

Reproductive Rights of Girls and Women Who Are Incarcerated

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Summary

An analysis of the reproductive services of girls and women who are incarcerated in Durham, North Carolina, identifies a need for an additional review of current practices in order to improve the quality of health for these girls and women. Research demonstrates that incarcerated girls and women in Durham are provided essential reproductive health services. Girls at the Durham County Youth Home are provided education, testing, and counseling services to benefit their reproductive health. Women at the Durham County Jail are provided health assessments, 24-hour nursing assistance, doctor's assistance, and a kiosk system for medical requests.

However, findings show that when the reproductive rights of incarcerated women are not fully met, their economic futures are negatively impacted. The employment outlook of formerly incarcerated women is restrained due to lack of education and a negative stigma from potential employers. Housing options pose challenges for formerly incarcerated mothers because of meager income, background checks, and scarcity of affordable housing options. When the reproductive rights of incarcerated women are not fully met, the potential for these women to be effective parents is limited. The choice to exercise their reproductive rights is impinged by their incarceration, in that they have trouble providing because of the negative employment outlook and limited housing options.

In terms of recommendations, the Federal government notes that the Durham County detention facility could benefit from collecting additional information about the needs that are met by the jail staff. The results of the investigation support that finding. The Durham County detention facility is encouraged to administer a survey to female inmates regarding their reproductive services. Cook County Jail of Chicago administered a survey then among its prisoners, and found that a survey is plausible, low cost, and easy to implement. A health-needs

survey could give the Durham City government knowledge regarding the health needs of those women who are incarcerated. By administering a survey, the county jail could improve the quality of reproductive health care services available to girls and women in Durham in hopes of maximizing the economic outlook for these girls and women.

Introduction

WomenNC is a local non-profit organization in North Carolina that advocates for the elimination of injustice against girls and women. As a Fellow for WomenNC, I am conducting research regarding the reproductive healthcare services available to girls and women who are incarcerated in Durham, North Carolina. The objective of my research is to present findings that will assist WomenNC, the Durham City Council and other community advocates. My findings further support the passage of Cities for the Elimination of the Discrimination Against Women (CEDAW). CEDAW is an international treaty that was adopted by the United Nations General Assembly to protect and promote girls' and women's human rights. CEDAW encourages cities to "adopt education and public information programs which will eliminate prejudices and current practices that hinder the full operation of the principle of the social equality of women". CEDAW encourages cities to conduct gender analysis of programs and practices. In fact, Article 12 of CEDAW establishes protection against discrimination of women's healthcare to ensure equal access to healthcare services, including those related to family planning...appropriate services in connection with pregnancy, confinement, and the post-natal period".

A city council that conducts a full gender analysis on women in their city could gain a better understanding of the impact of reproductive rights on the health and financial stability of its women. The findings would help council members and the Council for Women increase oversight of the current policies and practices that support the reproductive rights of women and

girls who are in jail. Additionally, this analysis is original research that will be presented at the UN CSW in New York City in March 2017. It emphasizes the work being done in North Carolina on the UN's theme: "Women's Economic Empowerment in the Changing World of Work". Findings of this study suggest that additional post-jail reproductive assistance might improve the economic futures of girls and women. After incarceration, individuals face immediate challenges with obtaining housing and employment. By providing girls and women information regarding additional resources regarding housing and employment, their economic challenges could be reduced. Overall, this analysis demonstrates that the Durham County Jail facilities provide numerous reproductive health services that could benefit from additional collection of information in order to provide girls and women a sound economic foundation after incarceration.

Findings

There are 206,000 women who are incarcerated in jails and prisons across the United States (Heuristic, 2016). In fact, according to the American Civil Liberties Union (ACLU), there are more than eight times as many women incarcerated in state and federal prisons and local jails as there were in 1980 (Heuristic, n.d.). The exponential increase of incarcerated women is a result of the "War on Drugs" and the criminalization of poverty (Hatcher, 2016). The number of women who are incarcerated increased after the "War on Drugs" was announced. The number of women who are incarcerated increased due to criminalization of poverty which consists of homelessness in public places. The majority of incarcerated women were convicted for non-violent, drug, property, and public order offenses. Women who are incarcerated are commonly of color, poor, unemployed, and under-educated. It is important to note that approximately 60% of women in state and federal prisons are parents of minors (Heuristic, 2016). Nearly 6-10% of

women who enter a prison or jail are already pregnant (Heuristic, 2016). The reproductive health services offered incarcerated girls and women vary state by state. There is a relationship between the reproductive rights of incarcerated girls and their post-jail future. When the reproductive health needs of incarcerated girls and women are not met, they are more likely to have a poor economic outlook. While much research has been conducted nationally on this topic, my findings specifically focus on the reproductive health services of incarcerated girls and women in Durham County, North Carolina.

Reproductive Health Services

The Durham County Youth Home is a detention facility that houses juveniles from the ages of 6 to 17 while they are awaiting disposition. The Durham County Youth Home provides medical exams, sexual health education, and counseling. According to the Durham County budget, approximately \$1,045,410 are allocated annually for general operations of Durham County Youth Home. The average daily population is 8 juveniles. The average length of stay at this facility is almost 11 days per youth. Girls receive a physical exam from medical professionals upon arrival. During the admission intake process, information regarding STD/ STI history, birth control, HIV tests, child-bearing history, and pregnancy is recorded. Birth control is provided to girls to meet the admission health record requirements. In fact, the Durham County Health Department Education specialists visit the Durham County Youth Home four times per month to raise awareness of sexual health. As part of a memorandum of agreement with the Division of Public Health, the specialists provide HIV and STD counseling and testing (Heuristic, 2015). The program is an effort to decrease the spread of disease, while also improving the wellness among juveniles through access to education, testing, and counseling. In terms of feminine hygiene, girls are given feminine products upon request. Also, information

regarding health care specialists who provide abortions outside of jail is shared. In order for girls to maintain health services after discharge, they must have a meeting with the counselor. The Carolina Abortion Fund helps detainees finance the option of abortion when they are unable to meet the costs of an abortion (L. Walter, October 18, 2016).

In addition to services provided, SHIFT NC, a nonprofit organization, partners with the Durham County Youth Home to improve the sexual health of teens. SHIFT NC works towards increasing sexual health awareness by providing professional development and leadership. (L. Palmer, October 25, 2016). The Centers for Disease Control and Prevention (CDC) recently granted SHIFT NC a five-year grant of 3.5 million dollars for pregnancy prevention efforts in Durham County's publicly funded health facilities (L. Palmer, October 25, 2016).

Approximately \$1,250 were appropriated for additional staff training to assist Durham County Youth Home (L. Palmer, October 25, 2016). The capacity building specialist for juvenile justice at SHIFT NC, Laquana Palmer, is currently assessing the Durham County Youth Home to determine the ways in which the grant money will be distributed to best improve health for teens in the future.

Similarly, the Durham County detention facility provides a range of reproductive health services. For the women who are incarcerated there, this facility houses an average of 514 inmates per day (Heuristic, 2015). The Department of Public Health manages healthcare services at the detention center with a budget of approximately \$3,353,242 annually (Heuristic, 2015). Inmates have health care screenings that occur at the intake, initial assessment, and routine physical screenings. Initial health needs are identified during the admission process because all inmates answer a standardized questionnaire with health care staff. In fact, the National Institute of Correction reports that there is "nursing staff area available 24-hours per day; the medical

doctor is available 12 hours per week, and a mid-level physician is available 20 hours per week” (National Institute of Correction, 2016). Detainees are charged with non-emergency fees as part of the cost of health care. However, individuals are not denied health care when they are unable to pay the fees. Inmates can file their health concerns through a kiosk system to request their needs for services (National Institute of Corrections). Health care staff also provides information about seeking an abortion outside of jail. In order for the female inmates to maintain services after discharge, they must seek approval from the major over security through personal discussion.

Lack of Information

Currently, some inmates have health-related issues that occur due to lack of information. The non-profit organization, Inside-Outside Alliance, monitors these issues and advocates for the needs of inmates of the Durham County detention facility. Steve, an Inside-Outside Alliance volunteer, clarifies “we have found that women tend to fear reprisal for speaking out and that they have reasons for that fear. Generally, medical services and medical neglect or abuse are some of the most frequent topics that folks write and talk to us about” (Steve, personal communication, December 9, 2016). Out of all grievances filed by the inmates of Durham County detention facility, more are about medical neglect and abuse than any other issue. The non-profit organization has received reports of infants being taken from women immediately after birth, lack of pre-natal appointments, and multiple miscarriages. Lack of information regarding these incidents prevents the Durham County government officials from having the necessary knowledge to improve medical practices in jail.

The National Institute of Corrections (NIC) reports that the Durham County detention facility would benefit from using the kiosk data collection system to determine whether the staff

members are meeting the expectations of inmates. Also, the NIC recommends the facility develop a management system that consists of action plans, projects and audits in order to “ensure the performance monitoring system is being implemented as anticipated” (Albert, 2016). Gathering more information regarding the health care service delivery would help the Durham County government officials acknowledge the quality of health care provided at the jail.

Negative Economic Impact

When the reproductive health needs of incarcerated mothers are not met, their economic future is limited due to challenges with employment and housing. Reproductive Freedom Fellow from the ACLU, Lynne Walter, notes that lack of reproductive services impacts the economic power of women. Women who cannot afford to have abortions face the burden of having an unintended pregnancy. Unintended pregnancies can result in additional costs to women on top of attorney fees and other costs associated with their incarceration. Walter also states “Incarceration interrupts the educational development of women” (L.Walter, personal communication, October 18, 2016). This is especially true for incarcerated women who are pregnant or have small children. The impact of incarceration is seen even among women who work with children. The lack of education limits formerly incarcerated mothers to lower paying job options. In addition to lacking education, findings indicate that employment during incarceration inadequately prepares inmates for employment after release (Seville, 2008). Walter noted that the skills used in correctional institutional employment programs prepare women for laborious, low-paying jobs (L.Walter, personal communication, October 18, 2016). Formerly incarcerated women are likely to apply to low paying jobs rather than higher paying jobs which limits their overall income. Low income limits the resources that formerly incarcerated women are able to provide to their families.

Additionally, research demonstrates that criminal records act as an obstacle to formerly incarcerated women when job searching, because many employers have negative attitudes toward candidates with a criminal record. Formerly incarcerated women are less likely than non-formerly incarcerated women to receive an optimistic response from future employers (Seville, 2008). Walter notes that incarceration poses as a challenge even without background checks, even in employment interviews, potential employers ask about the “gap in resume” that formerly incarcerated women have (L.Walter, personal communication, October 18, 2016). Lack of employment does not allow formerly incarcerated mothers to fulfill their roles as parental providers. Without sufficient income, women have a difficult time maintaining the basic needs of their children.

Lack of housing is another issue faced by formerly incarcerated mothers. The Urban Organization reports that incarceration poses an increased risk of housing instability and insecurity immediately for individuals upon release (Fontaine, 2012). Landlords frequently discriminate against formerly incarcerated individuals (Fontaine, 2012). Because formerly incarcerated individuals already struggle with employment, shortage of affordable housing is a crisis. Lack of affordable housing hinders maintaining a secure home. Housing options for mothers and their families are especially limited. Federally subsidized housing often denies drug offenders public housing, despite the federal goal of providing greater access to formerly incarcerated individuals. Without secure housing, women struggle to meet the needs of their families.

Recommendations

In conclusion, the Durham County government is “adequate” in providing basic health needs for girls at the Durham County Youth Home. The Durham County Youth Home has a range of

services available to girls on a monthly basis supplemented by the Durham County Health Department and SHIFT NC. The Durham County detention facility provides “essential” health care services as well. However, both facilities may be improved with the gathering of more information regarding health care needs. More information collection might improve the quality of health care for women at the Durham County detention facility. The Federal government recommends for detention facilities to gather data in order to determine whether inmates’ needs are being met. Because inmates file many grievances regarding medical neglect, additional collection of information is important to consider when looking into the reproductive health services available to girls and women in detention.

- Durham County should survey its female inmates because the survey would identify the functionality of reproductive services available to girls and women in the detention facility.
- Surveys should be used to help city government officials determine whether the reproductive needs of inmates truly are being addressed by the programs in place.
- Surveys are a sound solution to collect more data because they are low cost and easy to administer. In fact, Cook County jail in Chicago, Illinois implemented a survey among its inmates to determine the reproductive rights of its inmates.
- Collection of information ensures protection of the equal health rights of women who are incarcerated as mentioned in Article 12 of CEDAW.
- Passage of CEDAW should implement additional gender analysis which would eliminate prejudices and unequal operations against the social equality of women who live Durham.

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