) and Pay for Success (PFS), should be deployed to shift resources away from prisons and, instead, propel historic investments into a sustainable flow of resources into effective, community-based services and supports geared toward strengthening community safety nets and improving outcomes among women, their children and families.

For more than a decade now, governments in the United States and across the globe have been exploring ways to tackle costly social challenges, such as mass incarceration, by generating front-end investments into solutions designed to yield taxpayer savings as well as improved outcomes for communities. Both Justice Reinvestment Initiatives (JRI) and Pay for Success (PFS) are both data driven investment models that have had promising results with reducing incarceration and recidivism, as well as with addressing issues related to homelessness and employment.

At least 30 states have implemented JRI programs, and it has been estimated that there are more than 70 projects in 18 countries that have implemented PFS programs.^{8,9} The primary difference between these two tools is that JRI relies upon investment/reinvestment of public funding from one place to another (e.g., from prison operations to diversion programs), whereas PFS is largely dependent upon an infusion of front-end resources from private investors that would then yield a return on their investment generated by government savings (e.g., reduced cost of incarceration due to fewer people in prison).

Justice Reinvestment Strategies & Pay for Success are Being Deployed Nationwide in Promising Ways

Oklahoma PFS

The state of Oklahoma recently launched the nation’s first PFS initiative in 2017 to address the crisis of women’s mass incarceration (Oklahoma has the highest incarceration rate of women in the nation).⁸ The initiative mobilizes \$2 million in private investments annually to provide up to 625 formerly incarcerated women with intensive outpatient alternatives to prison over a five year period.⁹ In addition, Missouri, which has experienced the nation’s highest rate of women’s prison population growth, implemented a JRI strategy in 2017 to reduce recidivism and technical violations among women by funding community-based transitional housing coupled with gender responsive, trauma-informed and wraparound and employment services.

Lake County, Illinois

While not specific to justice-involved women, Illinois has had some experience with PFS initiatives that intersect with the needs of at-risk women, such as a Corporation for Supportive Housing (CSH) program that is using third party investments to achieve savings by increasing permanent supportive housing for high utilizers of the Lake County jail who have behavioral health challenges; and a previous state effort to reduce the number of “dually-involved” youth engaged in both the child welfare and juvenile justice system.

The data and findings presented throughout this report powerfully demonstrate that Illinois has a unique and timely opportunity to harness innovative financing models to build a new path for at-risk and justice-involved women that will ly propel dramatic decarceration, facilitate long-overdue harm reduction efforts, and redefine justice in a manner that centers women’s well-being and positive outcomes.

The prospects for change are even more promising as the result of recent reductions in the women’s prison population (which must be sustained) resulting from crisis driven responses related to the COVID-19 pandemic, as well as the promising work of the Pritzker Administration, including the Justice, Equity & Opportunity (JEO) initiative led by Lieutenant Governor Juliana Stratton, the R3 (Restore, Reinvest, Renew) initiative that is designed to steer revenues generated by the legalization of cannabis back into communities hardest hit by the criminalization of addiction, and the launch of a groundbreaking plan to transform the state’s juvenile justice system. The Illinois Black Caucus SAFE-T Act, which was signed by the Governor in February 2021, has created multiple pathways of opportunity – but it will require administrators to keep women in focus when investing in the implementation of this law.

The \$25 million capital request from the IDOC to get the rapidly deteriorating Logan Correctional Center off of “life support” for FY2022 includes \$2.5 million to repave parking lots and roads and \$11.2 million for a gate house, yet still fails to address some of the facility’s greatest barriers to addressing the rights and needs of women incarcerated there. For example, this request will do little to help address the gap in essential human resources that are needed to deliver humane and gender responsive services and supports.

Now is the time to consider lessons learned from the failed Dwight Correctional Center closure in 2013 - which was also plagued by disrepair and unsustainable capital costs, and resulted in the investment of millions of dollars into the failed conversion of Logan Correctional Center, only for that facility to be faced with the same – if not greater – challenges. With urgency, policymakers must formally engage in a discussion about the future of women’s justice and allocation of state resources. Maintaining large, unmanageable, deteriorating and understaffed facilities that separate women from their children and essential services is an outmoded, carceral approach that drains resources from communities and begets the very problems that fuel the vicious cycle of women’s mass incarceration in the first place.

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The state should launch a multi-year Women’s Justice Reinvestment Initiative (W-JRI) and explore Pay For Success (PFS) and other strategies to generate additional revenues. The initiative should be implemented in a series of short, medium- and long-term phases that begins immediately by 1) dramatically reducing the number of women held in large state prison facilities, and then 2) simultaneously shifting savings into fortifying a sustainable network of community-based services and supports that empower communities and enable the conditions that prevent criminal justice system contact, incarceration and entrenchment in the first place. Ultimately, new revenue streams can be reinvested into a meaningful series of interventions at each Impact Point throughout the Gender Responsive Justice Continuum (GRJC).

Snapshot: Women’s Justice Reinvestment Strategies

On the path to decarceration, the W-JRI should address the system challenges outlined in this report and include, at minimum, the following elements in the first phase:

- 1
- Design and launch a Regionalization Model.
- 2
- Build an aggressive “default decarceration” strategy to maximize every possible tool to reduce women’s length of stay in prison.
- 3
- Maximize the use of alternatives to incarceration, including peer-led housing options that prevent family separation.
- 4
- Build new models for women to serve their time at home or in safe, dignified housing while receiving comprehensive, community-based wraparound services.
- 5
- Regionalize reception, assessment & classification.
- 6
- Create dynamic partnerships that ensure every region has a Woman’s Health Plan to facilitate timely access to quality medical and behavioral health services.
- 7
- Implement a regionalized and proactive Gender Responsive Care Coordination system as required by the Women’s Correctional Services Act (WCA).
- 8
- End the practice of reincarcerating women for parole technical violations.
- 9
- Maximize opportunities to reduce prison health care costs by shifting investment into community-based alternatives that leverage Medicaid dollars.
- 10
- Align state and local resources to build comprehensive Women’s Justice Networks in each region.

10 Women's Justice Reinvestment Strategies

1 Design and launch a Regionalization Model. The state should phase out reliance on large, isolated correctional facilities for women and stop investing in capital repairs for large, deteriorating facilities that are causing harm, cannot support the proper staffing needed to deliver critical medical and mental health services, and where ongoing issues, such as sexual assault, have historically been impossible to manage. The state's current strategy to close juvenile prisons and identify ways to support sentenced youth in small, more holistic, community-based, residential settings offers an important precedent and can guide efforts to approach the needs of women more humanely and effectively. In addition, aspects of the globally-recognized "Normalization" model, which aligns with the principles of gender responsive approaches, should be explored.

2 Build an aggressive "default decarceration" strategy to maximize every possible tool to reduce women's length of stay in prison. Upon admission to prison (and ideally even sooner), every woman should receive a proactive plan that creates goals and milestones for her to access every possible credit earning opportunity and alternative to incarceration. In addition, the IDOC should convene a working group with key stakeholders, including directly impacted women, to discuss and find ways to address barrier to accessing these programs.

3 Maximize the use of alternatives to incarceration, including peer-led housing options that prevent family separation. The state should invest in a series of community-based centers and programs, including residential options, where women sentenced to prison can receive the support they need outside a carceral setting. This includes utilizing the 1998 Women & Children's Pre-release Community Supervision Law that provides IDOC broad discretion to allow women to serve their sentences in the community with their children, as well as the 2019 Best Interest of the Child Act that requires courts to consider family impact during sentencing as a way to prevent incarceration. It also includes transforming work-release programs and investing in peer led housing programs, such as CNN Hero Susan Burton's A New Way of Life program.

4 Build new models for women to serve their time at home or in safe, dignified housing while receiving comprehensive, community-based wraparound services. Leverage the state's current laws and explore the policy changes needed to allow women, particularly those with prison time of 6-12 months, to automatically serve their time at home or in safe, dignified housing while receiving needed services instead of relying on antiquated and costly monitoring devices that do little to improve their safety and outcomes.

5 Regionalize Reception, Assessment & Classification. Save valuable taxpayer dollars and make it easier to implement more robust, gender responsive assessments by regionalizing reception, assessment and classification systems for women so that women do not have to be transported hundreds of miles from across the state to Logan Correctional Center every time they are sentenced. This would be especially helpful in facilitating automatic diversion of women who can serve their time in the community instead of a facility.

6 Create dynamic partnerships that ensure every region has a Woman's Health Plan to facilitate timely access to quality medical and behavioral health services. Build partnerships with providers and university hospitals to deliver safe, consistent, gender responsive medical and behavioral health treatment and services (all of which would be made easier with a regionalized model that includes smaller, localized centers) and overcome persistent challenges commonly faced by large, isolated prisons that struggle to maintain humane and necessary staffing levels.

7 Implement a regionalized and proactive Gender Responsive Care Coordination system as required by the Women's Correctional Services Act (WCA). Implement a regionalized care coordination system that is rooted in gender responsive approach and supported by a robust network of community-based programs and supports that are accessible to all women, including those who are currently incarcerated. A regionalized approach will help address ongoing challenges faced by large, isolated prisons, including sustaining the staffing levels needed to support a care coordination system, and facilitating access to the community connections and supports that meet women's needs, including.

8 End the practice of reincarcerating women for parole technical violations. Launch a gender-responsive IDOC Parole initiative that is properly resourced and provides agents with the knowledge and skills they need to work with women effectively, includes gender responsive policies and protocols, and requires actively partnering and teaming with community providers to facilitate successful reentry and reunification with children. This initiative should be supported through investment into a robust system of gender responsive community-based support services and include a policy overhaul that prevents women from being unnecessarily reincarcerated for technical violations.

9 Maximize opportunities to reduce prison health care costs by shifting investment into community-based alternatives that leverage Medicaid dollars. Facilitate considerable state taxpayer savings by leveraging Medicaid dollars to support community-based alternatives and services for women. As noted, incarcerated women have more than double the medical and mental health care costs than men. It is currently prohibited to use Medicaid dollars to fund medical, mental health and other behavioral health services for women housed in a prison. However, if a woman is serving her time in a community-based setting, Medicaid dollars can be applied to fund the costs of the services she receives.

10 Align state and local resources to build comprehensive Women's Justice Networks in each region. Align state and local resources, as well as leverage Medicaid dollars, to form Regional Women's Justice Networks of providers that coordinate services to address the needs of at-risk and justice-involved women in holistic, gender responsive and comprehensive ways before, during and after incarceration. This would strengthen and resource the community safety nets that are desperately needed to facilitate prevention, diversion and deflection at every possible opportunity. It would also address the challenges provider face when attempting to serve the much smaller women's justice population with already limited resources. By coordinating networks among providers, leveraging training dollars among them and aligning resources in a strategic manner, the state can overcome this longstanding issue.

**Invest in a
failing system**

|
vs
|

**Invest in women's
5 rights & needs**



RELATIONSHIP SAFETY

Criminalize women for their survival or invest in communities where they can safely thrive.

Over 90% of women in prison are survivors of gender-based violence and other forms of abuse. We can invest in interventions that prevent violence against women and ensure women's safety, or continue to punish women for surviving the conditions of their lives.

Incarcerate women suffering from addiction and trauma or invest in treatment and healing.

75% of women in prison are dealing with post-traumatic stress and trauma, and struggling with related substance use and mental health issues. We can invest in cost-effective, non-carceral community-based supports or pour our resources into a system that is compromising women's health, eroding well-being and causing additional trauma.



HEALTH & WELL-BEING

Fund deteriorating prisons or invest in dignified housing for women.

Almost 40% of justice-involved women reported being unable to pay rent and were forced to move in with family or friends in the year before prison. We can continue paying another \$48,000 per year to "house" them in prisons that cause them further harm, or we can invest in safe, stable and affordable housing options.



SAFE & STABLE HOUSING

Punish and perpetuate economic insecurity among women or invest in equitable economic opportunity.

In the last decade of women's incarceration, we lost over \$700 million in economic opportunity. We can continue to criminalize women's poverty and force them through systems that create barriers to their education and economic advancement, or invest in their communities and economic opportunities.



ECONOMIC SECURITY AND EMPOWERMENT

Separate families or invest in supporting them through well-resourced communities.

80% of women in prison are mothers, and the majority of them are the custodial parent of young children. We can invest in alternatives that keep families together or create intergenerational family trauma by separating children from their mothers and creating barriers to family healing and reunification.



SUPPORTED FAMILIES

INVEST IN
WOMEN

We can continue to spend the next decade investing in the same failed systems, or we can invest in real justice for women.

Cutting the women's prison population by 50%+ and Beyond is more than feasible. Given the documented harms being inflicted on women, children and entire communities, it is also a moral imperative. However, it should only serve as the beginning, not the end, of efforts to end the mass incarceration of women.

Without question, implementing all of these strategies will require planning, resources, and commitment from state and local officials, criminal justice and other system stakeholders. A multi-year strategic plan must begin with an infusion of revolving public and private investments designed to rapidly drive down the number of women incarcerated in state prisons.

As the numbers of incarcerated women and state prison costs gradually decline, the investments in gender responsive, evidence-based and community-based solutions can and must be reinvested into building a system of real justice for women that is anchored in local communities.

The time is now. Illinois is poised with the deep community support, leadership and resources to make historic changes. Together, we can learn from lessons of the past and reclaim the next \$1.4 billion - and the next decade - for women, their children, families and communities.

Task Force Members & Contributors

The Statewide Women’s Justice Task Force launched with 100 women leaders, and ultimately engaged at least 500 in the process of building this report. We were overwhelmed by the interest in this work statewide, and the dynamic manner in which it evolved. Individuals and organizations became involved in multiple ways, including: Attending mapping sessions and listening sessions, joining white-boarding sessions, conducting research and submitting written recommendations, participating in focus groups, visiting women in prison and engaging in meaningful dialogue on ways to address challenges, forming coalitions to advance policy changes, donating space and catering to Task Force events, contributing to holiday toy drives for children with incarcerated mothers and much, much more.

We want to thank the following list of women and organizations who so generously shared their time, space, hearts and minds throughout this powerful process. While the act of convening and sharing has already begun to spur partnerships and catalyze meaningful changes, we hope that this report represents one of many milestones that lie ahead as we work together to move from redefining the narrative on women and justice to reclaiming it.

Special Thanks

This entire process was made possible by the the leadership, wisdom and courage of the impacted women who guided the work of this Task Force. It is with tremendous gratitude that we acknowledge the following women for their contributions, as well as those that could not share their names due to their current systems involvement and other safety concerns related to the many of the very concerns we all hope to address through collective action.

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Civil Leadership & Engagement Team

Special thanks to the Civic Leadership & Engagement Team of public officials that expressed their support for the Task Force’s goals of finding solutions to address mass incarceration of women, reduce harm and improve the health, well-being and outcomes among justice-involved women, their children, families and communities. In this role, each agreed to meet with Task Force members to learn more about the issues facing impacted women, provide guidance and support where possible on policy-related issues during the fact finding process, and to attend a briefing after the release of the final report recommendations in order to identify issues where they might be of support with implementation.

It is important to note that this report is intended to be a comprehensive collection of hundreds of diverse ideas, and it was not appropriate to ask public officials (or any member for that matter) to commit to endorsing every recommendation; rather, public officials agreed to meet with Co-Chairs and conveners, review the report, share their own insights and identify potential opportunities to collaborate with community leaders on solutions.

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7: Cut 50%+ & Beyond

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