

Testimony Before the House Judiciary Committee
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My name is Jayna Ahsaf and I am the Vermont FreeHer Campaign Director for the National Council for Incarcerated and Formerly Incarcerated Women and Girls. Thank you for the opportunity to come speak before your committee today.

We at FreeHer believe prison is inherently traumatic and that women will continue to be caught up in cycles of incarceration until we address the underlying social issues affecting our communities, like poverty, substance use disorder, and mental health struggles. Our ideology guides this testimony, with the central message being that women end up in prison due to divestment in community services. We need policy changes that divert, decarcerate, and expand alternatives to best ensure we are supporting women to build stable lives in the community. Chittenden Regional Correctional Facility serves as a revolving door, and between 2017-2019, 85 percent of women entering C.R.C.F. were there due to supervision violations – and not new convictions.¹ The DOC has made improvements around this issue, but knowing where these numbers currently stand can help inform this discussion.

We have multiple options for decarceration and more to explore and utilize. There are around 16 people who are 50 or older in C.R.C.F.² With arrest rates dropping to around 2 percent in people ages 50 to 65 years old and to almost zero percent for those older than 65,³ We should pass elder parole legislation so they can be in a more appropriate setting. It is also important to consider it can cost almost double the amount of money to incarcerate an older person due to healthcare needs.⁴ We receive a plethora of letters at FreeHer and the bail fund I volunteer for from women who need to get back to their children; if

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<https://vtdigger.org/2022/08/02/state-contracts-with-design-firm-to-move-forward-on-new-womens-prison/>

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

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

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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

we more heavily utilized Primary Caretakers legislation (Act No.104⁵) to divert parents, we can 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 youth⁶. There is a clear trauma-to-prison pipeline that we must acknowledge in these conversations.

We have also learned from correspondence with women in C.R.C.F. that people are held months past their release date due to no available housing (the longest we've heard is 12 months). We are concerned that many people are still incarcerated due to not having housing, and if it isn't a condition of their release, that many are unhoused upon re-entering. In 2018 alone, 127 people were still being incarcerated throughout all our state prisons because they had nowhere to live;⁷ And as housing costs have exploded nationwide, this figure may be much higher today. People are suffering in poverty, and even more evidence of this is the common story we hear from those reentering that they need help with essentials like hygiene products, clothes, and other personal items – indicating many women are starting over with nothing. Another incarcerated woman who has received donations through the FreeHer Canteen Fund shared that it has been so helpful to have extra money to call her son, who's going through a very challenging time. Calls and other costs in the prison are expensive, so women end up not having the funds to stay connected with family. These are some of the problems we could address today to begin improving outcomes for women.

Overhauling the process of pre-trial detention can also lead to better results. As of February 13th, 2024, 45 people were detained in C.R.C.F., and 11 were held federally – this is nearly half the total population of 110 people.⁸ A significant detail here is that 235 detainees were released to the community in 2022 compared to 33 sentenced.⁹ Meaning our detained populations are more likely to re-enter than be sentenced, and this is where we should be making investments. Furthermore, only six people have sentences longer than five

⁵ <https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT104/ACT104%20Act%20Summary.pdf> 2/13/24

⁶ Vermont Inmate Family Survey by the University of Vermont Department of Sociology 2/13/24

⁷ <https://www.acluvt.org/sites/default/files/wysiwyg/sj-blueprint-vt.pdf> 2/4/24

⁸ https://doc.vermont.gov/sites/correct/files/documents/Pop_Count_02-13-2024.pdf 2/13/24

⁹ SEE APPENDIX I

years – compared to 13 who have one year or less (and 15 who are past their minimum release date).¹⁰ We should be focusing on upstream solutions to catch people before they are incarcerated.

There are incredible community-based supports that, if expanded, could prevent so many women from becoming incarcerated, many of which you heard from today. However, I would like to share a few other revolutionary programs to help committee members further envision what is possible besides incarceration. 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, is free to all eligible Vermont residents, and peer-run.¹¹ There is 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),¹² and Soteria House (an alternative living environment for Vermonters experiencing an early crisis),¹³ and these are just to name a few. They may have data on success rates and cost savings for the committee to reference, as well. It is probably fair to assume these alternatives cost less than \$100,000 a person per year and yield significantly better outcomes than incarceration.

It is important to address the concerning increase in tough-on-crime rhetoric echoing throughout the Statehouse. Understandably, people are concerned, but solutions like incarceration only create an illusion of safety. Many people in C.F.C.F. have short sentences,¹⁴ and they re-enter with the same issues that plagued them before their incarceration – creating even more trauma for not only themselves but those impacted by the unaddressed behaviors. They are further destabilized, have records, and have less access to the safety nets that were available before being in prison. In closing, we encourage you to continue

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<https://legislature.vermont.gov/assets/Legislative-Reports/Womens-Facility-Report-DOC-November-2023.pdf> 2/13/24

¹¹ <https://www.alyssum.org/> 2/13/24

¹² https://mentalhealth.vermont.gov/sites/mentalhealth/files/doc_library/Update_on_FACT.pdf 2/13/24

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

¹⁴

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

involving directly impacted women and people in these discussions and explore if those who are currently incarcerated can testify virtually. Thank you for your effort in this matter and dedication to ensuring all perspectives can be heard.

APPENDIX 1:

Vermont Department of Corrections: CRCF Detained Incarcerated Individuals Resulting in Sentencing or Community Release 1/1/2019-10/31/2022		
Calendar Year	Detained to Sentenced	Detained to Community Release
2019	21	155
2020	67	423
2021	29	239
2022 (until 10/31/22)	33	235
Total	150	1,052

Note: The same individual may be detained and sentenced and/or detained and then released within a given year or across calendar years.