

PRISONER'S LEGAL SERVICES OF NEW YORK *ESSENTIALS OF LIFE*

A NEWSLETTER
DEDICATED TO
HELPING WOMEN FACE
THE CHALLENGES OF
PRISON LIFE

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A Word from the Executive Director

By Karen Murtagh, Esq., Executive Director



Karen Murtagh,
Executive Director

In a recent one-hour prime time special, ABC anchor, Diane Sawyer reported that women are the fastest growing group of prisoners in the United States. As reported in the *Huffington Post*, no country in the world incarcerates more women than the United States. The Sentencing Project reported that the number of women in prison increased by 646% between 1980 and 2010 increasing at nearly 1.5% the rate of men.

According to the International Centre for Prison Studies, as of 2013, there were 201,200 women incarcerated in the U.S., approximately one-third of the world's documented female prison population. In New York State, although there was a 1% decrease in the overall prison population from 2013-2014, the female state prisoner population increased from 2,301 to 2,413 or .26%. What accounts for this high rate of incarceration and how is this affecting our communities?

With respect to women incarcerated in federal prisons, mandatory sentencing minimums are often deemed the culprit. Approximately two-thirds of the women who are incarcerated in the U.S.'s federal prisons are serving time for non-violent, drug-related crimes. Similarly, in New York State over half of the females incarcerated are in on non-violent crimes.

Female prisoners throughout the country are disproportionately women of color and New York is no exception. In New York State, 58% of incarcerated females are women of color. While the percentage of female prisoners in New York State who have a high school diploma or GED surpass male prisoners (61% to 59%), that still means that 39% of the female prison population do not have a high school diploma or GED.

The lack of an education directly impacts the ability of women to gain lawful employment upon release from prison and, in turn, increases the chances of recidivism.

Incarcerating women also plays a significant role in the destruction of the family unit: 71 percent of female New York State prisoners report having at least one child. It is important that we recognize that incarcerating significant numbers of *mothers* of color for non-violent crimes has a devastating impact on the communities from which they come. Mothers are more likely than fathers to be their children's primary caretaker, often being a single parent. As such, a mother's incarceration inevitably disrupts the lives of their children as the children must then be cared for by someone else and, in cases where strong family ties are absent, children end up in foster care.

The primary purposes of incarceration, as set forth in New York's Penal Law, is to rehabilitate those who are convicted and promote their successful and productive reentry and reintegration into society. In light of this, we need to discuss alternative ways of dealing with non-violent crimes and increasing the availability of vocational and educational programs in our prisons. It is important for you to add your voices to the discussion. We'd like to hear from you with respect to your thoughts on better ways to deal with non-violent crimes and what type of in-prison programming and/or education would help fulfill the rehabilitation and reentry goals set forth in our Penal Law.

Warm Regards,

Karen

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Legislative Summary for 2014—Domestic Violence Recap

By Samantha Howell, Esq., Director of Pro Bono & Outreach

The following domestic violence-related bills were signed into law by Governor Cuomo in 2014. The information on these bills is from the website for the NYS Office for the Prevention of Domestic Violence (OPDV), the nation's only executive level office dedicated to fighting domestic violence.

A.9354 Weinstein/S.7119

Klein – This bill extends the authority to hear ex-parte applications for orders of protection to referees and Judicial Hearing Officers where the respondent has defaulted. The bill also extends the requirement of lenders to provide notice to homeowners about foreclosure and provide settlement conferences to resolve financial issues for five more years. This law became effective on June 16, 2014.

A.8201 O'Donnell/S.5951

Krueger – This bill amends the New York Human Rights Law to provide the same protections afforded to other special classes to interns. Specifically, it prohibits sexual harassment of interns by employers. This law became effective on July 22, 2014.

A.10128 Weinstein/S.7869

Nozzolio – This bill redefines “aggravated harassment second degree.” In *People v. Golb*, the Court of Appeals held that the former definition

was unconstitutional, as the language was too broad and violated First Amendment rights to free speech. The crime now prohibits communications that threaten to cause physical harm to, or unlawful harm to the property of, the victim of a family/household member. The perpetrator must know or reasonably know that the communication would cause the victim to fear harm. This law became effective on July 23, 2014.

A.8812 Paulin/S.6802 Lanza

– This bill requires the court to waive the mandatory surcharges and crime assistance fee when the defendant is found to be a victim of sex trafficking. The bill became effective on September 23, 2014, and applies to convictions and guilty pleas entered on or after that date, as well as cases where charges were pending on that date.

A.7720 People-Stokes/

S.4187 Kennedy – This bill amends the definition of stalking in the fourth degree. It now includes the unauthorized tracking of a person's movements or location by GPS or other device, where the stalker knows, or reasonably should know, that following the victim, a family member, or acquaintance will cause harm to the mental or emotional health of the victim. Effective as of October 21, 2014.

A.2053 Paulin/S. 1982

Carlucci – This bill makes it illegal for one to install or use, or permit the installation or use of, a device to view, broadcast or record a person engaged in sexual conduct in a way that allows the person to be identified. It also makes it illegal to disseminate, sell or publish the images. The law applies to situations where the victim had a reasonable expectation of privacy and did not consent to the recording. Effective as of November 1, 2014.

A.2711 Simotas/S.612

Gianaris – This bill identifies a defendant as being guilty of “persistent sexual abuse” when convicted of certain sex offenses, having already been convicted of similar sex crimes at least two times in the previous 10 years, excluding any periods of incarceration. This law became effective on November 1, 2014.



HELP PRISONERS' LEGAL SERVICES CELEBRATE NATIONAL PRO BONO WEEK

•Restoring Justice to the Justice System•

It's that time again ... time to contribute to PLS' National Pro Bono Week event! National Pro Bono Week is a time to celebrate and recognize the dedicated work of *pro bono* volunteers as well as educate the community about the legal issues our clients face.

This year, we want to focus on restorative justice. "Restorative Justice" refers to a theory of justice that highlights repairing the harm caused by one's actions, rather than just punishing the wrongdoer. It requires honesty, openness and forgiveness. Examples of restorative justice include victim-offender mediation, sentencing circles, and circles of support and accountability.

For this year's event, we are seeking letters written – in the spirit of restorative justice – to someone you have hurt or someone who has hurt you. This may be a letter to your child(ren), a parent, a loved one, or the victim(s) of your crime.

Submissions should be no more than twenty (20) pages in length and mailed, with the below release, to: Director of Pro Bono & Outreach, Prisoners' Legal Services, 41 State Street, Suite M112, Albany, New York 12207, **no later than JULY 1st, 2015**. If you speak/write in a language other than English, please feel free to submit your story in your native language.

We hope this process helps you learn peace and forgiveness.

Please note : Contributing your story for the Pro Bono Event described above is not the same as seeking

legal assistance/representation from PLS.

If you are seeking legal assistance, you must write separately to the appropriate PLS office.

PLEASE INITIAL ON THE APPROPRIATE LINE(S) AND SIGN BELOW.

_____ PLS may use my real name.

_____ I authorize PLS to use my submission at their event.

_____ I authorize PLS to use my submission on its website, in *Pro Se*, and/or for other informational purposes.

I consent to PLS including this submission as part of its National Pro Bono Week event. I understand that my contribution will be retained by PLS after the event.

Signature

Date

While we cannot guarantee that each piece will be read or displayed, we encourage all submissions and will do our best to integrate each one into the event. PLS reserves the right to make editorial changes to submissions.

AYUDA SERVICIOS JURÍDICOS DE LOS PRESOS CELEBRE NACIONAL PRO BONO SEMANA

•Restablecer la Justicia en el Sistema de Justicia•

En esa época otra vez ... tiempo para contribuir al evento de la semana nacional de Pro Bono de PLS! La semana nacional de Pro Bono es un momento para celebrar y reconocer la dedicada labor de voluntaries pro bono asi como educar a la comunidad sobre la legal temas a nuestros clientas cara.

Esta año queremos centrarnos sobre justicia restaurativa. "Justicia restaurativa" se refiere a una teoría de la justicia que reparar el daño causado por las acciones, en lugar de simplemente castigar al malhechor. Se requiere honestidad, franqueza y perdón. Ejemplos de justicia restaurativa mediación victim-delincuente, sentencia circulos y circulos de apoyo y rendición de cuentas.

Para el evento de este año, estamos buscando cartas escritas – en el espíritu de justicia restaurativa – a alguien que has hecho daño o que te ha hecho daño. Esto puede ser una carta a su hijo, un padre, un ser querido o las víctimas por su crimen.

Las propuestas deben ser no más de veitne (20) páginas de extensión y enviado por correo con el lanzamiento de abajo a: Director of Pro Bono & Outreach, Prisoners' Legal Services, 41 State Street, Suite M112, Albany, New York 12207, no más tardar **el 01 de Julio, 2015**.

Esperamos que este proceso le ayuda a saber que la paz y perdón.

Tenga en cuenta que contribuye para el evento de Pro Bono descript arriba no es lo mismo que buscar la asistencia juridical/representación de PLS. Si usted está buscando ayuda legal, se debe escribir por separado a la oficina de PLS apropiado.

POR FAVOR ESCRIBA SUS INICIALES EN LA LÍNEA(S) APROPRIADA Y FIRME ABAJO.

_____ PLS puede usar mi nombre real.

_____ Autorizo PLS usar mi presentatción en su evento.

_____ Autorizo PLS usar mi presentación en su página web, en *Pro Se*, y/o para otros fines informativos.

Doy mi consentimiento para PLS incluyendo esta presentación como parte de su evento Nacional Pro Bono Week. Yo entiendo que mi aporte será retenido por PLS después del evento.

_____ Firma

_____ Fecha

Aunque no podemos garantizar que cada pieza sera leído o muestra, animamos a todas las presentaciones y haremos nuestro mayor esfuerzo para inegrar a cada uno en el evento. PLS reserva el derecho de hacer editorial.

“What I Want for the Holidays” Contest Winners Are Selected

By Maureen Whitcomb, Secretary, Albany Office

In our October 2014 issue, we asked readers to tell us what they would like for the holidays and what they are most thankful for. Thank you to everyone who participated. We received many amazing and creative submissions. We would like to congratulate our two winners and share with you their submissions.

What I Want for the Holidays - Submitted by J.A.S.

To be able to be myself, to dress, live as I want to as a transgender woman that I am.

What I am thankful for

My health, my right to be myself, and the right to fight to make sure that other transgender are treated fairly.

Things I am Thankful For - Submitted by M.S.

Sitting not only in prison, but in a wheelchair due to domestic violence I can imagine one could wonder what I could possibly have to be thankful for. I have been able to take the situation I am in and help many women that have been ignored by the correctional system for far too long. No one cared that this facility was not handicap accessible. And how hard the disabled women struggled to get through their days. I have been able to use what was done to me to bring about positive change, and for that I am thankful. Were it not for what was done to me I too may have ignored the plight of the disabled, and overlooked the things that are taken each day for granted by all persons that are not challenged in their day to day life. Being able to do this not only empowers me, and gives my days reason in an unreasonable situation. I am thankful that I harbor no bitterness toward people who with 20/20 vision choose not to see me. I am thankful I will never know the prison they dwell in. Recently I was informed that many people do not like me because I continue to fight for positive change. For that compliment, I am thankful.

If I could have one thing it would be...

I have been incarcerated a lot and I missed out on a lot of the computer things. I would really like a typewriter. At this facility we are only allowed clear ones that come from the mail order catalogs with little memory. Time in the law library is scarce so my wish would be to have my own with ribbons so I could do what I do to help more. There are no computers here to use anyway and I doubt if I would be transferred, It is an item I would use at home also.

Uniquely You: Reentry Programs For Women in New York

The Women's Prison Association's WomenCare Mentoring Program

By Jessica Persaud, Law Student, Albany Law School

Reintegration into society can be one of the most intimidating and difficult things a woman will face aside from incarceration itself. Over the next several issues of *Essentials of Life*, we will be highlighting women's reentry programs across New York State and in New York City to provide you with information about the helpful services that are available upon release from prison. In this issue, we are highlighting the Women's Prison Association (WPA) WomenCare Mentoring Program.

The WPA is an advocacy organization committed to assisting women who have a history of incarceration. Stability is the key to successful reintegration and a healthy life after release. To help women obtain this, WPA provides assistance in, finding proper employment, health care and housing and helping women redevelop social bonds with family, friends, and the world around them. Because creating a social identity is crucial to reentering and participating in society, personal connections and companionships are of great importance.

WPA has recently incorporated the WomenCare Mentoring Program, which provides a mentoring service to women incarcerated across New York State. This program assists with many of the tangible aspects of reentry including employment, education, and housing. These however, are just starting points in the reintegration process. The main focus of the program is to provide women with a mentor that assists with the intangibles including empowerment, belonging, safety, security, and compassion. After all, it is the social aspects of life that makes someone a part of society.

Mentoring relationships have traditionally been developed for juveniles and youth to help guide them on the right path, but it has been shown that a mentoring relationship between adults can also yield many benefits for both parties involved. In addition, there are studies showing that for women, social relationships and bonds create a heightened sense of self-worth. This is why the mentoring program is so crucial to women's reintegration. Mentors offer help, support and understanding in an informal and non-judgmental way. This, in turn, helps a person create a positive social identity as it provides insight into how others view you, rather than how you view yourself.

In the WomenCare Program, women incarcerated in jails are paired for at least 10 months with a mentor who is most able to understand the mentees needs. Mentors are volunteers who have created a successful life for themselves and are willing to pass along tips to help their mentees achieve the same. Mentees enroll in an 8-week workshop in the jail before their release which helps them prepare for everyday life on the outside. The mentors also participate in workshops that teach them strategies for helping their mentees cope with the wide varieties of challenges they may face upon their release. The bond first begins as a pen-pal relationship and later – upon release – may develop and include phone conversations and personal meetings as decided by the mentor. Those who participate in the program and maintain the bond even after the 10-month period have reported greater success with their reintegration in society, followed by a lower chance of recidivism.

While the WomenCare Program is currently only available to incarcerated women, there are still many tips for successful reintegration that may be drawn from the program:

Stability is key: Maintaining housing, employment and/or schooling is crucial to a safe and healthy lifestyle.

Social bonds ease the transition: Needing help is not a sign of weakness. Many women face difficulties reconnecting with family members and friends on the outside. Reaching out to these people and/or making new connections is vital to overcoming the stigma of incarceration and becoming a productive member of society.

Focus on personal growth: Finding a job and place to live are both important to successful post release, but they are only stepping stones to creating a life and identity for oneself. It is important to seek out positive reinforcement and sources of empowerment to shed negativity and move forward with confidence. The point of reintegration is not just to survive, but thrive.

Release is sought after with hope and excitement, but is also coupled with the fear and intimidation of reintegration. Being a productive member of society is not an impossible feat. It can be achieved with work and dedication.

Don't be afraid to reach out for help.

You can contact the Women's Prison Association by address or phone:

Women's Prison Association

110 Second Ave.

New York, NY 10003

General Inquiries: 646-292-7740

To find out more information, you can visit their website:

www.wpaonline.org



***Promoting justice,
fair treatment and
humane conditions since
1976.***

We want to hear from you! To submit your story, poem, picture, send to the below address. PLS reserves the right to edit content to fit the publication.

If you enjoyed reading this issue of *Essentials of Life* and would like to receive your own copies, free of charge, write to us and ask that we add you to our mailing list.

You can write to us at:

Attention: EOL Staff

Prisoners' Legal Services of New York

41 State Street, Suite M112

Albany, New York 12207

Please notify *EOL* each time you are transferred.

DOCCS will not forward *EOL*.

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