

**The State of Civil and Human Rights in the United States:
Hearing Before the Senate Judiciary Subcommittee on the
Constitution, Civil Rights, and Human Rights
December 9, 2014**

**Women in Detention:
The Need for a National Agenda**

Statement for the Record, submitted on December 8, 2014,
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Focusing on Women in Detention

We thank the Committee for convening this hearing, *The State of Civil and Human Rights*, to address “key civil and human rights issues related to criminal justice reform, voting rights, and police-community relations.” We appreciate the opportunity to submit this statement, which seeks to bring attention to the challenges that women—and the families and communities of which they are a part—face in the criminal justice system. Congress can provide important leadership by exploring how the intersection of gender, race, ethnicity, and age affects those in prison systems and by putting the issue of incarcerated women onto the bipartisan national agenda committed to lowering incarceration rates and to offering individuals “second chances” to build productive lives.

Reflective of Arthur Liman’s commitment to a just, limited, and humane criminal justice system, the Arthur Liman Public Interest Program at Yale Law School attempts to understand the uses and implications of incarceration in the United States. During the past few years, we have focused on the challenges that distance from home impose on prisoners and their families, which we have termed “isolation by place.” In addition, we have done research on the problems flowing from the segregation of individuals while they are incarcerated, or “isolation by rule.”¹

More than thirty years ago, the House of Representatives Subcommittee on Courts, Civil Liberties, and the Administration of Justice convened a hearing, described then as the first time “that Congress has focused on the problems and needs of women offenders, and particularly those in the Federal Prison System.”² The Chair of the Subcommittee expressed concern about “charges that women are getting short-changed when it comes to facilities, rehabilitation, health services, and job training.”³ The concern voiced in 1979 remains relevant today; decisions about where and how to incarcerate women raise a myriad of civil and human rights issues.

The specific problems faced by women in the federal prison system came into vivid relief when in July of 2013, the Federal Bureau of Prisons (BOP) announced its plan to convert the Federal Correctional Institution (FCI) Danbury, which was the only FCI in the Northeast for women, into a prison for men. The goal was to provide more space for male prisoners who, like

women, are often confined in overcrowded facilities.⁴ Under the BOP proposal, many of the women from the Northeast were to be sent to a new federal prison located in Aliceville, Alabama, more than 1,000 miles away.

Because we are based in New Haven, Connecticut, the Yale Law School has had a long relationship—begun in the early 1970s—with FCI Danbury. Therefore, we joined with a host of others in raising objections to the proposal. The concern was that, other than about 150- 200 women eligible for assignment to the prison camp at Danbury, no other women sentenced in the federal system from the Northeast would have the possibility of being proximate to their families and communities. In the fall of 2013, Senators Blumenthal, Casey, Gillibrand, King, Leahy, Markey, Murphy, Sanders, Schumer, Shaheen, and Warren raised questions, as did twelve chief judges of federal district courts in the region,⁵ the National Association of Women Judges, and many others. In November of 2013, the BOP announced that Danbury’s main facility was still to be converted to a male facility but that the BOP would build an additional facility on the Danbury site with beds for women classified as low security.⁶

In the interim, BOP has relocated the Danbury women, primarily to jails in Brooklyn, New York, and Philadelphia, Pennsylvania. As of this writing, the schedule for creating space for women at Danbury remains unclear and dozens of post-trial women are in the federal pretrial facilities in Brooklyn and Philadelphia.⁷ Because they are not designed to house post-conviction prisoners, these jails have limited programming and do not provide the Residential Drug Treatment Program (RDAP), which helps prisoners deal with drug addiction and provides opportunities to shorten their time in prison.⁸

In short, recent experiences in the federal prison system have made plain the need to bring into focus the challenges facing women in prison. Below, we provide a brief demographic overview of women in prison and then turn to specific concerns about classification, placement, visiting, health, safety, and work. As we detail, some states are forging new programs, aiming to be responsive to the distinctive paths that women and men take to prison and seeking to offer targeted training programs and opportunities reflective of those differences. Moreover the National Association of Women Judges has pioneered programs for women in prison. It is our hope that in the coming year, Congress continues to explore the problems facing all prisoners, and that it convenes hearings focused specifically on women in detention.

Women in the Criminal Justice System

According to data from the Bureau of Justice Statistics, as of the fall of 2014, 1,574,000 individuals were incarcerated in the United States in federal and state prisons; more were held in jails. Of the number in prison, 104,134, or 6.6 percent, were women.⁹ Moreover, the number of women incarcerated is rising at a rate higher than that of men.¹⁰

In 2011, the Women Offenders Security Classification Subcommittee of the Criminal Justice Section of the American Bar Association’s Corrections Committee issued a report, *Revising Security Classification Instruments and Needs Assessments for Women Offenders*. It explained:

“Women offenders . . . differ significantly from their male counterparts in a number of ways. First, female prisoners are less violent than male prisoners before, during,

and after their incarceration. Women are incarcerated primarily for committing non-violent crimes, such as, according to one study, drug offenses (29%) and property offenses (31%). In contrast, 58% of incarcerated men in the same study were in prison because they committed a violent offense. In addition, men continue to be more violent than women once they are in prison: they commit twice as many violent acts of misconduct than women, and their misconduct tends to be more serious. . . .

Second, most women in prison are mothers. Over 70% of women under correctional supervision are mothers of at least one child under the age of 18. As of 2004, women in state prison were more likely (62%) to have children than men (51%). . . . Nearly 80% of women living with a minor child just prior to their incarceration were primarily responsible for caring for their child, as compared to 26% of male prisoners. Female inmates are also more likely to be located farther away from home than male prisoners.

Third, women under correctional system supervision are more likely than male offenders to have experienced physical or sexual abuse prior to being incarcerated. . . .

Finally, female inmates also have different mental health needs than male inmates. Women generally suffer from higher levels of depression, anxiety, and self-injurious behavior, and female offenders are more likely to suffer from mental illness. . . .”¹¹

Distance, Visiting, and Families

Women in the federal prison system exemplify many of the problems that the Women Offenders Security Classification Subcommittee identified. As of the fall of 2014, the number of women in the federal prison system was 14,344, or about 6.7 percent.¹² Those women are often incarcerated at great distances from their homes and families, have limited opportunities for targeted programming, face specific issues of safety and health, and may not have the range of work opportunities available to men.

The BOP states that it aims to put inmates within “reasonable” proximity to the areas of their “anticipated release,”¹³ and it has defined “reasonable” by noting that “[o]rdinarily, placement within 500 miles of the release area is to be considered reasonable, regardless of whether there may be an institution closer to the inmate’s release area.”¹⁴

To use five hundred miles as a goal is to put enormous burdens on anyone—family members, lawyers, clergy, or friends—who hopes to visit. Such distances also undermine the ability to plan for jobs or health services for reentry. For example, when we explored the impact of closing off FCI Danbury to women, we learned from the U.S. Sentencing Commission that about ten percent of all the women sentenced in the federal system between October 2011 and September 2012 were sentenced in a federal district court in the Northeast.¹⁵ Further, after concerns were raised about transferring women to remote facilities in the South, the BOP informed Senators that thirty percent of the then-815 Danbury women with identifiable U.S. home addresses were residents of the BOP’s Northeast region.¹⁶ While that number was

employed to ease concerns about the movement of women away from Danbury, it also raises concerns from another perspective: seventy percent of Danbury inmates with known home addresses were incarcerated in the Northeast despite the fact that the facility was far from their homes and families. Indeed, about nine percent of the women were from Texas, and more than five percent from California.

Those figures correspond with available research on gender disparities and distance. In the 1990s, the Ninth Circuit Gender Bias Task Force found that women in the federal prison system were incarcerated an average of 160 miles farther from their families than their male counterparts.¹⁷ More recently, in a study of a maximum-security state prison, Karen Casey-Acevedo and Tim Bakken found that the majority (61 percent) of mothers had not received any visits from their children, and that “perhaps the most significant determinant of whether an inmate receives visits is the distance between her home county and the prison to which she is committed.”¹⁸

Recognizing the beneficial effects that opportunities to visit can have on prisoners and their families, in 2013, the Department of Justice (DOJ) launched what it terms an “aggressive campaign” to mitigate the harms that incarceration of parents imposes on children.¹⁹ As the DOJ website explained: “We owe these children the opportunity to remain connected to their mothers and fathers.”²⁰ On June 19, 2013, BOP Director Charles Samuels sent a memo to every inmate incarcerated in the federal system in which he encouraged inmates to maintain parental ties. He explained that “there is no substitute for seeing your children, looking them in the eye, and letting them know you care about them.”²¹

Questions abound about the implementation of these commitments. In addition to putting prisoners at great distances from their families, limited visiting hours make it hard for those who can travel to visit.²² Many facilities have visiting on only a few days a week and for certain hours. The short windows of time limit the opportunities for families to stay connected.

Other options exist. Prison policies can promote or discourage visiting, as the chart below, gathered from a review of the policies of most of the states and the federal system,²³ makes plain.

Promoting and Discouraging Prison Visits: Policy Examples from the States

ALLOWS VISITING	PROMOTES VISITING
<ul style="list-style-type: none"> - No limit on number of visitors on an inmate’s list (e.g., California) - No limit on visiting days (e.g., New York maximum security) - Overnight family visits (e.g., Mississippi) - Virtual visits supplementing, but not replacing, in-person visits (e.g., Oregon) - Locate prisons near urban populations (e.g., Rhode Island) - Provide subsidized public transit to remote 	<ul style="list-style-type: none"> - Policies accessible online (e.g., South Dakota) - Plain language visitor handbook (e.g., Connecticut) - Local rules accessible online and clearly posted at each facility - Promote/encourage visitation in policy (e.g., Colorado) - Provide toys in visit room (e.g., Florida) - Provides grievance procedures when visits

<ul style="list-style-type: none"> prisons (e.g., New York) - Provide “special” visits for out of state / long distance visitors (e.g., Alaska) - Allow young children to visit without ID (e.g., Arkansas) - Allow inmate-inmate visits (e.g., New Jersey) - Allow visits from former felons (e.g., Hawaii) - Define “immediate family” broadly (e.g., Kentucky) 	<ul style="list-style-type: none"> are terminated/prohibited (e.g., Maine) - Less restrictive dress codes (e.g., New Mexico) - Less invasive search procedures (e.g., New York) - Allow diaper bags for infants (e.g., North Dakota) - Provide children’s play areas in visiting rooms (e.g., Missouri) - Allow breastfeeding during visits (e.g., Wisconsin)
<p style="text-align: center;">DISCOURAGES VISITING</p> <ul style="list-style-type: none"> - Prohibit toys in visiting room (e.g., New Hampshire) - Restrictive dress codes (e.g., Utah) - Invasive search procedures (e.g., Texas) - Terminate visits if children misbehave or make noise (e.g., Rhode Island) - Require multiple forms of ID (e.g., West Virginia) - Prohibit visitors from being on more than one inmate’s list (e.g., Alabama) - Limit frequency of changes to inmates’ visitor lists (e.g., Mississippi) - Waiting period for inmates removed from one inmate list and added to another (e.g., Arkansas) - Require visitors to reapply every year (e.g., Utah) 	<p style="text-align: center;">PROHIBITS VISITING</p> <ul style="list-style-type: none"> - Limit number of visitors on an inmate’s list (e.g., South Dakota) - Limit visiting days/hours (e.g., Virginia) - Send inmates to prisons far from families/out of state (e.g., federal BOP) - Prohibit visits from friends of the opposite gender for married inmates (e.g., Oklahoma) - Require proof of legal status for noncitizens (e.g., Washington) (recently repealed) - Deny contact visits as punishment (e.g., Michigan) - Visits by appointment only (e.g., Delaware) - Prohibit visits from persons with a recent drug arrest (e.g., Idaho) - Prohibit visits from former felons (e.g., Michigan) - Prohibit visits from people not known to inmate prior to incarceration (e.g., federal BOP) - Limited visiting with minors (e.g., Indiana)

Classification and Gender-Responsive Programming

The question of placement interacts with decisions on classification, which are typically predicated on a mix of an assessment of security needs (or risk) and on how the facility might provide treatment, often described as “programming.” In its 2011 report, the Women Offenders Security Classification Subcommittee found that “[m]ost prison systems classify women using the same custody classification assessments that they use for their male prisoners.”²⁴ Yet women present a lower risk of violence while incarcerated; as a result, when relying on criteria developed with men as the baseline, systems “frequently over-classify women by placing them in more severe custody situations than their actual security risk warrants.”²⁵

Related to classification is the question of the kinds of programs, activities, and services provided in prisons. The term “gender-responsive programming” denotes the view that prisons

ought to tailor programs for men and women to reflect that women and men are convicted of different crimes and that, in light of gendered roles, women and men often have different household responsibilities, education, and work histories.²⁶ Race, ethnicity, and age also intersect with gender and affect opportunities in and out of prisons.

A few state prison systems have sought to respond. For example, Washington has promulgated policies to “align and prioritize . . . resources to provide evidence based, gender responsive interventions.”²⁷ The interventions include programming that is “trauma informed, strength based, and [that] emphasize[s] building self-efficacy;” providing “services to address gender specific medical and mental health issues;” and training employees in “[g]ender responsive communication skills, including strategies to avoid re-traumatizing those seeking assistance.”²⁸ Moreover, not all such efforts are based in prisons. In Oklahoma, a program initiated in 2009, “Women in Recovery,” offers an alternative outpatient program, in lieu of prison, for women facing long sentences related to drug and alcohol addiction.²⁹ The program provides substance abuse and mental health treatment, as well as education, job training, and family services, and women with young children receive the highest priority for admission.³⁰

Safety, Health, and Sexual Assault

Congress has been instrumental in bringing the problem of sexual violence in prison to the fore, with its enactment of the Prison Rape Elimination Act (PREA), creating national standards for safety.³¹ Auditing of facilities must take place, to ensure compliance. Given the passage of a decade, Congress should learn how jurisdictions allocate resources to audit and whether attention is paid equally to facilities for men and women. For example, in a May 2013 report, the Bureau of Justice Statistics concluded that women in state and federal prisons suffer higher rates of inmate-on-inmate sexual violence (6.9 percent) than their male counterparts (1.7 percent).³² In addition, inquiries should be made into policy changes prompted by PREA. Here the example is PREA standard 115.15(b),³³ which requires that as of August 20, 2015, staff in facilities with more than fifty inmates may no longer perform cross-gender pat down searches of female inmates, absent exigent circumstances. The task is to ensure that, as the standard requires, compliance does not result in a curtailing of inmates’ access to programming, visiting, and other activities.³⁴

Safety is not limited to safety from sexual assault. Working and living conditions are often of concern, as is access to medical care. Because there are so many more men than women in prison, providing access to professionals trained in women’s health needs is an ongoing challenge for administrators of correctional systems.

Education, Work, UNICOR, and Reentry

Yet another question is how to ensure that both women and men have the full range of opportunities to learn skills and be compensated for work. Once again, the federal prison system offers an example of the kinds of questions that need to be asked. UNICOR is the trade name of Federal Prison Industries, Inc. (FPI), a wholly owned federal government corporation that provides work opportunities to inmates in the federal prison system.³⁵ UNICOR is a source of some of the best-paid work in that system. Nationwide, 10 of FPI’s factories, or 11.49 percent, are located in women’s facilities; the remaining 77 of FPI’s factories (88.51 percent) are located in men’s facilities.³⁶ Do women and men have equal opportunities to participate in UNICOR’s

more lucrative industries and gain access to employment upon release? Sixty percent of the FPI employment opportunities available to women prisoners appeared, from the data received thus far, to fall under the Services business group; in comparison, 12.99 percent of FPI “factories” in men’s prisons are service-related.³⁷ The concern about how work is allocated comes in part from research on the hiring of those released from prison. One study about hiring of those who have been in prison concluded that “the firms most likely to hire ex-offenders were those in the manufacturing, construction, and transportation sectors, that is, firms that likely have fewer jobs requiring customer contact Service industries, in contrast, were by far the least willing.”³⁸

From the “Forgotten Offender” to a Focus on Women in Detention

We conclude by underscoring the critical roles that Congress has played in bringing to the fore the problems of sexual misconduct in prison, the need to reduce the prison populations, the overuse of administrative segregation and isolation in prisons, and the civil and human rights of prisoners. Given those commitments, Congress can also be instrumental in bringing attention to the issues facing incarcerated women of all colors, ethnicities, and ages. To do so would have a substantial impact on prisoners, their families, and the communities to which prisoners will return.

Thank you for the opportunity to submit this statement.

¹ ISOLATION AND REINTEGRATION: PUNISHMENT CIRCA 2014 (Judith Resnik, Hope Metcalf, & Megan Quattlebaum, eds. Arthur Liman Program, Yale Law School, 2014, available by request); Chesa Boudin, Trevor Stutz & Aaron Littman, *Prison Visitation: A Fifty State Survey*, 32. YALE L. & POL’Y REV. 149 (2013); HOPE METCALF, JAMELIA MORGAN, SAMUEL OLIKER-FRIEDLAND, JUDITH RESNIK, JULIA SPIEGEL, HARAN TAE, ALYSSA WORK & BRIAN HOLBROOK, LIMAN PUBLIC INTEREST PROGRAM, ADMINISTRATIVE SEGREGATION, DEGREE OF ISOLATION, AND INCARCERATION: A NATIONAL OVERVIEW OF STATE AND FEDERAL CORRECTIONAL POLICIES (July 2013), *available at* www.papers.ssrn.com/abstract=2286861.

² *The Female Offender: Hearing Before the H. Subcomm. on Courts, Civil Liberties, & the Administration of Justice*, 96th Cong. 1-2 (1979) (statement of Rep. Robert W. Kastenmeier, Chairman, H. Subcomm. on Courts, Civil Liberties and the Administration of Justice).

³ *Id.*

⁴ John Pirro, *FCI Danbury Converting Back to Men’s Prison*, NEWS TIMES (July 3, 2013), *available at* <http://www.newstimes.com/news/article/FCI-Danbury-converting-back-to-men-prison-4645323.php>.

⁵ Letter to Charles E. Samuels, Jr., Director, Federal Bureau of Prisons from Christopher Murphy, U.S. Senator Connecticut; Kristen E. Gillibrand, U.S. Senator New York; Richard Blumenthal, U.S. Senator, Connecticut; Patrick Leahy, U.S. Senator, Vermont; Charles E. Schumer, U.S. Senator, New York; Jeanne Shaheen, U.S. Senator, New Hampshire; Robert P. Casey, Jr., U.S. Senator, Pennsylvania; Bernard Sanders, U.S. Senator, Vermont; Angus S. King,

Jr., U.S. Senator, Maine; Elizabeth Warren, U.S. Senator, Massachusetts; and Edward Markey, U.S. Senator, Massachusetts (Aug. 2, 2013).

⁶ Press Release, Senator Chris Murphy, *Senators Announce Changes to FCI Danbury Transfer* (Nov. 4, 2013).

⁷ ANNA ARONS, KATHERINE CULVER, EMMA KAUFMAN, HOPE METCALF, MEGAN QUATTLEBAUM, JUDITH RESNIK, & JENNIFER YUN, ARTHUR LIMAN PUBLIC INTEREST PROGRAM, YALE LAW SCHOOL, *DISLOCATION AND RELOCATION: WOMEN IN THE FEDERAL PRISON SYSTEM AND REPURPOSING FCI DANBURY FOR MEN* (Sept. 2014), *available at* http://www.law.yale.edu/images/liman/Liman_DanburyPrisonReport_9.3.14.pdf. *See also* Press Release, Senator Richard Blumenthal, *New Report Exposes Extensive Delays in Danbury Women's Prison Renovations; Blumenthal, Murphy to Call on Bureau of Prisons to Expedite Transition and Mitigate Harm* (Sept. 2, 2014).

⁸ RDAP is a 500-hour, nine-to twelve-month intensive drug treatment program; if inmates successfully complete the program, they become eligible for a sentence reduction of up to twelve months. *See* 18 U.S.C. § 3621(e)(2)(B) (2010). In addition to a sentence reduction, an inmate may also receive other benefits for successfully completing RDAP, including financial awards, consideration for the maximum period of time in a community-based treatment program, preferred living quarters, and special recognition. BOP PROGRAM STATEMENT 5330.11, *Psychology Treatment Programs*, at 19-21 (Mar. 16, 2009). Further, those who decline to participate when eligible may become ineligible for furlough or a Federal Prison Industries work assignment, and their choice may also be taken into consideration when deciding how much time they will be able to spend in community confinement. *Id.* at 21-22. The BOP is required by statute to provide RDAP, subject to funding. *See* 18 U.S.C. § 3621(e)(1).

⁹ E. ANN CARSON, BUREAU OF JUSTICE STATISTICS, *PRISONERS IN 2013*, at 1, 5 (Sept. 2014).

¹⁰ Todd D. Minton and Daniella Golinelli, *Jail Inmates at Midyear 2013 – Statistical Tables* (Aug. 12, 2014), *available at* <http://www.bjs.gov/content/pub/pdf/jim13st.pdf>.

¹¹ *See* WOMEN OFFENDERS SECURITY CLASSIFICATION SUBCOMMITTEE, CORRECTIONS COMMITTEE, AMERICAN BAR ASSOCIATION, *REVISING SECURITY CLASSIFICATION INSTRUMENTS AND NEEDS ASSESSMENTS FOR WOMEN OFFENDERS 4-5* (Mar. 23, 2011), *available at* http://www.americanbar.org/content/dam/aba/administrative/criminal_justice/2011a_resolution_105c.authcheckdam.pdf [hereinafter 2011 Women Offenders Subcommittee].

¹² FEDERAL BUREAU OF PRISONS, *INMATE GENDER*, *available at* http://www.bop.gov/about/statistics/statistics_inmate_gender.jsp (last visited Dec. 7, 2014).

¹³ BOP PROGRAM STATEMENT NO. 5100.08 (Sept. 12, 2006).

¹⁴ *Id.*

¹⁵ See U.S. SENTENCING COMMISSION, 2012 SOURCEBOOK OF FEDERAL SENTENCING STATISTICS, available at http://www.ussc.gov/Research_and_Statistics/Annual_Reports_and_Sourcebooks/2012/sbtoc12.htm (last visited Nov. 10, 2013).

¹⁶ See, e.g., Letter from Charles E. Samuels, Jr., Director, Federal Bureau of Prisons, to Hon. Christopher Murphy, U.S. Senator, at 6 (Sept. 27, 2013). The BOP defines the “Northeast Region” to include ten states: Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont.

¹⁷ The Honorable Jack C. Coughenour, *Separate and Unequal: Women in the Federal Criminal Justice System*, 8 FED. SENTENCING REP. 142 (1995); see also John C. Coughenour, Proctor Hug, Jr., Marilyn H. Patel, Terry W. Bird, Deborah R. Hensler, M. Margaret McKeown, Judith Resnik & Henry Shields, Jr., *The Effects of Gender in the Federal Courts: The Final Report of the Ninth Circuit Gender Bias Task Force*, 67 S. CAL. L. REV. 745 (1994).

¹⁸ Karen Casey-Acevedo & Tim Bakken, *The Effects of Visitation on Women in Prison*, 25 INT’L J. COMP. & APPL. CRIM. JUST. 49 (2001).

¹⁹ U.S. Dep’t of Justice, *Giving a Boost to Kids of Incarcerated Parents*, THE JUSTICE BLOG (JUNE 12, 2013), available at <http://blogs.justice.gov/main/archives/2950> (last visited Nov. 5, 2013).

²⁰ *Id.*

²¹ Memorandum from Charles E. Samuels, Jr., Director, Federal Bureau of Prisons to All Bureau Inmates (June 19, 2013), available at http://www.bop.gov/news/press/press_releases/Parenting_Message_English.pdf (last visited Sept. 21, 2013).

²² Johnna Christian, *Riding the Bus: Barriers to Prison Visitation and Family Management Strategies*, 21 J. CONTEMP. CRIM. JUST. 31 (2005).

²³ This chart is derived from Chesa Boudin, Trevor Stutz, & Aaron Littman, *Prison Visitation: A Fifty State Survey*, 32 YALE L. & POL’Y REV. 149 (2013).

²⁴ See Women Offenders Subcommittee, *supra* note 11, at 2.

²⁵ *Id.*

²⁶ See, e.g., BARBARA BLOOM, BARBARA OWEN, STEPHANIE COVINGTON, & MYRNA RAEDER, NATIONAL INSTITUTE OF CORRECTIONS, U.S. DEP’T OF JUSTICE, GENDER-RESPONSIVE STRATEGIES: RESEARCH, PRACTICE, AND GUIDING PRINCIPLES FOR WOMEN OFFENDERS vi (2003).

²⁷ WASHINGTON DEPARTMENT OF CORRECTIONS, POLICY NO. 590.370, GENDER RESPONSIVENESS 2 (May 19, 2014).

²⁸ *Id.* at 3-4.

²⁹ *See, e.g.*, Oklahoma Family & Children's Services, Women in Recovery, *available at* <http://www.fcsok.org/services/wir/> (last visited Dec. 7, 2014); George Kaiser Family Foundation, Women in Recovery, *available at* <http://www.gkff.org/areas-of-focus/female-incarceration/women-in-recovery/>.

³⁰ FAMILY & CHILDREN'S SERVICES, <http://www.fcsok.org/services/wir/> (last visited Dec. 7, 2014).

³¹ PREA requires the Attorney General to promulgate regulations that adopt national standards for the detection, prevention, reduction, and punishment of prison rape, and to manage the audit process of federal, state, and local facilities. OFFICE OF INSPECTOR GEN., DEP'T OF JUSTICE, 15-1, PROGRESS REPORT ON THE DEPARTMENT OF JUSTICE'S IMPLEMENTATION OF THE PRISON RAPE ELIMINATION ACT, EVALUATION AND INSPECTIONS REPORT, at i (2014), *available at* <http://www.justice.gov/oig/reports/2014/e151.pdf>.

³² ALAN J. BECK & MARCUS BERZOFSKY, BUREAU OF JUSTICE STATISTICS, SEXUAL VICTIMIZATION IN PRISONS AND JAILS REPORTED BY INMATES 2011-12, at 17 (May 2013).

³³ U.S. DEP'T OF JUSTICE BUREAU OF JUSTICE STATISTICS, PREA COMPLIANCE MEASURES HANDBOOK: PRISONS AND JAILS 2 (2013), *available at* <http://www.prearesourcecenter.org/sites/default/files/library/handbookpreacompliancemeasuresprisonsandjailsfinal5313.pdf>.

³⁴ *See, e.g.*, SANDRA NORMAN-EADY & GEORGE COPPOLO, CONNECTICUT GENERAL ASSEMBLY OFFICE OF LEGISLATIVE RESEARCH, CROSS-GENDER BODY SEARCHES IN CORRECTIONAL INSTITUTIONS (Mar. 12, 2011), *available at* <http://www.cga.ct.gov/2001/rpt/2001-R-0321.htm> (last visited July 1, 2014).

³⁵ Frequently asked Questions, UNICOR, *available at* <http://www.unicor.gov/about/faqs/faqsgeneral.asp> (last visited Dec. 7, 2014).

³⁶ *See* National Institute of Corrections, *List of FPI Sites* (email from NIC Representative to Megan Quattlebaum) (May 14, 2014 05:57 PM) (on file with author).

³⁷ Jaelyn Harris, Women, Prisons, and Labor: An Examination of the Work Opportunities Provided to Women Prisoners through UNICOR (2014) (draft manuscript, Arthur Liman Public Interest Program) (on file with authors).

³⁸ Harry J. Holzer, Steven Raphael, & Michael A. Stoll, *How Willing are Employers to Hire Ex-Offenders?*, 23 FOCUS 2, 41 (2014). This study was based on a survey in 2001 of over 600 employers in Los Angeles County.