



**BROOKLYN  
DEFENDER  
SERVICES**

**TESTIMONY OF:**

**Andrea Nieves – Attorney**

***BROOKLYN DEFENDER SERVICES***

**Presented before  
The New York City Council Committee on Women’s Issues  
on  
Introductions 1122-2016, 1123-2016, 1128-2016 and  
Resolution 1012-2016  
related to  
access to feminine hygiene products**

**June 2, 2016**

My name is Andrea Nieves. I am an attorney at Brooklyn Defender Services (BDS). BDS provides innovative, multi-disciplinary, and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, for over 40,000 clients in Brooklyn every year. I thank the City Council Committee on Women’s Issues and, in particular, Chair Laurie Cumbo and Speaker Melissa Mark-Viverito for the opportunity to testify today about the dire need for the City to provide quality feminine hygiene products to women in City jails.

Over the past 20 years, BDS has represented thousands of women detained on Rikers Island. Our female clients spend their time at Rikers at the Rose M. Singer Center, often referred to as “Rosie’s.” When compared to their male counterparts, our incarcerated female clients are:

- Much more likely to have histories of trauma and to be survivors of sexual and physical abuse;
- More likely to suffer from a mental illness (recently more than 70%) and chronic medical conditions;

- More likely to be unemployed or underemployed;
- Often the primary caretakers of children while in the community; and
- More likely to experience sexual abuse and trauma while incarcerated.

**The vast majority of the women at Rosie's should not be in jail; they are there simply because they are too poor to pay bail.** Notably, the bulk of the top charges that bring women into contact with the criminal justice system are related to histories of drug and alcohol addiction – a clear indication that the War on Drugs continues to wreak havoc in the lives of the clients, families, and communities we serve. In choosing to detain these women, the City is assuming responsibility for providing continuous quality care, including hygiene products and health care.

BDS strongly supports the three bills and one resolution before the Committee today. Access to feminine hygiene products is critical for women's health. Doctors recommend changing pads or tampons every three to four hours to prevent bacterial and fungal infections that may lead to serious health problems. We believe that all women and girls should have access to feminine hygiene products and are grateful to the City Council for proposing legislation to ensure that schools, shelters and jails across the City provide these items to women in need. These bills are critical to demonstrating a public consensus about the importance of access to feminine hygiene products and in bringing about a cultural shift in how we talk about and address women's issues.

While many prisons and jails across the country do not provide any free hygiene products to detained people, including feminine hygiene products, DOC does provide free sanitary napkins to women. However, women are only provided a small number of the free napkins, a supply frequently insufficient for women with heavier flows. According to a recent survey by the Correctional Association, 54 percent of respondents in New York prisons said they did not get enough sanitary napkins each month. This is consistent with the experience of our attorneys and social workers supporting our clients detained at Rikers. *Our clients tell us that they are generally given only 12 sanitary napkins at a time.* Women without a sufficient supply must then request additional napkins from guards, who often use the request as a way to control women and assert their authority over her. Our clients tell us that they have to beg officers for more free pads only to be treated with disrespect that make them feel ashamed. Furthermore, the free napkins are of very poor quality and most of our clients will go to great lengths to purchase name brand napkins from the Commissary. Our clients report that the free napkins are not properly absorbent and thus easily lead to staining of their uniforms.

Ms. R's story is a perfect example of how Rikers current policy on feminine hygiene products affects poor New Yorkers.

Ms. R, a 24-year-old BDS client, spent nine months detained on Rikers. She asked her BDS social worker not to visit her while she was menstruating because she was worried about leaking through her uniform and having to walk the halls of the jail with a bloodstain. Ms. R had to choose between the shame of leaking blood while menstruating and

meeting with her legal team. Ms. R. comes from a low-income family and worked overtime in the jail to pay for her basic needs including deodorant, soap and sanitary napkins. She shared that she did not have enough sanitary napkins and she would try to wear the same napkin for as long as possible to ration the supply she was able to purchase from the Commissary because the free pads were of such low quality.

**The current policy of providing women with unusable hygiene products in insufficient quantities after repeated requests does not meet the spirit of the bill as proposed. No woman should be denied her dignity or humanity because of her menstrual cycle, including when she is in school, living in a shelter or incarcerated. Today's hearing, along with the passage of Int. 1122-2016, are important first steps in codifying a right for women incarcerated in City jails to access feminine hygiene products.**

We are very grateful for Council's important work on this matter. However, legislation alone will not be enough. We plan to continue direct advocacy with DOC to ensure that all women receive as many sanitary napkins as they need, when they need them, without harassment and abuse from correctional officers. We hope that the City Council and our community partners here today will work together to ensure that DOC provides functional sanitary napkins, as the current offerings are of such poor quality that our clients report they are often unusable, except as shower slippers or as adhesives to hang photos of their children on the wall. In the future, we would like to see DOC provide female inmates with tampons as well as sanitary napkins, which allow greater freedom of movement and comfort.

Thank you for your consideration of my comments. We are grateful to the Council for bringing to light the issues that low-income women face in obtaining feminine hygiene products in the City's schools, shelters and jails. Please do not hesitate to reach out to me with any questions about these or other issues at (718) 254-0700 (ext. 387) or [anieves@bds.org](mailto:anieves@bds.org).