Restructuring Justice: Moving Towards Gender-Responsive Programming and Alternatives to Incarceration for Non-Violent Female Offenders

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RESTRICTURING JUSTICE: MOVING TOWARDS GENDER-RESPONSIVE PROGRAMMING AND ALTERNATIVES TO INCARCERATION FOR NON-VIOLENT FEMALE OFFENDERS

by

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A Thesis Submitted to the Honors Council
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Abstract

The United States’ Federal and State laws differentiate between acceptable (or, legal) and unacceptable (illegal) behavior by prescribing restrictive punishment to citizens and/or groups that violate these established rules. These regulations are written to treat every person equally and to fairly serve justice; furthermore, the sanctions placed on offenders seek to reform illegal behavior through limitations on freedoms and rehabilitative programs. Despite the effort to treat all offenders fairly regardless of social identity categories (e.g., sex, race, ethnicity, socioeconomic status, age, ability, and gender and sexual orientation) and to humanely eliminate illegal behavior, the American penal system perpetuates de facto discrimination against a multitude of peoples. Furthermore, soaring recidivism rates caused by unsuccessful re-entry of incarcerated offenders puts economic stress on Federal and State budgets. For these reasons, offenders, policy-makers, and law-abiding citizens should all have a vested interest in reforming the prison system.

This thesis focuses on the failure of the United States corrections system to adequately address the gender-specific needs of non-violent female offenders. Several factors contribute to the gender-specific discrimination that women experience in the criminal justice system: 1) Trends in female criminality that skew women’s crime towards drug-related crimes, prostitution, and property offenses; 2) Mandatory minimum sentences for drug crimes that are disproportionate to the crime committed; 3) So-called “gender-neutral” educational, vocational, substance abuse, and mental health
programming that intends to equally rehabilitate men and women, but in fact favors men; and 4) The isolating nature of prison structures that inhibits smooth re-entry into society.

I argue that a shift in the placement and treatment of non-violent female offenders is necessary for effective rehabilitation and for reducing recidivism rates.

The first component of this shift is the design and implementation of gender-responsive treatment (GRT) rather than gender-neutral approaches in rehabilitative programming. The second shift is the utilization of alternatives to incarceration, which provide both more humane treatment of offenders and smoother reintegration to society. Drawing on recent scholarship, information from prison advocacy organizations, and research with men in an alternative program, I provide a critical analysis of current policies and alternative programs, and suggest several proposals for future gender-responsive programs in prisons and in place of incarceration. I argue that the expansion of gender-responsive programming and alternatives to incarceration respond to the marginalization of female offenders, address concerns about the financial sustainability of the United States criminal justice system, and tackle high recidivism rates.
Introduction

The Federal Bureau of Prisons (BOP) lists as part of its mission statement that its primary goals are to provide “safe, humane, cost-efficient, and appropriately secure [facilities]... that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.”

In the era of mandatory minimums that sentences three-time offenders to a life prison term without parole, an ongoing war on drugs, and tough on crime perspectives, the United States fails to meet its own criteria in almost all of its intended goals and does not uphold offenders’ Eighth Amendment right against “cruel and unusual punishments.” This Amendment prevents unacceptable physical and economic treatment within the courts and corrections, yet as crime punishment evolves our definition of “cruel and unusual punishments” must evolve, too. Unconstitutional punishment now comes in the form of mandatory minimum sentencing, the disproportionate incarceration of peoples of marginalized identities, and the wall of roadblocks to a successful future that offenders face after their release from prison. Additionally, locking offenders behind bars for extended periods of time is often not enough to steer them away from crime in the future (Mauer 2001: 9-20).

Rehabilitative programming such as substance abuse counseling and educational opportunities seeks to empower offenders and give them the means to live a law-abiding life. However, incarceration rates have steadily risen since the tough on crime era began in the mid-1970s even though crime rates did not increase (Mauer 2001: 9-20). This discrepancy is due largely to high recidivism rates from unsuccessful reentry into society
after offenders are released. The combination of unjust policies against felons and lack of adequate programming to prepare those who have served their sentences for successful reentry affects both sexes in the criminal justice system, but disproportionately affects women more than men for a variety of gender-specific reasons. Women would greatly benefit from a shift towards alternative programming and diversion away from prison-based punishment.

This thesis employs feminist criminology theory to explain the gendered differences between how men and women experience crime, punishment, and reentry. I use these theories to analyze and critique existing therapeutic methodologies for incarcerated women’s rehabilitation. My analysis sheds light on components of gender-responsive treatment (GRT) that I use to shape proposals for programs inside of prisons as well as alternatives to incarceration. Focus group sessions that I held with five men on the work release program at the local county jail further substantiate the claims I make about the flaws of the criminal justice system. Although no women were part of the group, I connect the oppressive force of gender on female offenders with the men’s experiences as incarcerated individuals; this highlights the de facto marginalization of women in the penal system despite equal treatment in policy. I evaluate four existing alternative programs for women that show success in preparing women for reentry relative to standard incarceration, and conclude with my own proposals for educational, vocational, substance abuse, and mental health programs. I argue for a transition away from prison-based punishment for non-violent female offenders and toward the exclusive use of alternative programs with gender-responsive methodology.
The Gendered Outcomes of Gender-Neutral Policy

Gender plays a critical role in the effects of policy on female offenders within the criminal justice system. Between 1980 and 2011, the rate of women in prison increased by 637% compared to the rate of 419% for men. In 2011, Black women and Hispanic women were incarcerated at 2.5 and 1.4 times the rate of white women, respectively. The “gender-neutral” nature of laws, especially related to child welfare, and the structure of rehabilitative programming during and after prison do not meet the needs of women because they are created by and operate within a patriarchy. While neither gender receives adequate care and treatment from the courts or corrections, women in the penal system incur collateral consequences of crime, such as government bans on financial assistance, and face a host of gender-specific difficulties. In 2009, Massachusetts placed almost half of women who should have served sentences in county jails in medium- or maximum-security state prisons because their county jails do not house female offenders. Additionally, the plethora of “invisible punishments” that place temporary or lifetime sanctions on citizen rights of offenders have a profound negative impact on female offenders’ ability to lead the law-abiding and successful lives that the criminal justice system emphasizes. These bans have gendered consequences for women because women’s crimes are more often non-violent and economically driven (Mauer 2013: 4-5). Female offenders have a much higher rate of substance abuse and addiction than men, thus a large proportion of female crimes are drug possession or prostitution, burglary/theft, or other illegal ways of making money to support a drug habit (Mallicoat 2012: 345-352). Thus, the war on drugs heavily impacts women disproportionately to men because of the tendency of female offenders to use illegal substances, a reality that will be further discussed in Chapter 2.
Examples of policies that are gender-neutral in theory but marginalize women in practice are the various forms of felony disenfranchisement, which vary from state to state. Most states restrict or revoke a felon’s right to vote, eligibility for subsidized housing and food programs, and access to grants, loans, employment, and educational funding (Mauer 2013: 2). At the Federal level, the war on drugs extends beyond policies that increase arrests and mandate harsher sentences. President Clinton rewrote six decades of policies dedicated to the welfare program through the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA), which included two new programs: Temporary Assistance to Needy Families (TANF), which provides financial assistance, and Supplemental Nutrition Assistance Program (SNAP), which provides food assistance. PRWORA also “[denies] federal benefits to people convicted in state or federal courts of felony drug offenses… [And for] no other offenses but drug crimes (Mauer 2013: 1-3).” States are allowed to exercise discretion concerning the application of the bans and currently “37 states either fully or partially enforce the TANF ban, while 34 states either fully or partially enforce the SNAP ban” (Mauer 2013: 1-3). These policies penalize incarcerated women at a higher rate than incarcerated men because of women’s high proportion of drug-related crimes. Furthermore, the bans have secondary gendered ramifications for incarcerated women due to their high rates of addiction and tendency to be the primary caretaker of dependent children. Many offenders seek further, optional substance abuse treatment after release to help them stay on track with a substance-free life. Many substance rehabilitation facilities that provide free or reduced-cost help for women in poverty use proof of TANF and SNAP benefits to give subsidized access to treatment and substance-free housing. States indirectly restrict entry to programs that help offenders avoid recommitting economically driven crimes by denying felons access to TANF and SNAP assistance. Additionally, formerly incarcerated mothers are more
likely to bear the economic weight of a family and childcare than their male counterparts, thus the children of formerly incarcerated mothers pay for crimes that they did not commit. For example, a household of three dependent children and one parent that would ordinarily qualify for SNAP benefits will only receive the amount allotted for a household of three if the parent has been convicted of a felony drug charge.

*Gender-Responsive Treatment: A New Approach*

While government assistance policy reform is important for achieving justice, especially for women, it doesn't tackle the heart of female criminal tendencies. Policy reform does not assist women with gender-specific issues associated with most female offenders, it only mediates some of the consequences of offending. Thus, the central focus of this thesis is gender-responsive alternative programs to incarceration for non-violent female offenders and gender-responsive shifts in methodology for programs in women’s prisons. These changes in therapeutic techniques address the gendered emotional and mental struggles of female offenders and serve to comprehensively rehabilitate and prepare women for reentry. Gender-responsive approaches to programming operate under the assumption that women and men differ in the motivations for crime, the kinds of crimes often committed, rehabilitative needs, and responsibility roles (such as motherhood); these differences are gender-based because of micro and macro forms of cultural and institutional gender oppression in the United States (Mallicoat 2012: 480). The need for gender-responsive treatment (GRT) arose out of the inadequacy of supposedly “gender-neutral” programs, which theoretically should benefit women just as much as they benefit men (Mallicoat 2012: 467). However, this approach assumes that incarcerated women and men operate in the same way in relation to crime, substance abuse, mental health counseling, and other programs. This belief results in sameness, not equality, of programs. In the 1970s and 1980s, prison
advocates challenged several cases that led to Supreme Court mandates for equal opportunity for women and men in prison. Because women made up just 5% of the total incarcerated population at the time and gender differences were not widely discussed, providing equal access of programs to women simply meant duplicating the programs that already existed in men’s facilities and implementing them in women’s facilities (Mallicoat 2012: 467).

Research Methodology

The research for this thesis derives from three key sources: a comprehensive review of relevant scholarly literature, information from prison reform advocacy organizations, and focus group research at a local treatment center. Recently, recognition of the need for gender-responsive approaches to rehabilitation has surfaced and scholarly research on female offenders has produced a general consensus on the necessary components of gender-responsive programming. Because this is a relatively new area of research, however, there are few resources that focus on female offenders and, specifically, on alternative methods of incarceration and programming for them. Two foundational texts, *The Incarcerated Woman* (Sharp 2003), and *Women and the Crime: A Text/Reader* (Mallicoat 2012), provide a starting point for learning about women in relation to offending, the processes of the criminal justice system, and female employees of the criminal justice system. These works also include relevant scholarly articles from major criminology and feminist journals in the field. *The Incarcerated Woman, Women and Crime*, and several of the articles within them (Alleyne 2006, Bloom et al. 2004, Davis 2007, Dodge and Pogrebin 2001, Feld 2009, Garcia and Lane 2013) lay the groundwork for understanding what kinds of crimes girls and women tend to commit and, therefore, what common rehabilitative needs women in the penal system might have. These sources also provided background on the history and development of women’s treatment in the criminal
justice system, the creation of women’s prisons, and feminist criminology theories, such as the feminist pathways theory (Mallicoat 2012: 23). These two sources both have small sections on the increasing need for gender responsive programming, but do not have extensive information on essential elements of such programming.

The major scholarly social science journals in the field are Feminist Criminology and Crime and Delinquency. I conducted an extensive review of these and related journals. This literature review indicated gaps in women’s programming, such as effective substance abuse treatment (Belknap and Holsinger 2006), and advocated for a shift towards gender-responsive programming. These works shaped my argument for a gender-specific approach and guided my proposals for new methods of programs and alternatives to incarceration. A small selection of articles (Garcia and Lane 2010, Hackett 2013, Saxena et. al 2014) explored the preliminary efficacy of new gender-responsive programs and alternative methods of punishment. However very little research has been conducted on these topics both because the field is new and because the field of criminology predominantly focuses on male offenders. Initial studies of GRT (Sered and Norton-Hawk 2011, Wattanaporn and Holtfreter 2014) have made important progress in understanding female criminality and recovery, and suggest positive outcomes from gender-responsive techniques. These are a good start and have generally sound methodologies, but reliable conclusions about the effectives of GRT cannot be drawn until multiple studies produce similar results. Much more comprehensive, longitudinal studies need be done to interpret the efficacy of gender-responsive programs, particularly ones that serve as alternatives to prison. The Invisible Woman: Gender, Crime, and Justice (Belknap 2014) and The Female Offender: Girls, Women, and Crime (Chesney-Lind and Pasko 2013) provided additional support of suggested themes of GRT. Even the most recent books in this field provide similar consensus for the use of
GRT, suggesting that scholars in the field generally agree upon the design of gender-responsive programs. These scholars establish essential components of gender-responsive programming, ranging from staff-participant interaction to therapeutic methods, which will be discussed in the following section. This scholarship also raises questions about whether or not gender-responsive programming is beneficial for all women (Saxena et al. 2014). This debate questions the efficacy of GRT for women without traumatic abuse histories, and has yet to be explored through multiple reliable studies. This topic should be a future focus for feminist criminology scholars after producing reliable work on the general effectiveness of gender-responsive programming for women.

In addition to scholarly literature, I also consulted various resources provided on the websites for The Sentencing Project and the Women’s Prison Association, which are two organizations that work for prisoner’s rights, education, and prison reform. These two sources provided statistics on trends in female criminality, rehabilitative options, and recidivism. Furthermore, they were my primary resources for understanding legal policy on crimes and offenders’ rights (regardless of gender), and the gendered outcomes of these policies (Mauer 2007). These sources thoroughly exposed the intersections of oppression regarding low socioeconomic status and lack of education for women in the criminal justice system. They indicate that gender-neutral policies and methods disproportionately disadvantage women, but did not provide much information on gender-responsive programming.

Finally, I held focus group sessions with five men at the Union County Day Center in Lewisburg, Pennsylvania from September 30, 2013 through November 13, 2013 as part of a critical psychology class that I was taking. The Day Center is a new facility created to help offenders who are on work release to find jobs, housing, and other requirements to leave jail and
serve probation. The five men had all committed non-violent crimes and were serving time at the Union County Jail. All of the sentences were at least 9 months long, and one was as long as 18 months, but as the sessions unfolded these sentences lengthened.

I spent two hours at the Day Center every Monday and Friday. For the first hour, the Day Center assigned anger management worksheets and videos for the first hour. The second hour was unstructured and allowed us to have open conversation about the men’s prior and current experiences. We sat either in a circle of chairs or in a circle on the floor of the classroom. The conversation usually flowed naturally from one man’s story to the next, and I occasionally asked questions, such as “why do you think you reacted that way,” to gain a deeper understanding of how the men interpreted their actions. The men usually introduced new topics that typically either reflected upon the childhood and young adulthood circumstances that led them to crime, or exposed their current frustrations with the corrections system. Sometimes they would express interest in learning about topics that they did not have access to in jail or prison. For example, toward the end of one session we began talking about restorative yoga as a practice for coming to terms with negative emotions about past events. I brought I book that I own about this type of yoga to the following session and we spent the final 15 minutes of the session trying a meditation exercise. The men became eager to learn and teach others, including me, about tactics that have helped them cope with isolation of incarceration. The men knew that I would incorporate their experiences into my theories about necessary elements of alternative programs for this thesis.

For each session I recorded information, including quotations, in a composition book. At first they were all timid and quiet, and it seemed like they did not trust me to frame their stories well. I believe it took some time for them to understand that I was advocating for changes to the systems and institutions that oppress them, rather than criticize them for their crimes. After the
first three sessions their participation dramatically increased and they were extremely excited to talk. Furthermore, they said that they enjoyed feeling like their opinions about what they need were being listened to and valued. One of the men said after the fifth session, “Mondays and Fridays are what I look forward to now because of this. All week I sit in my cell and it’s so boring but on Mondays and Fridays I wake up and know that the day is going to be good.” Once the men began opening up, it was clear that they had a lot that they want to share about their experiences. Stigmatizations of offenders frame them as people who do not know what is best for them, which is why the state must place them in a facility that claims expert knowledge on what they need. And yet, studies show that offenders frequently want to improve their lives and actually have a good idea of what they need to do so (Garcia and Lane 2013). The men in this study also knew where the system had failed them, what they needed to be successful, and what their individual weaknesses were. They were perceptive about where intervention, had it taken place, could have lead them down a different path in life, and what children and young adults from similar backgrounds need to avoid the same mistakes.

My sessions at the Union County Day Center brought many of the concepts in my literature review to life, and provided real examples of the cycle of incarceration. Although this thesis focuses on women, the men’s stories reflect the same policies and programs that women in the criminal justice system face. I compared and contrasted their experiences with excerpts from a final text source, *Interrupted Life* (Solinger et. al 2010), which contains interviews of formerly incarcerated women. This work separates interviews into several themes, ranging from motherhood and family life to sexual orientation within prison. Like the focus group sessions, it shows the voice of the people that suffer from the oppressive penal system and would benefit from significant structural changes. While I argue that policies and programs discussed in the
following chapters generally disproportionately disadvantage female offenders, they also oppress male offenders. The men at the Day Center talked openly about painful and frustrating experiences, and their honesty reinforced the urgent need for new methods of discipline. The ways in which the system inhibits their ability to lead successful, law-abiding lives, which I will elaborate on in Chapter 3, significantly formed what I view as gaps in policy and programming. These sessions helped shape my proposals for alternatives to incarceration and, once paired with scholarly literature on female offenders, gender-responsive programming.

Core Components of Gender-Responsive Programming

Demographics and education of program staff, focus on the acquisition of life skills and qualifications for living wage jobs, and active participant involvement are three core categories of gender-responsive components that I believe contribute to a successful, effective program.

Program staff must reflect the incarcerated population across intersections of race, ethnicity, sexuality, socioeconomic status, and gender (among other categories). Additionally, some staff members should be women who are ex-offenders and/or ex-addicts (for substance abuse programs). Mentorship is a strong part of rehabilitation and learning, and participants in a program must feel like they can relate to those who are teaching them and setting guidelines/rules (Morash at. al 1998: 7). The staff must also be caring, dedicated, and qualified. Many of the girls and women interviewed in studies voiced disappointment as they felt like some staff members were only in the field for the paycheck (Garcia and Lane 2013: 553). I further suggest that staff have an educational background or receive training in feminist perspectives on female criminality, as research by Colleen Hackett (2013) indicates that sometimes program staff fall under the impression that if the program does not work, it must be because the women are unmotivated or not complying with the demands. Even staff in a gender-responsive program may
not successfully apply its principles if they do not understand the external forces that push their participants towards crime. Finally, the management style of the staff should be non-aggressive and non-authoritarian. Authoritarian methods of control work well for men’s rehabilitation, but do not help women due to their tendency to feel low self worth and loss of control (Morash et al 1998: 4).

A gender-responsive approach to the acquisition of skills challenges the historically gendered nature of women’s educational and vocational programs. These programs typically involved what was culturally thought of as women’s work, such as hair styling, textile/fabric work, and sewing (Belknap 2014: 241). These programs prepare women for low-paying jobs in very small industries, thus many women will need to seek additional means of income upon re-entry. Gender-responsive educational and vocational programs will give women marketable skills that qualify them for living-wage jobs. Other necessary elements of a gender-responsive program include parenting and life skill classes that teach women how to be self-sufficient, independent, and how to care for oneself and one’s children (Morash et. al 1998: 7).

A third quality of a gender-responsive program will be participant involvement. Studies suggest that women benefit from having the ability to run parts of a program, take leadership roles, or initiate new activities (Mallicoat 2012: 467). Finally, an essential component of participant involvement in a gender-responsive program will be that it is conducive to family and child visits, and will connect participants with outside resources to help bridge the transition from the program to reentry. This allows offenders social agency and the ability to make healthy connections in society. These services could include career opportunities, continued education, housing assistance, and further substance abuse treatment and mental health counseling.
The importance of these elements is not only supported by scholarship in the feminist criminology field, but is further substantiated by studies that give first hand accounts of program experiences from juvenile delinquent girls and incarcerated women (Garcia and Lane 2013: 557). The criminal justice system embodies a patriarchal, father-knows-best approach to programming. Since the beginning of prison-like facilities in the 18th century, the administration behind such institutions assumed that the offenders or delinquents had very little understanding of what they needed to rehabilitate. Yet, it turns out that girls and women in the criminal justice system are able to articulate what interventions or structures might have led them away from crime, and what was missing from programs that hindered their recovery (Solinger et al. 2010: 332-337). Their views frequently fall in line with what feminist criminology scholars think that delinquent girls and incarcerated women need, and future studies should consider a participatory research methodology. Future studies must also answer a key question concerning the effectiveness of gender-responsive programs: does GRT benefit all female offenders, regardless of trauma/abuse and drug history? Or, is it only effective for incarcerated women with these experiences. This debate came out of a longitudinal study by Preet Saxena et al. (2014) examining the long-term effects of gender-responsive programming for women while accounting for abuse history. This study claims that women without abuse histories may not benefit from gender-responsive methodology, but more extensive work and research must be done to reach more definitive conclusions on this question.

Conclusion

The collateral consequences of conviction place lifetime punishments on female offenders under the implied assumption that they will commit crimes again if dehumanizing, prohibitive sanctions are not imposed. PRWORA policies disproportionately affect women due
to the gendered tendencies of female criminality. Thus, the re-entering population becomes “trapped permanently at the margins of society by postprison sanctions.” Until recently, federal and state governments had the luxury of ignoring the unacceptable conditions of inmates and ex-felons, but strain on the economy and immense cost of incarceration now forces politicians to reassess prison spending. Legislators would benefit from approaching crime control from a rehabilitative perspective that is more effective, humane, and affordable. Incarceration is a cyclic reaction to crime; for example, poverty drives many women to commit crimes for survival. Then, the economic sanctions placed on ex-felons further impoverish released offenders and push many women toward re-committing crimes for economic survival. Rather than channeling money to build more prisons, state and federal budgets should allot funding towards building non-incarcerative rehabilitation facilities for offenders who are serving sentences, are on parole/probation, and need assistance re-entering society. Furthermore, efforts to strengthen and expand rehabilitative, educational, and vocational programming within existing prisons using gender-responsive approaches will decrease the likelihood of recidivism.

In this thesis I argue that such programming is not only desirable, but also feasible. To provide greater context for women’s needs in programs, the next chapter focuses on theories of female criminality and the gendered nature of women’s crime. I provide a background in feminist criminological theories relevant to shaping gender-responsive programs. Chapter 3 applies a feminist critique using the theories discussed in Chapter 2 to gender-neutral programs, and discusses the sessions at the Union County Day Center. This chapter explores the gaps in current programming and identifies priorities for creating future programs. The final chapter examines four existing programs and advocates for a shift entirely away from prison-based
punishment for non-violent female offenders. Additionally, I explain my proposals for future alternative programs and programs in prisons, all of which use a gender-responsive approach.

1 Federal Bureau of Prisons

2 The Sentencing Project

3 Wellesley Centers for Women

4 The Editorial Board
Chapter 1

Trends in Girls’ Delinquency and Women’s Crime

As a result of the soaring rates of incarceration, the United States annually spends approximately 70 billion dollars of state budgets on expenditures for prisons and an increasing share of the Federal 200 billion-dollar public safety budget. Although women make up a little over 5% of the total incarcerated population they are imprisoned at double the rate of men, and there are currently about seven times the number of women in state and federal facilities as there were in 1980.1

Misleading statistics imply that women are simply committing more crimes than they used to; however, a complex analysis of the data suggests that women are not committing substantially more crimes. Instead, the introduction of harsher drug laws and increased collateral costs of imprisonment (i.e., multiple layers of oppressive policies that financially drain offenders) disproportionately penalize women in comparison to men. Women are more likely to commit drug and property crime and are more likely to struggle with substance abuse than their male counterparts (Mallicoat 2012: 345-346). Furthermore, they are much more likely to be the primary caretaker of dependent children, which provides additional motives for and costs of crime (Mauer 2007: 4).

Girls and women face legal disadvantages because of implicit gender biases, which derive from cultural constructions of gender that frame disobedient girls as particularly deviant from society’s obedient, subservient, and gentle expectations. Both sexes often commit their first crime during their youth, but the treatment of delinquent boys in the juvenile system differs from
that of delinquent girls (Mallicoat 2012: 284). For example, a boy and a girl can commit the same crime, but the male does not deviate as far from his gender expectations as the girl does; society expects boys to be naturally aggressive and break rules, thus they are only punished because their behavior is illegal. Girls, on the other hand, are punished for illegal behavior in addition to deviating from how “good, feminine girls” act in America (Owen and Bloom 1998). This subconscious sexism is most evident in status offenses, which include truancy, violating curfew, staying away from home for extended periods of time, and continuously challenging the authority of parents and/or guardians. Beginning with girl’s delinquency is an integral step toward understanding adult women’s criminality, because youth in the juvenile corrections system often continue offending as adults. Girls experience a lack of sufficient gender-responsive programming, and the inability of youth corrections to provide comprehensive rehabilitation sets them up for offending later in life (Mallicoat 2012: 287). The following exploration of female youth and adult criminality utilizes feminist pathways theory, which identifies youth traumas and significant life events (such as the death of a family member) as precursors to delinquency and offending (Mallicoat 2012: 43).

*Girls and Juvenile Delinquency*

The juvenile system emerged in America the late 19th and early 20th centuries as a movement to save, rather than merely punish, delinquent children. In its early days, the institutionalization of wayward youth was intended as a means to fix their behavior and was largely based on morality as determined by the white middle class. This practice unfairly targeted children of the poor who may or may not have committed crimes; regardless, the government thought that these children and young adults needed the assistance of the wealthy, educated (and, therefore, ethically responsible) population. Middle class communities thought
parents of poor children were lazy, criminals, and ill-equipped to properly raise children, thus it became the middle- and upper-classes’ perceived responsibility to save the children of the poor from a similar trajectory (Mallicoat 2012: 280). Morality, for girls, specifically focused on sexual purity in addition to law-abiding behavior. The ideals of the white middle class “led to the racist implication that only the virtues of the White women needed to be saved” (Mallicoat 2012: 281). In other words, the purity of white women was highly valued and used to urge girls in institutions to espouse similar qualities. The government institutionalized any girls whom it considered sexually out of control in order to reform and teach to embody chastity. The focus on female sexuality, like youth morality, sought to protect young women and save those who deviated from “proper” behavior. In reality this suppressed and punished any expression of female sexuality in ways that male sexuality was not. American culture expected boys and men to be virile, thus expressions of sexuality were only punished if they violated legal sanctions that, again, were in place to protect the purity of white girls and women; these included violations of the age of consent and predatory behavior laws (Mallicoat 2012: 281). Boys still enjoy a sexual freedom in the juvenile justice system that is denied to girls, who frequently have their delinquent behavior tied to expressions of sexuality. For example, repeatedly sneaking out to see girlfriends is rarely relevant for boys in juvenile court; the focus is on the sneaking out behavior, not on whom a boy is sneaking out to see. Sneaking out to see boys or a boyfriend, by contrast, is a pertinent piece of information in similar trials for girls. Furthermore, law enforcement and parents/guardians punish girls for running away from home or staying away from home for extended periods of time far more regularly and more severely than boys (Mallicoat 2012: 281).

Scholars agree that violence and law-breaking behavior among girls, like women, have not increased (Belknap 2014, Chesney-Lind and Pasko 2013, Mallicoat 2012). Changes to
formal policies and freedom of discretion within the corrections system fueled an upward trend for the institutionalization of delinquent youths. The “tough on crime” and “war on drugs” policies that disproportionately incarcerate women similarly affect delinquent girls. The shift from informal processing to formal processing of cases is one of the most noticeable outcomes of harsher sentences. In 1985 only 35% of girl’s cases were formally processed, and most of these incidents involved acts of violence; however, by 2007 corrections processed a little over one half of girls’ cases, and more girls were officially arrested rather than reprimanded by the police (Knoll and Sickmund 2010: 3). Research on these practices revealed that the process of upcharging, an increase in domestic violence disputes, and decreasing tolerance for disobedient girls are key components in rising rates of female delinquents (Steffensmier et. al 2005). Upcharging is the practice of prosecutors elevating charges against defendants, such that a fight between a parent and a child that involves any physical contact becomes a legal assault. Upcharging changes the way that a prosecutor frames a domestic dispute in a court of law and gives the court legal justification for punitive measures against the defendant. Informal processing, on the other hand, usually allows youths to participate in community programs that focus on strength and support, and correct unacceptable behavior through rehabilitative methods. These programs include community service, volunteer work, mediation, restorative justice, and therapy (Mallicoat 2012: 284). The move away from alternative methods of punishment was not due to ineffectiveness, but rather because the “tough on crime” movement trickled down to juvenile corrections.

Reducing the use of community programs made access to them more valuable; it resulted in fewer available programs because the demand was not as prevalent, and participation in them now comes at a higher economic cost than traditional punishment. Girls who can afford
residential treatment facilities and alternative programs have an advantage over girls who cannot afford it, or who choose not to spend money on it. This gives wealthier girls the opportunity to avoid official charges and a criminal record that will follow them into education and the workforce, which in turn gives them a more realistic opportunity for success. Intersections of race and class place more Black and Hispanic girls in households that cannot afford alternative options. Regardless of actual family income, perceived income based on sub-conscious racist assumptions that non-white families are poorer than white families cause judges to formally process more girls of color and send white girls to alternative programs (Miller 1994).

Furthermore, corrections personnel perceive girls and women of color as more dangerous, similar to the stereotype of the aggressive black male, and, therefore, more in need of secure punitive facilities (Davis 2007: 413).

Not surprisingly, pathways to juvenile female delinquency involve interrelated risk factors that begin at home. Social control theorists suggest that family provides control and protection for all youths and adolescents, but has a particularly strong connection to girls (Bloom et. al 2002). This may be because girls tend to be more culturally associated with families (i.e. producing and raising families, maintaining the household, etc.), thus are more affected than boys by unsupportive, unloving, and even dangerous family environments. Girls also experience certain kinds of disruptive family behavior differently than boys do, such as substance abuse and physical, sexual, and emotional abuse. Girls are more likely than boys to use drugs or alcohol and are pre-disposed to this risk if somebody in their family struggles with an addiction. Additionally, girls who otherwise have not used drugs or alcohol are likely to turn to them as a coping mechanism if there is ongoing physical, sexual, or emotional abuse in the household (Mallicoat 2012: 288). Most girls in the juvenile justice system have suffered from some form
mistreatment. Acoca and Dedel (1998) found that 92% of girls in a California study of incarcerated youth had experienced at least one form of abuse. Problems that start at home tend to infiltrate other aspects of girls’ lives: this study also found that 85% of the incarcerated girls were at increased risk of dropping out of school because of peer violence, sexual harassment by peers, and acts of racism and sexism (Acoca and Dedel 1998).

These girls did not have a public or private environment of support or source of self-worth, thus they were more likely to engage in deviant or criminal behavior. For example, girls’ initial encounters with law enforcement are frequently because they run away from or leave the home for long periods of time; they defy their parents’ authority to determine when they can come and go, and refuse to follow the rules in place. Families increasingly use the police as a way to control girls who do not respect their parents or guardians. The police bring girls in for formal processing when they become frustrated over numerous calls and repeat home visits to establish authority (Mallicoat 2012: 285). Girls are more likely than boys to be reprimanded for not following the demands of her parents because culturally constructed norms indicate that girls should be compliant and passive, while boys are expected to be aggressive and break rules. A girl who challenges her parental authority not only threatens the deeply ingrained notion of the nuclear family, but she also threatens her place as a girl and someday-woman in society (Davis 2007: 412). Therefore, girls are more likely to be punished for status offenses than boys.

Research by Carla P. Davis indicates that “pure coercion,” which lacks trust and logical reasoning, is an ineffective and unreliable way of regaining control despite the pervasive use of law enforcement as authoritarians in the home. Girls typically do not decide to start listening if the reasons to do so do not seem legitimate. The incarcerated girls in her study were not intimidated by or compelled to change by the police’s threats to arrest them or take them away
from their homes; they continued their behavior until they were arrested for a status offense or other crime (Davis 2007: 421). Stacy L. Mallicoat explains that, “unfortunately, in their attempt to escape from an abusive situation, girls often fall into criminal behaviors as a mechanism of survival” (Mallicoat 2012: 288). If girls are not being processed for domestic dispute-related incidents, they are frequently arrested for drugs and property crimes, which they employ as a means of making it on their own. Girls without the education to gain access to living wage jobs often turn to illegal sources of income because of an immediate need to buy food and other necessities. Girls are much less likely to commit violent crimes than boys because their pathways to delinquency are based on gendered experiences of family, self-worth, and abuse; therefore, laws that target and punish drug crime, property crime, and status offenses will also target girls more heavily than boys.

Growing Up: Trends in Adult Female Criminality

Feminist criminology suggests that “women face circumstances that tend to be specific to their gender such as sexual abuse, sexual assault, domestic violence, and the responsibility of being the primary caretaker for dependent children” (Mallicoat 2012: 479). The pervasive physical, sexual, and emotional abuse that girls in the juvenile system often face paired with the cyclic nature of the criminal justice system enhance the likelihood that as adult women they will commit crimes later in life. Additionally, this abuse shapes the kinds of relationships that women form with intimate partners, which commonly mirror the abusive dynamic of their familial ties growing up. Children of incarcerated women are also more likely to commit crimes themselves when mothers do not get adequate treatment for addiction; the cycle of offending is not confined to the lifetime of the offender and takes multi-generational tolls on families (Belknap and Holsinger 2006: 58). Girls and women who run away from abusive households frequently turn to
prostitution as a means of economic support because they feel that they have few options for which they are educationally qualified. Furthermore, prostitution is heavily linked with drug use and addiction, which begins a cycle that is nearly impossible to get out of without treatment and economic support, neither of which is provided to most incarcerated women (Mauer 2007: 5). Studies indicate that, “Depression, abuse, and social and economic pressures lead [women] towards substance abuse as a method of coping with their lives” (Mallicoat 2012: 354). Many women were introduced to drugs at an early age by family members who struggled with addiction, as an emotional release from childhood trauma, through friends and significant others, or a combination of these situations. Drug use as a coping mechanism, prostitution as an introduction to drugs and economic support, and property crimes as a secondary means of supporting drugs habits shape the typically non-violent nature of female criminality (Mallicoat 2012). The gender-responsive programs proposed in the final chapter of this thesis address these specific concerns and use feminist pathways theory to shape therapeutic techniques.

Women’s drug use has historically been linked to cycles of abuse and has not increased over the years; rather, society’s perceptions of drug use changed and severe policy changes followed. The media sensationalized women’s drug use during the 1980’s and 1990’s with images of the addicted mother, crack babies, and the rare cases in which drug use led to violent acts (Allen et. al 2010). This highly contradicted cultural understandings of respectable femininity, thus the media created an unfounded culture of fear through its interest in criminal women as particularly subversive of their gender expectations and its focus on some of the most horrific cases. Research claimed that crack babies, for example, had long-term mental, emotional, and physical disabilities due to the mother’s irresponsible crack cocaine use during pregnancy. Small sample sizes and an abundance of confounding factors skewed these early
studies. Years later, subsequent research reveals that exposure to crack in utero has little long-term affect on most children, and that the fear of crack babies and addicted mothers has little authenticity (Campbell 2010). Yet, the cultural and legal effects of sensationalism endure. These media accounts produced irrational misunderstandings of drug culture. The reports implied that addiction indicated a flaw in a woman’s character, and was a problem that required increased legal sanctions. The “tough on crime” era began a new system of dealing with drug use and mandated extremely harsh minimum sentences that were disproportionate to the crime committed. Women who are involved in any kind of crime are more likely to be involved in drug crime or commit a crime to support a drug habit than men who are involved in crime. As such, the “war on drugs” punished women at a higher rate than it did men (Mauer 2007: 3).

Prior to the war on drugs, offenders typically had to complete community service, pay fines, and/or complete a treatment program. This enabled women to continue participation in society and maintain connections with family and other support systems. It also allowed for sentencing that was proportionate to the crime and for the judge to use discretion in assessing the role that a woman played in a drug offense. Women are more often drug users than drug distributors, and in the 1980’s and 1990’s gangs increasingly used women who were affiliated with the gang through familial or intimate relationships with men. Women were less likely to be randomly searched by police, thus many girlfriends of gang members served as drug mules or deliverers for men who were higher up in the drug trade (Mauer 2007: 3). Judicial discretion can take these factors into account when prescribing punishment for a drug offense, and can recognize that women with an addiction and women who are coerced into helping with drug sales should not be punished as severely as big-time distributors. Although the power of judicial discretion had positive potential for women, advocates of a fair criminal justice system had
reason to support some style of mandatory minimum sentencing. Discretion also led to implicit biases effecting women of color and poor women. The notion of white middle-class purity prevails and perceptions of black and poor women as dangerous and inherently immoral also led to unjust sentencing disparities among racial categories and socioeconomic classes (Mallicoat 2012: 462-463).

The mandatory minimum practices that sought to accommodate the political left’s concerns over biased sentencing also unfortunately satisfied the political right’s desire to be unreasonably tough on non-violent crime. Drug users are more likely to be arrested and imprisoned for crimes than drug sellers, and the new policies elevated the punishment of these offenders to that of mid-level dealers (Mauer 2007: 3). Furthermore, it maintained a system of institutionalized prejudice by more harshly punishing drug crimes that were more common among racial minorities and poor communities than crimes that were typically committed by white, middle-class communities.

One of the most notable examples is the difference in mandatory sentencing between crack cocaine and powder cocaine. Cocaine initially came in the form of powder and was considered a high-class drug that was almost exclusively used by the wealthy community. Then crack cocaine, a derivative of cocaine powder, hit the streets in the 1980’s. Crack comes in the form of rocks instead of powder and is substantially more potent and addictive than powder cocaine. It is also much cheaper than powder cocaine, and it swept through low-income neighborhoods that historically did not have access to this drug.² The Anti-Drug Abuse Act of the 1980’s, which introduced mandatory minimums, punished crack cocaine offenses 100 times harsher than powder cocaine offenses. In 2010, President Obama signed a landmark bill called the Fair Sentencing Act, which reduced the ratio of punishment for crack cocaine and powder
cocaine from 100:1 to 18:1. Although it is a monumental piece of legislature there is still a policy that prescribes harsher punishments for the form of the drug that is primarily found in low-income neighborhoods. Therefore, poor women are much more likely to use crack cocaine and receive harsher punishments than middle- and upper class women who use powder cocaine.

Furthermore, class intersects with race in the United States. African American families are three times more likely to live in poverty than white families, unemployment rates for African Americans are double that of white Americans, and African American men and women earn an average of 72% and 85% of the earnings of white men and women, respectively. Despite anti-discrimination laws in the workforce, racial minorities are more likely to comprise the low-income communities that are affected by crack cocaine. Thus, policies that target the poor also often target people of color. While the “war on drugs” disproportionately affects women, regardless of race and class, it is also important to recognize the various layers of institutionalized and cultural oppression that affects intersecting identities.

Media accounts of female offenders exaggerate the danger of law-breaking women, which frames them as inadequate versions of the acceptable woman. This imagery suggests that female offenders are both a threat to normative, law-abiding society and a threat to the internal order and structure of gender dynamics. The media focus on violent “bad girls” and the rise of female prisoners distorts the predominant understanding of female criminality (Mauer 2013: 6). Women make up a marginal percentage of the overall incarcerated population, but the rate at which women are locked up significantly surpasses that of men, primarily due to the kinds of crimes that women tend to commit. These offenses are typically drug related; in addition to drug use, law enforcement often arrests women for property crimes or prostitution, which are both used to economically support their drug habits. The war on drugs is gender-neutral in policy, but
in practice it disproportionately punishes women due to the pervasive use of drugs as a coping mechanism for abuses that are predominantly experienced by women. Much of adult criminal behavior is linked with these traumatic and delinquent experiences as girls and young adults, and the cycle begins and continues because of inadequate programming. The next chapter takes a critical look at current sentencing and incarceration practices, in-prison and alternative programming, and the collateral economic costs of imprisonment.

Chapter 2

Gaps in Prison Programs and Policy Reform

A key concern with the current structure of the correctional process is its gendered nature. The United States’ education and government institutions are influenced and controlled by patriarchal and capitalist systems of oppression and privilege, thus they have historically been built by and for white, upper class men. This is also true of the criminal justice system, and is visible throughout each process that offenders experience. The multiple layers of gender, race, and class oppression specifically situate women in a disadvantaged position and force them to cope with a system that does not recognize gendered needs. Women only made up about 5% of the total incarcerated population during the 1970’s, and even though that percentage has grown there is still minimal research that focuses specifically on women’s particular needs (Mallicoat 2012: 467). For example, as mentioned in the previous chapter, women are more likely than men to have histories of drug and alcohol abuse, physical/sexual/emotional abuse, and be the primary caretaker of minor children. Although each of these factors contributes to female criminality and, therefore, should be incorporated into the rehabilitation process, few facilities accommodate all (or even most) of the women who would benefit from programming services.

Men and women also differ in the kinds of crimes that they tend to commit and their motivations for illegal behavior. Both elements of criminality should influence the methods of rehabilitation. Furthermore, the rehabilitation programs that are available to women in prisons typically use methods designed for the needs of men. So-called “gender-neutral” programs ignore essential components of female criminality and recovery and were originally designed for
men because of the small percentage of incarcerated women relative to all people in prison (Mallicoat 2012: 478).

Until recently there was little research on the differences between men’s and women’s needs in prison and existing research could benefit from more data and more comprehensive analysis. Future studies should examine longitudinal outcomes of different program methodologies, particularly gender-responsive programming for women. Sample sizes should be large and cross-examine multiple identity categories such as gender, race, and socioeconomic status, which will indicate what the specific needs of different communities are (e.g., upper class women vs. low income women). Preliminary studies show that Federal and State governments would enjoy long-term benefits in the reduction of initial crime and recidivism by channeling the money in correctional budgets towards rehabilitative programming that is gender-responsive.¹

Feminist criminology scholars assert that equality within the criminal justice is not synonymous with “sameness.” In other words, expanding the existing rehabilitative methods to provide the same amount and kind of programming for men and women does not constitute equal treatment or opportunity to successfully re-enter society.

This chapter examines how the structure of policies and programs inside and outside of prisons fail to help incarcerated women in ways that fulfill the mission of the Department of Corrections. The chapter focuses specifically on mental health and substance abuse treatment, educational/vocational programs, and the lack of resources available to incarcerated mothers inside of prisons. Additionally, it evaluates the collateral costs of incarceration that accrue through laws against convicted felons, particularly drug offenders. I identify why even the most effective and exceptional programs cannot serve women properly when state and federal
regulations prohibit access to TANF and SNAP benefits, in addition to other financial aid services (such as subsidized housing) upon re-entry.

Programs in Prisons

Mental Health and Substance Abuse Rehabilitation

Lack of resources and small-scale design are the primary issues affecting all prison programs, and mental health and substance abuse rehabilitation are no exceptions. Estimates indicate that, “only 1 in 5 women in state prisons… and 1 in 8 women in federal prisons [who struggle with addiction] receives treatment for substance abuse” (Mauer 2007: 5). Statistics for mental health counseling follow a similar trend; thus only a fraction of women who need therapeutic help receive it (Mauer 2007: 5). The isolation, unfamiliarity, and frightening nature of prisons exacerbate pre-existing mental health problems such as depression and anxiety, and create an environment that fosters new psychiatric problems in women who previously did not struggle with mental health. Gender-specific experiences of victimization correlate with the higher rates of mental health and substance abuse problems for female offenders compared to male offenders, and funding programs that accommodate these issues should be a priority in correctional budgets.² Releasing women back into society with the tools they need to avoid relapse paired with realistic means of income is pivotal in lowering recidivism rates. Effective drug rehabilitation and mental health counseling lowers the number of women selling drugs, committing property crimes, and using prostitution as a means of supporting drug habits. Not only would this reduce secondary offenses and parole/probation violations, but it would also decrease the overall demand for drugs and the long-term spending associated with the government-funded housing and care for offenders.
Counseling and rehabilitation should transition from gender-neutral to gender-responsive methodology to produce long-term results in addition to giving all women who need mental health and substance abuse services access to programs. Most institutions accommodated demands for equal programming by simply reformatting existing programs that were built for men, and implementing them in women’s facilities (Mallicoat 2012: 467). The supposed gender-neutrality of this strategy came from the program’s flexibility to focus on issues relevant to female criminality. For example, a 12-step program designed for a men’s alcoholic recovery group would be reconstructed to focus on heroin addiction, which is a common drug of choice among female offenders. The kind of problems that women struggle with is only one of many ways in which women and men tend to differ.

The supposedly gender-neutral design also tends to focus on individual histories rather than shared experiences of abuse. This methodology emphasizes the crimes that individual women committed and their personal histories (for example, emotional trauma during adolescence). This individualism does not enable women to see commonalities in their experiences unless their stories are exactly the same. For example, this method does not empower women to see their common use of drugs as a coping mechanism for different kinds of trauma. Furthermore, most men respond well to programs that emphasize discipline, which employs an authoritarian hierarchy, whereas most women do not (Morash et. al: 4). Men learn well in environments in which there is a clear authority figure and respect the hierarchy of power. On the other hand, women are consistently in a position of relative powerlessness inside and outside of prison, thus they usually need programs that give them more power than they are used to. Individualistic and authoritarian programs inhibit community building, which women respond to more strongly to than men. Keeping the basic structure of the rehabilitation and
counseling programs that were built for men while only changing the content to fit women’s needs is not a gender-neutral approach because it favors how men best learn, process information, and grow. In Chapter 4 I propose a deconstructive approach to women’s programming instead of this reconstructive approach, because the content of substance abuse treatment and mental health counseling is only a fraction of what is necessary for a successful program.

Educational and Vocational Training

Early efforts to provide educational and vocational programming to female prisoners focused on parity with men’s programs. Advocates sought to give women access to the same number and quality of opportunities as men, and potential differences in the gendered experiences of crime were ignored. Furthermore, despite equal opportunity laws, state and Federal governments neither effectively implemented programming - even “gender-neutral programming - into all female facilities, nor made it available to all female offenders.

Poverty is a significant driving force behind female criminality, and reports from the Women’s Prison Association point to economic struggles as a common problem for women prior to incarceration. Male offenders also struggle with poverty, but usually at a lower rate and to a lesser extent than most female offenders. Approximately 48% of women are unemployed at the time of arrest, and about 64% of women enter prison without a high school diploma (Women’s Prison Association 2003). As discussed earlier, girls and women tend to turn to crime for economic survival, not because it is the most convenient way to make money, but because legitimate and legal means are not attainable (Mallicoat 2012: 464). The many girls who run away from home and drop out of school due to adolescent abuse and exposure to drugs and
alcohol enter adulthood without the necessary education to be eligible for jobs that provide a stable income.

Women are frequently sent back into the communities of poverty that they came from without any additional abilities to gain lawful employment, with overwhelming debt, and little to no personal possessions because authorities have the right to seize property and capital after arrest. This is particularly true of drug offenders, from which law enforcement can take any possessions (e.g. a house, car, clothing, etc.) that they subjectively believe to have been purchased with money earned from drugs. Realistically, there is no way to accurately distinguish between the dollars in a bank account that were earned through drugs or earned through lawful means, especially if an offender is committing drug crimes as a secondary or supplemental means of economic support. In addition, policies created in the war on drugs era award the local law enforcement branch that arrests an offender a portion of the economic value of whatever is seized as an incentive for tough on crime performance. Thus, authorities have complete discretion and motivation to seize any and all assets from drug offenders, and offenders have few rights that protect their personal property (Mallicoat 2012).

Therefore, comprehensive educational and vocational training are vital components of keeping women out of prison once they are released, both to regain that which they have lost and to give them the economic security that they need to stay away from crime. Unfortunately, most women do not have these needs accommodated. Only 16% and 29% of the women who enter prison without a high school diploma earn their GED or certification in vocational training, respectively, during their time in prison (Mallicoat 2012: 264). Educational and vocational programs are underfunded by state and federal budgets and are among the first to fall victim to budget cuts. There are not enough classes to provide services to all of the women who would
benefit from them, and the existing programs are significantly understaffed. Even facilities that do have vocational training have highly gendered approaches that reinforce the norms of what constitutes women’s work. The only vocational programs available through the 1980’s and 1990’s prepared women for domestic service, clerical work, or cosmetology. These programs still exist at a number of institutions, and although they are acceptable career paths most women will still need more profitable employment after release to support themselves and a family.

This approach to vocational programs only provides training for fields that are traditionally female-oriented and colludes with a sexist economy and culture that have historically valued what is considered “men’s work” over “women’s work.” Thus, the careers that women are qualified for upon release are limited to the kinds of jobs that are typically under-valued and under-paid, and women often find themselves in a perpetual state of economic hardship. Even now, women’s vocational programs rarely offer non-gendered options. Some larger prisons offer carpentry and mechanic training, but these programs are rare. A more specific and modern example of gendered programming exists in the Montana state prison industry, in which vocational training primarily focuses on “women’s work.” Programs include “fabric industries such as print-screening, direct-printing, design work and embroidery.”

The Incarcerated Mother

Incarcerated mothers face one of the most complex systems of intersecting oppression in the criminal justice system. The unforgiving nature of criminal policies combined with the security in penal institutions severely punishes offending mothers, often for the rest of their lives, despite non-discrimination clauses within the law. The structure of prisons together with child welfare policies and mandatory minimum sentences make it incredibly difficult for a mother to maintain ties with her child(ren). Women often reside in prisons that are extremely far away
from their families, which requires extended family members to drive long distances to meet with an offender for a very short period of time. Even women who committed non-violent crimes are often not allowed to hug or touch visitors. Women who do not have visiting family must pay for phone calls when they are already sinking into debt, and these calls are time-limited.

The younger the children, the more difficult it may be for a mother to maintain a relationship. Only nine states have prison nurseries for pregnant women who enter prison or for women with newborn children (Mallicoat 2012: 466). Furthermore, families often choose not to bring children to visit their mothers in prison or jail because it forces them to confront an explanation for a parent’s incarceration. How do you explain to a child why his/her mother is behind a glass window, cannot touch him/her, and cannot come home any time soon? In other cases, families decide to avoid the conversation about where the mother is and why she is there to protect the integrity of the mother (Mallicoat, 466).

The constraint of policies - both specific to offending mothers and applicable to offenders in general - is an additional compounding difficulty. The TANF and SNAP bans wreak havoc on households with incarcerated parents, because the ban only allows families to apply for benefits for the eligible number of family members. This means that a family of three, in which the mother has been incarcerated, only receives the amount of money for a two-person family. Likewise, a family of four in which two parents have been incarcerated receives funding for only one half of what they need (Mauer 2013: 4). Female parents are substantially more likely than their male counterparts to bear the responsibility of parenthood, so incarcerated mothers are disproportionately affected by limits on financial assistance.

Additionally, it is nearly impossible for an incarcerated mother to regain custody of her child(ren) after release if another parent or extended family member cannot care for her children
in her absence. If a child is not under a family member’s care for 15 out of the previous 22 months, the child is automatically placed in Child and Youth services or foster care. Incarcerated women typically come from broken family and social networks that are unreliable and potentially dangerous, so many women do not feel comfortable leaving their children in somebody else’s care or simply do not have somebody to care for their children. This, paired with increasing sentence lengths, usually results in a mother permanently losing her child(ren). Furthermore, the instability in the lives of children of incarcerated parents perpetuates the cycle of violence and delinquency. Many children who come from foster care or have incarcerated parents themselves end up in juvenile facilities or prison later in life (Belknap and Holsinger 2006: 58). Alternatives must be created to break this cycle of violence and restore healthy family relationships, which will lower the likelihood that a parent will commit subsequent offenses and that a child will commit a first offense.

Mothers in prison suffer from intersecting oppressions as they are often-low income women with minor children. They are particularly disadvantaged by federal and state bans on financial and food assistance because they are forced to spread economic resources thin as they try to care for themselves in addition to others. Because economic survival is a driving force behind much of women’s crime, financial policies against felons, especially drug offenders, put female parents at higher risk of recidivism compared to childless female offenders. An additional disadvantage that mothers experience in prison is the isolating structure that prevents them from maintaining ties with their family and children. This institutional design also makes it likely that a female offender will permanently lose custody of her children. Incarcerated mothers are one subgroup of the offender community that would benefit the most from alternatives to prison.
Alternatives to Prison

Research shows that much of the recidivism problem is because offenders re-enter society very unprepared to deal with the same challenges that they faced before, and with the additional challenges placed on them by bans on economic assistance and a criminal record. Most importantly, regardless of effective programming, the isolation and rigid structure of prisons could not be more different than the unstable, loose environment outside of prison. Even though women leave prison drug-free, they frequently return to environments that still have the common factors that push women towards crime in the first place - abuse, poverty, and the presence of drugs - and now must focus on acquiring a stable, legal source of income, housing, and possibly reconnecting with children all while trying to stay above the pull of addiction. There is an imperative need to immediately establish transitional institutions to aide with the culture shock of returning to society after prison, and this effort should work towards implementation of and prioritization of sentencing to alternative facilities for non-violent offenders.

The benefits of shifting toward reliance on alternative programming rather than incarceration lie mostly in the way that alternative programs more closely mirror life after prison. Structure is good for offenders, who need stability and guidance, but studies consistently show that it does not benefit offenders to give them rigid structure and then strip them of it completely without transitional assistance. Secondly, human learning from languages, to hobbies, to virtually any other skill might be best accomplished through immersive practice. Surrounding oneself with similarly motivated others who are also striving to complete the same goals reinforces incentive and provides the constant learning experience necessary to create internal growth. Alternative programs offer both of these benefits, and are more fair consequences for
offenders who did not commit acts of violence. This sentencing style is also more proportionate to the crime committed, which is one of the gravest injustices that the American penal system commits towards its offenders. Finally, alternative programming emphasizes autonomy and agency in rehabilitation. Small things such as not being able to choose and wear one’s own clothes, go to the bathroom without permission, or see potentially supportive loved ones culminate into the dehumanization of criminals. Economic and governmental benefits aside, offenders deserve a better quality of life than that which they are receiving. Alternative programs are a legitimately viable opportunity to treat offenders humanely and still punish for law-breaking behavior. In the next chapter I will discuss qualitative data gleaned from men in jail for non-violent crimes who take advantage of one type of alternative program. This information supports the claim that alternative programs would be more effective than incarceration and the men are examples of how the collateral costs of imprisonment hinder personal success.

Conclusion

Not only would the shift towards alternative programming improve the lives of incarcerated women, but they would also improve the Federal and State economies. The public’s desire for safe communities has pressured politicians to appear tough on crime since the beginning of the war on drugs era, and many administrations have answered this demand by building more prisons and locking more citizens up through harsher sentences. This solution seemed reasonable to those with economic and societal capital because they often have the luxury of ignoring the unavoidable and devastatingly cyclic ramifications of non-white collar crime policies; those who do not have the money to access programs that break the cycle of offending and incarceration are forced to rely on government-funded rehabilitation. However, this strategy financially drained taxpayers, state governments, and the Federal government, and
produced soaring recidivism rates due to ineffective programs and exhaustive policies. Now members of all political parties, socio-economic classes, and locations of proximity to crime must pay attention to the need for budget re-allocations, policy reform, and program re-design. 

Within prisons, offenders deserve consequences that are proportionate to their crimes as well as the treatment and tools to help them live law-biding lives, which are promised to them in the United States’ Federal and state prison mission statements. On the other side, employees in the criminal justice system suffer overwhelming workloads due to scarce resources and are bound to mandatory policies that do not work to rehabilitate offenders. Outside of prisons, politicians need to reform prison policy and allocate money in the budget towards improving programs in prisons and creating alternatives to incarceration. The reciprocal long-term benefit from this shift is the reduced rate of recidivism, which lowers overall government spending on prisons. This allows governments to funnel money that would have been spent on building and staffing new prisons towards the educational, extracurricular, and other social programs that stifle juvenile (and, later on, adult) pathways to delinquency and crime. For these reasons everybody, no matter what level of involvement with or side of the criminal justice system; whether for ethical or financial reasons, should be invested in improving the treatment of criminal offenders. The next chapter explores the themes throughout the focus group sessions with men at the Union County Day Center. These themes highlight women’s oppression within a system that marginalized all genders.

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1 Wellesley Centers for Women
   2011 Exploring Alternatives to Incarceration (ATI) for Women in Massachusetts.

2 Solitary Watch
3 Women’s Prison Association
   2003 WPA Focus on Women and Justice: A Portrait of Women in Prison. Women’s
4 Montana Department of Corrections
Chapter 3

Themes of the Focus Group Sessions

This chapter explores the experiences of the men at the Union County Day Center, and connects their experiences to those of women in the criminal justice system. I met with men because no women were eligible for the Day Center program, yet I still gleaned valuable first hand accounts of struggles that they face with rehabilitation and recidivism. These stories not only reflect some similar problems that women face, but they also highlight important gendered distinctions between men’s and women’s struggles related to crime. The following is basic information for each of the five men that I worked with (Names changed to protect the identity of the speakers):

- Darren: 21 years old and in jail for possession of stolen goods. He has prior charges on his record for drugs.
- Alex: 20 years old and in jail for drug possession. He has prior drug charges on his record, and committed his first crime at age 13. He has been in and out of juvenile and now adult institutions since then.
- Gary: 28 years old and in jail for a confrontation with a police officer while he was on probation for a drug charges. He has a son who lives with his mother, and has multiple prior drug charges.
- Patrick: 27 years old and in jail for drug possession He has prior domestic violence charges.
- Ben: 24 years old and in jail for a minor drug charges. He has no prior charges.
• Additionally, Alex is white and the remaining four men are black. They all believed that this was a relevant factor in their sentencing.

Economic Hardship and the Cycle of Incarceration

All of the men in the focus group grew up in low-income neighborhoods and continued to live in poverty prior to offending. Gary committed his crimes in an attempt to provide for his son and then-girlfriend. He did not graduate high school because he got involved with a gang, and then did not have the marketable skills necessary to gain lawful employment once he left the gang lifestyle. He sold drugs to make money, and ultimately began using them himself. He says that money was always the most pressing issue in his household as a child and as an adult, and he learned quickly that he had to obtain it in any way possible. Additionally, he frequently talked about being surrounded by drugs as a kid. One of his childhood friend’s mothers owned a crack house, and when he would go hang out there people would always be coming in and out looking to buy crack. In one session, he said “it was like turkey and gravy on Thanksgiving. It was just always there, and I didn’t think much of it.” This desensitization to drugs and inescapable environment provided an easy gateway for him to sell drugs as he got older. He did not have the financial resources to remove himself from a community that he said he knew was unhealthy from a young age, so he ended up succumbing to it himself. He has dreams of building a facility and program for kids and teens after school in his hometown of Camden, New Jersey. He thinks that if he builds something that kids will actually want to come to, they will have something to work towards and will form healthier relationships than he did as a teenager. He believes that if he had this kind of program as a kid, he would not be in jail right now. He talked about this dream almost every session, and always somberly ended with the conclusion that he might never fulfill it because he doesn’t think he will ever make enough money to do so.
An interesting gendered aspect of Gary’s story is that he has a wife who is able to care for his son while he serves time in jail. Approximately 62% of women in state prisons have minor children compared to about 51% of men. Additionally, mothers in prison are more likely than fathers to have to depend on extended family members or non-family members to care for their children in their absence rather than a significant other or spousal figure. At a substantially higher rate than men, women depend on grandparents (45% vs. 13%), other relatives (23% vs. 5%), or foster care (11% vs. 2%) to care for their children (Mauer 2012: 3). These discrepancies primarily come from the masculine tendency to have a significant other or spouse (in Gary’s case, his wife) to shoulder the weight of parenthood while serving a sentence. The reliability of men having a partner to care for his child(ren) in his absence also means that fathers are less likely to lose custody of his child(ren) than mothers are.

Ben and Patrick share a similar experience of poverty as Gary. Although neither of them grew up surrounded by drugs, both sold them to make a profit and try to get out of poverty. Patrick explained, “I could make $300 a week building gutters, which is my old job, or I could make $1000 a day selling weed. Which do you think I’m going to choose?” His decision to offend is similar to trends in female criminality and female recidivism. After his first release from jail and during these sessions he worked in construction to legally make money, but each week would express his frustration and stress over keeping up with bills. Neither Gary nor Patrick had the educational or vocational skills to gain lawful employment that paid enough to reasonably support themselves, so they both turned to selling drugs. Had they participated in an alternative program that improved their ability to financially support themselves, perhaps selling drugs would not have seemed like such an attractive mode of income. Both men acknowledged
that they knew selling drugs was wrong and would love to move past that in their lives, if they could get themselves out of the relentless poverty that they were living in.

Additionally, all but Ben had previous offenses on their record. Their inability to stay out of jail was partially due to economic hardship, but also because of the cyclic pull of incarceration. Darren talked about a past experience in which he went to back to prison when he was on probation for getting into a fight at a bar. Male friends of an ex-girlfriend saw him on his way out of the bar and attacked him. By the time the police arrived all of the men were bruised and bleeding, so it was not immediately clear who was responsible; however, Darren was the only one with a criminal record and was charged with crime. The stigmatization of offenders that follows a “once a criminal, always a criminal” mantra frame Darren as the likely perpetrator of this crime, and his previous record continued to haunt him even though he was not on probation or parole at the time. This suggests not only a need for change in policy and kind of punishment, but also in the ideology behind crime. Darren and Gary agreed that after they were incarcerated nobody looked at them the same way again. They felt like potential employers immediately disregarded their applications and felt like their good qualities and accomplishments were ignored.

Alex also struggled with the cycle of incarceration because of his addiction to marijuana. He first tried the drug at age 12 because his older friends were doing it and told him that it would help him relax from the constant fighting between his parents at home. Unlike many delinquent girls, Alex never ran away from home. His response to instability was drugs, similar to girls, but the amount of independence he had access to as a young boy was drastically different than most girls’ experience. While talking about his childhood, he explained, “it’s not that my parents didn’t love me. They would get worried if I was out late, but they were never angry about it.
They knew I could take care of myself.” His parents neither used the police as an authority figure in the home, nor enforced strict limits on “going out.” Therefore, Alex enjoyed a gendered freedom and was not at risk of being arrested for the running away, which is often the first status offense and introduction to the criminal justice system for many delinquent girls, as discussed in the second chapter.

Although cultural understandings of drug effects suggest that marijuana does not have biologically addictive properties, Alex believes the feeling of escape itself was addictive and something that he could never live without. He was caught with possession of marijuana on school grounds at age 13, and since then has been in and out of juvenile court and institutions. He says that he never really got the substance abuse treatment that he needed because he was constantly being moved to different facilities. He feels like he slipped through the cracks and was “bad enough to be locked up, but not so bad that they had to pay attention to me.” About half way through the sessions he confidently claims that, this time, he is done for drugs for good.

Alex and Darren both struggled with significant marijuana use prior to their most recent arrest, and both got jobs working at a local restaurant. Both of them said that they craved the high the most when the suffocation and isolation of jail buried them in hopelessness, insecurity, and sadness. On the last day of focus group sessions neither of them showed up. Patrick explained that Alex was caught smoking marijuana before coming back to the jail one night after work. The jail staff knew that the two worked together and were friends, so they drug-tested Darren the following morning. His test came up positive, and now they are both serving extended sentences on the non-work release side of the jail. Both of them were two pay checks away from being able to pay a month of rent, which would have given them the housing plan that
they needed to leave jail and serve the remainder of their sentences on probation. Now they will serve the entirety of their sentences in jail.

All of the men in the group were most recently in jail on non-violent offenses, which is a requirement for them to be eligible for this group. As experienced by many women in the criminal justice system, none of them are currently receiving treatment for their addictions.

While violence was not part of Darren’s most recent offense and sentence, his history differs from most women’s history because his second offense linked drugs to violence. The fight that he got into after leaving the bar, mentioned above concerning the cyclic nature of incarceration, was fueled by alcohol. All of the men had consumed a lot of alcohol, which is heavily linked with violence. Alcohol and/or drug use by the victim, perpetrator, or both is found in more than half of all violent crimes (Riedel and Welsh 2011: 259).

Additionally, cultural expectations of masculinity differ from that of femininity. Males are expected to be aggressive, strong, and self-reliant. A man who cannot defend himself against or shies away from physical violence risks feeling emasculated by peers or “weak.” The disinhibition and poor decision-making effects of alcohol intoxication are influenced by gender roles and subsequently created gendered, drug-related experiences. Therefore, a key difference between men’s and women’s drug habits and incarceration is that women’s drug use does not typically lead to violent offenses. Rather, it typically leads to a drug-related offense, which demonstrates how gender plays a significant role in shaping the female incarcerated population. On the other hand, masculinity shapes the violent nature of men’s offenses, even ones that are linked to drug use.

The problems that the men experienced concerning financial support and the cycle of incarceration could have been solved through well-rounded alternative programs that gave them
legitimate opportunities to lead successful lives. Educational and vocational training would have given them the tools to gain lawful employment that provided a comfortable quality of life, and effective substance abuse treatment would have helped Darren and Alex stay above the influence. In addition to addiction, the stress and unfair treatment of jail itself served as motivation for drug use when it was supposed to help them lead a clean lifestyle. Alex, in particular, would have benefitted from early treatment of his addiction and perhaps his cycle of incarceration could have been broken before reaching legal adulthood. This would have given him a better chance at gaining employment and staying out of the correctional system.

Employment and socioeconomic status are also gendered issues for men and women in the criminal justice system. Patrick, Ben, Darren, and Alex all held full time jobs prior to their most recent arrest. Although this is a small sample size, 80% of the group were employed and making more than $600/month. Approximately 60% of women in state prisons are not employed at the time of their arrest, compared with an average of 40% for men. Additionally, 37% had incomes under $600/month, compared with 30% of men. One half of women did not work at all, even in a part time position, in the month prior to incarceration (Mauer 2007: 3). These statistics illustrate the gendered socioeconomic differences between incarcerated men and women, which affect how well they are able to reintegrate into society upon release. Low socioeconomic status is one of the more significant factors contributing to recidivism, especially for women because of their tendency to commit survival-based crimes.

Furthermore, approximately 30% of incarcerated women were receiving welfare benefits at the time of their first arrest (Mauer 2007: 3). As discussed earlier, the bans on state and federal benefits for felons with drug offenses impact women who were already in such economic hardship that they needed government assistance. When they re-enter society they no longer have
access to the assistance that they needed before prison, and experience deeper poverty. Given women’s higher rate of drug offenses coupled with their higher rate of poverty and unemployment compared to men, female offenders may be more likely than men to fall into the cycle of incarceration and more likely to depend on other people/forms of aid for financial assistance.

Staff and Community

A popular complaint from girls and women in the criminal justice system is that although some of the staff seems interested in helping them, many seem like they are only coming to work for the paycheck (Garcia and Lane, 2013). The men in the focus group felt similarly, and referred to their public defenders as “public pretenders.” Some said that they met with their public defender once before their court date and s/he seemed to be in a rush, unfamiliar with the case, and disinterested in answering any questions that they had. This is another example of how low-income offenders are at a disadvantage. Those who can afford a private attorney have substantially better chances of reaching a plea deal or being acquitted for the crime than those who use a public defender, because public defenders work under enormous case loads (sometimes over 100 cases at a time) for little pay. Within prisons and jails, the men agreed that most of the staff belittled them and treated them like they had no potential to improve their lives. After one session, a staff member at the Day Center asked me how the sessions were going. I told him that they were going well and that the men were incredibly smart and perceptive. He laughed and replied, “well, I think ‘smart’ might be a big exaggeration, but I’m glad you’re having fun.” I am concerned that this view was vocalized, let alone thought, but even more concerned that it was said within earshot of the men. I hoped that this was a unique incident, but in the following session we discussed the event and the men said that this is a very common
occurrence. How can we expect offenders to improve their lives if the people who are supposed to help them to not believe in their ability to do so? Ben explained, “Why am I going to try hard when their expectations are so low? It’s like if I fail I’m not disappointing anybody because it’s what they expected, so I don’t even bother.” My social location outside of the criminal justice system lacks insight to what it is like as an employee of a correctional institution, and I am sure that they experience many difficulties with their position. I imagine that some offenders are genuinely manipulative and will try to take advantage of the staff; however, an employee can be strict and keep manipulative offenders from taking advantage of the system and be invested in the improvement of the offenders’ lives. The corrections department would benefit from more scrutinized interviews with potential staff to ensure that the people who will have the most contact with and influence on offenders believe in the inherent value of them.

A significant gender difference in how incarcerated women and men experience and interact with staff is the risk of sexual assault and rape in corrections facilities. More than three quarters of all reported sexual assault and rape incidents are women who have been victimized by male staff members (Mauer 2012: 3). Incarcerated men experience sexual assault by staff members and other inmates, but do so at drastically lower rates. Furthermore, women enter prison with substantially higher rates of prior sexual abuse and trauma, therefore are at greater risk overall for experiencing sexual violence outside and inside of prison. This is an important issue to consider when selecting staff for women’s correctional programs and facilities. It is also important to acknowledge when designing counseling programs to ensure that adequate help is provided for relevant issues.
Understanding the System

Alex, Darren, and Gary frequently talked about what their sentences would have been if they understood the system better. Darren and Alex specifically talked about missed educational opportunities because they didn’t know about things like scholarships, other sources of financial aid, or free standardized test preparatory classes. Gary explained that he felt so cornered in to pleading guilty that he didn’t realize that there was another option. Furthermore, he said that he didn’t know about procedures like “making a deal with the prosecutor.” He had a lot of knowledge about drug distributors who were higher up in the system than he was, but thought that his best strategy was to keep quiet. He thought that if he admitted they he knew higher up drug dealers for years but had never said anything, he would be punished for his crime and for not turning the other dealers in at any point during the previous years. It wasn’t until after his sentencing date that he learned that many prosecutors open up probation and parole options in exchange for more information. For Alex and Darren, their biggest gap in knowledge of the system concerned educational and vocational opportunities. Darren believed that he would be in school right now and getting ready to graduate with a degree if he knew that he could get financial assistance to pay for tuition. He claimed, “I definitely would not be in jail. I wouldn’t have seen a reason to jeopardize my future like that.” Alex shared similar thoughts and explained that prior to this arrest he was trying to apply for college. He looked into one scholarship, but stopped filling out the application when it asked if he had been convicted of a felony. He lamented, “I just knew there was no way they’d give it to me.”

These men’s stories about lack of knowledge and, therefore, lack of power support the need for academic and career counselors within alternative programs, in addition to legal counselors. Many offenders do not know the system well enough to be treated fairly within it,
and end up getting used by it instead. Alternative programs that provide comprehensive information about potential opportunities and legal rights would make a significant difference in the outcome of offenders’ lives.

In support of my primary claim that all programs need to be expanded in addition to re-structured, all of the men agreed that the help that they did receive was rare because there weren’t enough resources for everybody. Their experiences as low-income offenders connect with my suggestion that socioeconomic class plays a primary role in female offenders’ initial offense and recidivism. The men in this group suffer from each of the gaps that I pointed out in current prison programs. Although my focus is women in the criminal justice system, the group sessions provided first hand accounts of the way that socioeconomic status can act as an oppressive force for offenders. Furthermore, their histories of unsupportive staff and lack of reliable information on how the system works mirror that of women in the criminal justice system (Alleyne 2006). The marginalization of women in the criminal justice system is not built into policy, which is why the men in my focus group and incarcerated women can both experience inadequate rehabilitation; however, the gendered tendencies of incarcerated women (e.g. their abuse histories, motherhood responsibilities, etc.) further and more widely disadvantage offending women than men. The contributions of this qualitative data shaped what I believe are the key components to successful re-entry and give voice to the statistical data on recidivism and substance abuse. All of the men were enthusiastic about the possibility of alternative programs in the future, and felt like they knew more about why they couldn’t escape the system.
Chapter 4

Alternatives to Incarceration and Gender-Responsive Treatment

Working Alternatives: Examples for the Future

The push for alternatives to incarceration requires a combination of policy reform, government investment, and a cultural shift in attitudes towards offenders. Tough on crime laws and unjust treatment invaded the United States criminal justice system, in part, because of the generally accepted, politically-endorsed, dehumanizing view of criminals. Politicians in power saw an opportunity for self-promotion and seized the chance to tap into a popular concern of the American people: public safety. Skewed studies and sensationalization of crime through media created and perpetuated a stereotype of a criminal; this person was inherently flawed, the sole person responsible for his/her predicament, and a greedy abuser of government assistance. Through this idea came negative images of women in particular, such as the welfare queen, the hypersexual deviant, and the drug-addicted, unfit mother. The public’s reaction to these apparent problems was to keep politicians in office who would crack down on crime and increase punishment for those who broke the law. In order for those in power to stay in power, they had to create laws that disenfranchised offenders, kept them in a position of economic hardship, and made access to knowledge difficult or unattainable; this temporarily worked because, in a capitalist economy, knowledge and money equal power.

However, advocacy groups formed to combat the inhumane treatment of offenders and the current system is taking a toll on the American economy. Public opinions have shifted toward supporting more humane treatment of offenders. Additionally, politicians are now forced to
restructure corrections so that the number of offenders is manageable and the system is economically sustainable. Most importantly, short-term and longitudinal research invariably shows that current programming and the unrealistic environment of prisons do not work to rehabilitate offenders. The shift towards alternative programs is slow, but necessary, and implementing the proposals I will make in this work seems like a daunting task; but alternative programs are already in place across the nation and produce amazing results. Offenders who participate in alternative programs have much higher rates of success finding jobs, staying substance-free, reconnecting with family, and living healthy, law-abiding lives than their counterparts in prisons and jails (Mallicoat 2012).

This chapter concludes with a critique of existing programs within prisons because the shift toward alternative institutions to incarceration needs to be realistically implemented and supported by the state and Federal governments, the public, and evaluative research. I cannot advocate for switching immediately to alternative sentencing without first implementing the programming models on a large scale in prisons. Longitudinal studies on the effects of these remodeled programs should shape the methodology eventually used in alternative programs, and I expect that the programs I suggest in this chapter would result in reduced recidivism rates and healthier lives for women upon re-entry. If the proposals produce successful results in prison, I suggest shifting entirely to alternative-style living complexes for non-violent offenders, and correctional budgets should prioritize building these institutions rather than more prisons. It would have enormous up-front economic costs, but would ultimately save money because it would reduce overall incarceration rates. States are currently shutting down schools in order to build more prisons because recidivism rates are soaring (Stroud 2013); offenders return to prison for violating parole and probation requirements and failing to pass drug tests, maintain jobs, or
find housing. Building more prisons is not a viable long-term solution, and a better solution would be to ensure that current institutions function so well that additional prisons do not need to be built.

I also summarize and analyze four alternative programs designed specifically for women who would otherwise face incarceration. The Bedford Hills and Taconic Children’s Centers provide unique opportunities for mothers to keep in touch with children, and the Sarah Powell Huntington House is a residential facility that keeps mothers and children together. Both help incarcerated mothers maintain their families, but do not aid female offenders who are not mothers. JusticeHome and ReMerge are two alternatives available for non-mothers, but only serve women who would otherwise serve short sentences. More options should be available for women who receive long sentences and who are not mothers.

I also propose mental health, substance abuse, educational, and vocational programs that utilize gender-responsive programming, as well as one proposal for an alternative to incarceration. I hope to draw out similarities among the methodological construction of the programs and my proposals for future alternatives in order to demonstrate the importance of a gender-responsive approach. These programs provide support for relying predominantly on alternatives to incarceration for non-violent offenders, and put prison reform theory into working models.

Bedford Hills and Taconic Children’s Centers, New York

The Children’s Centers at the Taconic and Bedford Hills Correctional Facilities in New York are part of an organization called “Hour Children,” which helps incarcerated and formerly incarcerated mothers successfully re-enter the community through a variety of programs. The New York City section of Hour Children provides communal and independent living for families
as well as comprehensive programming to help women secure and retain living wage jobs. The Bedford and Taconic locations do not provide housing for the offenders, but they mirror the other programs implemented by Hour Children within the all-female prisons in those locations. These Children’s Centers were breakthrough programs in the field of alternative practices and prison reform, and serve as models for other programs across the country. Babies and infants of incarcerated mothers are cared for at the facility until they are 1 year old, and an additional 18-month extension is granted when women are guaranteed to regain custody after release. Each program within the Center has an inmate coordinator who was previously in the program themselves to help guide and relate to current participants. The Centers provide services to approximately 700 women each year, and satisfies the State’s interest in supervised visitation while meeting the mother’s interest in building and maintaining a relationship with her child(ren).¹

The strengths of this program lie in the diversity of its programming and its commitment to providing services to incarcerated mothers that would otherwise cost too much money or would not be legally allowed without organizational oversight. The Centers provide free transportation to and from all areas in New York State, so children can visit with their incarcerated mothers and maintain that relationship. This enables the many women who are displaced from their homes and communities to keep healthy bonds that will support them when they return home. Mothers receive comprehensive case management and parenting education classes to help women prepare for parenthood, and enjoy overnight weekend visiting programs. The latter option is unheard of within prisons and is an integral part of mothers bonding with their families and children.

The facility also bridges the distance between the mother in prison and her child’s school, religious, or extracurricular activities that her child might be involved in. The Centers advocate
for the mother and relay her decisions concerning her child’s care and education, which give women agency and autonomy in their children’s lives. Additionally, the facilities provide creative ways of connecting mothers and children. For example, the “Birthday Nook” provides birthday celebrations with a cake, donated presents, and photographs. This helps children mark important milestones with their mothers and keeps mothers connected to their children’s lives. The Holiday Program lets women “shop” among donated toys to pick a special gift for her children during the holidays, and the Card Shop gives women the opportunity to hand-make birthday cards. These personalized gifts are expressions of love that help mothers stay emotionally present in their children’s lives even when they cannot be physically present. Finally, the Center has women tape-record themselves reading a bedtime story of their choice, and sends the tape to her children to simulate this traditional experience of hearing a story before going to sleep at night. Many of these unique opportunities were proposed by women in the program, and seeing them come to life gives women feelings of success and self-worth, and uses the themes of community building that I believe make successful alternative programs.²

One of the few weaknesses in this program is the relatively short duration that a child can stay at the facility for. Given that mandatory sentencing laws place women in prison for an extremely long time for drug use, many women will not regain custody in less than 18 months. However, it is not feasible for this program to function as a massive group home. The New York City locations of this program include residential facilities, and I would like to see the Bedford Hills and Taconic locations expand to implement housing options. After 18 months positively evaluated mothers would have the opportunity to move into an apartment or communal living facility that lets her live with her child(ren) and take on the parental responsibilities that she has been preparing for. She would still live under the supervision of the program, thus ensuring a
close eye on the safety of mother and child.³

The Sarah Powell Huntington House, New York

The Sarah Powell Huntington House (SPHH), located in New York, differs from the Children’s Center in that it is a residential facility, and serves homeless women who have been involved in the criminal justice system. The Women’s Prison Association (W.P.A.), which is a New York-based advocacy group that works simultaneously on prison reform policy and providing resources for currently and previously incarcerated offenders funded and runs this alternative to prison. SPHH It is a space where mothers can permanently reunite with their children and participate in other on-site programs. It seeks to address the Catch-22 laws that prevent mothers from regaining custody of their children after incarceration until they have adequate housing, but also bans those parents from family shelter assistance before children are back in their care. It is a drug-free environment with 24-hour supervision, and is home to about 40 mothers at any given time. About half of these mothers already have their children in their custody, while the other half await their children’s return. Residents have access to individual, family, and group counseling while they are there, but are also encouraged to connect with community-based services that will continue helping them make healthy choices in the future.⁴

Programs include workshops on finding affordable housing, independent living skills, and parental education classes. There is also a comprehensive employment programs that teaches women about resumes, cover letters, interviews, and other skills to help them gain employment. SPHH has built relationships with many businesses over the years to provide their women with connections to jobs. The success of this program built the businesses’ trust in the women that are part of it, thus the women have employment opportunities that they may have otherwise lost because of their criminal record. SPHH also provides case management, HIV treatment and
healthcare, childcare, and academic and recreational activities. The variety of programs establishes substance abuse treatment, mental health counseling, education, and employment as priorities, but complements these more rigorous programs with fun, community building activities. This alternative to prison is a great example of a well-rounded program that takes trends in female criminality into account when structuring its programs, and provides women with the transitional help necessary to lead a successful life while encouraging independence.\(^5\)

**JusticeHome, New York**

JusticeHome is a new program in New York City, and differs from the previous two programs in that it is open to but not specific to mothers. Because mothers tend to experience the highest collateral costs of imprisonment many initial efforts for alternative programs led to mothers-only facilities. These are necessary and beneficial, but all women should have access to alternative institutions. The JusticeHome program, also implemented by the New York-based Women’s Prison Association, provides similar programs to those that the previous two alternatives provide, including case management and a wide array of rehabilitative care. Additionally, it prioritizes substance abuse treatment and mental health counseling and teaches women that overcoming these obstacles are imperative to staying out of trouble with the law. It is a residential program open to 45 women at a time who have plead guilty to non-violent charges. A woman must apply for the program, and the court delays sentencing procedures until the accepted participant either completes or does not complete the program. If a woman cannot complete the program due to breaking rules or other violations, then she returns to court and sentencing proceeds as normal. If she does complete the program, the charges are dismissed. The program typically lasts anywhere between six to eight months depending on the individual’s needs.\(^6\)
This is a strong program that is the first of its kind for non-mother offenders, and marks a first step in punishing drug offenders proportionately to their crime. Cost estimates based on the first installment of this program reveal that a mother participant and her child cost $34,000 to care for in this alternative residential method of punishment, compared with $129,000 to keep the mother in prison and place her child in foster care. JusticeHome is an excellent example of a program that meets the needs of all parties involved in the criminal justice system, because it utilizes gendered approaches to programs, is economically sustainable, and is a humane and effective form of rehabilitation. One area that it could improve in is the kind of women that it caters to. It typically selects from women who would receive short sentences, and women who are serving many years in prison do not qualify for the program. This is problematic because the longer a woman spends in prison the more likely she is to lose connections with the outside world and become accustomed to the structure of prison life. She is likely to need substantial help transitioning back into mainstream society, and would benefit enormously from completing this program instead of spending time in prison or jail.7

ReMerge, Oklahoma

The final program that I will review is the ReMerge program in Oklahoma, the state that has the highest rate of female incarceration per capita in the United States. As such, this alternative program was developed out of the pressing need to reduce overcrowding in prisons. This residential program is unique in that it follows a phase-model that culminates in a graduation ceremony. Unlike the ill-fitting 12-step programs that cater to men’s needs, this 4-step program focuses on gender-specific issues of physical, sexual, and emotional abuse endured by many women in the criminal justice system. The first phase focuses on assessment and stabilization, which determines which programs each woman would benefit from participating in
and acclimates her to this new, safe environment. The second phase focuses on treatment and education, and is the longest of the four phases. This is where the majority of substance abuse treatment, mental health counseling, education, and vocational training take place. It emphasizes self-reliance and economic independence. The third phase asks women to demonstrate their skills and recovery. Completing this phase not only shows the administration that the woman is close to being prepared for mainstream society, but it also shows her that she is ready and builds confidence. The fourth phase focuses on maintaining the acquired skills outside of the facility, and prepares women for the graduation ceremony.⁸

The biggest strength of this program is its focus on mental health recovery from years of abuse through marking milestones and accomplishments after each phase. It also provides clothing, food, and transportation to help women maintain the basic necessities in her road to recovery. Health care is also an important element of this program because female offenders tend to be more at risk for disease from dangerous activities such as sharing drug needles, for example. It also provides comprehensive financial management services, which are important to helping women feel independent and avoid future abusive relationships in exchange for financial support. Finally, it provides free legal counseling and advice, ensuring that women know their rights and their options in the complicated corrections system. This taps into the theory that knowledge and financial independence are tools of empowerment for women.⁹

A Shift Towards Gender-Responsive Treatment

Mirroring the format of a men’s program and making the subject matter relevant to women assumes that men and women are culturally constructed to interpret and connect with their worlds in the same way; however, the feminist pathways to crime that we explored in the second chapter show that gendered experiences play a leading role in shaping women’s criminal activity.
It follows, then, that shaping women’s recovery and rehabilitation must also have a gender-responsive lens. The following proposals delineate some potential improvements and changes to existing programs in prisons. Furthermore, facilities that serve as alternatives to incarceration should be the primary form of punishment and mirror the gender-responsive guidelines I suggest for prison programs. I exclusively focus on solutions for non-violent offenders because they constitute the majority of female crime. My fundamental proposal for all programs within and outside of prisons is expansion: all female offenders should have access to educational and vocational training, substance abuse/mental health counseling, and assistance with motherhood if needed. A core goal of each proposal is that women leave programs as social agents of prison reform; by understanding their own circumstances better, they can transform society through education and activism to continue to fight for better treatment of all incarcerated individuals.

Restructuring of Counseling Methods

Gender-neutral counseling programs often reflect the Western psychiatric individualism, which treats patients and participants as non-normative relative to society. This method implies that mental health problems and substance abuse is the dysfunction of the individual, rather than a reflection of societal flaws. In other words, mainstream Western psychology focuses on external factors in patient history, such as domestic violence, and how they caused long-term psychological trauma. On the other hand, the field of critical psychology turns the lens on society and evaluates how systems of oppression such as racism, sexism, and homophobia produce epidemics of mental health issues in specific communities, such as severe depression and suicidal tendencies in LGBTQ youth. This methodology promotes social change and acknowledges the power dynamics among social categories, and would enable female (and male) offenders to situate their individual experiences in the larger framework of cultural oppression.
Designing programs using critical psychology instead of mainstream psychology would also combat offenders’ tendency to feel inherently worthless, undeserving of a good life, and flawed or “broken.” The programs emphasize, for example, the macro- and micro-cultural environments’ power to push women towards destructive behavior as a result of childhood abuse.

Incorporating a critical psychology approach balances out the tendency for counseling programs to emphasize ownership of one’s circumstances, which is important, but can also slip into the realm of victim-blaming and guilting incarcerated women. For example, the first step of the twelve-step method that is widely used in rehabilitative programs is to admit total loss of control and powerlessness over one’s actions. The pathways to female criminality discussed in the second chapter identify how powerlessness is a common theme among girls and women in the criminal justice system, thus the first step to establishing confidence and positivity in an incarcerated woman’s life should not be admitting to powerlessness and lack of control. A critical psychology lens would highlight accountability for one’s actions, but would also help women understand external influences on their pathways to crime. Finally, such an approach builds upon the importance of community in women’s rehabilitation by giving incarcerated women a set of theories and a language with which they can connect to each other’s shared experiences with crime and pathways to addiction. In sum, critical psychology highlights the flaws in society that produce mental health and substance abuse problems, whereas mainstream psychology focuses on the individual. Shifting towards this causal methodology while maintaining a balance of personal responsibility in substance abuse and mental health treatment could be instrumental in improving the long-term effects of such programs.

Another ideological shift should be de-medicalizing mental health and substance abuse
treatment plans. Studies conducted primarily using male candidates served as the foundation for the scientific understanding of substance addiction and abuse. These models frame addiction as a medical condition that is a disease, first and foremost, with secondary psychological/psychiatric effects and/or triggers. For example, depression may be an indirect effect of addiction, but is not the primary focus of treatment in this model. This pathway toward depression is somewhat consistent for men, but is an inefficient way of understanding substance abuse treatment for women (Morash et. al 1998: 10). Unlike men, women usually begin drug use and addiction as a lifestyle response for coping with prevalent physical, sexual, and emotional abuse. Or, they use drugs as an outlet for the stress of poverty. Treating addiction as an isolated problem is a reactive approach to rehabilitation; the medicalization of the program may target things like withdrawal, cravings, and staying above the influence, but it does so in a way that essentially says, “don’t do it again.” These programs give women the tools that they need to counteract the biological pulls of addiction, but supplementary programs do not tackle the external factors that pushed women towards drug use in the first place.

A pathways approach that takes a more societal view would first focus on deconstructing whatever psychological factors led a woman to use drugs, and then transition to the more biological aspects of addiction. Quality educational and vocational programs that give women a sense of purpose, pride, success, and economic independence are an important link in beating addiction for women who use drugs to escape the stress of poverty. Additionally, mental health treatment to help women recover from abuse and trauma is a key component for staying away from drugs as a coping mechanism for women who have been victims of assault as girls and adults. Women will likely be released from prison into the communities that they lived in prior to incarceration, thus, the emotional and economic factors that led them towards addiction will still
burden them. Healing the biological pull of addiction and teaching women to just “not fall into the cycle again” does not work and is an inadequate model of treatment. Programs that utilize a pathways model give women the tools to combat the tempting lure of drug use in their home communities.

Models for mental health treatment should use a similar de-medicalization process. Pathways models that target the cause of mental health issues such as depression and anxiety are more comprehensive approaches than reactive models that use medication to alleviate symptoms of psychiatric issues. Some illnesses, such as manic bi-polar disorder and schizophrenia, genuinely require prescription medication. Individual and group counseling is an important component of rehabilitation for patients struggling with either of these conditions as well as other psychiatric disorders, but these conditions generally have stronger neurological foundations (Fox 2009: 80). Depression and anxiety, on the other hand, which are very common among incarcerated women, often stem from stressful and traumatic environments. Women can be genetically pre-disposed to these conditions, but this does not mean that they will inevitably struggle with mental health issues. Many incarcerated women who are pre-disposed to depression and anxiety struggle with it because their life conditions cultivated it; in other cases, women develop these problems from the isolation and fear that they experience in prison (Belknap 2003: 98-99).

An additional benefit of de-medicalizing mental health programs in prisons is the reduction in cost to the state and the offender. Penal institutions rely on a quick diagnosis and prescription in order to swiftly move through the enormous volume of patients at each facility and deal with under-staffing; current budgets do not allow prisons to hire the number of psychological therapists necessary to rely on counseling before turning to medicine (Sharp 2003: 91). State and
federal budgets can save money to put toward hiring more psychological counselors by de-medicalizing treatment. Not only does medicalizing patients disadvantage them because of the reasons above, but it also puts economic strain on offenders after re-entry. As I have reiterated, most women in prison live close to or beneath the poverty line and therefore many do not have health insurance. Keeping up with medication costs after re-entry is an impossible task for low-income women, thus the criminal justice system’s reliance on medicating offenders frequently sends women back into their communities with a temporary, not permanent, fix for their mental health needs. This practice creates a cycle in which prison spending accrues a higher long term cost by not fully rehabilitating offenders, which makes them more likely to re-offend.

Designing Educational and Vocational Programs for the Future

The educational programs in prisons only prepare women for menial, entry-level jobs that typically pay minimum wage and provide limited career options. In addition to basic expansion of education programs, especially the GED program, I further propose integration with educational opportunities for higher learning outside of prison. One way this could be structured is through an organization that connects state prisons and state community colleges. This organization would be state-funded with money that is partially re-allocated from existing educational programs in prisons and community college budgets to create a better, more comprehensive program than what currently exists. It would work with the community colleges to put together a program of core and preliminary classes in popular academic fields. The community college closest to each prison would offer this selection to incarcerated women who are interested in pursuing education during and after prison. These classes, when taken through a prison, would be transferrable to other community colleges in that state, which is why core and entry-level classes that likely do not have much variance among colleges would be well suited
for this program. A few staff members from this organization would be assigned exclusively to one prison, and would serve as a hub of information and guidance, much like the college counselors that are common in high schools today. Incarcerated women across the country voice complaints concerning a basic lack of information about the resources available to them and their rights as a prisoner (Belknap 2003: 99). Significantly more women might be motivated to enroll in an academic program if they are aware of available opportunities and have the genuine investment of a counselor to guide them.

This program would also organize the academic profiles of each woman who enrolls in a class and provide them with information about how to continue her education in her local community before she re-enters society. Women often end up in institutions that are extremely far, sometimes up to or more than 100 miles, from their home communities. Allowing re-entering offenders to transfer the credits that they earned in prison to the local community college establishes a link to an institution that represents success and potential economic mobility. Women benefit from maintaining strong, positive connections with groups or communities, and programs that ease the transition from prison to society show enormous success with preventing recidivism (Mallicoat 2012). The head start on an education that leads to economic stability would give women confidence and motivation to stay away from crime after prison, and is a great way to combine transitional programming with education. Most importantly, this organization would provide the information that so many women lack. Middle-and upper class individuals often inherit knowledge of SAT preparation books, scholarships, and work-study opportunities through college counselors and preparatory or community programs that are provided by wealthier institutions. Many working class and low-income individuals, who make up a large portion of the incarcerated population, never receive this knowledge and
ultimately do not have the information that would help them achieve academic or vocational goals.

Prison administrations also need to restructure vocational programs to improve efficacy and account for cultural and economic shifts over the past few decades. Women currently enter career fields that were historically reserved for men, and the minimum wage is no longer a legitimate living wage, thus programs need to evolve to accommodate the pressing needs of women currently re-entering society. One successful strategy could be de-globalizing the design of vocational programs. Many states and the Federal government design vocational programs to implement in all penal institutions, and only account for differences in size among facilities; however, a large state like Pennsylvania, for example, has wildly difference sub-cultures and the local job demand could vary significantly in various counties. A localized approach might assign a section of the administration to evaluate the costs of living and available opportunities to ex-felons. They would research questions such as what jobs are the markets demanding; what is the minimum cost that a woman could realistically spend on housing, food, and other necessities where she is from, taking into account state laws on welfare bans; what will her transportation options be upon release if she is not able to afford a car? The answers to these questions would shape the kinds of certifications offered in each prison, rather than applying a generalized list of options. Furthermore, selecting vocational training based on the cost of living allows women to train for positions that will provide reasonable income, so that she does not need to seek secondary means. This enables women to live comfortably through legitimate and legal means, and reduces the motivation to commit economically driven crimes that lead to recidivism. Most importantly, this committee would account for state discretion in applying the Federal ban on TANF and SNAP benefits. Careful consideration of potential income is especially important in
selecting which vocational programs to offer in states that maintain bans on financial assistance for drug offenders.

I also propose a fellowship program in prisons that would pay incarcerated women who have completed vocational certification to teach others who are still in the program. Correctional budgets already allocate funds to hire teachers for these programs, and could reserve a percentage of positions for women who re-enter society and look for work in the field that they were trained for in prison. The number of positions in each field and institution would correlate to the size of the program, and women would be aware of this opportunity upon enrollment in a vocational program. This would provide several benefits to women individually and as a community: 1) It would create healthy level of competition among participants, which would boost motivation and performance among workers; 2) Women would have a tangible goal to work toward and see legitimate opportunities to put their skills to use once they are released; and 3) The women who come back to the community to teach or assist in vocational programs would serve as role models and examples of successful re-entry. This final benefit could be instrumental in bridging the often-tense gap between offenders and prison staff. Offenders frequently state in qualitative studies that correctional employees have little investment in helping offenders and are simply in it for the paycheck (Belknap 2003, Davis 2007, Garcia and Lane 2013). A woman who shares experiences with currently incarcerated women would command respect from, be able to relate to, and likely have a significant investment in helping currently incarcerated women prepare for successful re-entry. Finally, it would provide a few job opportunities specifically for released offenders, many of whom struggle to find work with a criminal record. Many businesses immediately reject job applicants who are convicted felons, even if it is for a mild, non-violent offense.
Bridging the Gap Between Prison and Motherhood

Solutions for offending mothers are much harder to delineate because of the legitimate concern for children’s safety; at no point can reform advocates justify a program that helps mothers if it places children at substantial risk for emotional and/or physical harm. Many children of incarcerated parents suffer abuse prior to the parent’s arrest, and governments cannot support any further harm, even in an attempt to repair the relationship between child and mother. That being said, a combination of policy reform, which would reform bans on economic assistance for offenders, and a closely monitored alternative facility to prison may be a solution that satisfies the interests of protecting children, rehabilitating mothers, and reducing recidivism.

A highly secure apartment-style complex could satisfy the goals of prison reform advocates, contribute to a mother’s goal in successful re-entry, and meet the state’s interest in keeping children safe. I suggest that complexes specialize in one of two age groups, the first ranging from 0-4 years old, and the second ranging from 5-18 years old. Unlike the alternative programs discussed at the beginning of this chapter, this alternative would function more like a residential work release program than an intensive residential rehabilitative program. All mothers convicted of non-violent crimes who pose no reasonable physical risk will be required to live in one of the two complexes depending on the age of her youngest child. The apartment assigned to each family would vary based on the size of the family, and only the incarcerated mother, her spouse or partner, and her children could live in the complex. Each woman would wear an ankle bracelet similar to those used for house arrest to ensure that law enforcement could find her if she did not return to the apartment. The apartment complex would function as a rehabilitative campus, and would include buildings that specialize in specific programming such as substance abuse, mental health training, and optional educational and vocational training. Upon entering
women would be psychologically evaluated and placed in one or more programs depending on her needs. Many current institutions end up forcing women to choose between programs because the prison is understaffed or must monitor the women’s security so closely that she does not have time to do multiple programs. In this proposed system, women would be allowed to participate in multiple programs to best prepare her for life after re-entry. Like many halfway houses and alternative programs, women would have to sign out for work and must be back by a specific time. Violating these privileges would result in temporarily revoking the right to leave the complex. Additionally, regular drug testing and searches would ensure that women were not continuing drug crime or use.

This alternative program could help break the cycle of incarceration for women and within their families by providing a stable living situation; there is no legitimate reason why non-violent offenders need to be kept behind bars and in ultra-secure facilities for extended periods of time. Families could stay together while mothers rehabilitate, and women could rebuild healthy relationships with her children that may have been damaged. Offenders would also get the rehabilitative care and educational/vocational training that they need to successfully reintegrate into society and lead law-abiding lives. Furthermore, women could build community ties to other women who are trying to improve their lives and create a network of positivity to reach out to upon release. Finally, this program would more closely resemble unmonitored living and teach women to be self-sufficient. When women are released from prison, especially after long periods of time, they are thrust into a fast-paced, unstructured environment that is completely foreign to them. This kind of institution could be an excellent middle ground that actually helps non-violent incarcerated offenders and maintains the security needed to prevent more crimes.

This type of alternative to incarceration should be available for non-mothers, too. As such,
I propose a network of alternative programs that heavily focus on substance abuse rehabilitation, mental health counseling, and general housing for offenders who do not struggle with either of the prior issues, in addition to the motherhood complex that I suggested in the previous section. Each housing complex would mirror the security structure set forth in the motherhood proposal, but each would be geared specifically towards its primary purpose and have elements of the other programs to provide a multidimensional approach to rehabilitation. These alternative programs would also provide opportunities learn and acquire vocational skills. The program adjustments suggested for in-prison models would be expanded upon for these alternative programs to provide an immersive experience of community forming, self-improvement, and skill building.

The alternative programs discussed at the beginning of this chapter all utilize the gender-responsive methodology for rehabilitation that I advocate for in my proposals, and are extremely successful in reducing recidivism rates (Mallicoat 2012). As I briefly stated in relation to JusticeHome, the primary issue with current alternative programs is that they almost all cater to mothers. The few programs that do not cater to mothers are almost all day programs and do not offer residential placement. These programs need to expand to include all women regardless of parental status, and overall use of alternative programs should increase across the country. The local and national economies would enjoy substantial long-term benefits despite heavy initial costs, and offenders would experience proportionate punishment. Furthermore, the criminal justice system should revise policies to allow women who would serve longer sentences to participate in alternative programs, too. They arguably have a greater need to remain connected with society and are at greater risk for not re-integrating well after release. Finally, my research focuses exclusively on non-violent offenders, but further research should explore viable
alternative programs for violent offenders. Protecting public safety is a priority, and designing alternatives to prison for offenders that pose a physical threat to society is a much more complex task, but current prison conditions are inhumane for any human being. Policy reform is rapidly advancing, and articles appear in news media every week about positive change regarding sentencing practices. With the support of this research on gender-responsive programs and alternatives to incarceration and additional, more comprehensive and longitudinal studies on offenders, I hope that the United States criminal justice system will continue to improve its practices.

1 Hour Children

2 Hour Children

3 Hour Children

4 Women’s Prison Association

5 Women’s Prison Association

6 Berger, Joseph

7 Berger, Joseph

8 United Way of Central Oklahoma

9 United Way of Central Oklahoma
Conclusion

The treatment of offenders in the United States penal system is unjustly harsh through the use of mandatory minimum sentences, isolating environments, and collateral economic barriers. Offenders face lifetimes of punishment and are never truly given an authentic opportunity to live successful lives after re-entry. The criminal justice system oppresses all offenders, regardless of age, sex, gender, sexuality, race, religion, ability, and other identities, as demonstrated through the focus group sessions with men at the Union County Day Center. However, although the penal policies and procedures disadvantage all offenders, they specifically and disproportionately disadvantage women in a gendered way. Mothers in prison experience some of the most gender-based de facto discrimination in the system. Improvements should be made through gender-responsive programming, which addresses women’s mental health, substance abuse, educational, and vocational needs. Additionally, the criminal justice system should prioritize developing and utilizing alternative programs to incarceration. Doing so includes a large upfront economic cost, but will financially benefit state and Federal governments for years. The current system is draining state and federal and, therefore, taxpayer budgets; more importantly, it is not preparing offenders, especially women, for re-entry. As a result, recidivism rates steadily have increased over the past several decades, and even though these rates have finally stabilized they are still astronomically high.

Rehabilitative programs were designed for men without the consideration that women might have different needs due to their gendered pathways to crime. Both genders often enter the system in their youth, but have different tendencies in the motivations for crime and the kinds of crimes committed. Juvenile girls experience higher rates of emotional/verbal, physical, and
sexual abuse than juvenile boys, and react differently to instability in the family sphere. Girls that experience abuse, a drug-addicted parent, or other kinds of negativity in the home turn to drugs and running away from home as a coping mechanism more often than boys do. Additionally, girls running away from home are treated differently than boys in the court. Society expects boys to be independent, to break rules, and to need less authority. As demonstrated by Alex in the focus group sessions, parents/guardians tend to trust boys more than girls to take care of themselves, and do not try to restrict boys’ independence as much as girls’ independence. Girls frequently enter the criminal justice system through status offenses such as running away/staying away from home, missing school, and violating curfew. Boys do not often get arrested for these offenses, thus girls’ first offenses are often a gendered experience.

Once in the system it is extremely hard to get out because of its cyclical pull and the tendency for offenders to come from low-income backgrounds. Girls and women who used drugs to cope with traumatic pasts often continue to do so, especially when they do not receive adequate substance abuse treatment in correctional institutions. Subsequent offenses often are related to drugs. Additionally, girls and women statistically live in poverty at higher rates than men, and most of their crimes are survival-based offenses. These include property crimes (e.g., theft and burglary), selling drugs to support themselves or to support their own drug habits, and prostitution, which is strongly linked to drug use. Women’s programming often works against their gendered rehabilitative needs by using therapeutic techniques that work well with men but do not work well with women, and by designing educational and vocational programs around “women’s work.” Women’s involvement in drug offenses at a higher rate than men’s disproportionately subjects women to state and federal policies that ban financial, food, and
housing benefits. Thus, women suffer gender-based discrimination despite seemingly gender-neutral policies and programs.

A gender-responsive approach is necessary to address women’s concerns and should take effect through mental health counseling, substance abuse treatment, educational, and vocational programs. I argue that gender-responsive programs will have core components that fall into one of three categories: program staff, focus on the acquisition of life skills and qualifications for living wage jobs, and active participant involvement. Staff must reflect the incarcerated community across a range of social identities, especially the ex-offender community. Incarcerated women need some staff members who have successfully rehabilitated and re-entered society, and who understand first-hand the oppression that women experience in prison. Staff should also have an educational background or training in feminist pathways theory and feminist criminology theories, and believe in the inherent value of the offenders. Finally, staff should use a non-aggressive, non-authoritarian management style.

The acquisition of life skills should use a non-gendered approach to education, teach marketable skills for living wage jobs, and emphasize life skills that prepare women for independent living, self-care, and motherhood.

Finally, participant involvement components include the ability for women to run parts of the program and implement new activities. The institution must also be conducive to family and friend visits, which is especially important for incarcerated mothers, and must help women create connections to resources outside of prison that will help ease the transition back to society.

Mental health counseling techniques ubiquitously use mainstream psychological approaches to therapy, which forces women to shoulder the entirety of the blame for criminal tendencies. It focuses on what the woman did and why she did it, but does not consider cultural
oppression such as the tendency of female offenders to have traumatic abuse histories. In my proposals I advocate for a shift toward critical psychological techniques, which turn the focus of the criminal behavior toward society and makes the cultural and individual oppression more visible to the participants. This method still holds women accountable and responsible for their actions, but by highlighting the macro and micro oppressions that motivate women toward crime, it enables women to better steer themselves away from future crime. Substance abuse programs follow a methodology that is more beneficial to men than it is for women. Twelve step programs, for example, emphasize powerlessness over the addictive substance, which is detrimental to women who come into the program with extremely low levels of self-worth and agency. Gender-responsive programs will focus on empowerment and understanding the pathways to addictions and mental health problems.

Educational and vocational programs have historically been very gendered in the types of courses that they offer, frequently focusing on sewing/textile work, cosmetology, and administrative assistance. Female offenders have higher rates of unemployment and poverty compared to men, and need to have access to programs help them leave prison more capable of finding employment and being financially independent. I propose comprehensive education that connects women to community colleges across the state they are serving their sentence in, which allows them to continue their education in their home community upon release, gives them a head start on a degree while they are living in a more stable environment, and establishes a connection to an institution that fosters self-worth and achievement. I have also proposed a fellowship work program for offenders that have completed a vocation certification. Not only does this provide realistic, attainable job opportunities for offenders, but it also gives women
who are currently participating in a program the chance to see role model ex-offenders who have successfully re-entered society.

Finally, gender responsive programs should be implemented in alternatives to incarceration that are set up similarly to my proposal for a campus-like alternative living facility for incarcerated mothers. These kinds of alternatives to prison more closely resemble life outside of prison, which makes the transition back into society easier. Furthermore, there is no reason why non-violent offenders should be contained to locked prison cells and rigid schedules that don’t actually help them rehabilitate or prepare for a successful, crime-free life. These changes should lower recidivism rates, lower the economic costs of current prison practices, and treat offenders in a more humane manner. They also address the specific, gendered needs of women in the criminal justice system.

Prison reform is an active political field that continues to move in an increasingly positive direction. Policy changes must be supported by and fueled by research, thus improved laws and programs require additional studies that substantiate efforts to implement gender responsive programming and alternatives to prison. These studies should focus on the effectiveness of GRT for women and the benefits of alternatives to incarceration for all offenders.
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