

LITTLE HOOVER COMMISSION
Public Hearing: The Impact of California's Parole Policies on Women
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Thank you for inviting me to address the unique characteristics of women offenders and the challenges they face as they reenter into the community from prison. I appreciate the Commission's interest in the plight of women parolees which has long been overlooked in terms of correctional policy and practice. My comments are primarily drawn from a National Institute of Corrections sponsored study which I co-authored.¹

BACKGROUND

Women represent a growing and significant proportion of correctional populations nationwide. More than one million women are currently under criminal justice supervision in the United States. Since 1980, the number of women in U.S. prisons increased at double the rate for men. The number of women in state and federal prisons increased nearly eight-fold from 12,300 in 1980 to 97,491 in 2002. Women account for about 6.8% of the U.S. prison population and 12% of the parole population (90,000).

There are approximately 10,000 women incarcerated in California state prisons. Women make up about 6% of the total prison population and about 11% of the parole population (12,450).

Nearly two-thirds of women in U.S. state prisons are serving sentences for nonviolent offenses. Women are arrested and incarcerated primarily for property and drug offenses. According to the Sentencing Project, between 1986 and 1996, the number of women in state prisons for drug offenses rose by 888%. Nearly 70% of women incarcerated in California prisons in 2003 were incarcerated for property (33.5%), drug (31.1%), and other (4.6%) offenses. Person offenses accounted for over half (51.7%) of male incarceration and nearly 30% for female incarceration in California.

CHARACTERISTICS OF WOMEN OFFENDERS

Although the number of women offenders continues to increase at the national and state level, correctional policies tend to ignore the realities of gender. With few exceptions, correctional systems have been designed to manage the behavior and characteristics of male offenders. Understanding the gender-based characteristics of women is critical to

¹ Bloom, B., Owen, B., & Covington, S. (2003). Gender-Responsive Strategies: Research, Practice and Guiding Principles for Women Offenders, U.S. Department of Justice, National Institute of Corrections.

gender-responsive policy. Current research has established that women offenders differ from their male counterparts in personal histories and pathways to crime. Differences between men and women offenders have been documented in terms of the following:

- Levels of violence and threats to community safety in their offense patterns
- Responsibilities for children and other family members
- Relationships with staff and other offenders
- Vulnerability to staff misconduct
- Differences in programming and service needs while under supervision, particularly in terms of health, mental health, substance abuse, trauma recovery and economic/vocational skills
- Differences in reentry and community integration

Gender-Based Experiences

Women offenders are low income, undereducated and unskilled with sporadic employment histories, and they are disproportionately women of color. African American women make up nearly half of women in U.S. prisons and they are nearly eight times more likely than white women to be incarcerated. Women face life circumstances that tend to be specific to their gender such as:

- Sexual abuse and sexual assault
- Domestic violence
- Responsibility of being the primary caregiver for dependent children

Women's most common pathways to crime are based on survival of abuse, poverty, and substance abuse. Research confirms the importance of the following interconnected factors:

Family Background: Women in the criminal justice system are more likely than those in the general population to have grown up in a single-parent home. Within the incarcerated population, women are more likely than men to have had at least one incarcerated family member.

Abuse History: The prevalence of physical and sexual abuse in the childhoods and adult backgrounds of women under correctional supervision has been supported by the research literature; abuse within this segment of the population is more likely than in the general population. In examining the abuse backgrounds of male and female probationers, the Bureau of Justice Statistics found a dramatic gender difference: more than 40% of the women reported having been abused at some time in their lives, compared to 9% of the men.

Substance Abuse: Women are more likely to be involved in crime if they are drug users. Approximately 80% of women in state prisons have substance abuse problems. About half of women offenders in state prisons had been using alcohol, drugs, or both at the

time of their offense. On every measure of drug use, women offenders in state prisons reported higher usage than their male counterparts.

Physical Health: Women frequently enter jails and prisons in poor health, and they experience more serious health problems than do their male counterparts. This poor health is often due to poverty, poor nutrition, inadequate health care, and substance abuse. The specific health consequences of long-term substance abuse are significant for all women, and they are particularly so for pregnant women.

Mental Health: Many women enter the criminal justice system having had prior contact with the mental health system. Women in prison have a higher incidence of mental disorders than women in the community. One-quarter of women in state prisons have been identified as having a mental illness; the major diagnoses of mental illness are depression, post-traumatic stress disorder (PTSD), and substance abuse. Women offenders have histories of abuse associated with psychological trauma. PTSD is a psychiatric condition often seen in women who have experienced sexual abuse and other trauma.

Marital Status: Compared to the general population, women under correctional supervision are more likely to have never been married. In 1998, nearly half of the women in jail and prison reported that they had never been married, compared to 46% in 1991.

Children: Approximately 70% of all women under correctional supervision have at least one child who is under eighteen. Two-thirds of incarcerated women have children under the age of eighteen; about two-thirds of women in state prisons and half of women in Federal prisons had lived with their young children prior to entering prison. It is estimated that 1.3 million minor children have a mother who is under correctional supervision and more than a quarter of a million minor children have mothers in jail or prison.

Education and Employment: In 1998, an estimated 56% of women in state prisons had a high school degree. Approximately 40% of the women in state prisons reported that they were employed full-time at the time of their arrest. Most of the jobs held by women were low-skill and entry-level, with low pay. Women are less likely than men to have engaged in vocational training prior to incarceration.

BARRIERS FACING WOMEN RETURNING TO THEIR COMMUNITIES

Women who are returning to their communities from correctional facilities must comply with conditions of supervised release, achieve financial stability, access health care, locate housing and attempt to reunify with their families. These tasks are often complicated by gender. The majority of women in correctional facilities are mothers and a major consideration for these women is contact and/or reunification with their children. Unfortunately, many women released from prison have lost touch with their families and consequently they face greater adjustment problems in reintegration into the community.

The Collateral Consequences of Current Policies

While most of the policy attention has been on the impact of the war on drugs and the corrections system, policy changes in welfare reform and public housing have combined to create a disparate impact on women drug offenders. Key policy areas affecting women offenders and their children include welfare benefits, drug treatment, housing, education, employment and reunification with children.

Welfare Benefits

Section 115 of the 1996 Welfare Reform Act, “Temporary Assistance for Needy Families” (TANF), stipulates that persons convicted of a state or Federal felony offense involving the use or sale of drugs are subject to a lifetime ban on receiving cash assistance and food stamps. This provision applies only to those who are convicted of a drug offense. The lifetime welfare ban has had a disproportionate impact on African American women and Latinas with children, for several reasons. First, due to disparities in drug policies and in the enforcement of drug laws, women of color have experienced greater levels of criminal justice supervision. Second, as a result of race- and gender-based socioeconomic inequities, women of color are more susceptible to poverty and are therefore disproportionately represented in the welfare system.

Housing

Obtaining public housing may not be a viable option for women with a drug conviction. In 1996, the Federal government implemented the “One Strike Initiative,” authorizing local Public Housing Authorities (PHA) to obtain from law-enforcement agencies the criminal conviction records of all adult applicants or tenants. (This policy was recently upheld by the U.S. Supreme Court in *Department of Housing and Urban Development v. Rucker et al.*, March 26, 2002.) Federal housing policies permit (and in some cases require) public housing authorities, Section 8 providers, and other Federal assisted housing programs to deny housing to individuals who have a drug conviction or are suspected of drug involvement.

Education and Employment

As mentioned previously, a significant number of women under criminal justice system supervision have a history of low educational attainment. As of 1996, only 52% of

correctional facilities for women offered postsecondary education. Access to college education was further limited when prisoners were declared ineligible for Pell Grants. Educational opportunities may also be limited by the Higher Education Act of 1998, which denies eligibility for students convicted of drug offenses. Lack of education is a key factor contributing to the underemployment and unemployment of many women in the criminal justice system.

A significant number of women under criminal justice supervision have limited employment skills and sporadic work histories, and many correctional facilities offer little in terms of gender-specific vocational training. Additionally, having a criminal record poses an additional barrier to securing employment. The transitional assistance provided through TANF and food stamps offers the financial support women need as they develop marketable employment skills and search for work that provides a living wage. Women who are denied this transitional assistance may not be able to provide shelter and food for themselves and their children while engaging in job training and placement.

Reunification with Children

The Adoption and Safe Families Act of 1997 (ASFA) mandates termination of parental rights once a child has been in foster care for fifteen or more of the past twenty-two months. While it is difficult enough for single mothers with substance abuse problems to meet ASFA requirements when they live in the community, the short deadline has particularly severe consequences for incarcerated mothers, who serve an average of eighteen months. Placement of children with relatives, which would avoid the harsh ASFA mandate, is hampered by state policies that provide less financial aid to relatives who are caregivers than to non-relative foster caregivers.

GUIDING PRINCIPLES, POLICY, AND PRACTICE

Evidence drawn from a variety of disciplines and effective practice suggests that addressing the realities of women's lives through gender-responsive policy and programs is fundamental to improved outcomes at all criminal justice phases.

The six guiding principles that follow are designed to address system concerns about the management, operations, and treatment of women offenders in the criminal justice system.

- 1. Gender:** Acknowledge that gender makes a difference.
- 2. Environment:** Create an environment based on safety, respect, and dignity.
- 3. Relationships:** Develop policies, practices and programs that are relational and promote healthy connections to children, family, significant others, and the community.
- 4. Services and Supervision:** Address substance abuse, trauma, and mental health issues through comprehensive, integrated, culturally relevant services and appropriate supervision.
- 5. Socioeconomic Status:** Provide women with opportunities to improve their socioeconomic conditions.
- 6. Community:** Establish a system of community supervision and reentry with comprehensive, collaborative services.

Developing Gender-Responsive Policy and Practice

The proposed guiding principles are intended to serve as a blueprint for the development of gender-responsive policy and practice. These principles can also provide a basis for system-wide policy and program development. Following are scenarios based on a gender-responsive model for women offenders:

- The correctional environment or setting is modified to enhance supervision and treatment.
- Classification and assessment instruments are validated on samples of women offenders.
- Policies, practices, and programs take into consideration the significance of women's relationships with their children, families, and significant others.

- Policies, practices, and programs promote services and supervision that address substance abuse, trauma, and mental health and provide culturally relevant treatment to women.
- The socioeconomic status of women offenders is addressed by services that focus on their economic and social needs.
- Partnerships are promoted among a range of organizations located within the community such as: health and mental health care, alcohol and other drug programs, family and domestic violence programs, family-based programs, child welfare and children's services, emergency shelter, food and financial assistance programs, and peer support groups.

RECOMMENDATIONS FOR IMPROVING PAROLE SERVICES FOR WOMEN IN CALIFORNIA

There is a critical need to develop a system of support within communities to provide assistance to women who are returning to their communities. A case management approach has been found to work effectively with women in that it addresses their multiple treatment needs in a comprehensive gender-responsive way. Parole policy should address community needs as well as individual needs to improve outcomes for women. Assistance is needed in the areas of housing, education, job training, employment, transportation, family reunification, child care, drug and alcohol treatment, peer support and aftercare. Women transitioning from prison to the community must navigate a myriad of systems that often provide fragmented services and this can be a barrier to successful reintegration. The planning for reentry into the community must begin as soon as the woman begins serving her sentence, not during the final thirty to sixty days. Wraparound models and other integrated approaches can also be very effective because they address multiple goals and needs in a coordinated way and facilitate access to services.

The opportunities to improve parole services for women in California are great. Based on the information provided previously, I propose the following recommendations:²

PLANNING FOR REENTRY SHOULD BEGIN ON THE FIRST DAY OF INCARCERATION.

- Assess each woman at the time of entry into prison in terms of needs related to health, mental health, substance abuse, family, education, and employment
- Provide health, mental health, and substance abuse treatment programs in prison with aftercare components in the community
- Provide educational and vocational services in prison so that women are offered opportunities to earn a living wage when they are released

² The Women's Prison Association, Barriers to Reentry, October 2003.

- Give community-based organizations greater access to prisons so that they can serve as a bridge for women returning to the community

WOMEN SHOULD BE RELEASED FROM PRISON WITH THE TOOLS AND SUPPORT THEY NEED TO SUCCEED IN THE COMMUNITY.

- Ensure that women have a comprehensive discharge plan, including case management and treatment services
- Reentry planning should address family issues, including reunification with children
- Implement parole supervision practices that enable women to engage in education, employment and family responsibilities

COMMUNITIES SHOULD BE PROVIDED WITH THE NECESSARY RESOURCES TO ASSIST WOMEN AND THEIR FAMILIES.

- Increase the availability of transitional and permanent housing for women with criminal justice involvement
- Ensure access to affordable child care, health care and other family-focused services

PUBLIC POLICIES SHOULD PROMOTE FAMILY AND COMMUNITY WELLBEING.

- Assess the impact of the Adoption and Safe Families Act in terms of termination of parental rights of incarcerated women
- Revise restrictive public housing and Section 8 guidelines to allow women and their families access to affordable housing
- Revise policies that exclude women who have felony convictions from eligibility for public benefits, employment, etc.