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February 18, 2022

Testimony of Rep. Rachel Talbot Ross presenting

LD 1721, An Act Regarding Dignity for Women in Correctional Facilities

Before the Joint Standing Committee on Criminal Justice and Public Safety

Senator Deschambault, Representative Warren and esteemed members of the Criminal Justice and Public Safety Committee, I am Rachel Talbot Ross. I represent House District 40, which comprises the Portland neighborhoods of Parkside, Bayside, East Bayside, Oakdale and the University of Southern Maine campus. Thank you for the opportunity to present **LD 1721, An Act Regarding Dignity for Women in Correctional Facilities**.

Members of the committee who served during the 129th Legislature may remember this bill as LD 1422. Sadly, little has changed since we first presented that bill in March 2020, shortly before our early adjournment due to the onset of the COVID-19 pandemic.

The number of women who are incarcerated in Maine jails and prisons has risen dramatically in recent years. Between just 2012 and 2018, new prison sentences for women increased by 65%, while prison admissions for probation violations for women more than doubled. We know this trend continues today.

As the Council of State Governments noted in its research on justice reinvestment, Maine's correctional system has experienced significant challenges due to this rapid increase. Our jails and prisons were designed with men in mind, and the truth is that we are not adequately providing for Maine's incarcerated women and, by extension, their families and communities.

I want to speak specifically to incarcerated parents for a moment. Nationally, [58% of incarcerated women – and 80% of women in jails – are mothers](#). Parents don't stop being parents when they're incarcerated, and gender responsive policies will set both parents and their children up for more successful futures. It's critical that our correctional system supports families and that visitation policies and facilities are not only responsive to children's needs but further provide the time and space for the parent-children relationship to develop and flourish.

After years of watching the rate of women who are incarcerated increase, it is time that we adequately respond to their unique needs. Providing gender responsive services will better protect the rights of incarcerated women, honor their health and safety, and improve their individual chances of success.

Beyond that, it will strengthen their families and communities, allowing for successful reintegration and decreasing recidivism. Ultimately, that saves taxpayer dollars, decreases our prison population and lessens the strain that the system is currently under. Simply put, this is good public safety policy.

LD 1721 seeks to create the mechanisms necessary for a more effective, gender responsive system. This bill was based on feedback from women in Maine's correctional facility. The Office of Child and Family Services has reached out to us and raised some good points and indicated that the data gathering and reporting component of the bill may need to be amended.

With your permission, I would like to work with stakeholders to come back for work session with an amendment that addresses OCFS's concerns. I would also like to work to update Section 10 of the bill to encourage facilities to make every effort to provide gender-responsive transportation. I believe it is worth revisiting this provision in light of current staffing challenges.

In 2020, the Department of Corrections [testified](#) in agreement with the idea of establishing a separate Board of Visitors for women's services. I want to acknowledge and sincerely thank DOC for its position. While I have taken their suggestion to limit the number of members to five, in order to be consistent with the other boards, I still believe those boards should increase their numbers to seven. Consistent with the DOC's pledge to be gender-responsive, this would allow for at least one member with knowledge of issues related to the incarceration of women as well as one member who represents the lived experience of a formerly incarcerated woman who has had involvement with OCFS.

Furthermore, I am committed to specifically including the four membership categories listed in the bill that would be required for the newly created Board of Visitors for women's service: 1) one member who was formerly incarcerated; 2) one member who represents a sexual and reproductive health care and education provider; 3) one member who is a health care practitioner who provides sexual and reproductive health care and education to women; and 4) one member with an understanding of or experience with domestic violence.

I remain dedicated to moving this measure forward to protect the dignity of women in our correctional facilities, and I deeply appreciate your attention to these issues. Thank you for your consideration. I am happy to answer any questions.