

Testimony Before the House Corrections and Institutions Committee
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My name is Jayna Ahsaf and I am the Vermont Manager of the FreeHer Campaign for the National Council for Incarcerated and Formerly Incarcerated Women and Girls. I am a native Vermonter and graduate of the University of Vermont. I have been a community organizer in our State since high school, starting my journey as a Planned Parenthood Peer Educator helping classmates schedule appointments, access information about contraceptives, and connect them to resources. As a born and raised Vermonter, I have personally seen the effect of decreased investment in our communities result in my neighbors increasingly becoming entangled in the criminal legal system. I come from generations of people who suffer from substance use disorder and seeing their pain met with punishment and the lack of available resources to holistically address the root causes of their substance use motivated me to work to change the ways we address suffering and harm as a society.

The National Council is the only national advocacy organization founded and led by incarcerated and formerly incarcerated women. Organizing began in the federal prison yard in Danbury Connecticut. A group of women decided to insist that policy makers instituting criminal justice reform hear the voices of formerly incarcerated people – those who understand the harm the current system inflicts and have the expertise to create an alternative system that recognizes each person’s humanity.

The mission of the National Council is to end the incarceration for women and girls. We believe a prison will never be the place to address the economic and psychological reasons women end up in prison. Prison most often causes further social and economic harm and does not increase in public safety. The prison experience increases trauma in women and, if they are mothers, to the children they are separated from. It deepens poverty in the individual lives of incarcerated people and the overall economic stability of their communities. Our staff and members have lived in some of the oldest and most decrepit state and federal prisons in this country, and newer remodeled prisons. The concept

of a trauma-informed prison has been rejected by formerly incarcerated women and experts alike.¹ There is no evidence that prison-based treatment is effective for women.² There is no such thing as a safe prison for women.

On April 11, 2023, 106 women were incarcerated at Chittenden Regional Correctional Facility (“CRCF”).³ Of those less than half (49) have been sentenced. The rest are being held pretrial or on some sort of detainer. A statistical analysis done on February 23 of this year showed that of the 111 women at CRCF, 39 were being held on “serious felonies;” in contrast, 10 were being held on misdemeanor charges and 15 on felony drug charges.⁴ Consider that some of those women are also incarcerated for technical parole violations – something as trivial as missing an appointment – and others can’t make bail. Taking those women into account, as well as those who are suffering from mental illness and should be in a hospital or in treatment, it is hard to see who is left. In fact, we estimate that around 20 women currently are considered “high risk”. We think that they can be housed in a facility that doesn’t have to look like – or cost as much as – a prison. Investing in supportive housing structures is also a much quicker solution than building a large prison – and would also address other urgent needs. These discussions must consider the broader landscape of needed services in Vermont. When you realize that we may only require a facility for a small number of women, overall homelessness in Vermont rates second-worst in the country per capita, that there will soon be 1,500 more unhoused Vermonters with the termination of the emergency hotel housing program – why would we ever look at this moment and decide prisons are what we need?

The State now wants to spend at least 70 million dollars (on top of operating costs) to incarcerate a little over 100 women. This is preposterous. Between March 2020 and December 2022, Vermont paid hotels \$166 million to house

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<https://www.google.com/url?q=https://bpb-us-e1.wpmucdn.com/sites.suffolk.edu/dist/1/1933/files/2021/07/No-Such-Thing-as-a-Trauma-Informed-Prison-The-States-Own-Sources-Agree.pdf&sa=D&source=docs&ust=1681342393194417&usg=AOvVaw2URlgh0wBDsffrwiwCE1o1> (last visited Apr. 12, 2023)

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<https://www.google.com/url?q=https://bpb-us-e1.wpmucdn.com/sites.suffolk.edu/dist/1/1933/files/2021/10/Women-and-Substance-Use-Fact-Sheet.pdf&sa=D&source=docs&ust=1681342393194591&usg=AOvVaw3U2kJ4ExButoWllMwpJWAq> (last visited Apr. 12, 2023)

³ <https://doc.vermont.gov/research-and-data/population-data> (last visited Apr. 11, 2023).

⁴ https://doc.vermont.gov/sites/correct/files/documents/PopulationReport%20_2-28-2023.pdf (last visited Apr. 11, 2023).

people experiencing homelessness, according to data provided by DCF.⁵ Why is it that we have millions of dollars for temporary solutions like hotels and prisons, but not for long term solutions like permanent housing which is foundational to healing, recovery, and preventing further harm?

Members of this Committee were surprised when women who are currently incarcerated advised against building a new prison and asked that the money be put into community programs, housing, and training to break the cycle of recidivism. I can assure you that these voices are not anomalies. Women want to get home and, more importantly, stay there. That is not possible without the kind of wrap-around services that this Committee heard about on Tuesday, including assistance finding employment, counseling, and care for those struggling with substance use disorder. Women testified yesterday that while the building might change, the culture of incarceration which is so harmful would not – they want a different focus, something that gives them hope. When you look at our draft amendment language, you can see that we made expansions around the focus groups for incarcerated women. It is important that there is an intentional structure to ensure participants in CRCF have the true safety and freedom to express their perspectives on alternatives to incarceration and prison construction. Coercion is inherent in prisons so necessary protections must be integrated to allow those in CRCF to feel secure while participating.

No one doubts that CRCF is run down and not fit for human habitation. Although building a new prison is the knee-jerk response, it is not the only option – and it is certainly not the quickest. Prisons do not allow us to address the underlying social problems that are leading people to incarceration; it is a haphazard solution and Vermonters should not need to go to prison (and end up with charges) to receive MAT or other recovery services. It is yet another reflection of how we choose to invest in incarceration and not care. How do we know that the services, opinions, and perspectives of all these organizations are not pressured by the influence of depending on funding from DOC? What could be possible for these groups if there were no stipulations around funding? These are some of the many reasons why we need to take prison construction off the table to clear our minds to picture what different looks

⁵ [In housing program, motels named their price. What did Vermont's most vulnerable get in exchange? - VT Digger](#) (last visited Apr. 11, 2023)

like. In addition, there is legislation moving through the General Assembly that will impact discussions around a replacement for CRCF, as well. There are so many elements to this decision that must be thoughtfully considered when spending this much money.

It's important to understand what we mean about abolition. First and foremost, it does not mean pretending that people do not transgress. It also is not a "get out of jail free" card. People who harm others must be held accountable. The question is how can we do that effectively.

The central idea of abolition is that prisons cannot be reformed and that "trauma-informed" incarceration is an oxymoron. Consider the elements of trauma: loss of control, violence, no freedom of choice, isolation, deprivation. Prisons are designed to have all of these characteristics. They are supposed to punish. You cannot take the trauma out of prisons – it simply is not possible. We can create holistic and individualized plans for the women remaining in CRCF to promote true recovery. Plans can include therapy, treatment, case management, peer support, and other services that wrap our community members in the care they need to thrive.

As Ruth Wilson Gilmore explains "Abolition is about presence, not absence. It's about building life-affirming institutions."⁶ So we're not talking about just opening the doors to prisons and letting everyone run free without a plan or support. We understand that some folks are going to need to be incapacitated, for lack of a better word, and will have to be taken care of in a setting that might be removed from the community. But we insist that setting will always preserve human dignity and prioritize meaningful recovery. No prison can do that. It is also important to understand that many of the women serving long or life sentences are survivors and are incarcerated for murdering their abusers.

We should not be afraid of decarceration. The DOC has no problem finding women to send home to ease overcrowding. Here in Vermont and throughout the country, people were sent home to stop the spread of COVID in carceral

⁶<https://antipodeonline.org/geographies-of-racial-capitalism/> (last visited Apr. 11, 2023).

settings. This did not cause a public safety crisis. Study after study has shown that people age out of committing transgressions, yet 15 women currently in CRCF are over 50. There is so much decarceration work we can start on that would greatly affect the number of people cycling through our State carceral system. We can utilize primary caretakers, medical parole, furlough, and any other viable release mechanisms, including placing people in the community to serve the remainder of their sentence on supervision.

We are at a moment here in Vermont where we apparently have 70 million dollars to spend. Let's use the money to turn the tide from incarceration to investing in communities. By spending on education, child care, mental health services, and economic development we can create the conditions in society that will eventually make prisons obsolete.

How can we even contemplate spending so much on a new women's prison when our schools are crumbling? We are the only state in the Northeast that lacks an active program to fund school construction. There has been no money for school construction for the last 16 years – the last time a school was built in Vermont, George W. Bush was still president.

H. 445 recognizes the linkage between a lack of education and transgressions. It will realign our thinking to support education to prevent crime, rather than dealing with crime that is rooted in lack of economic opportunities due to poor education. By taking prison construction off the table for five years, We'll finally have the opportunity and focus to create alternative solutions that solve problems preemptively . We will be forced to invest in schools, drug recovery programs, and mental health clinics to create communities that have the resources to reduce harm, promote recovery, and build resilience. We already have a plethora of options to start experimenting with: there are empty dorms across the state that we could transform into supported housing, peer respites, micro-community models, and other re-entry and supportive programs across the country to replicate.

I urge you to support H. 445. Vermont has managed to last 16 years without building any new schools; it certainly can handle five years without new prison construction. We are asking you to consider these bills and our proposed amendment to the working group and S.14. We are open to coming back to

review the amendment together if you are willing to have us. Thank you for your time.