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### When a Woman Goes to Jail

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## When a Woman Goes to Jail

By Emily Nadal and Renée Onque

### Lede

In April of 2020, participants gathered virtually from all over the country for a conference about birth justice in the midst of the COVID-19 pandemic. At a time when healthcare access was heavy on the minds of many Americans coupled with the epidemic of high maternal mortality, this conference centered on an often overlooked population of pregnant people: incarcerated women.

The conference, hosted by the Center for Justice and Law, brought together women who had given birth in custody, prison birth workers, and prison reform advocates to discuss efforts to address the injustices faced by those who are pregnant and incarcerated. Women are the fastest growing prison population, and [research](#) shows that children aged two and younger can experience distress when separated from their mothers for just a few hours. When you factor in how long mothers are away from their children while incarcerated, it reaffirms that these issues are deserving of more attention.

Collecting comprehensive data about incarcerated pregnant people has historically been difficult and Dr. Carolyn Sufrin is trying to change that. An anthropologist and OBGYN, Dr. Sufrin recently conducted a [longitudinal study](#) looking at the outcomes of pregnant women behind bars which included data from Minnesota, Alabama and 20 other states. New York declined to participate. Between 2016 and 2017, over 700 babies were born to incarcerated women across these 22 states. Ninety-two percent of these pregnancies resulted in live birth, six percent in miscarriage.

For Dr. Sufrin and her team, compiling this data was no easy task. She says prisons and jails around the country aren't prioritizing data collection of birth outcomes for incarcerated women, and getting them to agree to it was a job in itself.

“[They'd say] we don't have a staff member who can devote the time for this, which to me says it's not important enough,” Dr. Sufrin explained. “It was disappointing that more [prisons] didn't recognize the value of it.”

Dr. Sufrin has been studying incarcerated women for more than 14 years and has written extensively about the impact of the prison system on them. Much of her research is featured in her book *Jailcare*, which follows the experience of some of the incarcerated women Dr. Sufrin treated. It also explores the intersectionality of a contradictory space: societal systems like

healthcare providers and guards who ignore the needs of women in the system and prison as the only means of reproductive care for some women, Sufrin explains.

“For some people, they were grateful for the care they got in jail or prison, even though they recognized it wasn't always the best care or they could diagnose ways it could be better,” Dr. Sufrin explained. “Some women also were like, well, this is the only place I've gotten care. Systems are still so poor, so bad that some people feel prison is better healthcare than they can get in the community.”

The experience of pregnancy and birth while incarcerated varies greatly from state to state. Georgia, South Carolina, Indiana, Kansas, Utah, and Nebraska lack any policies that ban the shackling of incarcerated women while they are in labor, according to the [American Civil Liberties Union](#).

Yet some states, including New York, Minnesota and Alabama, are working to improve conditions for birthers in prison. From programs that allow incarcerated mothers to pump breast milk and send it to their babies to laws that allow them to live with their babies for up to a year, these states provide more humane treatment for pregnant women and mothers in the system. Increasingly, however, advocates and researchers are pushing for a world in which pregnant women don't go to jail at all.

### **New York and the Fight for Community Alternatives**

By the time Sharel Jones was in her late twenties, she'd been to Rikers Island more times than she could remember. Most often, like most women who are incarcerated in New York, she was sent to jail for possessing drugs or a crime she committed in pursuit of them, similar to most women who are incarcerated in New York. At that time in her life, Jones had been struggling with addiction for more than a decade so when she found out she was pregnant during intake at Rikers Island, she had mixed feelings.

“I was suffering from a lot of mental health issues. I was scared for the first time in my life,” Jones explained, “I was facing prison time. And it's like, what am I going to do with a kid? I'm not finished running the streets.”

Jones had already given birth to two children before her Rikers Island surprise, but she remembers little from those pregnancy and birthing experiences because of her drug addiction. Her other two boys were living with family members, and Jones said she never had to face the reality of being their mom full-time. Being incarcerated with this pregnancy meant Jones had little access to drugs and more of an obligation to parent, and that was terrifying.

New York is one of only eight states in the country that allows pregnant people to keep their children for up to a year after giving birth in a special nursery program. When Jones learned she was 13 weeks pregnant, she was placed in a separate facility at the Rose M. Singer center women's jail on Rikers, one that had other pregnant people, pastel colored walls and all the baby gear she'd need. Jones also got to participate in a lullaby program with Carnegie Hall where she wrote and recorded a song for her newborn.

"You wouldn't know that that's a part of the jail, the nursery," Jones said, "It's very different. It's just like outside."

On Thanksgiving day in 2012, Jones' son Ariyon was born. Jones chose her son's birthday, opting for a cesarean section at the advice of her doctor which is not an uncommon suggestion for prison births. She decided giving birth would be the most joyous way to spend the holiday.

"They later on brought me my son and I'm like, Oh my God. It's about to get real," Jones recalls, "I had never changed Pampers. I had never did the milk thing with my kids. I didn't have to do those things."

Ariyon was able to live with his mom inside Rikers Island for the first four months of his life. His older brothers sometimes tease him about the fact that he was born in jail, but Jones says he brushes it off. She never hid her struggles with her kids and likes that they can now talk freely about such complicated memories.

Jones was later sentenced to 1.5-3 years following the birth of Ariyon and was sent upstate to Bedford Hills Women's Prison where there's also a nursery program, but it was difficult for Jones to be accepted to it because of the nature of her crime. Though she was able to gain access to the program through some advocacy from family members, Jones was quickly disenrolled because she got into a fight with another woman.

The situation Jones faced when she was sent upstate to Bedford Hills is not unfamiliar to many people who give birth while incarcerated. It's part of the reason why Dr. Lorie Goshin, Associate Professor at Hunter College's Bellevue School of Nursing who studies pregnant people in New York's carceral system, is questioning benefits of having a nursery program if entry is limited to non-violent offenders, people who don't have a history of child welfare involvement and sometimes people on psychotropic medications.

"When you take a group of women and you pull out all the women who fit any of those criteria, you don't have a lot of people left, because if you fit that criteria, you shouldn't be in prison anyway. It's often that there aren't a lot of women that these programs would serve," Dr. Goshin said.

Even so, Dr. Goshin thinks pregnant people shouldn't go to jail or prison at all. Instead, she'd rather see them placed in incarceration alternatives like residential treatment programs or supportive housing. One of Dr. Goshin's studies looked at the long-term effects of babies kept in prison nursery programs with their moms, comparing their developmental outcomes to those of children who were separated from their mothers due to incarceration. She and the other researchers found that the babies kept with their mothers did have some better mental health outcomes. But that study didn't account for another possibility.

"We did not compare those kids to kids who had been able to stay with their moms in a supportive community setting. So something like supportive housing where the mom got the support that she needed for, for example, history of trauma, or substance use disorder, or homelessness or whatever created her pathway to incarceration," Dr. Goshin explained. "We were unable to compare that experience, which I believe would be a better approach to pregnant people who are involved in the criminal legal system."

When Sharon White-Harrigan was serving a 10-year prison sentence for manslaughter at Bedford Hills, she was already a mom to a young daughter. White-Harrigan did not give birth to her child while incarcerated, but being in prison nonetheless had a detrimental effect on her daughter. White-Harrigan says she struggled with arranging care for her child from miles away upstate and wrestled with the thought of her visiting, not wanting her child to deal with the hassle and emotional toll of seeing her mom in prison.

"It was tough when you have children, I feel like no one is going to raise my child like I would," said White-Harrigan. "And during the years, it just was really, just really difficult."

When White-Harrigan was in Bedford Hills, she unintentionally started her activism from the inside, making her way through different positions on the Inmate Liaison Committee which acts as a middleman between the prison population and the administration. White-Harrigan served as secretary treasurer, vice president and eventually president where she pushed for things like washer and dryer accessibility and beauty tools for when the women had special events or court dates.

"I just went into action. It wasn't anything that anyone taught me. I just felt like people deserved to have [things]," White-Harrigan said.

After her release, White-Harrigan has continued her advocacy for women involved with the carceral system, now serving as executive director of the Women's Community Justice Association where her main goal is similar to that of Dr. Goshin's: for women to not go to jail or prison at all, instead fighting for community alternatives.

“One of our recommendations is to divert pregnant women. So that means that they wouldn't go to Rikers or any other kind of secured facility in that way that there will be a place where they can be nurtured, where children could be nurtured,” White-Harrigan said. “We understand that pregnant women commit crimes and get in trouble. But we also think that the children, the unborn children should not be subjected to any kind of harm, or in any way be a part of that process.”

In her vision, White-Harrigan imagines residential treatment programs or supportive housing that treats the problem rather than punishes the person. In this alternative reality, White-Harrigan says families wouldn't be separated, which is a vital option for the over 80% of women who are parents and oftentimes primary caregivers for their children and families.

“I've heard people in the community say, Well, you know, if she was worried about the kid, you wouldn't commit a crime. Right? And so, you know, some people don't feel like there should be any specialized treatment for people because they don't know how to separate the act from the person,” White-Harrigan explained.

Models like these already exist in New York, Dr. Goshin said, like one managed by the Women's Community Justice Project, which bears a similar name to the WCJA White-Harrigan heads but is different in that it provides housing and treatment alternatives. But, as Dr. Goshin explains, enough resources aren't being put into them as a viable solution.

“Their early outcomes have been excellent in that they've been able to keep women safe in the community, some of whom were pregnant, and their more recent work is providing supportive housing to women and their children. So either coming directly in with kids if the person has current custody, or allowing the mom to reunify,” Dr. Goshin said. “But it's a relatively small program. And certainly receives a lot less resources and support, than Rikers Island and just locking women up.”

There is some hope for advocates of these community alternatives, though. In October of this year, Governor Hochul and Mayor De Blasio announced that the Rose M. Singer women's jail on Rikers Island would be shut down. At the time of the announcement, just 230 women were incarcerated there. That's a stark difference from the over 6,000 men who were also on the island. The women were transferred to Bedford Hills and another facility upstate. But that isn't exactly the solution some people were hoping for.

“We need help, not jail,” Jones said. “What we have to start doing is in our homes and in our communities finding other ways because the pain stems from something. We don't just wake up and say, Hey, today, I'm going to smoke crack. Today, I just want to try heroin. We're trying to

numb something, we don't want to think about something. And I think if we get more community centers, if we get more women on health services, it'll be much better.”

Jones has since been in recovery from her addiction for six years. She doesn't live with her children, but still maintains a relationship with them. She says her time on Rikers Island didn't do much to help her address her traumas, treat her addiction or restore that relationship with her children. Jones said that took the work of her will and support on the outside.

White-Harrigan has also struggled with her relationship with her daughter. Now an adult, her daughter spent most of her life not in her mom's care. When White-Harrigan thinks back to her time at Bedford Hills, she says the most meaningful support she received was from fellow incarcerated women, most of whom were also mothers, dealing with similar strifes as she. It's what drives her continued advocacy work on the outside.

“We have a real sisterhood, a real camaraderie. The good, the bad, the ugly, the right, the wrong, the indifferent,” said White-Harrigan. “I think that there's this unspoken connection with all of us. Whether we know each other, or you came behind me, or you left before me, there's this unspoken connection that you know, we're sisters.”

### **Minnesota and The Healthy Start Act**

Rebecca Shlafer helps mothers who are incarcerated at the Minnesota Correctional Facility — Shakopee (MCF-Shakopee) access doula care, parenting support groups and one-on-one counseling day in and day out. Her mission began in 2004, but it wasn't until 2010 that [The Minnesota Prison Doula Project](#) was formed.

“From an evolutionary and ethical standpoint, moms and babies need to be together,” said Shlafer, “The first caregiver sets the foundation.”

Despite the importance of mother-child bonding during early childhood, some children aren't able to see their mothers at all while they're incarcerated. According to the [Minnesota Department of Corrections](#), a study that examined visitations between mothers in prison and their children found that “on average, caregivers lived 117 minutes (almost 2 hours)” from MCF-Shakopee. 56% of the guardians of children with incarcerated mothers at MCF-Shakopee reported “never taking the baby for visits to the prison.”

In an effort to solve this issue, the Minnesota Doula Project provides supportive visitation that allows parents to see their children during one-hour visits. Though Shlafer believed the programs that the organization provided were helpful, she wanted an alternative in place that would allow

children to live with their mothers. That opportunity came once an ally with political power joined the fight.

Congresswoman Jamie Becker-Finn walked into MCF-Shakopee in 2019 with Lieutenant Governor Peggy Flannigan, whose position allowed for a different kind of visit.

“She was able to specifically request that we wanted to meet directly with staff, and we wanted them to speak freely with us,” Rep. Becker-Finn said, “but we also wanted to meet with the women who actually lived there and have experienced some of these things to hear directly from them.”

While speaking to moms on the inside, Rep. Jamie Becker-Finn was shocked to learn that babies were being separated from their mothers a day after being born.

“It kind of broke me to hear that,” said Rep. Becker-Finn, “It’s just an incredibly cruel and dehumanizing thing to do to both a baby and a mom.”

As a mom, she described the 24-hour period after giving birth as a joyful time that is shared with family and couldn't understand why mothers were being separated from their babies at such a moment of critical importance.

That same day, Congresswoman Jamie Becker-Finn knew that something had to be done. She brought the issue to the governor’s attention and worked closely with the Minnesota Prison Doula Project to find a solution.

Though it didn’t happen overnight, Tim Walz, the governor of Minnesota, [signed](#) the Minnesota Department of Corrections Healthy Start Act in May of 2021. The law allows pregnant women who are incarcerated to live with their babies for up to one year post-birth outside of prison grounds—if they meet certain qualifications.

“The reality is that the vast majority of these women are not in for violent offenses,” said Rep. Becker-Finn, “Many of these women were going to be released within the next six months anyway.”

In fact, the [Minnesota Department of Corrections](#) found that 77% of the pregnant women who served time at MCF-Shakopee between 2013 and 2020 were sentenced for less than nine months. With this in mind, the Healthy Start Act would allow some babies to never be separated from their mothers, even as they finished their sentence.

But, Rep. Becker-Finn's drive to change the dynamics of the carceral system in her state started long before the Healthy Start Act. She is a descendant of the Leech Lake Band of Ojibwe, and Native people are incarcerated at a disproportionately higher rate than other racial groups in Minnesota, she says.

"One of my parents was incarcerated when I was a kid, so issues around the broader impacts of incarceration on families and communities have always been really important to me," she said.

### **Alabama and Breastfeeding Support**

Unlike states such as New York where babies can sometimes stay with their parents for a year and Minnesota where pregnant people are diverted to alternatives, in Alabama, moms have only 24 hours to spend with their babies if they gave birth vaginally, 48 hours if they had a cesarean section.

A major part of Chauntel Norris' job is to help women through that transition and encourage incarcerated women to maintain that connection with their child even while separated. One of the ways she does this is through The Mother's Milk initiative which allows mothers to pump their breast milk while in prison and send it to their babies on the outside.

"We overnight the milk on dry ice to the infant's caregiver. Only a mother can give her baby breast milk designed for that baby, and with this option, she can provide a form of everyday care, even as someone else cares for her baby," the program's [site](#) states.

Norris, a certified doula, helped found the Alabama Prison Doula Project in 2015 which is modeled after Minnesota's initiative by the same name. Much of their role looks similar to other prison doula work elsewhere- minimizing the trauma associated with giving birth while incarcerated.

"Just being there to help make it a joyful occasion," Norris explained. "And we're not thinking about what we have to do tomorrow, we're just enjoying this moment, loving your baby, helping you bond with your baby."

It took over a year to get the breast milk program in place, says Norris, who designed the program and pushed for it to be implemented. Now that it is available for mothers who are incarcerated within their state, "roughly 80% of women in the Alabama Prison Birth Project choose to breastfeed," she said.

Being able to provide nourishment even while incarcerated has been so important for many of the women Norris works with. That ability to keep a connection, despite being separated, is

necessary, Norris explained. She says the breastfeeding classes excite her participants and often, she doesn't do much to lead the conversation.

“They pretty much teach that class themselves. I just interject little things here and there, but they're on it,” Norris explained.

Norris and her team assist dozens of incarcerated women in Alabama each year. Through the height of the pandemic, Norris still kept her doula services running, albeit virtually. She says that just having these services available in a place like Alabama is radical.

“This is Alabama. When it comes to affecting good change, a lot of the times, we're at the bottom of the ladder,” Norris said.

Despite their progress, Norris says Alabama still has a long way to go with their handling of incarcerated women, especially those that are pregnant. And the first step, Norris says, is to educate people about what's actually going on. Norris hopes to continue following in the footsteps of Minnesota and like many advocates in the field, imagines a day where incarcerated pregnant people are only a thing of history books.

“Families are the basic building blocks of our communities, at community level, when you break it all the way down, you come to individual families. So if we can strengthen our individual families, then we can also strengthen our communities,” Norris said. “All of these women who are having babies while they're incarcerated are ultimately coming back to the community, their babies are going to the community. Let's offer them resources. To me, that makes more sense.”

## **Kicker**

The women who enter the carceral system are often mothers, caregivers or the thread of a family and community. The corrections system we have in place is flawed for everyone, but the needs of women and their children specifically slip through the cracks of a place that was designed with men in mind.

Sharon White-Harrigan, and many other prison advocates, hope their vision for a world without prison for women soon becomes a reality, and she already has an idea for how it will look.

“It looks like having a place for the women to go that does not dehumanize them. It could be a place where they can be able to get the resources and the support needed. This is an opportunity where we can make a difference in lives,” White-Harrigan says. “To say, Hey, you messed up, but you've got potential to do better.”