

SENATE BILL REPORT

SB 5876

As Reported by Senate Committee On:
Human Services, Reentry & Rehabilitation, February 20, 2019
Ways & Means, March 1, 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. **[Revised for 1st Substitute:** Creating a gender-responsive and trauma-informed work group 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, 3/01/19 [DPS, DNP, w/oRec].

Brief Summary of First Substitute Bill

- Establishes the gender-responsive and trauma-informed work group within the Department of Corrections (DOC), subject to appropriations, to study and make recommendations on how the state can best implement women's specific programs, classification systems, organizational structures, and the costs associated with those recommendations.
- Expires the work group on June 30, 2021.
- Requires DOC to submit a report to the Governor and the Legislature by December 1, 2020.

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.

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.

Staff: Keri Waterland (786-7490)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 5876 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rolfes, Chair; Frockt, Vice Chair, Operating, Capital Lead; Mullet, Capital Budget Cabinet; Billig, Carlyle, Conway, Darneille, Hasegawa, Hunt, Keiser, Liias, Palumbo, Pedersen, Rivers and Van De Wege.

Minority Report: Do not pass.

Signed by Senators Braun, Ranking Member; Honeyford, Assistant Ranking Member, Capital; Becker, Schoesler and Warnick.

Minority Report: That it be referred without recommendation.

Signed by Senators Wagoner and Wilson, L..

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 (First Substitute): DOC must establish a gender-responsive and trauma-informed work group to study and make recommendations on how the state can best implement women's specific programs, classification systems, organizational structures, and the costs associated with those recommendations. DOC must submit a report to the Governor and the Legislature by December 1, 2020. The work group expires on June 30, 2021.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (First Substitute):

- Changes the title to "creating a gender-responsive and trauma-informed work group within the department of corrections."
- Removes language that creates a permanent women's division within DOC, and all language associated with the creation of the women's division.
- Updates existing intent language to be person-centered and to include language that is gender-responsive, and incorporates risk-need-responsivity principles and trauma-informed practices.
- Establishes the gender-responsive and trauma-informed work group within DOC, subject to appropriations, to study and make recommendations on how the state can best implement women's specific programs, classification systems, organizational structures, and the costs associated with those recommendations.
- Adds language that the work group may consist of certain relevant stakeholders and DOC employees.
- Adds language that staff support for the work group must be provided by DOC.
- Adds language that the work group must submit a report to the Governor and the Legislature by December 1, 2020, and adds an expiration date of June 30, 2021 for the work group.
- Updates the definition of gender-responsive so it does not only apply to women.

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 on Original Bill (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 on Original Bill (Ways & Means): *The committee recommended a different version of the bill than what was heard.* 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.