

SENATE BILL REPORT

SB 5876

As of February 28, 2019

Title: An act relating to creating a women's division and system of gender-responsive, risk-need-responsivity, and trauma-informed practices within the department of corrections.

Brief Description: Creating a women's division and system of gender-responsive, risk-need-responsivity, and trauma-informed practices within the department of corrections.

Sponsors: Senators Darneille, Rivers, Rolfes, Wilson, C., Kuderer, Walsh, Randall, Brown, Keiser, Saldaña, Frockt, Warnick, Cleveland, Das and Nguyen.

Brief History:

Committee Activity: Human Services, Reentry & Rehabilitation: 2/14/19, 2/20/19 [DP-WM].

Ways & Means: 2/28/19.

Brief Summary of Bill

- Creates a permanent Women's Division (division) within the Department of Corrections (DOC) with statewide authority and operational oversight for all of DOC's women's correctional centers, women's custodial or transitional institutions, and women's community supervision to the assistant secretary of the division.
- Requires the secretary of DOC appoint an assistant secretary for the division, who must have received nationally recognized specialized training in gender-responsive and trauma-informed practices.
- Requires developing and implementing evidenced-based, gender-responsive, and trauma-informed practices in the division's operations, programs, training, orientation, and curriculum.
- Requires DOC implement a validated gender-responsive classification and placement instrument, as well as a gender-responsive and risk-needs-responsivity based assessment tool and case management system.
- Requires developing and implementing policies, practices, and programming addressing the differences in the necessary physical conditions of incarceration, and the physical health needs between men and women.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- Requires DOC submit an annual report to the Legislature and the Governor detailing the efforts and progress toward the division, beginning December 1, 2020.
- Requires DOC to incorporate risk-need-responsivity principles and trauma-informed practices into classification, programming, and interactions with persons experiencing incarceration.
- Defines the terms gender-responsive and trauma-informed practices.

SENATE COMMITTEE ON HUMAN SERVICES, REENTRY & REHABILITATION

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Darneille, Chair; Nguyen, Vice Chair; Walsh, Ranking Member; Cleveland, O'Ban, Wilson, C. and Zeiger.

Staff: Keri Waterland (786-7490)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Travis Sugarman (786-7446)

Background: In 2017, the Illinois State Legislature passed the Women's Correctional Services Act (WCA), which is a comprehensive law governing gender-responsive and trauma informed standards for the women's prison and parole system. The WCA was created in partnership with the Women's Justice Institute's (WJI). According to the WJI, a lack of gender responsive practices has a direct impact on mass incarceration, and is perpetuating cycles of trauma, victimization, and harm among impacted families and communities.

Research shows differences in the reasons underlying men and women's criminal involvement, and demonstrates the justice pathways of women and girls are disproportionately impacted by sexual violence, domestic abuse, and related trauma, mental illness and poverty, and continue to be vulnerable to victimization within correctional settings.

Trauma such as sexual victimization is often linked to mental health, substance abuse, and relationship difficulties. Women with histories of abuse and neglect are 77 percent more likely to be arrested as an adult than their peers who were not abused.

The majority of women who suffer from mental illness also have substance abuse disorders. Over 60 percent of women reported a drug dependence or abuse problem in the year prior to their incarceration. Current substance abuse among women is a strong direct predictor of prison readmission.

Women experience mental illness differently than men; post-traumatic stress disorder (PTSD), anxiety, depression, and eating disorders are all more prevalent in justice-involved women than justice-involved men.

African American women are incarcerated at twice the rate of white women, and rates among Hispanic women are 1.2 times higher. Black females aged eighteen to nineteen are three times more likely to be imprisoned than white females, Hispanic females in this age group are two times more likely to be imprisoned than white females. One in every 18 African American women will go to prison during their lifetime, compared to the rates for white women and Latinas, which are one in 111 women and one in 45 women, respectively.

More than 60 percent of women in prison are parents, and are more likely than men to serve as the custodial parent of their children.

Formerly incarcerated women, particularly those with histories of substance abuse, have greater difficulties finding safe, affordable housing. Specifically, they often receive less financial and housing support from family members compared with returning men.

Summary of Bill: DOC must create a permanent women's division (division) under the direct supervision of the secretary, which will have statewide authority and operational oversight for all of DOC's women's correctional centers, women's custodial or transitional institutions, and women's community supervision.

The assistant secretary for the division must have nationally recognized specialized training in gender-responsive and trauma-informed practices, and will have responsibility for:

- managing and supervising all employees assigned to the division, and women's community supervision;
- developing and implementing evidenced-based, gender-responsive, and trauma-informed practices operations and programs;
- developing the division's training, orientation, and curriculum;
- training on gender-responsive and trauma-informed practices for all staff assigned to the division;
- implementing validated gender-responsive classification and placement instruments, as well as a gender-responsive risk-needs-responsivity assessment tool and case management system specifically validated for use with women experiencing incarceration;
- assessing DOC's programs and policies by using the gender-responsive program assessment tool and the gender-responsive policy and practice assessment tool at all women's correctional centers and women's custodial or transitional institutions; and
- developing and implementing policies, practices, and programming that address the differences in the necessary physical conditions of incarceration, and the physical health needs between men and women.

Beginning December 1, 2020, DOC must submit an annual report to the Legislature and the Governor detailing the efforts and progress being made in the division.

DOC shall be gender-responsive and incorporate risk-need-responsivity principles and trauma-informed practices into classification, programming, and interactions with persons experiencing incarceration.

The definition for "gender-responsive" is added and means taking into account gender-specific differences that have been identified in women-centered research including, but not limited to, socialization, psychological development, strengths, risk factors, pathways through systems, responses to treatment intervention, and other unique gender-specific needs facing justice-involved women. Gender-responsive policies, practices, programs, and services must be implemented in a manner considered relational, culturally competent, family-centered, holistic, strength-based, and trauma-informed.

The definition for "trauma-informed practices" is added and means practices incorporating gender violence research and the impact of all forms of trauma in designing and implementing policies, practices, processes, programs, and services that involve understanding, recognizing, and responding to the effects of all types of trauma with emphasis on physical, psychological, and emotional safety.

The corrections ombuds must include information specific to the number and a description of gender-based complaints in its annual report to the Legislature and the Governor.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Human Services, Reentry & Rehabilitation): PRO: Women are over classified in terms of risk. Many challenges in facing women in corrections. Research and work has been done but it sat on the shelf. This is one way that we can make sure that we are gender responsive and trauma informed in our services. The WCCW family council is in support of this bill. Women have different needs, health issues, mental and physical ailments, and enter into the justice system in different ways.

OTHER: DOC is concerned that this will be difficult to do. We are building a continuum of care, and think that we have done some good things and there is still more to do.

Persons Testifying (Human Services, Reentry & Rehabilitation): PRO: Senator Jeannie Darneille, Prime Sponsor; Rachael Seevers, AVID Program Attorney.

OTHER: Eleanor Vernell, DOC; Belinda Stewart, DOC.

Persons Signed In To Testify But Not Testifying (Human Services, Reentry & Rehabilitation): No one.

Staff Summary of Public Testimony (Ways & Means): PRO: Many of you know that we have an overcrowding situation in our prisons right now. I think we are about 102 percent for males and 111 percent over capacity for women and that resulted in two years ago, the department starting to transfer women from Purdy to the jail in Yakima. We were shocked by the conditions of the jail when we went to visit recently. There is no doubt in my mind that if

we had a woman in the administration of Department of Corrections they could have increased or improved those conditions being leveled against those women in that prison. I want to dust off the report from 2008 and actually have a process where women's voices are heard. Currently, with the male classification tool being utilized for women, they are being classified too high and more risky in their behaviors than they actually are. We will skinny it down from the fiscal note. I am formally incarcerated, but I am also a full time employee and now a full time student. We need to work towards the rehabilitative needs of women inside these facilities. If we are supporting the women returning to the community and they are productive they will be less likely to return to prison and will not be another cost. I think women now make up 8.2 percent of the incarcerated population and now rank as a significant group with significantly different needs. This bill will save money in the long run. This bill is important because men and women are two totally different entities physically and mentally.

Persons Testifying (Ways & Means): PRO: Senator Jeannie Darneille, Prime Sponsor; Victoria “Jesse” Chipps, citizen; Max Likin, Freedom Education Project Puget Sound; Shajuanda Tate, Freedom Education Project Puget Sound; Barbara Kaelberer, Family Council of Mission Creek.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.