

Paper Abstract

This paper discusses the effect female offenders have on the California criminal justice system, relevant policy considerations, and the need to address female offenders' specific and multiple needs in order to facilitate successful crime reduction policy. Some California programs are evaluated, and a course of action for California policymakers is outlined that would best address the special needs of female offenders.

“Smart crime policies incorporate the best strategies and programs to accomplish public goals, in this case reducing violence, crime and drug abuse. In many instances, the greatest benefits accrue when those strategies target people who are at the greatest risk of recurring harm – to themselves, their families and their communities. The 10,000 women in California’s prisons and the 12,000 women on parole are on the top of this list. Most of these women have been both victim and offender, and most of them have children. They represent some of the greatest challenges for the state’s vast, noble and underperforming network of health, education, human service and criminal justice programs. While dollars are allocated to these programs each year, the real costs are tolled over generations.”¹

Providing Services to Female Offenders: Policy Perspectives on Sentencing and Parole

by
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Introduction

As California struggles with the effects of three-strikes law, tougher penalties for drug crimes, and determinate sentencing, the disproportionate impact of these measures on women has become painfully clear. A mere quarter century ago, women were barely a shadow in the criminal justice system: they made up less than five percent of all prisoners, and around two-thirds of women who appeared in federal court were given probation.² Now, the United States incarcerates ten times more women than are incarcerated in all of Western Europe.³ Women are currently the fastest growing population in the nation’s criminal justice system. In 1995, 800,000 women-- or one in 130 adult women-- across the United States were serving time in prison or jail or on probation or parole. By 1998, this number had risen to 950,000, or one out of every 109 adult women. Simultaneously, between 1985 and 1997, the number of women

¹ *Breaking the Barriers for Women on Parole*, Little Hoover Commission, December 2004.

² Acoca, Leslie and Myrna S. Raeder, *Severing Family Ties: The Plight of Nonviolent Female Offenders and Their Children*, 11 *Stanford Law and Policy Review* 133, 133 (1999).

³ Finzen, Margaret E., *Systems of Oppression: The Collateral Consequences of Incarceration and Their Effects on Black Communities*, 12 *Georgetown Journal on Poverty Law and Policy* 299, 301 Summer 2005.

incarcerated in jails and prisons nearly tripled.⁴ This trend has continued unabated in recent years--over 105,000 women were incarcerated in state and federal prisons in 2004, representing an eight-fold increase from the 12,300 women incarcerated in 1980.⁵

These statistics become even more troubling when broken down by the effect of female incarceration on youth, minorities, and families. First, young girls are also an increasing presence in the criminal justice system. Since the 1980s, the arrest rate for girls has likewise been increasing at a faster rate than that of their male counterparts. In fact, between 1988 and 1997, the number of delinquency cases involving a female increased by 83%.⁶ Second, minority women are particularly affected by the overall increase trends in female incarceration, and almost two-thirds of incarcerated women are minorities.⁷ The incarceration rate of Black women is faster-growing than that of Black men and the entire prison population overall. The number of Black women in state and federal prisons rose by more than 200% from 1985 to 1995.⁸ Finally, approximately 80,000 of the incarcerated female population are mothers to 200,000 children under the age of 18.⁹ Before they were imprisoned, the majority of these women lived with their children.¹⁰

Policies designed to address the problem of female offenders and their unique needs are on the forefront of criminal justice dialogue, particularly in California. This paper will examine the ways in which women are disproportionately affected by drugs laws, determinate sentencing, and three-strikes laws and will posit that the decrease in discretion allowed by these sentencing strictures lies behind the drastic increase of women in the prison system. Further, this paper will examine successful reentry and parole policies in other states in regard to female offenders in order to evaluate current California approaches to provide women with the skills they need to attain employment and housing, meet their basic needs, re-acclimate to the community, maintain emotional and psychological health, and reassume parenting responsibilities. Part I discusses the effect female offenders have on California, relevant policy considerations, and the need to address female offenders' needs in order to implement successful crime reduction policy. Part II suggests possible remedies to the problems cited in Part I and outlines model programs that have been employed in other states. Part III suggests a course of action for California policymakers to employ in order to best address the special needs of female offenders.

Part I

The Problem in California

⁴ Acoca, Leslie and Myrna S. Raeder, *Severing Family Ties: The Plight of Nonviolent Female Offenders and Their Children*, 11 Stanford Law and Policy Review 133, 134 (1999).

⁵ FACT SHEET: WOMEN IN PRISON, THE SENTENCING PROJECT, Washington DC, available at <http://www.sentencingproject.org/pdfs/1032.pdf>.

⁶ Krisberg, Barry, *JUVENILE JUSTICE: REDEEMING OUR CHILDREN* 113 (2005).

⁷ Finzen, Margaret E., *Systems of Oppression: The Collateral Consequences of Incarceration and Their Effects on Black Communities*, 12 Georgetown Journal on Poverty Law and Policy 299, 301 Summer 2005.

⁸ *Id.*

⁹ "Not Part of My Sentence": Violations of the Human Rights of Women in Custody, Amnesty International, 1999 available at <http://www.amnesty.org/ailib/intcam/women/report0.html>.

¹⁰ *Id.*

The national trend of female incarceration is grimly mirrored in California, where women are also the fastest-growing segment of the prison population. In fact, the number of women in the prison population has increased fivefold in the last twenty years.¹¹ Of the 10,493 women filling California's prisons, an estimated forty percent reported histories of physical or sexual abuse as minors according to nationwide statistics provided by the U.S. Department of Justice in a 1999 report.¹² Sixty-five percent of the women incarcerated in California were imprisoned for non-violent property and drug crimes.¹³ More than half of the women in California's prisons do not have a GED or high school diploma.¹⁴ Sixty-four percent of women imprisoned in California are mothers, and half of these women were living with their children in the month prior to their arrest.¹⁵ Only twenty-nine percent of the children of incarcerated mothers in California are left in the care of their other parent when their mothers are arrested.¹⁶ A nationwide survey in 1997 found that 2% of the children of incarcerated parents were placed in foster care, 12% lived with other relatives including grandparents, and the remaining children lived in "a variety of arrangements."¹⁷ The racial profile of incarcerated women in California is 38.9% Caucasian, 26.7% Hispanic, 29.2% African-American or Black, and 5.2% other ethnicity.¹⁸ The male population, in contrast, is 27.6% Caucasian, 37.7% Hispanic, 28.9% African American or Black, and 5.8% other ethnicity.¹⁹ The demographics of California as a state do not match up with either of these incarcerated populations: California itself is 59.5% Caucasian, 32.4% Hispanic, and 6.7% African American or Black according to 2000 Census data.²⁰ These numbers show the devastating and disproportionate effect that incarceration has on African American and Black communities in California.²¹

The above statistics reveal several things that should inform California's policy in regard to female offenders. First, the population of female offenders is mostly non-violent and, in many cases, not a strong risk of danger to the community (only 833 female inmates are serving

¹¹ *Women's Obsolete Prisons*, Los Angeles Times. January 8, 2005 at B16.

¹² This information was self-reported to interviewers. See U.S. Department of Justice, Bureau of Justice Statistics. *Prior Abuse Reported by Inmates and Probationers*. Washington D.C. Apr. 1999.

¹³ Prison Census Data, State of California, Department of Corrections, Table 3, February 2005 available at <http://www.corr.ca.gov/OffenderInfoServices/Reports/Annual/Census/CENSUSd0412.pdf>

¹⁴ Powell, M. Anne and Clare Nolan, *California State Prisoners with Children: Findings from the 1997 Survey of Inmates in State and Federal Correctional Facilities*, California Research Bureau 1, November 2003 available at <http://www.library.ca.gov/crb/03/14/03-014.pdf>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Elizabeth I. Johnson and Jane Waldfogel, Where Children Live When Parents are Incarcerated, J CPR Policy Briefs, Vol. 5, No. 4 (2003), available at http://www.jcpr.org/policybriefs/vol5_num4.html.

¹⁸ Prison Census Data, State of California, Department of Corrections, Table 4, June 30, 2005, available at <http://www.corr.ca.gov/ReportsResearch/docs/Annual/Census/CENSUSd0506.pdf>.

¹⁹ *Id.*

²⁰ Profile of General Demographic Characteristics for California: 2000, U.S. Census Bureau, available at http://factfinder.census.gov/servlet/QTTable?_bm=y&-geo_id=04000US06&-qr_name=DEC_2000_SF1_U_DP1&-ds_name=DEC_2000_SF1_U.

²¹ Though this paper does not directly address racial inequality and root issues of crime, like poverty, these statistics are useful in gaining a sense of the California prison population in relation to the community at large and what disparities in inmate composition might indicate about other issues of crime policy and prevention.

sentences for serious crimes while 2, 531 are serving sentences for violent crimes²²). Second, the women represented in California's prisons are among the most socially vulnerable and damaged: the victims of abuse, who were underserved by the educational and social safety nets that might have allowed their success and who are struggling to raise families of their own. Third, the incarceration of these women affects a future generation, particularly given that twenty-seven percent of the mothers in the prison system have children under six, whose early childhood development can be severely impeded by the absence of a parent.²³ Given the dynamics of this population, California must endeavor to 1) re-examine the policies that lead to such a high imprisonment rate of women who are not a danger to the community and 2) develop ways to serve female offenders in order to preserve relationships with the incarcerated women's children, build skills to avoid recidivism after the women are released into the community, and address the emotional and psychological needs of the female inmates. This paper will endeavor to address these issues by examining two policy areas in relation to female offenders: sentencing and community reentry.

Key Policy Considerations

Sentencing Policies

The number of women arrested for drug violations nationwide tripled in the 1980s, a growth rate almost double that for men arrested for drug violations.²⁴ During the same period, women incarcerated for drug-related offenses in the United States made up nearly half the increase in the number of imprisoned women.²⁵ Tougher drug sentencing laws disproportionately affected women in California: between 1986 and 1995, the total number of women incarcerated increased by 149% while women imprisoned for drug offenses increased by 316% compared to a 223% increase for men.²⁶ Since drug arrests only rose by 31% over this ten-year period, the statistics show that women became strikingly more likely to be incarcerated for drug offenses at a rate ten times faster than the actual increase in arrests.²⁷

²² Women Prisoners: Gender Specific Standards for Women in Prison Task Force, California Senate Bill No. 617, Introduced by Sen. Speier Feb. 22, 2005, *available at* http://www.aroundthecapitol.com/billtrack/billview.html?bill=SB_617

²³ M. Anne Powell and Clare Nolan, *California State Prisoners with Children: Findings from the 1997 Survey of Inmates in State and Federal Correctional Facilities*, California Research Bureau 1, November 2003 available at <http://www.library.ca.gov/crb/03/14/03-014.pdf>.

²⁴ Laura D'Angelo and Robert Victor Wolf, Women and Addiction: Challenges for Drug Court Practitioners, *Justice System Journal* 2002, *available at* http://www.findarticles.com/p/articles/mi_qa4043/is_200201/ai_n9025822.

²⁵ Catherine Conly, *The Women's Prison Association: Supporting Women Offenders and Their Families* 3, U.S. Department of Justice, 1998.

²⁶ Marc Mauer, Cathy Potler, and Richard Wolf, *Gender and Justice: Women, Drugs, and Sentencing Policy* 13, Nov. 1999, available at <http://www.sentencingproject.org/pdfs/9042.pdf>.

²⁷ *Id.*

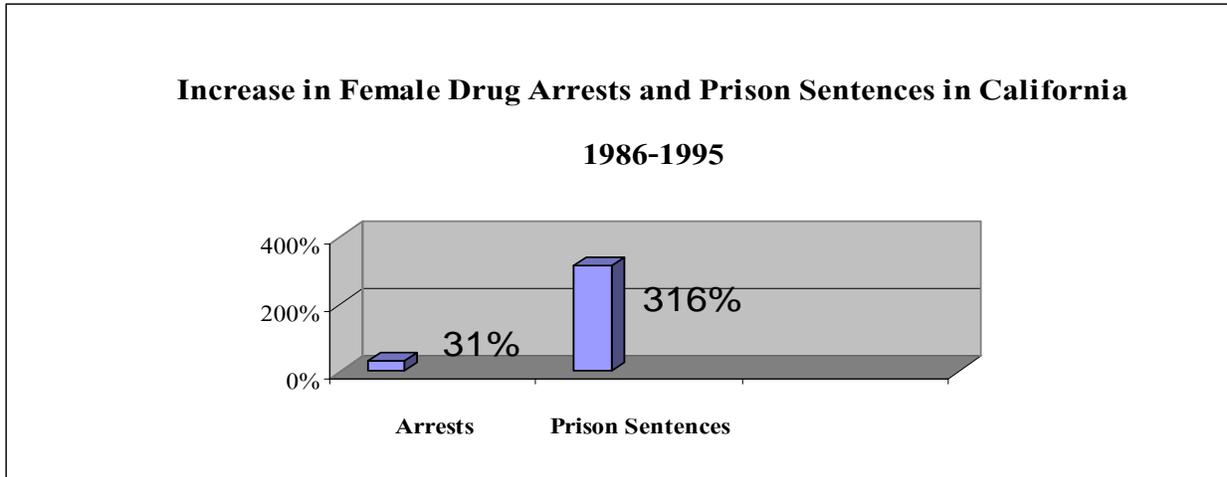


Chart Data from Marc Mauer, Cathy Potler, and Richard Wolf, *Gender and Justice: Women, Drugs, and Sentencing Policy* 13, Nov. 1999, available at <http://www.sentencingproject.org/pdfs/9042.pdf>.

Seventy-six percent of women currently incarcerated in California were sentenced under determinate sentencing laws.²⁸ Almost thirteen percent of imprisoned women are on their second strike under California's three-strikes law compared to almost twenty-three percent of incarcerated men.²⁹ This difference becomes even more pronounced in the California prison population on third strike cases, which consists of less than one percent of incarcerated women and over five percent of incarcerated men.³⁰ Women, who traditionally fared better under indeterminate sentencing and therefore did not have the criminal records of their male counterparts when three strikes was implemented, are rapidly amassing "strikes" that mandate fixed prison stays.

Women are currently imprisoned for less serious violations such that the percentage of women in prison for non-violent offenses is now greater than the percentage of women incarcerated for violent offenses.³¹ In addition, women are now more likely to end up imprisoned for public order violations like prostitution, begging, and driving under the influence.³² Before the changes in sentencing policies, many of the non-violent females currently in state prisons would have been sanctioned in the community rather than incarcerated.³³ The discretion of indeterminate sentencing allowed leniency for the unique circumstances of female crime. As Phyllis Modley, the program manager for the National Institute of Corrections explains: "Women are typically arrested for survival crimes: dealing drugs, selling sex for drugs, bad checks, welfare fraud, credit card abuse. They do not commit the predatory crimes that men do at nearly the same rate. Yet they are sent to a correctional system that doesn't distinguish."³⁴ Current penal policy in California and across the nation focuses on the offense rather than the offender.

²⁸ Prison Census Data, State of California, Department of Corrections, Table 10, February 2005 available at <http://www.corr.ca.gov/OffenderInfoServices/Reports/Annual/Census/CENSUSd0412.pdf>

²⁹ *Id.*

³⁰ *Id.* at Table 3.

³¹ *Breaking the Barriers for Women on Parole* 36, Little Hoover Commission, December 2004.

³² Warren, Jennifer, *Rethinking Treatment of Female Prisoners*, Los Angeles Times, June 19, 2005 at A1.

³³ *Breaking the Barriers for Women on Parole* 36, Little Hoover Commission, December 2004.

³⁴ Warren, Jennifer, *Rethinking Treatment of Female Prisoners*. Los Angeles Times, A 1. June 19, 2005.

Currently, no state subjects legislation to an impact analysis for potential differential effects on women.³⁵

Chart I: Number of Women Incarcerated by Crime 1998-2005

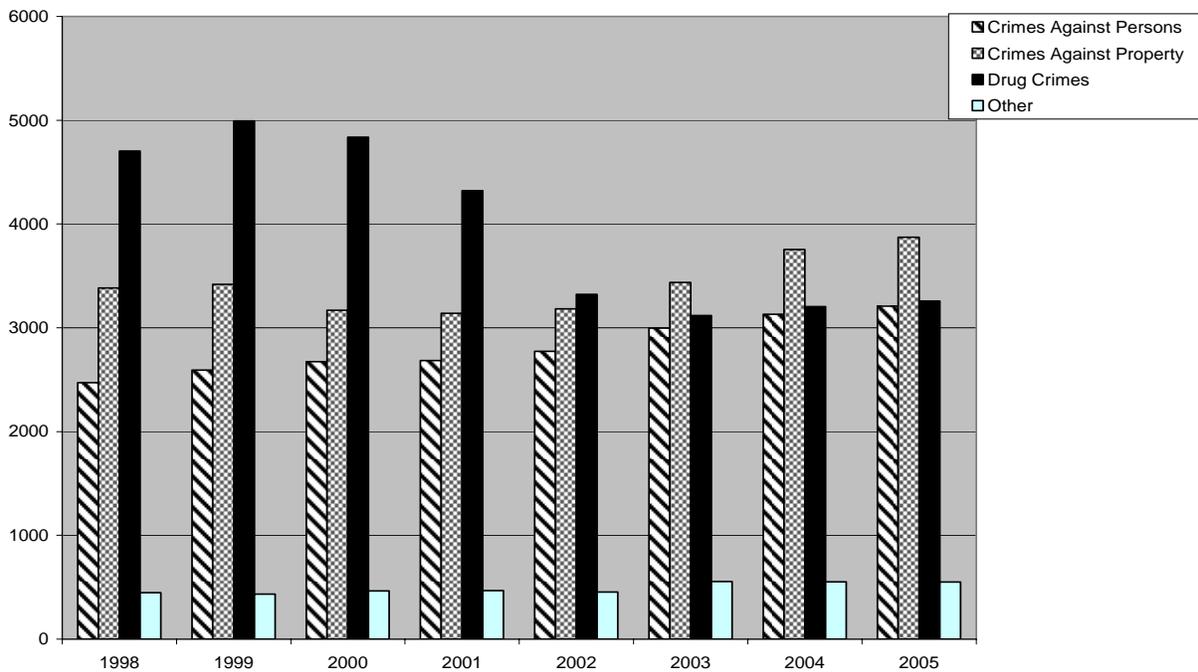
	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>
Crimes Against Persons	2471	2591	2672	2685	2774	2996	3130	3209
Crimes Against Property	3384	3419	3168	3140	3181	3438	3754	3872
Drug Crimes	4703	4994	4836	4321	3322	3118	3203	3257
Other	448	433	464	466	453	553	552	550
Total	11206	11483	11207	10612	9824	10085	10639	10888

*Data for Charts I-III compiled from June statistics available at

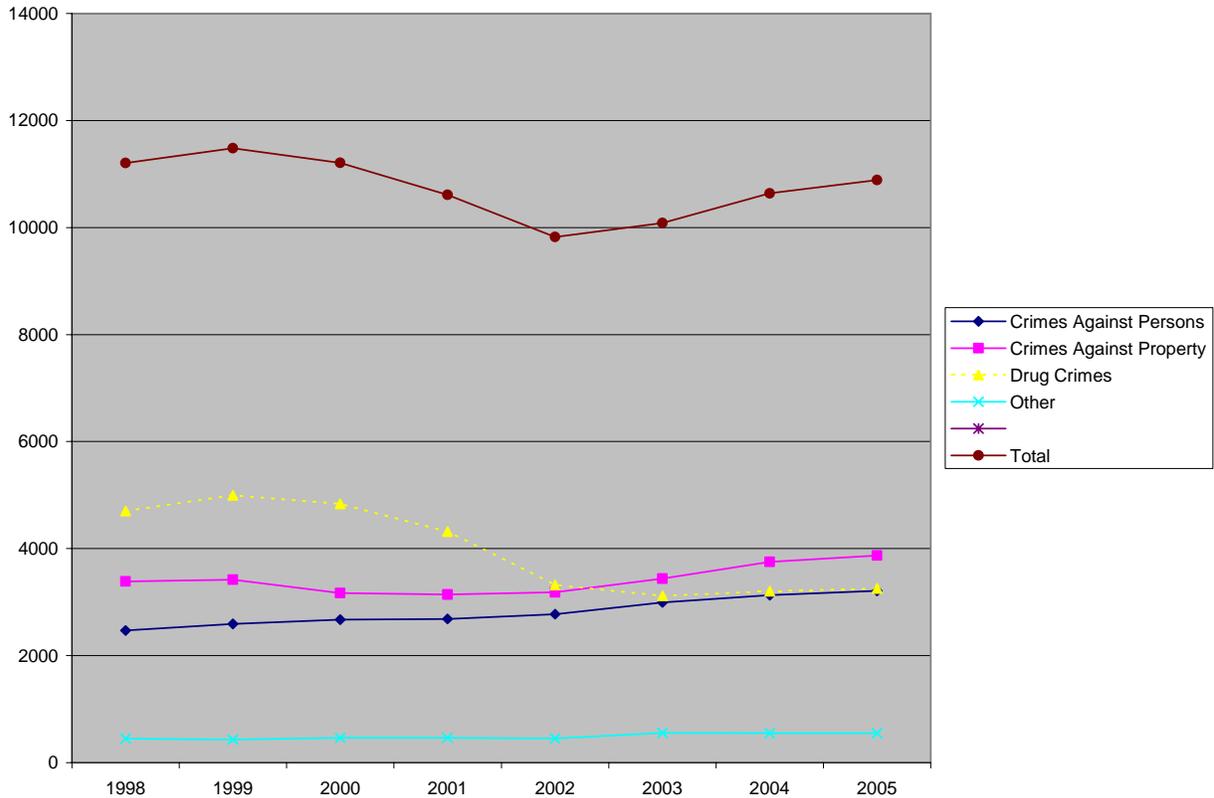
<http://www.corr.ca.gov/OffenderInfoServices/Reports/Annual/CensusArchive.asp>

Charts II and III: Incarceration Trends by Crime Type, 1998-2005

Incarceration Trends for California Female Offenders



³⁵ Tonry, Michael, THINKING ABOUT CRIME: SENSE AND SENSIBILITY IN AMERICAN PENAL CULTURE 221 (2004).



Charts I, II, and III illustrate the sentencing patterns in California from 1998 to 2005. Though the total number of women incarcerated each year has remained roughly the same (peaking at 11,483 in 1999 and reaching a low of 9,824 in 2002), the distribution of incarcerations by crime type has shifted, with fewer women incarcerated for drug crimes and more women incarcerated for property crimes and crimes against persons. It is unclear from the data what has caused this shift, and given that it has not resulted in a proportionate decrease in the number of women incarcerated, it is likely that the way women are charged for crimes has changed rather than the underlying crimes themselves (i.e. a woman who previously was charged with possession of cocaine as her primary offense might now be charged with prostitution or stealing money or goods to buy the drugs). More research would be needed, however, to further explore this trend.

Reentry

Women face unique reentry challenges that successful parole policy must address. Upon release from prison, female parolees face often staggering responsibilities with little to no support. In addition to meeting the requirements of their probation or parole, women must also navigate unfamiliar social and financial institutions to provide for themselves financially, obtain healthcare and housing, and reunite with their children.³⁶ Many women are unable to legitimately support themselves yet still must assume parenting responsibilities upon release.³⁷

³⁶ Catherine Conly, *The Women's Prison Association: Supporting Women Offenders and Their Families* 3, U.S. Department of Justice, 1998.

³⁷ *Breaking the Barriers for Women on Parole*, Little Hoover Commission 51, December 2004.

Due in large part to these factors, 6,093 female parolees, or 43.9 percent of the 13,871 female parolees in California, had their parole revoked in 2004.³⁸ Each year, California spends \$1.5 billion on inmates who have already been released from prison, mostly because of the cost of re-incarcerating parole violators. Even though California's inmate population is similar to that of other states, California's percentage of successful parole completions ranks 49th in the nation.³⁹

Most incarcerated women are currently released with no "step down" process to ease the transition. Programming is limited, and federal and local regulations make housing difficult for new parolees to obtain. Many counties are now enacting local ordinances that make halfway houses, one of the alternative models suggested by the Little Hoover Commission, impossible. Ninety percent of discretionary money that is available to the California Department of Corrections to assist parolees to find housing is used for paroled sex offenders.⁴⁰ Female parolees also face more difficulty in obtaining employment upon release than their male counterparts due to factors such as less education and vocational training, higher instances of mental health and substance abuse issues, less prior job experience, and insufficient access to child care, transportation, and reliable housing.⁴¹ Welfare reform and the denial of certain federal subsidies to ex-felons have caused further struggles for female parolees. California is also, as estimated by Joan Petersilia, ten years behind other states in developing alternatives to additional prison time for unsuccessful parolees in the form of electronic monitoring, community detention, and other alternatives to incarceration.⁴²

Importance to California Crime Control and the Justice System:

In July, Governor Schwarzenegger passed a budget for 2005-2006 that he claims will put "California on the path toward rebuilding our state great once again," even though the state budget still leaves a \$4.7 billion deficit. "California still has a broken budget system that spends more than the state takes in," the Governor said.⁴³ Despite the grip of this budgetary crisis, California's taxpayers spend \$5.3 billion each year on incarceration, or \$31,000 per inmate.⁴⁴ Every dollar spent on incarceration is a dollar that can't be spent on proven crime prevention strategies like education, substance abuse treatment, and employment skills training. In this way, California's over-incarceration of women inhibits crime prevention efforts.

Recently, California lawmakers have noticed the negative impact the treatment of female offenders has on the California justice system as illustrated by attempts to address such issues through legislation. This past year, California Senator Kuehl introduced Senate Bill 366, which calls for gender-specific services to be offered to incarcerated women and acknowledges that female offenders are often imprisoned for non-violent crimes, are often mothers, and have

³⁸ *Rate of Felon Parolees Returned to California Prisons* 3, Calendar Year 2004, Department of Corrections, May 2005, available at <http://www.corr.ca.gov/OffenderInfoServices/Reports/Annual/PVRET2/PVRET2d2004.pdf>.

³⁹ *Breaking the Barriers for Women on Parole*, Little Hoover Commission ii, December 2004.

⁴⁰ *Id.* at 54.

⁴¹ *Id.* at 57.

⁴² Jenifer Warren, *State to Scrap Key Parole Reform*, Los Angeles Times, April 9, 2005 at A1.

⁴³ Nancy Vogel, *Legislature OKs Budget Grudgingly*, LOS ANGELES TIMES, July 8, 2005 at B3.

⁴⁴ Lisa Katayama, *Reforming California's Prisons: An Interview with Jackie Speier*, MOTHER JONES, July 7, 2005, available at http://www.motherjones.com/news/qa/2005/07/jackie_speier.html.

unique needs that are not being met by the current system.⁴⁵ In addition, after the California Department of Corrections overspent its budget for the sixth year in a row, California Senator Speier began a series of investigations that culminated in the introduction of bills that would reform various aspects of women's prisons.⁴⁶ Senate Bill 617, last amended in May of 2005, would establish a Gender Specific Standards for Women in Prison Task Force responsible for monitoring and evaluating prison conditions for women. It is currently held in committee.⁴⁷ Assemblywoman Liu also proposed a bill that would provide additional services to incarcerated women in California. AB 658, which is still in committee, would required the Department of Corrections and Rehabilitation to create a pilot program that expands alternatives to incarceration for nonviolent female offenders.⁴⁸ Pending bills such as these show that California is seeking solutions to the problems posed by female offenders and that such issues are important to the state's criminal justice policy and crime control.

In addition to the direct costs of incarceration, the imprisonment of women also exacts a price on future generations. A 1995 study estimated that the social service system in California pays \$56 million⁴⁹ each year for the children of female prisoners, and the impact these children may have on the juvenile justice system was not part of this estimate.⁵⁰ These financial costs are compounded by the generational effects of incarcerating women: children of incarcerated parents are five times more likely to serve time in prison than children without incarcerated parents.⁵¹ Though the research is not conclusive as to causation, this strong correlation at least suggests that incarcerating a child's parent factors into later delinquency.

Part II:

Given the severity of the problem and the cost to the state of California both directly and indirectly, California must explore new strategies to better address the complex needs of incarcerated women. To accomplish this goal, California must employ a cohesive strategy that examines the necessity of sending so many women to prison, provides the women who do end up

⁴⁵ California Senate Bill 366, amended Apr. 20, 2005, available at

http://www.aroundthecapitol.com/billtrack/text.html?file=sb_366_bill_20050420_amended_sen.html.

⁴⁶ Lisa Katayama, *Reforming California's Prisons: An Interview with Jackie Speier*, MOTHER JONES, July 7, 2005, available at http://www.motherjones.com/news/qa/2005/07/jackie_speier.html.

⁴⁷ Women Prisoners: Gender Specific Standards for Women in Prison Task Force, California Senate Bill No. 617, Introduced by Sen. Speier Feb. 22, 2005, available at http://www.aroundthecapitol.com/billtrack/billview.html?bill=SB_617

⁴⁸ Women Inmates, California Assembly Bill No. 658, Introduced by Assembly Member Liu Feb 17, 2005, available at http://www.leginfo.ca.gov/pub/bill/asm/ab_0651-0700/ab_658_bill_20050330_amended_asm.html

⁴⁹ This researcher called the Center for Children of Incarcerated Parents (CCIP), which is in the process of producing the second edition of the book from which this statistic was drawn by the Little Hoover Commission. The CCIP indicated that there was no information on how this amount actually breaks down in terms of specific amounts for specific services because \$56 million is an extrapolation and not based on concrete data. Since it is difficult to isolate the cause of many of these costs (i.e. a child may start receiving TANF assistance because his or her parent was incarcerated or the cause might actually be that the child was living with a grandmother who became ill even though the receipt of TANF coincided with the incarceration of the parent—it's difficult to separate out the exact precipitating event). For these reasons, CCIP claims that no one actually knows exactly how much the children of incarcerated parents cost California.

⁵⁰ *Breaking the Barriers for Women on Parole*, Little Hoover Commission 14, December 2004.

⁵¹ JOAN PETERSILIA, *WHEN PRISONERS COME HOME: PAROLE AND PRISONER REENTRY* 8 (2003).

in prison with programming that prepares them to function as productive members of society, and support for women exiting prison as they reenter communities and society. The following section examines the implications of sentencing policies that have affected the number of women incarcerated and the programming and services currently in place in California for female parolees as they leave prison. Part II concludes with an examination of community programming offered in other states and suggestions for ways in which California could improve the services offered to women as they leave prison based on the research presented and the model programs utilized successfully by other states.

Sentencing

Drug offenses account for fifty-five percent of the increase of women incarcerated in California from 1986 to 1995.⁵² In fact, in the ten years after the 1986 implementation of mandatory sentencing for drug convictions, the number of incarcerated women convicted for drug crimes in the U.S. rose by 888 percent.⁵³ As Chart III indicates above, drug crime incarcerations are now on the decline; however, this huge jump in incarceration rates during the late eighties and early nineties accounts for many of the female incarceration issues currently facing the state of California.⁵⁴ Mandatory sentencing prohibits judges from considering extenuating and often mitigating facts when sentencing female offenders, like their role in caring for their children, the “subordinate roles women play in many crimes,” and the fact that many fewer women than men reoffend after being released.⁵⁵

Parole

“The criminal justice system is like an assembly line. Police hand off arrests to prosecutors who in turn bring cases to court; in court, judges impose sentences on the guilty who in turn are sometimes sent off to prison. At the back end of this assembly line, prisoners are released from prison. Ironically, this critical step in the assembly line receives the least attention in the world of criminal justice practice.”⁵⁶

As of 2004, the ten states with the largest parole populations were: California (110,261), Texas (102,261), Pennsylvania (77,175), New York (54,524), Illinois (34,277), Louisiana (24,387), Georgia (23,344), Michigan (20,924), Oregon (20,858), and Ohio (18,882).⁵⁷ In fact, 1 in 5 probationers and parolees in the country are in California or Texas, accounting for over one million adults.⁵⁸ Although California has the most parolees in the country and the second biggest

⁵² Myrna S. Raeder, A Primer on Gender-Related Issues that Affect Female Offenders, CRIMINAL JUSTICE 11 (2005).

⁵³ JOAN PETERSILIA, WHEN PRISONERS COME HOME: PAROLE AND PRISONER REENTRY 26 (2003).

⁵⁴ For example, all women incarcerated for drug crimes during this period now have records that adversely affect them in sentencing (“strikes”); some women are still incarcerated as a result of this trend, contributing to the huge number of women in California’s prison facilities; and though the trend may have slowed, drug crimes still lead to a substantial number of incarcerations (*see* Charts II and III *supra*).

⁵⁵ *Id.*

⁵⁶ JEREMY TRAVIS, BUT THEY ALL COME BACK: FACING THE CHALLENGES OF PRISONER REENTRY 333 (2005).

⁵⁷ Lauren E. Glaze and Seri Palla, Probation and Parole in the United States 2004 3, Bureau of Justice Statistics Bulletin (Nov. 2005), available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/ppus04.pdf>.

⁵⁸ *Id.*

probation population (after Texas), only 1.9% of California's adult population was under community supervision, which is less than the national average of 2.2%.⁵⁹ At the end of 2004, 1 out of every 8 parolees was a woman.⁶⁰ The 94,400 female parolees account for 12% of the parole population, up from 10% in 1995.⁶¹ The nature of parole in California has changed drastically since 1977 when California's Determinate Sentencing Law was implemented. Previously, inmates served open-ended prison terms and had to earn release by proving rehabilitation whereas parolees now are released automatically when they finish their prison term, after which they receive one to three years of supervision in the community while on parole.⁶² California currently has the highest rate of recidivism in the nation with 70% of paroled felons reoffending within eighteen months.⁶³ In 2004, of the over 10,000 incarcerated women in California, only 7,006 were new commitments—1,785 violated parole by committing a new crime, 1,040 returned to custody on a minor parole violation, and 350 had pending parole revocation cases.⁶⁴

There has been little research done on the specific needs of California parolees and the exact nature of the services they are (or are not) receiving.⁶⁵ Given the lack of exact data, the following analysis focuses on research done on programming that best addresses the needs of female offenders. The programs listed are not comprehensive and underscore the recommendation in Part III that greater steps be taken to consolidate information about services available to female offenders. The lack of readily available data afflicts other states as well, limiting access to best practices information. This researcher attempted to contact the Department of Corrections in the ten states in the United States with the highest population of parolees in order to directly solicit best practices information. Unfortunately, none of the states had such data on hand, and it was impossible to obtain. In order to provide a more comprehensive analysis of the effectiveness of services offered to and utilized by female parolees, California must engage in a concerted effort to compile data and make it available to future researchers.

Gender-Specific Programming Research

A three year study undertaken by the National Institute of Corrections on gender-responsive program strategies highlighted important findings regarding the different ways in which men and women parolees navigate the post-release system. While men are more likely to be closemouthed about their needs and instead adopt a “get in and get out” mentality in regard to their interactions with their parole officers, women take more time to provide information and voice their needs. In contrast to men, women also have a higher expectation that their parole

⁵⁹ *Id.*

⁶⁰ *Id.* at 8.

⁶¹ *Id.*

⁶² Joan Petersilia, Challenges of Prisoner Reentry and Parole in California 1, CPRC Brief, Vol. 12, No. 3 (June 2000), available at <http://www.ucop.edu/cprc/parole.pdf>.

⁶³ *Id.* at 2.

⁶⁴ Women Prisoners: Gender Specific Standards for Women in Prison Task Force, California Senate Bill No. 617, Introduced by Sen. Speier Feb. 22, 2005, available at http://www.aroundthecapitol.com/billtrack/billview.html?bill=SB_617

⁶⁵ Petersilia, *supra* note 51, at 2.

officers will assist them in concrete ways to navigate various social service systems and to obtain other forms of aid. As one community supervision agent phrased the difference, “Women believe it when they are told at orientation that the officer is there to help them. The men don’t. A woman will tell you ‘this is what is happening with me’ and look to you for help. Many times this help is not available.”⁶⁶

In addition to lack of resources with which to connect their female clients, staff also are often unable to meet the additional demands on their time made by women parolees since they have heavy caseloads, the extra work is not rewarded, and there is no incentive structure in place to encourage additional time or effort.⁶⁷ Given that the number of parole agents has not increased as caseloads have increased, eighty percent of parolees are on regular rather than intensive caseloads, which translates into less than two face-to-face meetings with their parole officer every month for approximately fifteen minutes each time.⁶⁸ Often, parole agents are the woman’s only service provider and feel unable to meet the many needs presented by the client. Since women tend to desire connection in their relationships, they will often come to rely on their parole officer in an enduring manner such that even if the woman is transferred to a different agent, she will not sever ties with her original parole officer.⁶⁹

These findings suggest that female parolees’ desire to connect and rely on their parole officers could be utilized to the advantage of their recovery and rehabilitation. If parole officers working with women had smaller caseloads, they would be able to devote more time to supporting their client as she reenters the community and pursues various socially desirable goals such as employment, sobriety, and resumed parental responsibilities. This research also indicates that successful reentry and rehabilitation for women is compromised by the lack of programming available with which to connect women and the lack of human resources devoted to meeting the specific needs for individualized connection and support that female parolees have.

Currently, only 1,764 incarcerated women receive treatment for substance abuse while an inmate.⁷⁰ Research by Beth Richie suggests that much of a woman’s ability to succeed at reentry is determined by the type of services she receives while incarcerated. Richie identified the following seven areas as most key to assuring reentry success: effective substance abuse treatment, adequate health care in prison such that women are not released suffering from untreated medical problems, diagnosis and treatment for mental health issues, counseling to address past issues of violence suffered and potential post-traumatic stress disorder as well as to

⁶⁶ Barbara Bloom, Barbara Owen, and Stephanie Covington, *Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders 15*, National Institute of Corrections (June 2003), available at <http://nicic.org/Downloads/PDF/2003/018017.pdf>

⁶⁷ *Id.*

⁶⁸ Joan Petersilia, *Challenges of Prisoner Reentry and Parole in California 2*, CPRC Brief, Vol. 12, No. 3 (June 2000), available at <http://www.ucop.edu/cprc/parole.pdf>.

⁶⁹ Barbara Bloom, Barbara Owen, and Stephanie Covington, *Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders 15*, National Institute of Corrections (June 2003), available at <http://nicic.org/Downloads/PDF/2003/018017.pdf>

⁷⁰ *Women Prisoners: Gender Specific Standards for Women in Prison Task Force*, California Senate Bill No. 617, Introduced by Sen. Speier Feb. 22, 2005, available at http://www.aroundthecapitol.com/billtrack/billview.html?bill=SB_617

break the cycle of violence, education and job training, access to housing upon release, and assistance with family reunification.⁷¹ Though these services certainly can and should continue upon reentry, many if not all of the seven factors can be most effectively addressed while the woman is incarcerated. If prison programs train women in a job skill, address their substance abuse issues, and treat their physical and mental health needs prior to release, then paroled women enter the community with the confidence that they have been prepared to surmount the biggest obstacles they will face. If the criminal justice system does not address these factors until the woman has already left prison, then she must struggle to learn job skills, parenting skills, sober living, and mental and physical health management while simultaneously coping with the unique stresses of reentry like learning to reacclimate to a less structured environment and having to procure food and housing for oneself.

In his research, Jeremy Travis arrived at similar conclusions. He suggests five principles to facilitate successful prisoner reentry: preparation for reentry, bridge building between prisons and communities, using a prisoner's release moment to set a prisoner up for success, strengthening support around not only the individual but also her family and community, and promoting successful reintegration.⁷² Of these five principles, three depend on the services a woman would receive while incarcerated. Also echoing the need for comprehensive prison services, Joan Petersilia recommends four areas that must be addressed to effect meaningful change in successful reentry: alter the incarceration model to provide education and rehabilitation programming, implement parole guidelines based on recidivism predictors, provide services and supervision in the community, and increase community involvement and connection.⁷³ Of particular concern to achieving these success factors is the fact that incarcerated women in California have been found by the California Legislature to lose "most of their family contact while in prison."⁷⁴

Petersilia's other recommendations, though not directly related to in-prison services, would be greatly *enhanced* if followed by her first recommendation of more in-depth programming during incarceration. Without step one of in-prison services, steps two through four become much more intensive on the part of supervision agents as they have the job not of supporting a parolee well-prepared for reentry but rather of preparing and then supporting a parolee without the skills needed for reentry. If the California Department of Corrections and Rehabilitation intends to successfully rehabilitate its charges, then more must be made of the time women spend as wards of the state. During this time, when outside influences are kept at bay and the woman is a captive audience (both literally and figuratively), California must implement correctional programming that truly aims to *correct* the negative influences and experiences suffered by female offenders that led them into crime.

The focus on preparing women to reenter the community while they are incarcerated must be supplemented by effective supervision and services after release. Richie suggests four

⁷¹ Beth E. Richie, *Challenges Incarcerated Women Face as They Return to Their Communities: Findings from Life History Interviews*, 47 CRIME & DELINQUENCY, 368, 371-79 (July 2001).

⁷² JEREMY TRAVIS, BUT THEY ALL COME BACK: FACING THE CHALLENGES OF PRISONER REENTRY 324 (2005).

⁷³ JOAN PETERSILIA, WHEN PRISONERS COME HOME: PAROLE AND PRISONER REENTRY 171 (2003).

⁷⁴ Women Prisoners: Gender Specific Standards for Women in Prison Task Force, California Senate Bill No. 617, Introduced by Sen. Speier Feb. 22, 2005, *available at* http://www.aroundthecapitol.com/billtrack/billview.html?bill=SB_617

strategies that emerged from her research as ways to successfully facilitate reentry. First, she suggests that programs and services should be comprehensive and easy to access in one place rather than requiring multiple trips to multiple service providers. Second, community outreach, which includes community organizing and “social-change strategies to increase the quality of community life overall,” recognizes that women seek services close to their homes and thus builds capacity in neighborhoods to meet the unique needs of female offenders.⁷⁵ Third, utilizing program strategies that empower female parolees assists them to develop “critical insight into the structural influences on their personal choices (as opposed to approaches that foster self-blame or focus only on issues such as self-esteem)” and consequently enables them to make positive changes in their lives by improving their decision-making skills and rejecting social stigma.⁷⁶ Fourth, programs that hire women who have surmounted similar experiences to those faced by the female parolees enable peer and mentoring relationships between the parolee and a successful mentor and role model who is viewed as being “like them.”⁷⁷

In addition, stability and predictability are crucial to engage women as “partners in reentry” and should provide “consistent activities that are structured around what women need, adequate resources for long-term support, and opportunities to work collectively and to develop a sense of community.”⁷⁸ Further, it is worth noting that gender-neutral programming around substance abuse is generally based on a male model and is consequently not well-suited to address the underlying problems resulting from sexual and physical violence and mental illness unless the program confronts the root issues that cause women to abuse drugs and alcohol.⁷⁹ A more effective way to address women’s needs might be through programs available to women in drug and alcohol treatment as an alternative to incarceration.⁸⁰ Finally, correctional officials should be trained and educated about gender-specific programming.⁸¹

Needs of New Parolees Met and Unmet by the State of California

Though women and men face the same obstacles upon reentry in the form of seeking financial stability, health care, housing, and family reunification, gender complicates these pursuits. Since most women in the justice system have children, they have additional considerations when seeking housing and must make more money than parolees without children in order to feed and support not just themselves but also their families. Most of these women are single mothers without the benefit of child support. Under the Adoption and Safe Families Act of 1997 (AFSA), states must terminate the parental rights of parents who have been convicted of murder, voluntary manslaughter, or serious violence against their children.⁸² AFSA also allows parental rights to be terminated if a child has been in foster care for 15 of the last 22 months,

⁷⁵ Beth E. Richie, *Challenges Incarcerated Women Face as They Return to Their Communities: Findings from Life History Interviews*, 47 CRIME & DELINQUENCY, 368, 384 (July 2001).

⁷⁶ *Id.* at 384-85.

⁷⁷ *Id.* at 385.

⁷⁸ *Id.* at 386.

⁷⁹ Myrna S. Raeder, *A Primer on Gender-Related Issues that Affect Female Offenders*, CRIMINAL JUSTICE 11 (2005).

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² JOAN PETERSILIA, *WHEN PRISONERS COME HOME: PAROLE AND PRISONER REENTRY* 126-27 (2003).

which affects incarcerated women who otherwise would not lose custody under the violent parent provision of AFSA.⁸³ Also, if a woman's children have been placed in foster care during her incarceration, she often faces additional challenges to regain custody, particularly if she cannot demonstrate an ability to provide for the needs of her children.⁸⁴

Housing

Parole agents cite procuring housing for parolees as their biggest challenge.⁸⁵ The California Department of Corrections and Rehabilitation provides three transitional housing programs to female parolees that can accommodate approximately two thousand parolees at one time (though all except for FOTEP are for both genders, so this number does not reflect the number of women served).⁸⁶ The Female Offender Treatment and Employment Program (FOTEP) focuses on parolees with substance abuse issues. Four multi-service centers provide services to homeless parolees, who stay an average of six months in the centers. Community Correctional Re-entry Centers provide transitional housing for "lower level" inmates serving the last 120 days or less of their sentences.⁸⁷ For women without substance abuse issues or who are parenting, these options are not ideal. In addition, even if all the spots in these programs were filled by women, only one fifth of the women on parole would be accommodated. It is difficult to see how a woman could pursue employment without first having a place to live, which underscores the importance of providing housing to every existing parolee.

Welfare Reform Act

Not only does California fail to provide most women with training that would facilitate financial security before they exit prison, but the state also in some cases limits the access of drug offenders to traditional social net resources like welfare. For example, California, along with only 17 other states, has not passed legislation to limit or eliminate the provision of the 1996 Welfare Reform Act that bars anyone convicted of a drug felony from eligibility for federally funded food stamps or certain types of welfare assistance. This provision prevents many female offenders from receiving benefits that more serious offenders enjoy, including cash assistance, employment services, and drug treatment.⁸⁸ From 1996-1999, 37,825 women were affected by the welfare ban in California.⁸⁹ Since only primary offenses were reported by government agencies, this estimate is low as it would not include a woman convicted of burglary as the primary offense with a secondary drug possession charge that would make the woman ineligible for welfare. In addition, California state agencies were only able to furnish 70% of their conviction records.⁹⁰ As demonstrated above, women in California's prisons are

⁸³ *Id.* at 127.

⁸⁴ Barbara Bloom, Barbara Owen, and Stephanie Covington, *Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders* 16, National Institute of Corrections (June 2003), available at <http://nicic.org/Downloads/PDF/2003/018017.pdf>

⁸⁵ JOAN PETERSILIA, *WHEN PRISONERS COME HOME: PAROLE AND PRISONER REENTRY* 120 (2003).

⁸⁶ *Breaking the Barriers for Women on Parole*, Little Hoover Commission 53, December 2004.

⁸⁷ *Id.*

⁸⁸ *Id.* at 51-52.

⁸⁹ Patricia Allard, *Life Sentences: Denying Welfare Benefits to Women Convicted of Drug Offenses* 5, The Sentencing Project (Feb. 2002), available at <http://www.sentencingproject.org/pdfs/9088.pdf>

⁹⁰ *Id.* at 30.

increasingly there on drug charges, so the implications of this policy are far-reaching. Coupled with the laws barring women from reclaiming their children without proving adequate resources, this ineligibility for federal support funds might make the difference between a woman being able to get her child out of foster care or not. Further, the need for employment skills-building programs in prison is even more crucial given the inability of many parolees to fall back on any alternative means of financial support.

Existing California Community-Based Programs

National Institute of Corrections List

There is no comprehensive listing of California programs available to parolees. In 2000, the National Institute of Corrections (NIC) conducted a research study to identify correctional programs across the country designed specifically to address the needs of female offenders. Surveys were distributed to state and local probation and parole agencies in every state, and over 250 programs in 32 states were identified.⁹¹ Eighteen of these programs were in California. Two of these programs didn't specify the populations they served. Of the other sixteen, only eleven provided services to paroled women. Five of these eleven programs only serve women with children, and one only serves victims of domestic violence.⁹² If filled to the maximum capacity listed, these programs can only accommodate 833 women at one time.⁹³ As of June 30, 2005, there were over 12,624 female parolees⁹⁴, so less than 7% of female parolees can receive services at any given time. These programs may not represent an exhaustive list; however, this very fact highlights a weakness in California programming. If parole and probation officers submitted the programs for women about which they had knowledge, and programs are missing from the list, then certain programs are either missing because parole and probation officers did not complete the survey or because parole and probation officers do not know about the programs and are therefore not passing along that knowledge to their clients.

CDCR Community Resource Directory

Another source of program information is available on the California Department of Corrections and Rehabilitation website. The California Department of Corrections and Rehabilitation recently started collecting information on community-based programs available to assist with prisoner re-entry. One hundred and thirty-two programs are currently listed. In order to evaluate the services offered, this researcher looked up all the programs or called the programs that did not have a website listed or a self-explanatory title. Among these programs, there is a wide range of credibility and accessibility. Only ten of the programs listed provide services tailored to the needs of parolees like drug treatment, temporary housing, job procurement assistance or training, mental health or medical services, or educational opportunities created specifically for the parole population. Forty-eight of the programs provide services that might be

⁹¹ Directory of Community-Based Programs for Women Offenders, National Institute of Corrections iv (2000), available at <http://www.nicic.org/Library/016671>

⁹² *Id.* at 2-19.

⁹³ *Id.*

⁹⁴ California Parole Census Data, June 30, 2005, available at <http://www.corr.ca.gov/OffenderInfoServices/Reports/Annual/Pcensus1/Pcensus1d0506.pdf>.

useful to parolees but are not created specifically for parolees like a drug treatment center that serves not only parolees but also other community members or a temporary housing facility that is not tailored to parolees but sometimes serves them in addition to other populations. Three provide services only to men. Twenty-three of the programs do not provide enough contact information to ascertain the nature of their services.

Unfortunately, forty-nine of the programs do not have programs that are actually available to parolees. On one end, the website for Able International, which is funded by the Church of Scientology, indicates that its program participants undergo “a sauna sweat-out detoxification program . . . to eliminate drug residues from their bodies and become free from persistent drug cravings.”⁹⁵ The photo shows five topless men, all but one sporting military haircuts, lounging comfortably in a wood sauna and chatting amiably, purportedly in detox.⁹⁶ Another program listed, AJE Partners, is actually a lobbying organization that provides advice on the political and regulatory process and provides no direct services to parolees at all.⁹⁷ AREN, which stands for Alternative Religions Educational Network, opens with “An open letter to Wren Walker of the Witches’ Voice” and goes on to request that visitors “support our Pagan Military abroad.”⁹⁸ Woodenship, now Bob Nelson Associates, claims to offer “an innovative, award winning creative crew with extensive advertising and public relations experience.”⁹⁹ It appears that some groups took advantage of the free listing for advertising and have little to nothing to do with parole services. One of the problems with assembling a list of community resources in a way that does not differentiate them is the risk that parolees looking for programs might interpret the listing as an endorsement by the CDCR. It would be helpful for the state of California to develop a list of criteria regarding effective treatment that programs must meet before they are published in the resource directory.

Other programs relate to rehabilitation generally, but do not serve parolees. Some serve juvenile offenders, and many serve inmates only while they are still incarcerated. Others aim to serve law enforcement or provide an indiscernible level of service through places of worship. Overall, the structure of the community resource listing necessitates wading through many irrelevant programs to find those that actually offer services to parolees. The chart below pulls out the programs that either 1) are not relevant to parolees because they serve juvenile or inmate populations or have nothing to do with criminal justice specifically; 2) offer general services that might be of use to parolees but are not tailored to specifically meet the needs of parolees and also require a good bit of digging to uncover how a parolee may access appropriate services; and 3) programs that only serve men.

Not Relevant for Parolees	General Services/Not Tailored to Parolees	Does Not Serve Women
Able International	Alameda County Public Health	Bridgeback Reentry Folsom Visually Impaired Project
AJE Partners	Amador County Probation	CiviGenics
Aren	Amity Foundation (drug abuse)	
Black Correctional Workers	AVP (Violence Reduction)	

⁹⁵ Able International, Narconon, at <http://www.able.org/pages/nn.php> (last visited Dec. 12, 2005).

⁹⁶ *Id.*

⁹⁷ AJE Partners, at <http://www.ajepartners.com/services.html> (last visited Dec. 12, 2005).

⁹⁸ AREN, at <http://www.aren.org/> (last visited Dec. 12, 2005).

⁹⁹ Bob Nelson Associates (formerly Woodenship), at <http://www.woodenship.com/> (last visited Dec. 12, 2005).

Boys and Girls Club of America	Buddhist Peace Fellowship Prison Program
Boys to Men Wasco	Calaveras County Juvenile Justice Commission
California Reentry Program	Calaveras County Probation
California Workforce Investment Board	California Department of Education
Canei Program	California Department of Mental Health
Carole Sund Carrington Foundation	Center for the Study of Correctional Education
Catholic Big Brothers and Big Sisters	Choices Residential Services (Drug treatment)
Chicano Correctional Workers Assoc.	Community Services and Employment Training
Colorado River Fair	Contra Costa Office of Education
Crime Victims United of California	Dr. J. Alfred Smith, Sr., Training Academy
Criminal Justice Concepts	Foundation for California Community Colleges
Criminal Justice Council of San Mateo	Glenn County Probation
Criminon	Greater Sacramento Urban League
E2 Associates	International Correction Education Association
Easy English Times	Jesus Shack
Family Council	Kaiser Permanente Psychiatry
Follow Up Ministries	Leaders in Community Alternatives
Forgotten Souls Redeemed	Los Angeles County Sheriff's Department
Friends Outside	Los Angeles Metropolitan Churches
Get on the Bus	Mental Health Systems, Inc.
Healing the Divide	Mothers Against Murder and Assault
Helpline Youth Counseling	National Council on Crime and Delinquency
Insight Prison Project	Orange County Department of Education
J Taylor Associates	Phoenix House
Juvenile Impact Program	Prison Entrepreneurship
Kellams Associates	Prison Fellowship
LA Commission for Children & Families	Project Ninety
Law Enforcement Chaplains	Project Pride
Leader to Leader Institute	Riverside County Probation
Mexican American Correctional Assoc.	San Diego County District Attorney
Muslim American Chaplains Assoc.	San Diego County Probation
Prison Industry Authority	San Francisco Adult Probation Department
Prison Law Offices	San Francisco Public Defender/ Juvenile Unit
Rosen, Bien, and Asaro	Solutions for At-Risk Youth
Sacramento Local Conservation Corps	Stanislaus County Probation
Saddleback Church	State Juvenile Justice Commission
The Parian Company	State Juvenile Justice Crime and Delinquency
Toastmasters International	Survivors of Muder Victims
Transcendental Mediation	Trinity County Probation Department
Water of Life Community Church	Second Chance
Woodenship	San Diego Urban League

State Building Trades
UCSD Addiction Training
Urban Corps of San Diego

Sitike Counseling Center
Walden House

Below is a summary of the information gathered by this researcher in phone calls to the programs listed in the CDCR Community Resource Directory. The first section lists the only programs that actually provided direct and tailored services to parolees, only ten of the one hundred and thirty-two. The next section lists programs that aren't relevant to parolees, and the final section lists programs that this researcher was unable to contact. Phone numbers and contact names are provided where possible.

Provides Relevant Services:

Allied Fellowship Services

- Drug treatment
- Housing (40 beds total, but only 6 are available for women) for 6 months to one year
- Employment
- Serves both men and women

Amer-I-Can 310 652-7884

- Life Management Skills training program in juvenile detention centers and some prisons.
- Follow-up is provided after people exit incarceration
- Must have been in the program while incarcerated to receive aftercare services

Center Force, Inc.

- Provides case management services to male and female parolees
- Must have been involved in the program while incarcerated to receive aftercare services

Center Point

- Residential Programs (including a women and children's facility) for 6 months
- Transitional Housing
- Drug treatment
- Employment assistance
- Serves both men and women

Community Connection Resource Center 619 291-4790 Anita Paredes

- Employment Services for parolees in the San Diego region
- Outpatient substance abuse treatment
- Domestic Violence
- Anger Management
- Sober Living house (16 for men and 6 for women)
- Inpatient substance abuse (Freedom House) for women
- Serves both men and women

Hope House (Service League of San Mateo County)

- Residential house for six women
- Substance Abuse

- Vocational Assistance

Northern California Service League

- Transitional Housing
- Drug Treatment
- Life Skills
- Emergency Assistance
- Referrals

Project Choice, City of Oakland

- Only serves youth and young adults under the age of 30
- Only serves inmates from San Quentin or CYA in Stockton

United African American Ministerial Action Council 619 264-1213 Diane Shannon

- substance abuse programs
- employment assistance
- medical referrals
- case management and follow-up
- mentorship
- serves both men and women on an outpatient basis

VIP Mentors

- Provides parolees with mentors who are attorneys

Only Serves Men

Bridge Back Community Correctional Reentry Center Roy Evans 323 299- 8400

- Only serves men

CiviGenics

- One community corrections facility in Long Beach, CA
- Only serves men

Folsom Project for the Visually Impaired 916 687 8605 Don King

- Only serves those who were involved in the project while incarcerated at Folsom Prison
- Only works with men

Men of Valor Academy 510 567-1309

- Only serves men

Irrelevant Resources

Boys to Men Wasco 661 758 4177 Cockrell Marvin

- Provides services to children of incarcerated parents

- There might be some additional halfway house services provided by a different division of the program, but Mr. Marvin did not have a number for the person who might have this information.

Black Correctional Workers 909 239-7660 Roy Mabry

- Does not provide services to parolees

Los Angeles County Commission for Children and Families

- Does not work directly with parolees

E2 Associates 619 941 1890 Ernest Wright

- Acquires real estate for programs

California Workforce Investment Board 916 654-7111

- Some Workforce Investment Act money is funneled to nonprofit and other groups that assist parolees, but parolees are not themselves eligible to directly receive the funds

California Reentry Program Allyson West 510 301 8838

- Only provides services to prisoners

Unable to Contact

Senegal and Associates 323 708-1077 Gregory Senegal

- No answer—apparently a personal cell phone number

San Diego Sheriffs Department Inmate Services Division 916 258-3001 Ann Sasaki

- The number listed is incorrect

Roney Family Foundation 805 565-7919 Rick Roney

- Personal phone number; no answer

Match Two Mentoring 559 584-0786

- Phone Number Out of Service

Consultant James Fay 510 524-8410

- Unable to reach anyone; answering machine seemed to be to a personal number

Centering Meditation 626 792-2641 Gene Wekall

- Out of Service number

Women and Criminal Justice Network 213 637-7648 Sister Suzanne Jabro

- No answer

Office of Restorative Justice 213 637-7639 George Horan

- No answer

Statewide Family Council 707 374-2857 Marci Coglianesi

- No answer

Free At Last 650 573 2679 David Lewis

- No answer

Fountain of Life 909 473-1966 Mike Richards

- No answer

The nature of the programs listed on the CDCR website suggests several steps that could increase the usefulness of the web resource. First, there should be some content safeguard to prevent organizations from using the listing as free advertising for services unrelated to parole services. Second, the services advertised should be divided into services for parolees, services for incarcerated prisoners and families, and services for juvenile offenders. Third, the information provided on the website should provide more detail about the nature of the services provided and eligibility. Currently, the community resource listing does not provide enough information to allow a parolee to visit the webpage and quickly collect information on available and appropriate resources.

California Model Programs

Below are two programs with excellent reputations in California. There are certainly more than two model programs in the state, but for various reasons, many programs are difficult to identify if they do not utilize the internet and post information about their services and success rates. The world of parolee services is an unmapped terrain for the most part with service providers reinventing the wheel and unable to benefit from the mistakes and successes of their counterparts in other places. Even in California, there is no clear idea of who is providing what services in which location. This section is therefore not necessarily representative of the best services available in California but rather the types of programs that have achieved the elusive success of becoming well-known and well-established in the world of parole services.

A New Way of Life Re-entry Project

A New Way of Life Re-entry Project provides housing for up to 25 female parolees in the Los Angeles area. The program is ran by an ex-offender and provides services in the areas of treatment, counseling, employment assistance, and family reunification. The program also refers women to other service providers. Since its inception in 1998, the program has assisted over 120 women.¹⁰⁰

MOMS (Maximizing Opportunities for Mothers to Succeed)

¹⁰⁰ A New Way of Life, available at <http://www.anewwayoflife.org/history.html>

In 1998, an evaluation of women incarcerated in Alameda County and in need of perinatal services revealed troubling statistics. Of 339 pregnant women, over 75% identified themselves as chemically dependent, almost 80% had been incarcerated previously, 20% were released from custody without housing, and 32% were released to relatives in circumstances thought to “immediately precede” homelessness.¹⁰¹ Almost a quarter of the women in the survey had children under the age of one year at the time of their current pregnancy. The Sheriff’s Office believed this data signaled a need for increased services for pregnant and parenting incarcerated women and consequently began the Maximizing Opportunities for Mothers (MOMS) Program. This program began as one month of in-custody services provided to women followed by a year of services upon release. Currently, the program involves eight weeks of services in-custody and individualized case management services following release along with alumni groups and additional follow-up.¹⁰²

Since its inception, MOMS has served 856 incarcerated women and 1,767 children.¹⁰³ The MOMS program has been used as a program model in jurisdictions around the country, and the program has provided national workshops in several states.¹⁰⁴ MOMS credits its success with the support of the sheriff, who provided the impetus to begin the project. Training for program staff in gender-responsive behavior was also viewed as crucial to the program’s success.¹⁰⁵ This program shows how powerful programs that link those involved with the criminal justice system with community service providers. The criminal justice personnel give the program validity in the eyes of the court system and prison, and the community providers offer specialized services and link the program participant in with the community.

Model Programs in Other States

Often it is difficult to find information on model programs in other states because success can’t be measured without valid evaluation tools, and programs all too often either do not have evaluation measures in place or else utilize evaluation techniques that are not reliable in actually measuring the program’s success. Also, the programs that one can easily identify from other states are those with directors or staff members savvy enough to put the programs on the internet; however, the fact that a program is on the internet and therefore available to use as a model does not necessarily mean it is a model program that should be imitated by other providers. This researcher was dissatisfied with the performance measures found in most of the programs she identified in other states. Therefore, rather than list programs that may or may not be effective, the following three programs are profiled because they are indicative of general treatment trends that utilize available research to provide programming for women in three broad areas: alternatives to incarceration, residential treatment and services, and “one stop” services provided through one coordinating treatment provider. Though these strategies, as reported below, seem

¹⁰¹ Alameda County Sheriff’s Office, Public Hearing on Women and Parole 2, Little Hoover Commission, April 22, 2004, available at <http://www.lhc.ca.gov/lhcdir/womenparole/WatsonApr04.pdf>.

¹⁰² *Id.* at 2

¹⁰³ *Id.* at 4.

¹⁰⁴ *Id.* at 7.

¹⁰⁵ *Id.*

to enjoy some measure of success, California should be wary of implementing them without more comprehensive evaluation measures.

Alternative to Incarceration Programs (ATIs)

Alternative to Incarceration Programs allow judges in New York to sentence an offender to a treatment, an education, or an employment training program that entails strict supervision in lieu of incarceration. In New York City, ATIs are credited as a crucial part of the city's reduction of both crime and incarcerated populations.¹⁰⁶ ATI programs are cheaper than incarceration because participants remain involved in their communities, families, and local economies and avoid indirect incarceration costs like foster care for the children of incarcerated parents.¹⁰⁷ Thirteen organizations across New York state are ATI coalition members.¹⁰⁸

- **Take-Aways for California:**

ATIs provide a structure that 1) allows service providers to support the criminal justice system; 2) allows non-violent offenders to remain connected to their communities and families, which increases their chances of successful rehabilitation; and 3) utilizes offenders as community participants rather than making them dependent on the state, which is more efficient and uses less of society's resources for incarceration.

The Sarah Powell Huntington House

In response to a law that prevents women with a history of substance abuse from reclaiming their children after incarceration unless they have adequate housing, the Women's Prison Association and Home, Inc. (WPA) opened the Sarah Powell Huntington House (SPHH) in Manhattan in 1993. This apartment building provides transitional housing and support services for 37 women who are also parenting.¹⁰⁹ In ten years, the SPHH has served 328 women, 75% of whom were supervised by the criminal justice system while in residence. Over half the women had used the shelter system prior to living at the SPHH. 51% of the women who lived at the SPHH reunited with at least one of their children, 55% left the SPHH with permanent housing, and 77% did not return to the shelter system after discharge from the SPHH. For the women who lived with their children at the SPHH, the results were even better: 80% obtained permanent housing upon release, and only 4% returned to the shelter system. The SPHH posits that those clients who were not successfully discharged to housing failed because they did not follow the program or resumed involvement with drugs, alcohol, or criminal activity. For those women who did not achieve success, they usually left the SPHH within three months and before they were reunited with their children.¹¹⁰

- **Take-Aways for California:**

The SPHH works because 1) it provides a structured and safe environment for women and their children; 2) it supports women while they readjust to parenting after incarceration; 3) it

¹⁰⁶ Alternative to Incarceration Programs: Cut Crime, Cut Costs, and Help People and Communities 1, available at http://www.wpaonline.org/pdf/WPA_ATI.pdf

¹⁰⁷ *Id.* at 3.

¹⁰⁸ *Id.* at 6.

¹⁰⁹ A Report on the First Ten Years of the Sarah Powell Huntington House 1-3, Women's Prison Association, available at http://www.wpaonline.org/pdf/SPHH_Report.pdf.

¹¹⁰ *Id.* at 11.

centralizes services such that women have the information about and access to treatment and other social services necessary for them to maintain sobriety, gain employment, and reintegrate into society.

Project Reconnect

Founded in 1991, Project Reconnect is a cooperative partnership between Ramsey County Community Corrections in Minnesota, Human Services, and Public Health that serves female offenders with children who were convicted of a drug offense or who suffer from a drug addiction. The program aims to support its clients in sobriety and prevent recidivism while also improving the client's parenting ability. Project Reconnect provides intensive services to the client in her home in an individualized way. A nursing service evaluates the health needs of the clients and her children, and the program also provides services in meeting long-term goals like education, employment, and spiritual connections. Though the evaluation data for the program appears promising, it is difficult to gauge given that the data is only provided for certain years and not others, preventing any conclusions about the success rate of the program from year to year. The data provided indicate that women discharged from 1996-1997 had a 93% success rate in remaining out of the criminal justice system during the first year and an 87% success rate in remaining out of the criminal justice system for two years.¹¹¹ In 1999, the percentage of clients referred to child protective services for abuse or neglect of their children declined from 36% before their involvement in Project Reconnect to 10% after their involvement.¹¹² Though no specific year is noted, Project Reconnect also states that it provided immunizations to 89% of clients' children who needed them, dental care to 100% of families who needed it, and prenatal care to 87% of clients in need.¹¹³

▪ Take-aways for California:

Project Reconnect has served the demographic of women most commonly found in the criminal justice system: involved in either drug abuse or drug crimes and pregnant or parenting. Given their over ten years of experience and program evaluation for almost ten of those years, the conclusions that Project Reconnect posits for serving post-incarcerated women is noteworthy. First, Project Reconnect advocates using relationships to serve women (i.e. having service providers take time to form a connection with each client). Next, Project Reconnect highlights attention to gender-specificity in programming, including programs "for women, run by women, with attention paid to women's issues."¹¹⁴ Other suggestions include focusing on group and individual therapy, concentrating treatment in the community where the women live, using all community resources available, training and selecting committed and effective staff, creating programs that are long-term, individualizing each client's services, providing transportation and childcare to facilitate services, using a harm reduction model, and evaluating the program's impact.¹¹⁵

¹¹¹ Dinny Prichard, *Project Reconnect Responds to Women Offenders on a Personal Level* 26, 28 in *Topics in Community Corrections: Responding to Women Offenders in the Community 2000*, available at <http://www.nicic.org/pubs/2000/period180.pdf>.

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

Part III:

Recommendations:

1) Resource and Programming Website

California should create a website that provides information on programs available to paroled women. Though many women on parole may not have access to the internet, their parole officers could use such a website to create a treatment plan for their clients using up-to-date information on a comprehensive list of community resources. Also, community providers could refer to the website to see what services are already offered to paroled women in the community in order to avoid replicating services or to share institutional knowledge with similar providers. The CDC currently has a community programming link on its website; however, the information provided is not very detailed and does not reveal enough specifics about the population each program serves or admission criteria. As this collection evolves, however, California's web-based resources could serve as a model for other states that do not yet offer a similar service.

2) Shift Resources Away From Incarceration and Into Community Supervision

The preceding research indicates that many female offenders are nonviolent and do not pose safety risks to the community. In addition, incarcerating females imposes an additional cost in the negative effect on their children. Given that the females who are incarcerated and then released do not receive enough services to facilitate successful rehabilitation, the system as currently construed operates on a double inefficiency. First, it uses resources to incarcerate women who arguably do not need to be incarcerated, necessitating the use of further resources to place children in foster care and perhaps incarcerate those children years down the line given the link between parent and child criminal justice involvement. Next, after putting substantial resources into incarcerating a woman, the state releases her without services, which increases the likelihood that she will return to the criminal justice system as her needs were never addressed anywhere in the process. In addition, it costs only \$2,200 per year to provide parole supervision for one woman compared to \$22,000 to incarcerate her.¹¹⁶ By choosing alternatives to incarceration in ten cases, California would free up \$220,000 that could provide double supervision to 100 women. The choice to use resources for incarceration instead of programming contributes to the problems of community instability, recidivism, generational crime, and further involvement by females in the justice system and should be evaluated. Of course, resources should not be entirely shifted away from incarceration and into community programs as certain female offenders do represent a danger to the community and would not be appropriate for alternative programming outside a prison setting.¹¹⁷ Still, the number of nonviolent female offenders currently incarcerated

¹¹⁶ Joan Petersilia, Challenges of Prisoner Reentry and Parole in California 2, CPRC Brief, Vol. 12, No. 3 (June 2000), available at <http://www.ucop.edu/cprc/parole.pdf>.

¹¹⁷ Even for women who remain incarcerated, more effort must be directed at providing rehabilitative programming in prison to prevent recidivism and to better address the unique needs of female inmates. The scope of this paper, however, does not address such in-prison programming.

illustrates a need for some resource shift to provide a panoply of sentencing options that better address the unique situation of each female offender.

3) Support Reentry

Much of the research presented in this paper gets at the same broad points: female offenders need to feel connected with their families, their communities, and their service providers; they need to be prepared for reentry in terms of job skills, education, mental and physical health, and family reunification; and they need to be supported as they find housing and employment and transition back into the community. There are several policy approaches California could adopt to encompass these needs. On the most basic level, prisons might be required to provide a Reentry Plan for each female offender as she leaves incarceration. Of course, this plan will only be as good as the resources from which the person writing the plan can draw. Hence, it will not be effective to write a plan when there aren't parole officers available who are trained in gender-responsive strategies and who have such heavy caseloads that they can't take the time to connect with and support the newly released female parolee or when there aren't measures in place to ensure that the parolee has access to housing or health care drug treatment. Once California has bolstered the resources available to newly released parolees, however, reentry planning might even be taken a step further. As Jeremy Travis suggests, reentry courts might provide a model for exercising reentry oversight in a way that could tailor itself to the individual needs and performance of each parolee.¹¹⁸ Some measure of governing reentry and ensuring that there is a plan in place is crucial to successful reform.

4) Sentencing

There is evidence that gender has a statistically significant effect on recidivism and that in terms of risk, many women may be overclassified.¹¹⁹ Changing sentencing procedure exists as a preventative way to approach the problem by keeping women from being sent to prison which in turn prevents the community disruption that results from separating women from their families, minimizes the expenditure of resources to incarcerate female offenders who did not commit violent offenses and aren't a danger to the community, and allows judges to take in totality of a woman's circumstances in sentencing. However, changing sentencing laws alone may divert women from assistance who need it. Women enter the court system because they are part of a vulnerable population—physical and sexual abuse survivors, substance abusers, impoverished single mothers—and society has a valuable opportunity to provide these women with services when they come before the court on charges. By changing sentencing laws without also putting resources into increased programming for diversion and probation, the chance to positively intervene in the lives of some of society's neediest members is lost. Just as incarcerating women needlessly has negative externalities and costs, so too does a revolving door policy where women are not sent to prison but nor do they receive treatment or services. In most cases, the negative circumstances that brought the woman to court on this occasion will bring her back, perhaps on more serious charges. For

¹¹⁸ JEREMY TRAVIS, BUT THEY ALL COME BACK: FACING THE CHALLENGES OF PRISONER REENTRY 351 (2005).

¹¹⁹ Myrna S. Raeder, A Primer on Gender-Related Issues that Affect Female Offenders, CRIMINAL JUSTICE 14 (2005).

many women, the sad reality is that the few options for community-based residential substance abuse and mental health programs exist for those without resources. A situation is thus created where “the criminal justice system now serves as the de facto social service provider of last resort.”¹²⁰

Conclusion

As California struggles to allocate limited tax dollars, responsible fiscal policy dictates that money not be wasted on ineffective incarceration and reentry policies for female offenders. When evaluating cost, it is clear that the costs of female incarceration are not only financial but also social and generational. A focus on the system that places many nonviolent female offenders in prison is a necessary component in determining the best policy with which to address female offenders. Regardless of sentencing, women must be provided with services while incarcerated that enable them to successfully reenter society. A crucial component of reentry centers on gender-specific programming that is available to all women who need services across the need spectrum from housing to substance abuse treatment to medical services to family reunification. In developing policies that change the way female offenders are sentenced and assisted in community reentry, California can more effectively minimize these costs while also ameliorating female criminal activity.

¹²⁰ Myrna S. Raeder, A Primer on Gender-Related Issues that Affect Female Offenders, *CRIMINAL JUSTICE* 7 (2005).