



WLP Files Brief Supporting Women Incarcerated in Berks County Prison

Victory v. County of Berks may decide to what extent prisons and jails need to provide equal housing and treatment to incarcerated women

August 20, 2019, PENNSYLVANIA – The Women’s Law Project authored and filed an *amicus curiae* (“friend-of-the-court”) brief in *Victory v. County of Berks*. Our brief, which you can review or download here, supports women seeking equal treatment and housing practices while incarcerated at Berks County Jail.

Multiple women have initiated successful claims against Berks County by alleging discriminatory, unequal treatment and housing practices based on solely on gender. Now, Berks County has appealed to the Third Circuit, arguing that it treats the women fairly.

You can read more background and case documents here.

Victory v. County of Berks is important because it may decide to what extent prisons and jails need to provide equal housing and treatment to incarcerated women. Women are the most rapidly expanding population in the U.S. prison system yet historically, prisons and jails have often provided inadequate and subpar housing facilities, medical care, and other necessities for incarcerated women.

“The rapid increase in the incarceration of women, and disproportionately Black women, arises from a justice system that has been applied with sexist and racist biases, and the discriminatory and unfair treatment of these women doesn’t stop once they are incarcerated,” says WLP staff attorney Margaret Zhang, who filed the brief. “Here in Berks County, we have a clear example of sex discrimination in violation of the Equal Protection Clause of the U.S. Constitution.”

“This unfair and unequal treatment shows how the needs of incarcerated women are often ignored,” says WLP staff attorney Amal M. Bass, who co-authored the brief. “Women incarcerated in Berks County are given less physical and psychological freedom than their male counterparts, and are even at times forced to eat meals while locked in a cell with toilets that won’t flush. Despite county officials’ arguments about cutting costs, such unfair treatment based solely on sex is unconstitutional.”

In Pennsylvania, state prisons experienced a 44% increase over the last decade in women entering those facilities, compared to a 12% increase in men. (Our brief refers to correctional

facilities as either “women’s” or “men’s” facilities because state law separates facilities this way, but *amici* noted that women’s and men’s facilities may also house transgender and non-binary people.)

ACLU of Pennsylvania, Atlanta Women for Equality, California Women’s Law Center, Center for Constitutional Rights, Community Legal Services, Equal Rights Advocates, Gender Justice, Legal Voice, Maternity Care Coalition, National Crittenton, National Girls Health and Justice Institute, National Organization for Women Foundation, National Women’s Law Center, New Voices for Reproductive Justice, Pennsylvania Prison Society, People’s Paper Co-op, Reentry Think Tank, Sisters Returning Home, Southwest Women’s Law Center, and Women’s Law Center of Maryland, Inc. also signed on to the brief.

To learn more about this case or to request an interview with an attorney, contact Tara Murtha at tmurtha@womenslawproject.org or 215.928.5766.

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