
Breaking the Barriers *for Women on Parole*

An Executive Summary

Of the many scandals gripping California's correctional system, the failure to reduce crime, violence and drug abuse among parolees is one of the greatest. The costs and consequences of this failure are most onerous in the case of female offenders.

In a prison system as large as California's – and one so ridiculed for inmate abuse, cost overruns and ineffectiveness – it is easy to overlook the 10,000 incarcerated women and 12,000 women on parole.

The vast majority of female inmates are not a threat to public safety. Two-thirds of them were convicted of property or drug-related crimes.¹ Indeed, more of them have been victims of violent crimes than were convicted of violent crimes. A haunting four in 10 were physically or sexually abused before the age of 18.²

Most of them are housed in two of the nation's largest prisons isolated in the middle of the San Joaquin Valley. Despite the relatively low security risk of female inmates, the primary considerations in the design and operation of these facilities are preventing escapes and minimizing violence behind bars. Partly to control costs, the prisons are crowded far beyond design capacity. But the costly irony is the overcrowding further frustrates the anemic efforts at education, drug treatment and other interventions that – if managed correctly – could prevent many inmates from returning to prison after they are released.

With little preparation, all inmates are placed on parole at the end of their terms – something that is not done in most other states. Few of them receive help finding a job, a home, or staying clean, and in some cases they are denied help because of their convictions. Predictably, nearly half of these women violate the conditions of their parole and end up back in prison. More than 90 percent of those violations are for non-violent behaviors.³



On the cover: Susan Burton, a crime victim and parent who lost a son to violence, served time as a drug addict, earned a degree as a counselor, achieved her certificate of rehabilitation, and is now executive director of a non-profit assisting women on parole in Los Angeles County.

The State spends about \$1.5 billion a year on male and female inmates after they have completed their prison terms.⁴ Most of those costs are associated with re-incarcerating parole violators. While California's inmates are similar to those in other states, California ranks 49th in the percentage of offenders who successfully complete parole.⁵

In some instances, a strong case can be made that tough parole policies protect the public from serious and violent offenders. In its 2003 report on parole policies, the Little Hoover Commission recommended ways to strengthen policies regarding inmates and parolees with violent histories. The Commission also has advocated for better data and better analytical tools to assess the risks posed by individual offenders.

Surely, some female offenders pose a public safety risk, while in prison and on parole. The incarceration rate among female offenders for violent crimes has doubled over the last 20 years.⁶ But those offenders are not the ones responsible for the rapid growth and overcrowding. The statistics reveal that over the last generation, more and more women have been captured first by addiction and then the War on Drugs. They serve their time in prisons that are largely gender-blind and outcome ambivalent.

At the time of their arrest, half of these women were taking care of their children; two-thirds of those women were single parents.⁷ The correctional system does little to assess its impact on the prevention of future criminal behavior. It does even less to consider the impact of current policies – or the potential of alternative policies – on the thousands of children whose only parent, their mother, is in prison for petty theft with a prior or abusing drugs. Experts agree that parental incarceration is a significant risk factor for children, suggesting that

Safe and Sound Parole Policies

The Commission in 2003 declared California's parole system to be a \$1 billion failure, and made comprehensive recommendations for reducing costs and improving public safety by adapting proven strategies for reintegrating offenders back into California's communities. Among the recommendations:

1. The Board of Corrections should provide ongoing oversight of the parole system to ensure evidence-based strategies are properly implemented.
2. Prisons should prepare inmates for release. Wardens should be held accountable for operating effective programs and "good time" credits should be restructured to encourage inmates to prepare themselves.
3. Communities should assume greater responsibility for assisting parolees with housing, employment and other supports, funded by resources now spent by the State.
4. The State should develop a range of interventions for "failing" parolees based on effectiveness.
5. The State must scrutinize practices of re-incarcerating parolees suspected of serious crimes as parole violators rather than charging them with a new crime.

policy-makers reconsider the use of re-incarceration as the primary response to non-criminal parole violations – particularly for women offenders.

By not using analytical tools, by precluding rehabilitation with the priority on punishment, and by allowing policies to be based on the myth that only serious and violent inmates are sentenced to prison, the State has shackled itself to expensive and ultimately ineffective policies.

To be certain, there has been a vigorous debate about how to treat felons. The Little Hoover Commission – as indisputable evidence has emerged that some interventions can cost-effectively reduce crime, violence and drug-abuse – has urged policy-makers to implement those measures as a way of reducing public expenditures and improving public safety.

Former Governor Deukmejian – who in the 1980s championed the rapid expansion of the prison system and refocused it on incapacitation and punishment – this year concluded after a comprehensive and independent analysis that the pendulum had swung too far. He urged policy-makers to institute and expand programs that research has proven result in less crime, violence and drug abuse among the vast majority of felons who are released from prison and return home.

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There is at least rhetorical agreement from correctional officials that the primary policy goal should be to improve public safety by reducing crime, violence and addiction by inmates upon release. And in testimony, officials acknowledge that to be successful, they must faithfully replicate proven strategies.

But meaningful reforms have not been enacted.

This report builds on the Commission's previous reports by examining and making recommendations for improving prison and parole policies as they relate to female offenders.

Improving policies for women offenders is not an alternative to reforming the entire system, and indeed reforming the entire system is both needed and would improve outcomes for women offenders.

But making the system more effective for male offenders will not be enough to make it more effective for female offenders. And because of their criminal histories, their smaller numbers, and the greater support

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for improving the outcomes for incarcerated mothers, the recommendations advocated in this report could pioneer the smart reforms that are needed systemwide.

To succeed, any reform must be predicated on two undeniable realities:

1. The Department of Corrections cannot change itself. If policy-makers and department officials are serious about making changes, they will put in place from the beginning an effective mechanism for independent, public, expert and outcome-based oversight of all programs and all facilities.
2. The Department of Corrections is only one part of the correctional continuum. It cannot and should not assume that it has sole responsibility for parolees, and it must work collaboratively with public and non-profit organizations to accomplish the goal of reducing crime. Specifically, the Commission believes the State's objective should be a community-centered and community-based parole system where the necessary supervision and assistance can be mustered to help parolees become responsible, contributing and free citizens.

This problem cannot be solved with more “programs.” Correctional leaders and policy-makers at the state and local levels must establish clear goals and the outcome measures that will gauge progress toward those goals. They must develop a strategy that makes the best use of existing resources – facilities, as well as annual budget expenditures – to institute evidence-based programs for reducing crime, violence and drug-addiction.

Toward that end, the Commission makes the following recommendations:

A Correctional Strategy for Female Offenders

Finding 1: The Department of Corrections has not developed a correctional strategy that effectively reduces crime, violence and drug abuse by the growing number of women inmates upon their release.

The number of women incarcerated in California grew exponentially over the past two decades. California has squandered limited resources by not responding with a strategy to reduce criminal activity and enhance public safety.

Four out of every 10 women on parole will fail and return to prison.⁸ The costs and consequences of this failure place an enormous burden on more than just the criminal justice and correctional systems, but the

child welfare, mental health and juvenile justice systems as well. Research shows that children of prisoners are five to six times more likely to become incarcerated than their peers. Ten percent are in foster care.

For the most part, the State has relied on a punishment strategy rather than a correctional strategy. California has failed to develop strategies to prepare inmates for their imminent release and their transition back to the community, despite a growing body of evidence of what works. And the State has made minimal efforts to provide the gender-responsive strategies that experts agree are essential for female parolees to become self-sufficient and law-abiding citizens.

Recommendation 1: The Department of Corrections should develop a coherent strategy to hold female offenders accountable for their crimes and improve their ability to successfully reintegrate into their communities. Specifically, the department should:

- ❑ ***Develop leadership for reforms.*** CDC should appoint a director for women’s programs to guide the development and implementation of reforms in institutions and parole to effectively address the risks and needs of women offenders and their children. The director should be the equivalent of the regional directors proposed by the Independent Review Panel. Previously the Commission recommended that wardens should be appointed to fixed terms and managed with performance contracts. In addition, wardens of women’s prisons should have professional training and skills in gender-responsive management, operations and programs.
- ❑ ***Embrace evidence-based practices.*** The department should implement programs that have the best evidence of effectiveness in producing the desired outcomes, including reduced recidivism, greater employment, substance abuse recovery and reunification. The director for women’s programs should empanel a council of criminal justice researchers to identify and recommend best practices and critique their implementation by the department. Independently conducted program evaluations should be reviewed and commented upon by this council. The panel should publicly report on whether programs are faithfully replicating proven programs, and whether they should be modified, expanded or discontinued.
- ❑ ***Develop a strategic plan.*** The director for women’s programs should develop a strategic plan for female offenders, consistent with the department’s overall strategic plan. The plan should include input and ownership of staff and management; statements of values, mission, goals and objectives. It should include an implementation

plan that delineates activities, budgets, time lines and those responsible for the outcomes.

- ✓ The plan should include a robust community correctional system to effectively house and prepare female inmates for release.
 - ✓ The plan also should include a robust re-entry effort to effectively supervise and assist female parolees.
- **Measure and report performance.** The Department of Corrections should develop performance measures to gauge the effectiveness of its correctional strategy for women offenders. It should report the results to correctional staff, the public and policy-makers.

These two elements – community corrections and a community-based re-entry model – are described in the following findings.

Preparing for Success

Finding 2: Mega-prisons, designed primarily to incapacitate and punish violent offenders, are not effective for the majority of female offenders who are non-violent, serve short sentences and need specific services to successfully return home.

More women entered prison in the past two decades than ever before, many caught by the tough sentencing laws passed to respond to gang activity and the neighborhood drug wars.

However, the women caught in the drug dragnet are not like their male counterparts – they are mostly non-violent, the majority have been victims themselves, they have more mental health issues and more severe drug addictions, and they are more likely to be the primary caretaker of a young child.

Yet when reacting to the increase in female offenders, correctional policies did not take into account the change in the nature of crimes committed, or even in the gender of the offenders. The State responded by constructing large, remotely located prisons that isolate women from their children and do not provide the programs that can reduce crime and prevent released offenders from recycling back to prison.

The State has taken a few minor steps to develop community-based facilities that provide gender-responsive services to incarcerated mothers with young children. While program administrators have identified barriers to broader participation, little or nothing has been done to remove those barriers, and the programs have not been expanded or replicated.

Gender Differences Among Offenders	Female	Male
Californians Convicted of Crimes Against Persons in 2003 ⁹	835	15,008
Percent of California Parolees with Minimum or Low Supervision ¹⁰	88%	72%
Number of California Parolees Classified as High Control or 2 nd Strike ¹¹	822	24,246
Offenders Physically or Sexually Abused Prior to Prison Admission ¹²	57%	16%
Offenders in Counseling/Therapy for Mental Health Issues ¹³	27%	12%
Offenders Having a Child Under 18 Years Old ¹⁴	64%	57%
Percent Living With Their Children Prior to Arrest ¹⁵	53%	36%
Offenders Employed at the Time of Arrest ¹⁶	40%	60%

The State has one privately run community correctional facility for women where every inmate participates in educational and vocational training programs. Located in the heart of a neighborhood in a small community, the women at this facility have opportunities to learn skills and give back to the community in ways that their counterparts in the large remote facilities cannot. Yet this facility has never been evaluated, replicated or expanded.

Recommendation 2: A core element of a strategic plan for women should be a robust system of community correctional facilities focused on preparing women offenders for success on parole. The State should:

- ***Revise classification procedures.*** The Department of Corrections should tailor its classification tool to improve its ability to classify and make housing assignments for women offenders. The tool should be validated to ensure that it accurately assesses the risks female offenders pose to public safety and their needs for services to successfully transition from prison to the community
- ***Develop a continuum of incarceration options.*** The department should develop a continuum of facilities for female inmates to cost-effectively match inmates with the facility that best achieves the goals of public protection and successful re-entry.
 - ✓ The continuum should include community correctional facilities to house inmates closer to their communities; halfway back facilities to support the transition from prison to the community; and, facilities specifically designed to address the needs of parole violators who are inappropriate for less restrictive sanctions.

- ✓ Prisoner mother programs should be fortified and expanded. The eligibility criteria for the Family Foundations Program should be revised to make it consistent with other minimum security placements such as community correctional re-entry centers, camps and the Community Prisoner Mother Program. The department should explore incentives for participation in the programs, including providing “work credits” equal to those of the camp program.
- **Partner with communities.** The department should work with communities to plan, develop and operate facilities based on research and focused on successful re-entry. It should explore all options for siting facilities, including expanding existing facilities, utilizing closed military facilities, closed California Youth Authority facilities and contracting with sheriff’s departments and others.
- **Operationalize the continuum.** The department should use a competitive process to develop contracts for community correctional facilities to deliver the array of services shown to reduce recidivism among female offenders. Private companies, public agencies or partnerships among them should be encouraged to bid on the contracts.
 - ✓ The department should restructure the contracting process to emphasize quality of services over the lowest cost to contract with providers with expertise in addressing the needs of women offenders and link inmates with aftercare upon release.
 - ✓ The department should establish performance benchmarks in contracts with providers and monitor and report return-to-custody rates and other outcome measures.
 - ✓ The department should reward high-quality providers with higher rates of reimbursement and terminate the contracts of those that fail to meet specified outcomes.

A Re-entry Model to Reduce Recidivism

Finding 3: Female offenders are often denied assistance with housing, employment, substance abuse treatment, and family reunification, and as a result the public costs and personal tragedies continue to plague families and communities.

All offenders released back into the community face nearly insurmountable challenges – they frequently have nowhere to live, nowhere to work and nowhere to turn for help in fighting addiction.

Women must not only conquer these obstacles, they also are frequently returning as the sole caretaker of young children.

And at this most vulnerable juncture, many female parolees cannot tap into the services that could help them and their families succeed.

In an effort to block drug abusers from utilizing social service benefits to feed their addictions, the federal government placed a lifetime ban on access to federal welfare funds for drug offenders. So while a non-violent mother convicted of drug possession is denied access to federal funds that would help her get a job and take care of her family, a robber, a rapist or a murderer has no such restriction. Seventeen states have applied for a waiver to this restriction but California has not.

Not surprisingly many female offenders released to parole do not succeed and instead return to prison. Their crimes and addictions plague local communities and sap local government resources. Their children often are raised by over-burdened relatives or placed in costly foster care, where they are more likely than most to become the next generation of offenders continuing the cycle of crime and perpetuating the costs of incarceration.

Recommendation 3: The State should develop a community-based re-entry model to reduce recidivism among women offenders, improve public safety and reduce public costs. Specifically, the State should:

- ***Establish an interagency council on re-entry.*** The Governor should establish an interagency council on re-entry to develop a system of community supervision and re-entry with comprehensive, integrated services for female offenders.
 - ✓ The council should be co-chaired by the secretary of the Youth and Adult Correctional Agency and the secretary of the Health and Human Services Agency. Members should include state and community representatives from the fields of law enforcement, education, housing and community development, employment, alcohol and drug, mental health, child welfare, domestic violence and victim advocacy programs. Community members, offenders and their families should be represented.
 - ✓ The council should identify statutory, regulatory and practical barriers to re-entry and recommend to the Governor and Legislature ways to overcome them.
 - ✓ The council should identify and recommend to the Governor, Legislature and communities evidence-based prevention and intervention strategies for the children of incarcerated parents.

- **Shift the responsibility for parolee supervision and assistance to communities, starting with women.** The Governor and Legislature should require communities to assume responsibility for certain non-violent women parolees as a first step in transferring responsibility for the majority of non-violent offenders – male and female – to communities.
 - ✓ Communities should establish multi-agency coordinating councils and develop local plans for supervising, assisting and sanctioning female parolees using a case management approach and partnerships between the adult criminal courts and dependency courts.
 - ✓ The State should develop agreements with sheriffs or probation departments, in partnership with community agencies, to provide the services. The services should be supported by shifting funds from services now administered by the State.
- **Provide technical assistance.** The Youth and Adult Correctional Agency should provide assistance in developing, implementing and evaluating correctional plans. It should contract for technical assistance to help communities identify and overcome barriers to effective interagency partnerships, siting of transitional housing, development of adequate treatment resources and others.
- **Measure performance.** The Department of Corrections should establish and operate, with the cooperation and participation of its community partners, a statewide information and evaluation system to monitor the effectiveness of the community re-entry services.

Knocking Down the Barriers

For the community re-entry model to be effective, the State must take specific actions to reduce legal and practical barriers to re-entry for female offenders. Specifically, the State should:

- ❑ ***Immediately enact legislation to eliminate or modify the ban on CalWORKs for certain non-violent drug felons to improve access to housing, employment and drug treatment services critical to successful re-entry.***
- ❑ ***To reduce barriers to housing, the State should:***
 - ✓ Require CDC to collect and report to the Legislature and local Public Housing Authorities data regarding the housing needs of female parolees and their children.
 - ✓ Create tax credit and bonus programs for private builders as incentives to build housing for female parolees.
 - ✓ Support, in partnership with communities, the development of a range of housing options for female offenders, including transitional housing, permanent supportive housing and sober living environments.
 - ✓ Establish partnerships with Public Housing Authorities to:
 - Encourage local public housing authorities to consider evidence of rehabilitation from criminal or substance abuse activity in their application of federal restrictions and give preference to female parolees with children.
 - Provide vouchers as incentives for completion of substance abuse treatment and other programs known to reduce recidivism.
 - Place eligible CDC inmates on public housing lists prior to release.
 - Adapt the Shelter Plus Care program to female parolees.
- ❑ ***To reduce barriers to employment, the State should:***
 - ✓ Increase the allocation of discretionary Workforce Investment Act funds for offender programs. (Currently 15 percent of total discretionary funding, or \$10.6 million.)
 - ✓ Provide fiscal incentives for local Workforce Investment Boards to serve female parolees.
- ❑ ***To reduce barriers to substance abuse recovery, the State should:***
 - ✓ Fully fund aftercare treatment for all offenders participating in in-prison drug treatment programs and make aftercare mandatory. It should expand aftercare options to include day treatment, sober living with support services and other options based on offender risk and needs assessments.
 - ✓ Expand drug treatment furlough for women offenders and use furlough as an incentive for completion of in-prison treatment.
 - ✓ Evaluate the two drug treatment programs for females at the California Rehabilitation Center to determine whether the full-time program is significantly more effective than the four-hour program. If it is not, it should be converted to a four-hour program to increase the number of offenders served.
 - ✓ Assign parole agents to specialized Female Offender Treatment and Employment Project caseloads to improve consistency and outcomes.
 - ✓ Measure and report Proposition 36 outcomes for female offenders.

Notes

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3. California Department of Corrections. May 2004. "Rate of Felon Parolees Returned to California Prisons, CY 2003." Table 2 (Rate is per 100 average daily population.) Also, California Department of Corrections. "California Prisoners and Parolees 2001." Table 42.
4. Michael P. Jacobson, Ph.D., Professor, John Jay College of Criminal Justice. New York. September 18, 2003. Written communication.
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8. California Department of Corrections. See endnote 3.
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10. California Department of Corrections. October 5, 2004. "Female Parolees by Class," and "Male Parolees by Class." Sacramento. On file.
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16. U.S. Department of Justice, Bureau of Justice Statistics. December 1999. "Special Report: Women Offenders." Washington D.C.