



MEMORANDUM IN SUPPORT

S. 6176 (Little) / A.588A (Rosenthal)

Relates to providing feminine hygiene products at no cost to individuals in correctional facilities

June 14, 2017

Brooklyn Defender Services (BDS) is public defender office that provides interdisciplinary, client-centered representation in the areas of criminal, family, and immigration defense, as well as civil legal services, for more than 30,000 clients in Brooklyn every year. Over the past 20 years, BDS has represented thousands of women detained in New York City Department of Corrections (NYC DOC) jail facilities. Our attorneys and social workers are intimately aware of the challenges that our female clients face in attempting to attain basic hygiene products while incarcerated.

The passage of this bill is critical to demonstrate a public consensus about the importance of access to feminine hygiene products and to help bring about a cultural shift in how we talk about and address women's issues. This bill would require that all women who are incarcerated in New York State or City facilities have access to free feminine hygiene products.

BDS supports the passage of S.6176/A.588A. The bill is an important first step in working to eliminate the shame and stigma associated with menstruation. However, we urge the legislature to continue monitoring the accessibility of hygiene products to incarcerated women and to consider amending the law in the future, if necessary, to ensure that women receive sufficient quantities of supplies, of sufficient quality, without fear of repercussions from corrections staff.

Access Issues

Access to feminine hygiene products is critical for women's health. Doctors recommend changing sanitary napkins or tampons every four to eight hours to prevent bacterial and fungal infections that may lead to serious health problems. All women who are incarcerated should have access to feminine hygiene products in sufficient quantities to meet their individual needs.

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. *Some clients tell us that they are given only 12 sanitary napkins at a time. In other blocks, pads are left out in a bucket or box in the bathroom.* This supply is sometimes insufficient for women with heavier flows. 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.¹

Furthermore, the free napkins provided at Rikers 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. Renee's story is a perfect example of how Rikers current policy on feminine hygiene products affects poor New Yorkers.²

Renee, 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 on her period because she was worried about leaking through her uniform and having to walk the halls of the jail with a bloodstain. Renee had to choose between the shame of leaking blood while on her period and meeting with her legal team. Renee 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.

Finally, in the future, we would like to see facilities provide incarcerated women with tampons as well as sanitary napkins, which allow greater freedom of movement and comfort. A representative of the NYC DOC stated at a New York City Council Hearing in 2016 that women who are incarcerated at Rikers Island are provided free tampons in addition to sanitary napkins, but our clients say that tampons are not readily available.

¹ The New York Times recently reported on this very issue. See Zoe Greenberg, *In Jail, Pads and Tampons as Bargaining Chips*, N.Y. TIMES, April 20, 2017, available at <https://www.nytimes.com/2017/04/20/nyregion/pads-tampons-new-york-womens-prisons.html>.

² Renee's name has been changed to protect her identity. Renee is a pseudonym.

Next Steps

We support this legislation but recognize that it may not go far enough to address all of the issues that our incarcerated women clients face related to accessing hygiene products. BDS will continue direct advocacy with DOC and DOCCS to ensure that they readily provide functional sanitary napkins and tampons in sufficient quantities. We hope that the legislature will continue to monitor these access issues and consider future ameliorative actions, if necessary.

No woman should be denied her dignity or humanity because of her menstrual cycle, including while she is incarcerated. For these reasons, we urge the legislature to pass and the Governor to sign S.6176/A.588A.

Questions?

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