

Testimony Before the Senate Judiciary Committee
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April 25th, 2024

My name is Jayna Ahsaf, and I lead the Vermont FreeHer Campaign for the National Council for Incarcerated and Formerly Incarcerated Women and Girls. Thank you for the opportunity to speak before your committee today.

We appreciate the effort to improve conditions and programming for incarcerated people, but we feel that H.876 could go much further. The bill has many positive aspects, like providing IDs, improving healthcare, and earned time, but some elements should be expanded. We especially wish to see the study around transitioning away from for-profit prisons broadened to look at how to begin transitioning away from the prison system overall. We are incredibly grateful that policymakers are working to bring our community members home, but the legislation also does not seem to acknowledge that State-run prisons also generate profit; we privately contract with companies to provide medical services, we charge for phone calls to family, we charge for hygienic products, decent food, and other items that can help with people's wellbeing. We recommend the committee include language in the study to assess different ways to transition away from profiteering off incarcerated people. It is essential to recognize that there is always someone making money off the backs of people who are in prison.

Regarding the replacement women's prison, I will share a few concerns. Prison is inherently traumatic, and it is disconcerting that legislators are claiming that the new prison construction will be "trauma-informed"; we know from experts that this is simply not possible. This idea stems from the concept of "carceral humanism"¹ and has deeply embedded itself in the minds of decision-makers not only in Vermont but across the country. The notion of carceral humanism recasts and conflates the prison system as a social service provider and this further entrenches resources and powers within this system – taking away vital services in the community and invisibilizing the trauma those in prison experience; this is problematic in many ways but significantly

¹ [Repackaging Mass Incarceration - CounterPunch.org](https://www.counterpunch.org/2024/04/25/2024-04-25-repackaging-mass-incarceration/) (4/25/24)

when the new prisons often fail to deliver on promised programming and services² – which we have seen firsthand in states like Illinois and New York.³

Policymakers also continue to employ the argument that a replacement women’s prison is necessary due to the suffering faced by those who are currently incarcerated in C.R.C.F., but this same logic does not seem to apply to efforts to decarcerate. The prison construction could take at least ten years – what can we do now to move people out of the women’s prison? We have multiple options for decarceration and more to explore and utilize, which I have shared with the House Judiciary, but I feel it’s worth repeating for the Senate Committee. At the height of the pandemic, we released approximately one-third of those incarcerated in C.R.C.F. to reduce crowding and slow the spread of COVID-19⁴ – and witnessed no significant impacts on public safety. Could those efforts be replicated? There are around 16 people who are 50 or older in C.R.C.F.⁵ We can pass elder parole legislation so they can be in a more appropriate setting, considering it can cost almost double the amount of money to incarcerate an older person due to healthcare needs, this should be a priority.⁶ Overhauling the process of pre-trial detention can also lead to better results. As of April 25th, 2024, 63 people were detained in C.R.C.F – around half the total population of 120 people.⁷ We can more heavily utilize Primary Caretakers legislation (or Act No.104⁸) to divert parents and save our communities from significantly more trauma down the line and possibly divert future generations from prison. In 2014, nearly 40% of incarcerated Vermonters had had at least one parent incarcerated during their youth⁹. There is a clear trauma-to-prison pipeline here. We can also transition people who are incarcerated due to mental health or substance use disorder to more

² [Cautionary jails: Deconstructing the three “C”s of jail construction arguments | Prison Policy Initiative](#) (4/25/24)

³ [Cautionary jails: Deconstructing the three “C”s of jail construction arguments | Prison Policy Initiative](#)(4/25/24)

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<https://legislature.vermont.gov/assets/Legislative-Reports/Womens-Facility-Report-DOC-November-2023.pdf> 2/4/24

⁵ https://doc.vermont.gov/sites/correct/files/documents/FY2024_Budget%20Presentation_DOC.pdf 2/3/24

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<https://www.vera.org/downloads/publications/Using-Compassionate-Release-to-Address-the-Growth-of-Aging-and-Infirm-Prison-Populations%E2%80%94Full-Report.pdf> 2/4/24

⁷https://doc.vermont.gov/sites/correct/files/documents/Pop_Count_02-13-2024.pdf 2/13/24

⁸ <https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT104/ACT104%20Act%20Summary.pdf> 2/13/24

⁹Vermont Inmate Family Survey by the University of Vermont Department of Sociology 2/13/24

effective programming. There are incredible community-based supports that, if expanded, could prevent incarceration and be a place we could move people to from prison. To share a few programs, we have Alyssum, a two-bed home that is a residential crisis respite and hospital diversion service funded by the Vermont Department of Mental Health; it is free to all eligible Vermont residents and peer-run.¹⁰ There is the Pathways F.A.C.T. program, a model intended for people with serious mental illness (S.M.I.) who are involved with the criminal legal system. They may also have co-occurring substance use and physical health disorders. Their needs are usually complex, and their disorders are often under-managed and further complicated by involvement with the criminal legal system,¹¹ and Soteria House which is an alternative living environment for Vermonters experiencing an early mental crisis,¹² and these are just to name a few. They most likely have data on success rates and cost savings for the committee to reference. It is probably fair to assume these alternatives cost less than \$95,000 a person per year and yield significantly better outcomes than incarceration.

Regardless of whether a new prison is built or not, almost everyone currently incarcerated in C.R.C.F. will return to our community eventually with only four people having life sentences. We have small, manageable numbers here to begin experimenting with alternatives and could create a model for the rest of the nation to follow. In closing, we need policy changes that divert, decarcerate, and expand alternatives to ensure we are supporting women to build stable lives. Until we invest in the community, we will continue to witness the same outcomes. We also encourage you to continue involving directly impacted women and people in these discussions and explore if those who are currently incarcerated can testify virtually. It is imperative that we center those affected by incarceration in discussions so we do not continue to make the same mistakes. Thank you for your effort in this matter and dedication to ensuring all perspectives can be heard.

¹⁰ <https://www.alyssum.org/> 2/13/24

¹¹ https://mentalhealth.vermont.gov/sites/mentalhealth/files/doc_library/Update_on_FACT.pdf 2/13/24

¹² <https://www.pathwaysvermont.org/what-we-do/our-programs/> 2/13/24