Lunch

Plenary
Still She Rises, Tulsa

A holistic approach to representing mothers and caregivers in the legal system
https://www.newyorker.com/magazine/2018/11/05/americas-other-family-separation-crisis
How many Oklahoma residents are locked up and where?

43,000 of Oklahoma’s residents are locked up in various kinds of facilities

- State Prisons: 27,000
- Local Jails: 13,000
- Federal Prisons: 2,700
- Youth: 550
- Involuntary Commitment: 170
- Indian Country: 10

Sources and data notes: See https://www.prisonpolicy.org/reports/correctionalcontrol2018.html
How many people are in Oklahoma’s criminal justice system?

78,000 Oklahoma residents are behind bars or under criminal justice supervision.

- **State Prisons**: 27,000
- **Local Jails**: 13,000
- **Federal Prisons**: 2,700
- **Probation**: 33,000
- **Youth**: 550
- **Involuntary Commitment**: 170
- **Parole**: 1,800

Sources and data notes: See https://www.prisonpolicy.org/reports/correctionalcontrol2018.html
Breaking down those numbers

U.S. Bureau of Justice Statistics
2016 Incarceration Rates - Females

U.S. Bureau of Justice Statistics
2016 Incarceration Rates
What are the Oklahoma trends?
Still She Rises seeks to:

- **Reduce** jail time and increase the number of non-incarceratory sentences that women with children serve in order to minimize the harmful long-term effects of incarceration on women and families.

- **Defend** mothers involved in the criminal justice system against the painful and unnecessary removal of their children and the potential dissolution of their families.

- **Preserve** women’s hard-earned jobs, maintain stable housing and public benefits, defend against the forfeiture of property, correct criminal record errors, preserve rights challenging police misconduct, and educate judges and prosecutors about the debilitating consequences of arrest and incarceration.
Still She Rises seeks to:

• **Provide** individualized social support to families, in addition to connecting them to vital services like substance abuse treatment, counseling, and parenting classes.

• **Assist** families in negotiating court fee reductions and creating payment plans for these fees to ensure that they do not become trapped in debt, resulting in the further destabilization of their lives.

• **Serve** as a clearinghouse and backup center for public defenders nationwide seeking to develop better ways to represent women and preserve families.
What does the national data tell us?

• Nearly 80% of women in jail are mothers and most are single parents

• 32% of women in jails are affected by significant mental illness

• 86% of women in jail report having experienced sexual violence in their lifetime

• 82% of women are in jail for non-violent offenses: 32% for property offenses, 29% for drug offenses, and 21% for public order offenses

What does the national data tell us?

• In 2016, more than 65,000 children—whose parents rights were legally terminated—were waiting to be adopted.

• In 2016, more than 20,000 young people aged out of foster care without permanent families.
  • Research shows that youth in this category have a higher likelihood to experience homelessness, unemployment, and incarceration as adults.

Let’s talk Ground Zero..

• Over 26,000 children in Oklahoma have a parent in prison

• Approximately 1/3 of those children are in the foster care system

http://www.oklahomafosters.com/statistics/
Oklahoma Foster Care System

• 8000 - 9000 children currently living in foster care

• Almost 600 children currently available for adoption

• Almost 1000 foster homes needed to accommodate the state custody housing crises

• 50% of children in state custody will go on to go become state-sanctioned, legal orphans.

Court Involved Child Welfare Cases

- Over 80% of the cases are for reasons of neglect related to poverty.

- The majority of families would not become involved with CPS if they were not impoverished.

- Child Welfare is one of the most racially segregated systems in the country.

Dismal Outcomes for Families involved in the Foster Care System

• Children are three times more likely to be abused or neglected in foster care and that every single removal of a child from their family is changing the trajectory of their entire life.

• 50% of girls in foster care will become pregnant by the time they are 19 years old.

• 74% of people in prison are former foster children.

• 50% of foster children will be incarcerated within two years of “ageing out” of the system and that 80% of people on death row are former foster youth.

• Mothers who are separated from their children by the government, are 4x more likely to die from suicide.

Domestic Violence

• No study to date has shown the effectiveness of screening for intimate partner violence (IPV) where the end point was improved outcomes for women.

• Currently, no high quality evidence exists regarding the effectiveness of shelter stays for decreasing future abuse.

• Community-based interventions (public education and joint law enforcement/social worker home visits) did not prompt greater awareness about DV issues or increase utilization of services.

• The disruption caused by removing a child from their parent(s) can be a more harmful “cure” than the IPV itself.

• Overall recidivism rate among batterers who receive treatment and those who do not is very low, ranging from 3 to 6%.
Mental Health

• The time required for effective treatment is often longer than the court-ordered time limit for reunification. This places mentally ill parents at a distinct disadvantage in their efforts to preserve their family.

• Assessments used to diagnose mental illnesses do not assess a person’s function as a parent.

• Laws and guidelines surrounding Child Welfare and Mental Health systems, create greater barriers to parenting than the mental illness itself.

• Many people, given the time to see effective treatment and time for progress to be made, can recover from psychiatric disorders and experience widespread improvement across domains.

Addiction

• Licit and illicit drug use is part of our world. We can work to minimize its harmful effects rather than simply ignore or condemn them.

• Child Safety can be established without requiring complete sobriety

• Even the most current evidence based treatments are theoretical at best because the experts are still figuring it all out.

Homelessness

• 53% of children enter foster care due to inadequate housing.

• 44% of mothers experiencing homelessness had become separated from one or more of their children, compared to only 8% of continuously housed mothers.

• Childhood separation from their parents is a predictor of future homelessness in adults.

Homelessness

• A homeless mother with no other risk factor had about the same risk of becoming separated from a child as a housed mother who experienced domestic violence and was drug dependent.

• The simple act of accessing a shelter, places a family at risk of government sanctioned separation.

Bridging the Gap

• To care about the welfare of children does not require us to cease caring about parent representation

• Is this current system ideal for all of the participants?

• What does our ideal system look like?
WHO WE ARE

In January 2017, Still She Rises, Tulsa began serving the North Tulsa community by providing free legal defense representation to pregnant women, women with children, transgender women with children or female caregivers of children.

Women are the fastest-growing segment of the incarcerated population in the United States. The number of women in prison or under the control of the criminal justice system—almost 1 million—has increased at nearly double the rate of men since 1985. Oklahoma incarcerates a higher percentage of its women than any other state—142 out of every 100,000 female Oklahomans are incarcerated.

In addition to providing defense and representation to clients, Still She Rises serves as a hub for public defenders across the country seeking to develop and institutionalize best practices to better represent women and preserve families, setting Still She Rises at the forefront as the first public defender office in the nation dedicated to this cause.

OUR APPROACH

Using the holistic model of providing seamless services that address all of the women’s needs, not just their legal ones, Still She Rises provides zealous advocacy to respond to each woman’s unique situation.

We recognize an arrest can have various impacts on a woman’s life, such as:

- The loss of her children
- Unemployment
- Eviction
- Disruption of public benefits
- Mounting court fines and fees

Each woman represented works with a dedicated team committed to understanding her unique situation. The team includes:

- Criminal and family defense attorneys
- Social Workers
- Client advocates
- Investigators
- Civil generalist attorneys
### SOCIAL WORK

Our social workers strategize with attorneys and advocates to address critical needs that stem from criminal justice and child welfare involvement and exposure, along with providing one-on-one support.

**Our team is trained to:**
- Develop critical, mitigation-based advocacy in and outside of court
- Provide client-specific case management and support
- Create and present relevant training to enhance effective direct service practice

### FAMILY DEFENSE

Our family defense practice meets the mother within forty-eight hours of their children’s removal and works to:
- Establish innovative and client-centered solutions to address any underlying issues faced by our clients and their families
- Defend against the charges of neglect and abuse
- Fight to keep families together with innovative legal strategies and preventative advocacy

### CRIMINAL DEFENSE

Our criminal defense attorneys work side-by-side with the other advocates to identify the causes of a woman’s criminal justice involvement and fight to mitigate the penalties associated with their cases.

**We pursue justice for women by:**
- Gaining a deeper understanding of their lives and needs
- Thoroughly investigating their cases
- Raising novel legal arguments
- Using creative tools of persuasion to succeed at trial

### IMPACT LITIGATION

Our impact litigation team works to change systemic policies and practices that drive low-income women, and disproportionately women of color, into the criminal justice system and intensify consequences of justice involvement.

**We leverage the knowledge we gain from direct representation to:**
- Assess community needs and identify potential legal challenges
- Develop and pursue advocacy goals and litigation strategies to reform practices that target and penalize the community we serve

### CIVIL LEGAL PRACTICE

Our civil legal practice represents women to address the non-criminal legal issues that impact their family stability such as:
- Eviction and Foreclosure
- Access to public benefits
- Guardianship
- Employment

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**HOW TO HELP**

To learn more about Still She Rises, Tulsa and how you can help break the cycle of poverty and incarceration, visit [stillsherises.org](http://stillsherises.org)

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