



THE
AMERICAN
CONSERVATIVE
UNION



February 18, 2020

Dear Members of the Virginia Rehabilitation and Social Service Subcommittee:

The American Conservative Union and #cut50 write to support HB 1648, an important new criminal justice reform bill.

The American Conservative Union (“ACU”) and #cut50 work to educate Americans on a number of important issues, including the need for criminal justice reform and reducing the prison population. ACU and #cut50 agree that whenever it comes to improving the justice system, public and community safety must be a priority. Within the context of criminal justice reform, we work to hold people and government agencies accountable, ensure fiscal responsibility, and maintain principles of limited government. ACU and #cut50 endeavor to advance and restore the human dignity of currently and formerly incarcerated individuals, as we believe every life has value and meaning.

Virginia has been on the cutting edge of criminal justice policy and the results are undisputed. Virginia’s tax payers have enjoyed better public safety outcomes at a reduced cost. We commend those in the law enforcement, legal, and public policy communities who have worked to make Virginia a better place to live. As you consider how to continue to improve the state’s criminal justice system, we urge you to focus on the plight of incarcerated women.

Nationally, women are the fastest growing segment of the prison population and face difficult challenges when incarcerated. As such, we urge you address the following issues:

- *Helping to Maintain Family Bonds.* Women tend to be primary caregivers or young children. With 80% of women incarcerated being mothers, keeping children close makes perfect sense. There is no stronger bond than a mother’s love for her child. And in all but a few are needlessly incarcerated hundreds of miles from their families, making it difficult or financially impossible for their children to visit and stay connected. Such placements should only be made as a last resort. Technology can also be leveraged, and visitation policies modified to help maintain that unique bond between mothers and their children.

Addressing such considerations is not being “soft on crime.” Other states around the country have seen a dramatic drop in misconduct cases in facilities where women are permitted to have extended contact with their minor children. These policies improve the safety of prison employees as well as other inmates. Maintaining a parent-child bond also strengthens families, which directly correlates with the likelihood of children of incarcerated parents drifting into crime themselves.

- *Shackling of Pregnant Women.* We are also concerned about the heinous practice of shackling pregnant women. Doing so serves little security purpose, as a woman in labor

is not going to outrun her guards. But according to the American College of Obstetricians and Gynecologists, shackling pregnant women endangers the child.

- *Limiting Circumstances Where Male Guards Can Observe Female Inmates in a State of Undress.* With an epidemic of sexual assault and rape in prison, the government has a duty to protect those it holds behind bars. Reasonable rules can be put in place to limit access by male prison guards to areas where women may be in a state of undress. If there is a need to observe female inmates undress, female guards should do so whenever possible. Of course, the safety and/or security needs to take priority. But if a male guard has a need to be in changing rooms, bathrooms, or showers, a filing of a report documenting the need to do so should be required.

We recognize that for some, our recommendations represent a paradigm shift. But as you consider legislation like HB 1648 in this session, we urge you to address these and related issues to ensure that every woman in Virginia's prison system is accorded basic human dignity.

Should you have any questions regarding this matter, please feel free to contact Kaitlin Owens (kowens@conservative.org) at the American Conservative Union (202-347-9388), or Olivia McLarnan (olivia@dreamcorps.us) at #cut50 (650- 704-4316).

Respectfully,

American Conservative Union
#cut50