

One Size Does Not Fit All:  
Research and Recommendations for Gender-Responsiveness  
in Alabama's Criminal Justice System



February 2008

A REPORT BY  
THE COMMISSION ON WOMEN AND GIRLS  
IN THE CRIMINAL JUSTICE SYSTEM

Photo by Donncha O Caoimh



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February 15, 2008

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Co-Chairperson – Senator Myron Penn

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A Chinese Proverb states: "The journey of a thousand miles begins with one single Step." The first step began in 2001 with HJR 68(Act No. 2001-82) Julia Tutwiler Prison Joint Interim Legislative Oversight Committee. In 2005 HJR 338 extended this oversight committee for oversight of recommendations. The second step HJR 15 (Act No. 2006-63) in 2006 established the Commission on Girls and Women in the Criminal Justice System. In 2007 HJR 525 extended the operation and Reporting Date to the 2008 Regular Session. In 2008 HJR 57 was extended for oversight on recommendations to be submitted to the legislature.

Special commendations are to be given to the Planning Committee and the members of

the commission for their outstanding contributions.

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Walter Wood – Department of Youth Services  
Alabama Power Foundation  
Southern Poverty Law Center  
(PARCA), Joe Adams, Marci Edwards, and Jim Williams for their research for this project.

**A Psalm of Life (Last three stanzas)**

Lives of great men all remind us  
We can make our lives sublime,  
And, departing, leave behind us  
Footprints on the sand of time;

Footprints, that perhaps another,  
Sailing o’er life’s solemn main,  
A forlorn and shipwrecked brother,  
Seeing, shall take heart again.

Let us then be up and doing,  
With a heart for any fate;  
Still achieving, still pursuing,  
Learn to labor and to wait.

*Henry Wadsworth Longfellow*

**Commission Members:**

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**Representative Pat Moore**

**Representative Laura Hall**

**Senator Myron Penn, Co-Chair**

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**Carol Potok, Director, Aid to Incarcerated Mothers [Carol has been very involved, though she is not an official member]**

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Research and Recommendations for Gender-  
Responsiveness in Alabama's Criminal Justice System**

A Report by The Commission on Women and Girls in the  
Criminal Justice System

Supported by:



The Public Affairs Research Council  
of Alabama

February 2008

## EXECUTIVE SUMMARY

In its two year study of Girls and Women in the Criminal Justice System, the Commission has found that gender differences among the incarcerated must be addressed in order to provide the most effective and cost-efficient responses.

**Studies show that, compared to men, women tend to be incarcerated more for non-violent crimes, have different motivations for breaking the law, and have greater family responsibilities.** Among women, the most common pathways to crime stem from substance abuse, exposure through their intimate relationships, or fraud to meet the survival needs of their families. The personal histories of female offenders are more likely to include mental illness and physical and sexual abuse; data reported from Alabama’s criminal justice system have consistently supported these findings.

Similarly, adolescent girls in the juvenile justice system differ developmentally from boys in their focus on relationships, both familial and social, and their internalized responses to trauma in the form of depression, self-mutilation, and substance abuse. **A history of physical or sexual victimization is a very common characteristic** of girls in the justice system. In addition to abuse, girls have a much higher incidence of mental health disorders and learning disabilities than boys.

Punitive options, programming, and services should be responsive to the unique motivations, needs, and experiences of women and girls. **The commission encourages the creation of partnerships and tools as necessary means to ensure that female offenders and female adjudicated youth in Alabama are provided with a continuum of supervision and services** reflecting best practices in areas including, but not limited to, classification, diagnostic processes, facilities, medical and mental health care, child custody and visitation.

**RECOMMENDATION 1: EXPAND COMMUNITY-BASED ALTERNATIVES TO INCARCERATION.** The Commission supports expanding the range of interventions at the local level, including education, substance abuse treatment, family assistance, housing, crisis interventions, and mental health services for girls and women. We recommend expanding adult Community Corrections (“CC”) to all 67 counties, and providing gender responsive programming to meet the demand. Since institutional beds are more costly than community-based programs, expanding CC could save the state millions.

Steering young offenders away from secure confinement and toward more appropriate alternatives facilitates enrollment in gender-responsive programs and avoids associating low-risk youth with those who have more serious delinquency histories. **Community-based alternatives for juveniles** include electronic monitoring, inpatient and outpatient substance abuse and mental health treatment, vocational training, GED courses, family counseling, and treatment foster care.

**RECOMMENDATION 2: ESTABLISH A GENDER-INFORMED CASE MANAGEMENT PROCESS.** The Commission recommends the state adopt a gender-informed case management process that flows from assessment and is consistent across each supervisory institution, from pre-sentence to parole. Such a system could save the state money by 1) ensuring that the women are in the least

restrictive setting necessary for their rehabilitation and for public safety, 2) better utilizing other state resources and agencies, and 3) decreasing recidivism by addressing root causes of distress.

Girls need stability as they transition from home life to state supervision and back again.

**Appropriate gender-responsive case management should focus upon the importance of coordinated, integrated services** –including assessment, treatment and transition planning— and should stress the use of individualized assessments for case planning.

**RECOMMENDATION 3: IMPLEMENT SYSTEMIC REENTRY POLICIES AND PRACTICES.**

Systemic reentry policies and practices equip women with the tools to be successful after serving time. They also arm community providers with the resources to coordinate individualized services. **Comprehensive re-entry programs cost little to operate, but go far to aid women in obtaining and maintaining a stable atmosphere for themselves, and often for their families.** Incarcerated women who are released into stable environments which include work opportunities, safe housing, and treatment are less likely to be in situations where committing a crime looks like an attractive option. Thus, they are less likely to recidivate and return to prison.

The time when girls depart from placement and attempt to reintegrate into their homes and communities is critical. Many are returning to a family or social environment that played a big part in their original delinquency. Youth released from institutional confinement are more likely to succeed if they have access to services that can help them thrive in a non-institutional environment. For the most effective aftercare, **DYS should continue to build programmatic supports and develop interagency collaboration to address the multiple needs of girls.**

**RECOMMENDATION 4: ASSURE ALL WOMEN LEAVING PRISON HAVE “BASIC” SURVIVAL NEEDS MET AND WORK WITH OTHER AGENCIES AND DO THIS BEFORE RELEASE.**

The Commission recommends that the Department of Corrections (“DOC”) work with other agencies in **preparing women for successful re-entry by linking offenders with essential services**, including: determining benefits eligibility; I.D./SSN/Birth certificate; family assistance; housing; medical and mental health appointments; and prescriptions. The DOC can encourage these collaborations without the benefit of extra funds by, for example, giving one-time incarceration credits for obtaining a GED, allowing service providers to do on site assessments, and creating transitional reentry centers within pre-existing jail and prison facilities.

For girls, reentry is less precise; education and continued needs-based support is still important.

**RECOMMENDATION 5: SUPPORT RECOMMENDATIONS FROM STATE AGENCIES AND FOUNDATIONS**

The Commission recognizes that other state groups have tackled similar subjects and have reached similar conclusions. These groups include the Task Force on Prison Crowding and the Sentencing Commission. To the extent they promote increasing alternatives to incarceration, creating better risk and needs assessment tools, and providing more comprehensive reentry programs, the Commission supports the work and findings of each group. We believe that strong partnerships can lead to swifter implementation of each group’s recommendations.

For juveniles, the Commission lends its support to the Casey Foundation, the Casey Strategic Consulting Group, and the Juvenile Detention Alternatives Initiative which have partnered with the state to provide technical assistance to help Alabama safely reduce unnecessary detention and redirect kids and resources to better, more cost-effective community-based alternatives.

**RECOMMENDATION 6: CLOSE TUTWILER – (WOMEN ONLY FACILITY):**

The Commission strongly recommends the elimination of the Julia Tutwiler Prison. The dilapidated facility should be permanently closed and torn down. Replacing Tutwiler with **a new, smaller high-security facility and a series of low and medium security facilities** throughout the state to provide residential rehabilitation to many non-violent offenders is a more efficient, cost effective method of incarcerating female prisoners. Existing structures, such as former hospitals and closed schools, can be renovated and upgraded to serve as new DOC facilities.

**RECOMMENDATION 7: IMPROVE INFORMATION SYSTEMS.**

The Commission found that data on the classification, placement, and needs of women (and men) in Alabama’s criminal justice system were inadequate for the purpose of assessing the effectiveness of most programs provided by the DOC and CC. Information sharing through integrated data management could help measure program effectiveness, costs, gaps, or redundancies. **We recommend that all agencies in the criminal justice system work together to improve information technology and data management practices in regard to information about offenders program effectiveness, innovative strategies and costs.**

Since many girls in the juvenile justice system have a history of abuse and/or may suffer from mental and emotional disorders, knowing their histories is imperative to providing effective treatment. Often, children who have multiple needs are being served through several agencies which do not communicate with each other. These agencies and programs must improve data collection practices and work on information-sharing. With comprehensive information, agencies can make informed decisions that balance community safety with the goal of rehabilitation.

**RECOMMENDATION 8: IMPLEMENT EVIDENCE-BASED, GENDER-INFORMED, DYNAMIC RISK AND NEEDS ASSESSMENT AND OTHER EVIDENCE-BASED PROTOCOLS.**

The criminal justice system uses assessment tools to determine the risk and needs of each offender. Risk assessments provide an objective, systematic means of determining the probability of future offending. Needs assessments identify current problems to determine which programs and treatments should be delivered. These tools include a series of questions and guidelines for interpreting available information. Ultimately, assessments help classify offenders, determining what programming and services they need, and determining their risk of recidivism.

**Alabama’s assessment tools must recognize gender differences.** As previously stated, the crimes that women and girls commit tend to be less serious and non-violent, compared to males; common pathways to crime include substance abuse, mental health issues, and reactions to physical or sexual abuse. These realities must be reflected in the questions and guidance provided through our state’s assessment process. Correctly used risk assessments will allow for the proper placement of nonviolent girls in community-based alternative programs. Better needs assessments could more accurately identify existing mental and behavioral disorders and educational capability.

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## INTRODUCTION

The Commission solicited information and insights from a variety of policy experts, government agencies, service providers and advocates. This report is based on national research and Alabama experiences, both of which have consistently revealed gender differences between male and female offenders in the criminal justice system. The fundamental fact of these differences provides an essential context for the Commission's findings and recommendations.

### **Women are Less Likely Than Men to Commit Serious Offenses...**

Research has consistently revealed gender differences between incarcerated men and women. Studies show that, compared to men, women tend to be incarcerated more for non-violent crimes, have different motivations for breaking the law, respond to female-centered programming, and have greater familial responsibilities.

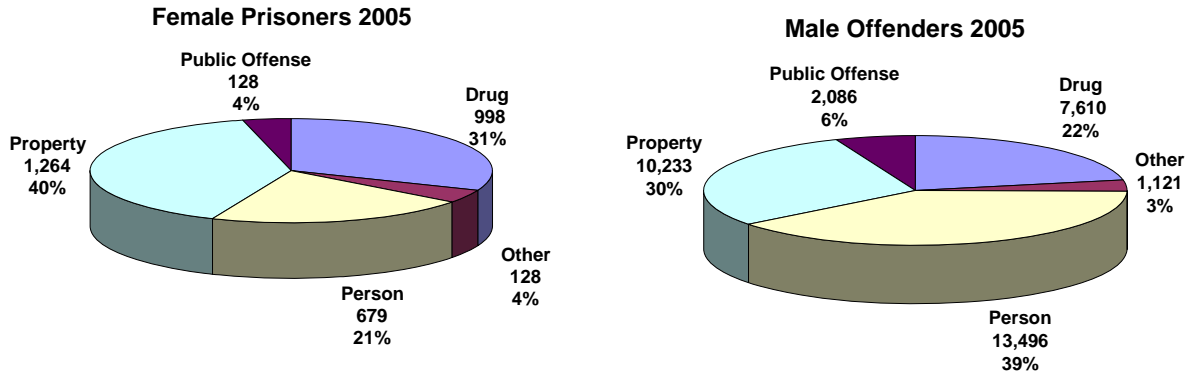
With few exceptions, national crime rates for female offenders are much lower than for males. The crimes that women do commit tend to be less serious and nonviolent. In fact, the vast majority of women offenders prosecuted in federal and state courts are nonviolent: they tend to commit property crimes or relatively low-level drug offenses. (The Sentencing Project 2007: Overview). Statistics indicate that drugs are responsible for the incarceration of 34 percent of female state prisoners and 72 percent of female federal prisoners. (Acocha and Raeder 1999: 134)

Men and women also differ in their level of participation in criminal activity, with women rarely acting as ringleaders of drug or gang activity. The degree of harm inflicted by female offenders on others by their criminal behavior is also lower. This general tendency towards non-violent offenses extends to the prison setting: women offenders are generally less dangerous while incarcerated than male offenders.

### **...Yet Women are More Likely Than Men to be Sentenced to Prison for Nonviolent Crimes.**

When arrested for nonviolent criminal activity, women are more likely than men to receive the harshest punishment – a prison sentence. This practice of incarcerating women more often than men for non-violent criminal activity is inconsistent with the contexts of these crimes: men generally commit more crimes against persons and are more likely to have been a leader in the commission of crimes such as drug trafficking or the manufacture of controlled substances. Figure 1, based on data from the Alabama Department of Corrections, shows how this disparity in sentencing results in an overuse of prison sentences for women convicted of drug or property crimes.

**FIGURE 1**



Source: Alabama Department of Corrections

There are different theories as to why Alabama women who have committed property and drug offenses are more likely to be sentenced to prison than men who commit similar crimes. In many counties, alternatives to secure confinement such as county-run work release programs are not available to women. Judges and prosecutors may harbor biases that result in harsher punishment for women. Some researchers conclude that women are more likely to accept harsh plea offers out of a belief that doing so will help their children or partner.

Whatever the reason(s), it is clear that a significant and unacceptable disparity exists when 71 percent of the women in Alabama’s prisons are there for nonviolent crimes, compared to 52 percent of the men incarcerated for similar crimes. By contrast, only 21 percent of the women sentenced to prison in Alabama are there for crimes against persons, compared to 39 percent of the Alabama male prison population.

The disparities in sentencing are even more clearly defined when we consider the most common offenses committed in Alabama by gender. Of the top male offenses, over 30 percent are crimes against persons. Of the top female offenses, fewer than 20 percent are crimes against persons.

**TABLE 1**

**TOP 10 MALE AND FEMALE OFFENSES**  
On-hand Offenders (2005)

MALE	
Offense	% Total Offenses
ROBBERY I	13.3%
MURDER	11.3%
POSS CONTROL SUBSTANCE	8.3%
BURGLARY III	5.4%
DIST CONTROL SUBSTANCE	4.8%
OTHER OFFENSES	4.2%
RAPE I	3.6%
THEFT OF PROPERTY II	3.3%
THEFT OF PROPERTY I	3.1%
ROBBERY III	2.9%

FEMALE	
Offense	% Total Offenses
POSS CONTROL SUBSTANCE	14.0%
MURDER	11.7%
CRIM POSS FORGED INSTR II	7.8%
THEFT OF PROPERTY II	7.4%
DIST CONTROL SUBSTANCE	5.6%
THEFT OF PROPERTY I	5.2%
OTHER OFFENSES	4.8%
ROBBERY I	4.1%
MANSLAUGHTER	3.9%
FORGERY II	3.7%

Source :Department of Corrections, Annual Report 2005

## Criminal Pathways to Crime Differ for Women

Men and women also differ in their pathways to criminal activity. Researchers have noted “profound differences” between the lives of female and male offenders. Among women, the most common pathways to crime are based on survival needs, general abuse, poverty, and substance abuse.

Pathways research uses extensive interviews to identify events that increase the risk that girls and women will be involved in criminal activity. Some studies have also used pre-sentence investigative reports (See Bloom Owen and Covington 2003: 132-133). These studies find that the personal histories of female offenders are more likely than those of their male counterparts to include mental illness and physical and sexual abuse. In Alabama, there is little information on the incidence of mental illness among inmates, though there are ample indications that there are serious mental health issues among women who are incarcerated.

### Excerpt from offender interview:

“Ella” described how her offense unfolded: it was the fourth attempt she had made to get away from an abusive relationship. She said that she had embezzled money so that she could hide out. She was caught in a casino, where she thought that her abuser would not look for her.

Ella describes herself as codependent. She also has a history of severe physical and sexual abuse. She showed the marks on her arms where her mother’s boyfriend put out his cigarettes and cigars. Dozens of scars were clearly visible. Ella told of how her mother’s boyfriend hit her with a baseball bat and started raping her when she was five years old. Years later, he broke into apartment to rape her when she was 23 years old, and eight months pregnant. She lost the baby.

For women, research indicates that the link between criminality and drug use is very strong. In state prisons, approximately 80 percent of women have substance abuse problems and 50 percent were using alcohol, drugs, or both during their offense. One-third reported committing offenses to obtain money for drugs and about half describe themselves as daily users (Bloom, Owen, Covington 2003: 6).

Women’s drug use is often a coping mechanism in response to financial problems, mental illness, abuse, and other relationship problems. Abusive families and battering relationships are frequent themes in their lives. The importance of relationships has significant implications for therapeutic interventions that deal with the impact of such relationships on women’s current and future behavior (Bloom, Owen, Covington 2003: 56).

Women are much more likely than men to have been the victims of violent sexual assault. These traumas have a lasting impact on the lives of victims. Almost half of all women in jails and

prisons had been physically or sexually abused before their imprisonment— a much higher rate than the 17 percent reported in the general population (Tjaden and Thoennes (1998:3); Richie (2000:5)). Again, these traumas cannot be easily separated from the crimes their female victims commit. Approximately 70 percent of the abused women serving time in correctional facilities said they used illegal drugs during the month before their current offense, compared with the 54

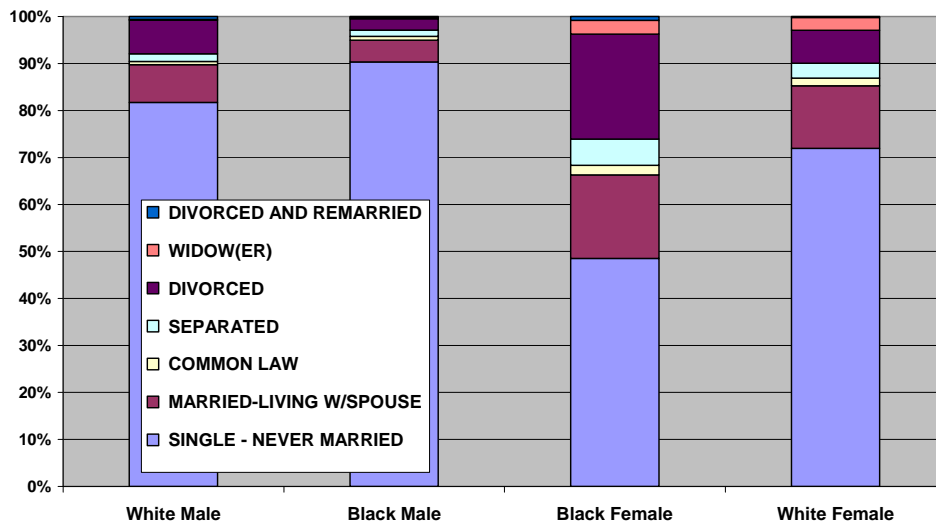
percent reported drug use in that same time period by women who had not been abused (Richie 2000:5).

### Relationships Are a Key Element in Offenses and Reentry

Another central difference between male and female offenders is that women entering the criminal justice system are much more likely to be married and have dependents.

**FIGURE 2**

### Marital Relationship by Ethnogender (2005 Received Inmates)



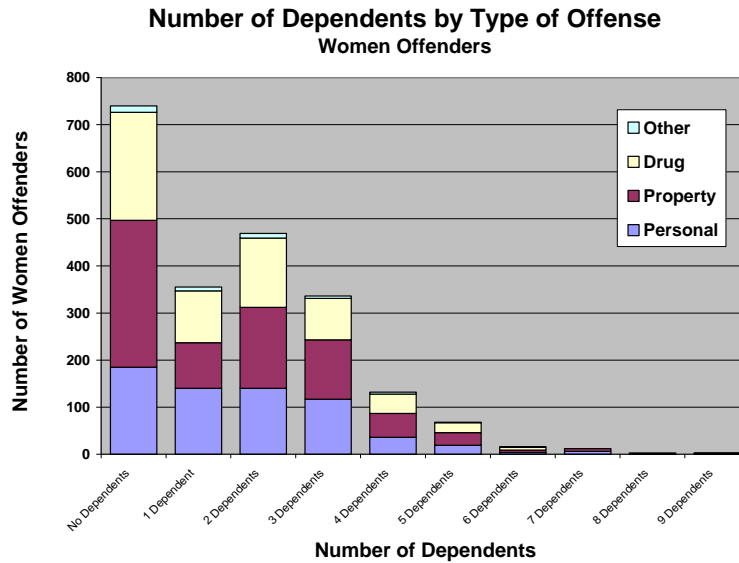
*Source:* Alabama Department of Corrections, 2005 Annual Report

According to Figure 2, Alabama’s female inmates are 30 percent more likely than their male counterparts to have been in some kind of marital relationship before being incarcerated. This means their absence has the potential to create a greater familial disruption than if the women were single.

Women, therefore, are more likely to have dependents when they enter the criminal justice system. Nationwide, approximately 70 percent of all women in correctional settings have at least one child under 18. “It is estimated that 1.3 million minor children have a mother who is under correctional supervision and more than 250,000 minor children have mothers in jail or prison. Of children whose fathers are incarcerated, approximately 90 percent live with their mothers; only 25 percent of the children of women offenders live with their fathers. Grandparents are most likely to be the caregivers of the children of female offenders. Approximately 10 percent of these children are in foster care or group homes. More than half of the children of women prisoners never visit their mothers during the period of incarceration. The lack of visits is due primarily to the remote location of prisons, a lack of transportation, and the inability of caregivers to arrange visitation.” (Bloom, Owen, and Covington 2003: 7).

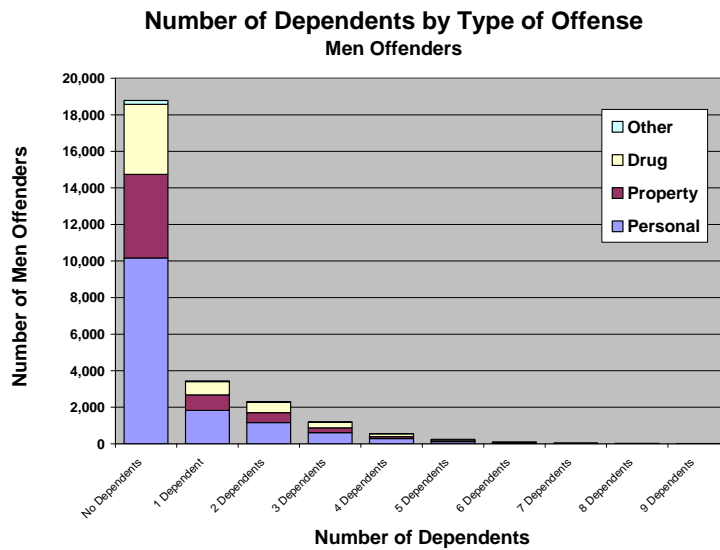
Statistics for this state from the Alabama Department of Pardons and Paroles are less precise, as the available data system offers only the designation of “dependent,” which could be either a dependent adult or a child. Nevertheless, Figures 3 & 4 illustrate that Alabama tracks the national trends: women incarcerated here are much more likely to have dependents.

**FIGURE 3**



*Source:* Alabama Sentencing Commission, data from Alabama Department of Pardons and Paroles, 2007

**FIGURE 4**



*Source:* Alabama Sentencing Commission, data from Alabama Department of Pardons and Paroles, 2007

## Effective Women-Centered Programming Can Better Address the Underlying Causes of Crime and Recidivism

### NATIONAL PROFILE OF WOMEN OFFENDERS

A profile based on national data for women offenders reveals the following characteristics:

- In their early to mid-30s.
- Most likely to have been convicted of a drug-related offense.
- From fragmented families that include other family members who also have been involved with the criminal justice system.
- Survivors of physical and/or sexual abuse as children and adults.
- Individuals with significant substance abuse problems.
- Individuals with multiple physical and mental health problems.
- Unmarried mothers of minor children.
- Individuals with a high school or general equivalency diploma (GED) but limited vocational training and sporadic work histories.
- Disproportionately women of color.

*Source:* Barbara Bloom, Barbara Owen, & Stephanie Covington, *Gender-Responsive Strategies for Women Offenders: A Summary of Research, Practice, and Guiding Principles for Women Offenders*, U.S. Department of Justice, National Institute of Corrections (2005): p. 8.

Women have even greater programming and medical needs than the average male offender. “As compared with males, female offenders under supervision have a higher prevalence of needs in the personal/emotional area, in marital and family relations, and in academic and vocational skills.” (Porpino and Fabiano 2005: 26). Nationally, over 70 percent of women incarcerated in state prisons have mental health problems, compared to 55 percent of men in similar facilities. (The Sentencing Project 2007: 2). Women are more likely than men to have experienced physical and sexual abuse as children and are more likely to have current physical health problems. (Porpino and Fabiano 2005: 26). The higher percentage of women incarcerated for drug offenses also reveals a greater need for treatment. (Elias and Ricci 1997: 4).

Lack of education is also a problem in Alabama’s prison population. Over 60 percent of the individuals incarcerated in Alabama have not completed high school or received their GED, compared to only 20 percent in the state’s general population. (Criminal Justice Reform in Alabama-Part One: 45). Individuals without a high school diploma [are] incarcerated at a rate seven and a half times greater than those who did complete twelfth grade.” (Criminal Justice Reform in Alabama-Part One: 45).

### Women Are Less Violent While Incarcerated

While incarcerated, the Federal Bureau of Prisons reports that females are less likely to be violent or attempt escape. (Inmate Matters: Female Offenders.) Of the violence that does occur, studies suggest that women’s “institutional violence is more likely than that of men to be especially influenced by their prison environment.” (Bottoms 1999: 247).

In 2001, experts, including representatives from each of the 50 state prison systems and the federal prison system, were surveyed about safety in prisons. Most agreed that women pose less risk than men, or that a much smaller portion of female offenders compared to male offenders pose serious risks to institutional and public safety. Put differently, the experts agree that some women are indeed dangerous, but only a very small percentage.

While women are less violent while in custody, they tend to have higher rates of disciplinary infractions for less serious rule violations. Women respond well to community supervision, incarceration, and treatment in ways that differ from their male counterparts.

### **Needs for Successful Reentry Differ for Women**

Women have unique needs that should be addressed in correctional settings, including treatment related to trauma and abuse, self-esteem and assertiveness, vocational skills, medical care, mental health, parenting and childcare, and relationships (Van Voorhis and Presser 2001: xii). The pattern of victimization and offending is more evident in women's lives than in men's. Family violence, trauma, and substance abuse contribute to women's criminality and shape their patterns of offending (Bloom, Own and Covington 2003: 77). Women differ in the tools and support they require for a successful reentry after incarceration.



*A mother and her son during an April visitation at Tutwiler.*

Because any mother's release plan will likely involve the care of her children, it is essential that mothers are assisted in maintaining positive relationships with their children and families throughout and after incarceration.

The importance of education cannot be overlooked. Overall, female inmates in Alabama report having higher educational attainment than men. However, over half of all female inmates report that they do not have a high school diploma or GED. Educational opportunities which can lead to a living wage are imperative for a successful re-entry plan.

### **Girls in the Criminal Justice System Are Also Different Than Boys**

Historically, the efforts in the juvenile justice system to address female delinquency and the needs of girls have been a low priority. The juvenile system, much like the adult system, was built with regard to males and their needs.

Girls have too often been placed in settings and institutions that are neither designed for them nor

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***If the offense structure for boys and girls is so different, doesn't it make sense that their treatment should follow suit?***

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proven effective in their treatment. As the Annie E. Casey Foundation's *Pathways 13: Detention Reform and Girls* states, "If girls enter [secure confinement] particularly vulnerable due to their chaotic home lives, histories of trauma, and high rates of mental illness, conditions in [secure confinement] often exacerbate their difficulties [because it] was designed for boys and has been slow to accommodate the needs of girls. Staffing patterns, staff training, classification systems, physical design, and the correctional routine...were all designed for a male juvenile population. Given the needs and vulnerabilities of girls, this male model may be particularly damaging" (p.24).

The obvious reason for being overlooked is that girls make up a substantially smaller proportion of the offender population than boys. Boys also tend to commit more violent and dangerous offenses compared to the minor status offenses that most girls commit. But that trend appears to be changing. While girls still constitute a little less than 25 percent of all juvenile arrests, those numbers are increasing at an alarming rate. Statistics show an overall decrease in juvenile crime across the United States since its peak in the mid-90's, but between 1988 and 1998, violent crime by girls increased almost four times as much as boys, by 16.5 percent for girls, compared to 4.5 percent for boys.

Given that more girls are getting involved in the juvenile justice system, it is vitally important to look at *why* these girls are getting into trouble in the first place. It has been shown that girls travel very different roads to delinquency than boys. Adolescent girls who are in the justice system differ developmentally from boys in their focus on relationships, both familial and social, their internalized responses to trauma in the form of depression, Post Traumatic Stress Disorder, self-mutilation, and substance abuse, and their externalized responses to trauma in the form of aggression. A history of physical or sexual victimization is one of the most common characteristics of girls in the justice system. A longitudinal study found that girls and women with histories of childhood abuse or neglect were 73 percent more likely than females without abuse histories to be arrested for property, alcohol, drug and misdemeanor offenses.

Along with abuse, girls have a much higher incidence of mental health disorders and unidentified learning disabilities than boys do. A study of detained youth in California from 1995 to 1998 found that nearly three-quarters of girls met the criteria for one or more psychiatric disorders, and rates of depression and anxiety disorders were particularly high. Girls are also more likely than boys to be diagnosed with more than one mental health disorder, often combined with substance abuse issues.

## **SNAPSHOT**

### **Alabama Girls in DYS Custody**

**Number of female cases entering  
DYS from 1/1/06-4/30/07: 1086**

- **Average Age: 15 years old**
- **Race: 52% Black  
47% White  
1% Other**
- **Average grade completed  
upon adjudication:  
8th Grade**
- **63% live in a female-only  
households**
- **50% reported possible  
substance abuse**

\* Source: Alabama Department of Youth Services

Finally, interpersonal relationships play a vital role in female juvenile delinquency. Many girls are detained for causing harm to themselves or to victims with whom they have some type of relationship, while boys are more likely to display aggression towards those outside of their relational circle.

If their histories and reasoning behind committing crimes are so different, it only makes sense to design programs which address and encompass these differences. Gender-responsive programming for girls is a comprehensive approach to female delinquency rooted in the needs and experiences of girls. It intentionally allows gender to affect and guide services, creating an

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***Physical, sexual and emotional abuse is the conduit of most females' journey into the juvenile justice system.***

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environment that reflects an understanding of the realities of girls' lives, and is responsive to the issues of the girls and young women being served. The goal of gender-responsive programming is to help girls who are already in trouble while also creating preventative services

for those at risk for future problems. It links theory into practice by combining female adolescent theory with juvenile justice practices. Right now, there is a glaring absence of suitable, developmentally sound, culturally proficient, gender-responsive prevention, diversion and treatment programs for girls in the justice system.

To be effective, this type of gender-sensitive change should be implemented in every aspect of the juvenile justice system that affects girls within and at risk of entering that system. Each stage of the system should be guided by the girls' development and their unique needs. That includes a continuum of gender-responsive services used both preventatively— from foster care to schools and homes— and within the system from intake to reentry. Efforts must be made to further comprehend the individual needs of girls in the system, to develop gender-specific community-based services and alternatives for girls, and to map out paths to girls' delinquency behavior in order to better understand these patterns and develop effective intervention strategies, reduce recidivism, and empower girls to reach their full potential as people and as members of their communities. The application of gender-responsive practices, combined with legislative and regulatory reform, should most successfully lead to comprehensive reform for girls.

## COMMISSION RECOMMENDATIONS

The Commission has adopted eight recommendations, which are explained below. For each recommendation, there is a women's component and a girls' component where applicable.

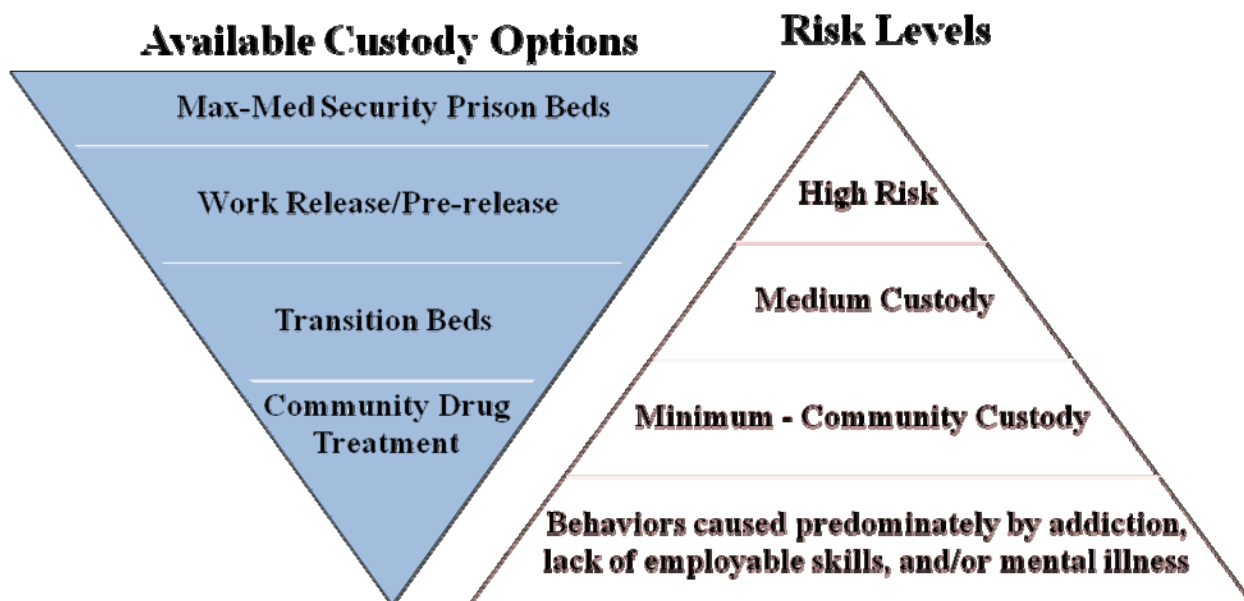
### RECOMMENDATION 1: EXPAND COMMUNITY-BASED ALTERNATIVES TO INCARCERATION.

#### (For Women):

Alabama is spending millions to incarcerate its female offenders in a high security institution, even though most are relatively low-level offenders, many of whom were sent to prison for drug treatment. In fact, drug and property crimes account for more than 70 percent of the women admitted to prison. The Commission recommends expanding alternatives to incarceration because community-based programs are more cost effective and often better equipped to assess and respond to the unique needs of women.

A range of custody options already exist in Alabama, including community treatment, transition beds, work release, and medium/maximum security prison beds. The problem, however, is that the relative availability of these custody options does not match up with the number of offenders at existing risk levels:

## Available Beds Do Not Accommodate Risk Levels



In order to have the available custody options match the existing risk levels, the Commission supports expanding the range of interventions at the local level. These interventions would include literacy programs, education, substance abuse treatment, family assistance, housing, crisis interventions, and mental health services for girls and women to lower their risk of

offending/reoffending by treating root causes and facilitate reentry for those leaving the criminal justice system.

### **Alabama Must Expand Community-Based Alternatives to Incarceration**

Currently there are 41 counties in Alabama with community corrections programs. The specific services provided by these programs, however, vary in breadth and utilization, depending largely on the extent of other support services available in each specific location (Department of Corrections, Community Corrections Program Contact List, accessed 12/10/07). Funding also varies from place to place based on local budgets.

As part of moving towards providing community-based alternatives, the Commission recommends expanding adult community corrections programs to all 67 counties in a way that incorporates gender-responsive programming into this expansion. Existing community corrections programs which are not gender-responsive should be given the training and incentives necessary to include these approaches. New programs should have gender-responsive philosophies and funding included as part of their start-up planning and budget.

Counties without community corrections programs often look to other nearby counties with programs as models. This Commission recommends that counties looking to create, expand, or improve their community corrections programs take gender-responsiveness into consideration. At the very least, community corrections programs should include checks and balances to ensure that women are being diverted from secure incarceration at a rate comparable to men. Programs should be able to identify, for example, whether the people meeting the DOC's 10-point scale are disproportionately male or female.

Expanding community corrections, however, is only a partial solution. Developing a diverse array of alternatives to incarceration also includes creating more supportive housing; outpatient treatment; job training for viable, livable-wage jobs; and family centered programs to ensure that family connections are reestablished.

### **Expanding Alternatives Saves the State Money**

Maintaining institutional beds is far more costly for the state than developing community-based programs. The Alabama Department of Corrections spends millions to lock up women at Tutwiler. After the costs associated with medical care and overtime are factored in, the state's spending ends up being much higher. Contrast the costs of Community Corrections and other alternatives to incarceration. The most expensive Community Corrections program is still less than half the price of traditional imprisonment.

Maximum security incarceration is also costly in other ways. Incarceration isolates offenders from community and family connections and impedes success. Public, community-based providers have more experience, better track records than secure incarceration facilities of assessing and responding to violence in women's lives, treating drug addiction, identifying dynamic risk factors, and responding to physical and mental health needs of women in the most cost effective manner.

Overall, placing female offenders in community corrections programs safely, efficiently, and cost-effectively addresses many problems and issues related to female offenders.

### **Creating Strong Partnerships Can Help the State Expand Alternatives with Limited Resources**

One of the obstacles to changing current incarceration practices is the lack of funding for counties without established community programs. Funding levels inhibit the adoption of new practices in additional locations, especially where the services required to properly administer a community corrections program, such as drug and mental health treatment, housing, and other essential services are lacking or in short supply. Meanwhile, resources that might be used for providing reentry and prevention or early intervention services are currently being drained by expenditures for higher security institutions, such as Tutwiler and Birmingham Work Release (where many women have been held to avoid overcrowded conditions at Tutwiler). Montgomery Work Release has opened to provide additional space.

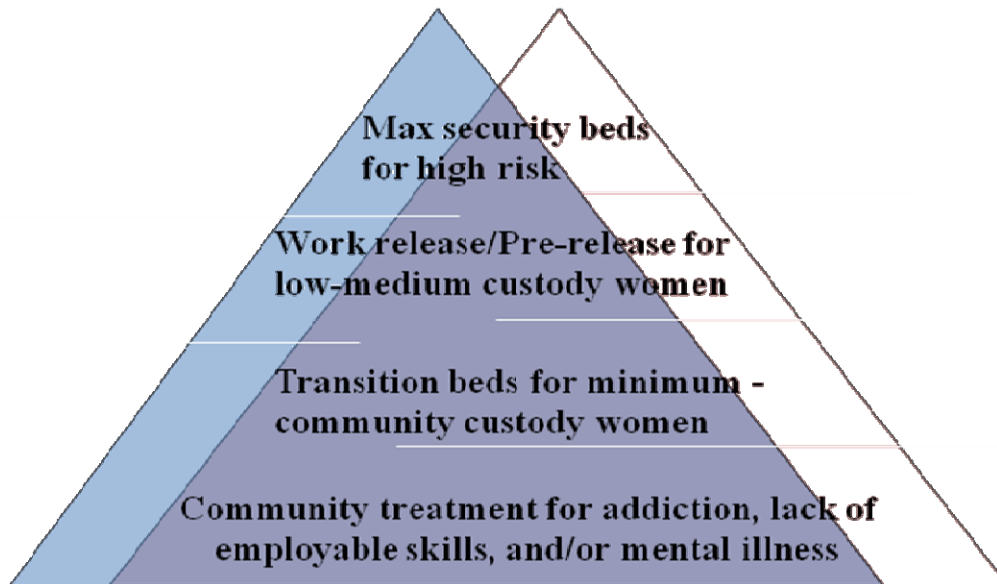
In order to successfully expand alternatives to incarceration, the Commission encourages and supports more state and local partnerships and public/private partnerships to provide additional services as well as flexibility in women's programming. The need for a broader range of alternatives is particularly severe in rural areas. Developing plans for providing programs and services in these areas would help divert women and girls from being sent away from their communities to state institutions to receive services. By providing more resources to counties and other local governments, women will be able to maintain connections to the community and provide support for successful interventions and reentry. Any expansion of community-based alternatives should also include gender-responsive strategies that are monitored, evaluated, and modified for effectiveness.

### **Conclusion**

Courts are not optimizing the use of appropriate institutional beds. The evidence can be seen in the spike in prison population; the disproportionate number of low-level drug-, poverty-, and nonviolence-related offenders who are sentenced to prison; and the population serving split sentences with release to parole conditional on completing Crime Bill Substance Abuse Programs. By expanding the range of interventions and coordinating sanctions with community resources, programs, and services, expensive state beds can be reserved only for offenders who are identified as posing a real threat to public safety, thus decreasing the number of women in prison overall.

The end goal of expanding community-based alternatives to incarceration is to match up custody options with risk levels:

## **Custody Options match Risk Levels**



### **(For Girls):**

One of the largest issues facing children in the juvenile justice system is the need for community-based alternatives to incarceration. Created on the philosophy that children are inherently different from adults, the juvenile justice system's original responsibility was to protect and rehabilitate young offenders. However, instead of offering a continuum of rehabilitative options according to the risks and needs of each individual child, the current system in many jurisdictions offers only two options for youth who have been arrested: they are sent home or they are detained in a secure facility.

Research has repeatedly shown that institutionalization has negative effects on young people and increases the likelihood of future criminal behavior. Removing youth from their community environments increases alienation and reinforces a criminal identity. Community-based alternatives focus on using the least restrictive programming possible. They allow for the ability to provide non-secure graduated sanctions and treatment that would not be available in secure incarceration facilities. Graduated sanctions programs are responsive to the risks and needs of delinquent youth on a case-by-case basis. The critical task is to target youth who need intervention services and match them with the appropriate kinds and levels of programming for their unique needs.

## **Research Has Consistently Shown That Community-Based Alternatives Are Better Supervision Options for Youth**

From the 1960's to the mid-1990's, significant research demonstrated that community-based programs were more effective than traditional correctional programs in reducing juvenile recidivism and improving community adjustment. These non-secure, locally-based programs keep children connected to families and communities while providing individualized treatment and holding kids appropriately accountable for their actions.

Juveniles who commit serious or violent crimes may require confinement to protect public safety and intensive supervision to become rehabilitated, but many children can be effectively rehabilitated through community-based supervision and intervention. Localized, smaller scale interventions can build on existing resources, such as schools, mentoring programs and mental health care, to enhance opportunities for success. Developing these partnerships requires coordination with all key players in the juvenile justice process, especially at the local level, but, when successful, has been shown to be the most cost-effective solution with invaluable results for troubled children.

Not only is incarceration less successful and more expensive, but many juveniles, especially girls, are being confined for committing non-violent status offenses such as running away, curfew violation, truancy, and ungovernable behavior. A large proportion of girls are also being incarcerated for technical offenses like violations of probation and of aftercare. Research by the American Bar Association states that the girls' incarceration rate for status offenses is much higher than that of their counterparts. A study done by the Annie E. Casey Foundation also notes that girls are three times more likely than boys to be detained for technical violations. Once incarcerated, girls tend to receive inappropriate treatment services tailored towards boys. The juvenile justice system routinely misdirects its attention towards girls' behavioral problems rather than focusing on the underlying mental and emotional health issues common within the population. There is insufficient mental health care for the entire juvenile justice population, but for girls, the impact of this lack of services is particularly devastating due to their specific overwhelming need. As the Annie E. Casey Foundation's *Pathways 13: Detention Reform and Girls* states, "Girls arrive...particularly vulnerable, with histories of abuse, school failure, multiple home transitions, and mental health needs. Teenage girls' self-images depend on healthy relationships, yet their abuse histories, school failures, and system involvement have damaged their relationships and made development of positive identities and feelings of success more difficult. All of this makes girls particularly vulnerable to harm from conditions in [secure confinement] that should be addressed in...reform" (Pathways 13, 2005: p. 19). Many girls who would be best treated in community-based mental health and substance abuse residential and day treatment programs are incarcerated due to lack of available options.

Placing girls in more appropriate community-based alternative programs not only allows for more individualized gender-responsive programs to be created for the girls' specific needs, but it also avoids low-risk girls' association with youths who have more serious delinquency histories. Additionally, because the system is being overloaded by non-serious offenders who, if put in community programs, are extremely unlikely to offend again, girls in need of more intensive treatment and rehabilitation are not getting services that should be dedicated to them.

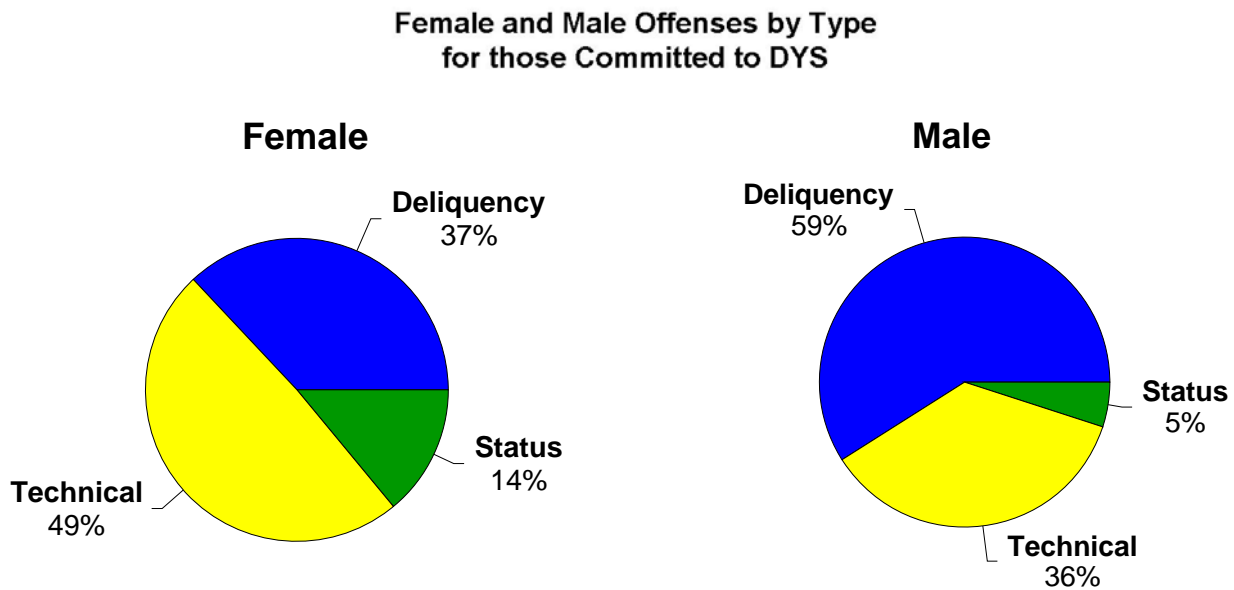
Some community-based alternative options include, but are not limited: to family counseling, inpatient and outpatient substance abuse and mental health treatment, Multisystemic Therapy, life skills training, vocational counseling, GED instruction, physical health treatment, case management, community service, electronic monitoring, home detention, and treatment foster care. The various programs provided within communities can be court-run, directed by private organizations or run by government agencies and schools.

Even before court involvement, schools play an integral role in how girls enter the system. One-fourth of referrals to the Department of Youth Services (DYS) come from schools. Those schools should commit to alternatives, especially revolving around preventative services and diversion for at-risk girls. The inability to consistently identify and provide appropriate educational and mental health services for girls with disabilities and those affected by trauma is a contributing factor to the over-representation of youth with mental health and substance abuse needs in the justice system.

### Where Does Alabama Stand?

Alabama, like many other states, has a serious problem with the incarceration of non-criminal youth. Of the petitions filed on female juveniles in 2006, 39 percent of them were for CHINS (Children In Need of Supervision) offenses, while male CHINS offenses only constituted 21 percent of petitions filed. Of the girls adjudicated to DHS custody from January 2006 through April 2007, only 5.5 percent were incarcerated for violent offenses, compared to boys, who were incarcerated for similar offenses at a comparatively larger but still minor 15 percent. Sixty-three percent of female incarcerations were technical and status offenders.

**FIGURE 6**



Source: Alabama Department of Youth Services

There is a distinct difference between the types of offenses committed by girls and boys. When looking at the top ten offenses for which children in DYS custody have been adjudicated (shown in Table 2) the distinction is obvious. Boys are involved in many more criminal offenses, while the girls' table is dominated by lesser criminal offenses and more status and technical offenses. The yellow highlighted offenses represent status charges, while red indicates violent offenses. Both tables reflect the startling reality that technical violations make up an overwhelming percentage of kids who are placed in secure custody.

**TABLE 2**

FEMALE	
OFFENSE	% Total Offenses
VIOLATION OF PROBATION	43.3%
VIOLATION OF AFTERCARE	5.7%
DOMESTIC VIOLENCE	5.6%
THEFT OF PROPERTY	5.3%
UNGOVERNABLE BEHAVIOR	5.3%
ASSAULT	5.2%
DRUG POSSESSION	4.1%
HARASSMENT	3.5%
RUNNING AWAY	3.4%
DISORDERLY CONDUCT	3.3%

MALE	
OFFENSE	% Total Offenses
VIOLATION OF PROBATION	31.3%
DRUG POSSESSION	8.0%
THEFT OF PROPERTY	7.8%
BURGLARY	6.6%
VIOLATION OF AFTERCARE	5.1%
ASSAULT	4.3%
DOMESTIC VIOLENCE	3.6%
DISORDERLY CONDUCT	3.5%
HARASSMENT	2.9%
ROBBERY	2.9%

Source: Alabama Department of Youth Services

\*Note: According to the FBI's Uniform Crime Reporting Program, the Violent Crime Index is composed of four offenses: murder, forcible rape, robbery and aggravated assault. That index was used to define the violent crimes listed in Table 2.

A reduction in the number of girls in state incarceration facilities will allow for significant savings to be redistributed to communities to fund alternative programming. Secure incarceration within DYS costs an average of \$131 per day per student. Group homes run a less expensive, but still considerable \$75 to \$80 per day.

From January 2006 to April 2007, there were 1,086 active cases within DYS, 33 percent of which were returnees. There is a new commitment by DYS to downsize the number of girls in custody. Several initiatives are in progress: the Annie E. Casey Foundation is working with counties and with DYS to reduce the number of incarcerated girls and to use the least restrictive programming approach. The department is working with local communities and other state agencies to establish more locally-based programs. Those projects are further detailed later in the report within Recommendation #5.

### Positive Initiatives

Although Alabama as a whole still needs to develop its alternative community-based programs, several counties are ahead of the pack. Morgan County, in particular, has developed a wide variety of programs through the Morgan County System of Services (SOS). The agency is a private non-profit licensed by DYS to serve juveniles either ordered by the court or referred by other community agencies (such as Decatur City School System). SOS leverages a broad range

of local resources and programs from a number of sectors to provide an integrated continuum of services for at-risk youth. Some programs offered include risk and needs assessments, Academic Remediation/GED preparation, Case/Compliance Management, Home Schooling, Life Skills/Character Education, GPS-Home Monitoring, on-site mental health counseling and an at-court Mental Health Juvenile Court Liaison through the North Central Alabama Mental Health Center, on-site substance abuse counseling, intensive outpatient drug treatment through Bradford Health Services, vocational counseling, parenting classes, residential aftercare, and a ROPES/Confidence course.

The core funding for Morgan County's SOS comes from the Children's First Funds, channeled through DYS. It also receives resources in Title IV funds from the State Department of Education as well as grants from the Office of Juvenile Justice Delinquency Prevention through the ADECA LETS Division, Juvenile Accountability Block Grant and Formula Grant. The county has yet to be used as a key funding source for SOS, but with additional programs to be added, that will be a future necessity. Since SOS' services began, the number of State commitments from that county has dropped from a high of 104 in 1994 to 23 and 26 in 2005 and 2006 respectively. Although the Morgan County SOS offers an array of services that greatly benefit juveniles in its community, there are no gender-specific programs yet specifically targeted towards girls. The county is in the process of establishing a residential facility for high risk adjudicated girls.

Jefferson County also provides a wide variety of community-based alternatives. One program of particular significance is called StrongGirls. This is an interactive out-patient treatment program specifically designed for girls ages 13 to 17 who struggle with mental health and family issues. StrongGirls is an eight-week program that uses a variety of tools, including art, poetry, creative writing, drama, music, group therapy and family education with an overarching goal of decreasing high-risk behaviors in girls involved in the juvenile justice system. Referrals are exclusively from the Jefferson County Family Court and about 25 percent of the girls who go through the program arrive there as the result of CHINS petitions. Funding for this program comes primarily from the county's juvenile justice system.

One final example of good community-based alternative practices comes from an out-of-state program. Florida's PACE Center for Girls is a national leader in the effort to provide gender-specific services to girls in the juvenile justice system. PACE (Practical Academic Cultural Education) provides a complete continuum of care for females ages 12 to 18 who are identified as dependent, delinquent, in need of supervision, or in need of academic skills. The non-residential delinquency prevention program gives girls and young women an opportunity for a better future through education, counseling, training, and advocacy. After completion of the PACE program, each girl continues to be monitored for educational and personal development, with three years of follow-up case management. Last year, PACE operated 19 centers throughout the state. In 2004, PACE advocated for the passage of legislation which now requires Florida to fulfill the intent of the Juvenile Justice and Delinquency Prevention Act and provide gender-responsive services in its juvenile justice system.

## **Conclusion**

As described above, models of effective community-based alternatives for youth do exist. However, there are many barriers to replacing incarceration with these effective and efficient programs. There is often a stigma regarding non-secure alternatives to incarceration on the judicial side of the system, resulting in viewing secure confinement as the only way to protect communities. Also, cross-system commitment to objective assessment, classification and placement of youth is imperative. High-quality and easily accessible community-based programs must be available in order to safely lessen the use of incarceration. Without collaboration between various local resources, consistent alternative programming is impossible. Special program initiatives, new legislation requiring changes in current agency practices, and administrative reforms are all devices that can be used to expand community-based alternatives and reduce the reliance on secure detention and incarceration.

## **RECOMMENDATION 2: ESTABLISH A GENDER-INFORMED CASE MANAGEMENT PROCESS.**

### **(For Women):**

The Commission recommends the creation of a gender-informed case management process that flows from assessment and is consistent across institutions, probation, parole and aftercare. As the Sentencing Commission noted in its 2006 Report, “Evaluating an offender as to the risk of reoffending and evaluating the offenders’ needs is an elemental step in addressing the offender’s criminality and improving his or her chance to live a crime free life” (Sentencing Commission 2006, p. 20).

A gender-informed case management system would ensure that the women in custody are in the least restrictive setting necessary for their rehabilitation and for public safety. Because this is an overarching case management process, each step provides an opportunity to better utilize state resources other than incarceration.

Gender-informed case management has better results in identifying co-occurring disorders. In some cases, interagency assessment may conclude that a woman belongs in a less restrictive setting. In personal interviews with women in prison, social/offense histories demonstrate that agencies may classify a woman for more restrictive custody simply because the static, ineffective assessment tool they use that does not take into consideration many of the dynamic risk factors crucial to accurately classifying a female offender.

For example, women with serious mental illness and co-occurring disorders experience significant difficulties in jail and prison settings. Lack of appropriate assessment and treatment of women with mental health issues remains a large problem (Bloom, Owen, and Covington 2003). A gender-informed case-management system may find that the most appropriate setting for a woman is inpatient mental health care. Such determinations ensure that our state can better assess and utilize the resources provided by its agencies (DMHMR, DHR, DPH, etc.) to treat, service, and when needed, incapacitate for the purpose of promoting women’s health.

### **Conclusion**

In Alabama, a female offender is assessed by each agency with a different instrument, leading to varying outcome objectives. Risk factors are dynamic. If agencies will coordinate their assessment of women’s needs, then a comprehensive plan can be developed to match individuals with available programs and resources to optimize the use of institutional beds, reduce the number of women in prison, and increase the number of women being treated in the community.

### **(For Girls):**

Girls enter the juvenile justice system differently than boys. Literature suggests that girls often enter as runaways and through other similar status offenses. What continues to be a struggle is the process of uncovering the underlying reasons for the behavior that resulted in their involvement within the juvenile justice system.

What is clear already is that for a significant number of girls, involvement in other youth-serving agencies occurred before their involvement with DYS. Dependency issues, educational issues,

trauma-related issues, and legal issues are likely to result in contact with one or more of the following agencies: DHR, DMHMR, DOE, and Juvenile Probation. Though multiple agencies may be involved, there is a lack of coordination of services and management of those services. Professionals within the involved agencies/departments express a sense that girls are “dumped” on their agency. While agencies argue about who is responsible for the management of the case, the client may continue their misbehavior, resulting in a more intense level of involvement in the juvenile justice system. The end result is often commitment to DYS or to another residential placement. The cycle usually restarts upon exiting DYS or a residential placement.

Gender-informed case management as recommended here would potentially assist communities in treating girls close to home. Within this case management style, there is also a need to establish a coordinated continuum of care for each girl. This includes a broad array of community-based program and service options ordered and combined to create a range of intervention options that ensure the appropriate treatment, education, training, and care compatible with girls’ specific needs. These individualized case management plans start with gender-responsive intake procedures involving female-modeled assessments necessary for identifying appropriate programs, and follow through to relationship-based aftercare and follow-up services. Girls need stability and relationships as they transition in and out of the juvenile justice system. Additionally, girls exiting the juvenile justice system need to be afforded support and resources in order to be successful in their homes or in other non-secure residential placement such as foster care. This type of gender-responsive case management focuses upon the importance of integrated services, strength-based treatment planning, transition planning and the use of assessments for individualized case planning. Transitional services and coordinated services are considered best practices in improving the opportunity for children to live free of the juvenile justice system.

### **Where Does Alabama Stand?**

Gender-responsive case management is basically non-existent in Alabama. Although some counties are developing continuums of care through extensive case management plans, none have been designed specifically for girls. In the Shelby County Juvenile Probation Office, if a formal case is filed for a child, the case will be assigned to a Probation Officer to prepare for court, and to monitor thereafter until closure if the child is placed under court supervision. With sibling cases, the same probation officer is assigned to both siblings. This is an example of a very good general case management procedure, but is not gender-responsive case management.

### **Positive Initiatives**

One nationally expanding practice is that of Integrated Case Management (ICM). It is a voluntary, family-focused, strength-based program that uses an independent facilitator to bring all relevant people, including providers, family, and natural supports, to the table. This team then works in partnership with the family to create a safety-based comprehensive plan addressing the needs of all family members. This model is most useful when the families being served are involved with numerous systems and are not able to access targeted case management. Maine has adopted the ICM model for its juvenile justice system.

In Cook County, IL, the Juvenile Probation and Court Services Department created the Female Offender Services Program. This program is a case management initiative which addresses the special needs of girls active with the Department through the use of probation officers who have undergone gender-specific training. Under this unique program, one probation officer is assigned to follow a female minor throughout her entire involvement with the department. The program uses specialized casework supervision to achieve the following objectives: to create a safe, trusting environment to promote the development of the girl's confidence, self-esteem and life skills, to help her identify factors that lead to anger and violent behavior, to help her develop anger management strategies, to provide educational and employment opportunities, to provide sex education and parenting information, to prevent girls from being arrested on subsequent charges or from entering the adult criminal justice system, and to assist in strengthening the girl's family ties and breaking the cycle of abuse, neglect and delinquency.

## **Conclusion**

Officials and advocates around the state of Alabama have initiated a dialogue about the concept of gender-informed case management. Each of the applicable agencies must cooperate in order to coordinate the resources needed for implementation. The multi-needs process would be funded through the joint contribution of the State agencies serving children. Cost would be dependent upon the program/service design adopted by the state.

The next step would be to develop a timeline for implementation. Implementation will involve training in gender-responsive case management across all agencies involved in the juvenile justice process. The training should include: effective case management, addressing the unique concerns of girls, and locating gender-specific resources in the community. With gender-responsive case management, agencies would be able to provide their services more efficiently, and more importantly, girls would receive the support they need to lead healthier lives outside of the juvenile justice system.

### **RECOMMENDATION 3: IMPLEMENT SYSTEMIC REENTRY POLICIES AND PRACTICES.**

#### **(For Women):**

Habitual offending, revocations of probation/parole, and recidivism rates are all evidence that after serving time in prison women are less equipped to succeed in the communities from which they come. Systemic reentry policies and practices will equip women with the tools to be successful after serving time. They will also give community providers the resources to coordinate services that fit the individual's needs. Evaluations of valid and reliable outcome data should be used to ensure programs like LIFE Tech, residential transition programs, and intensive outpatient case management have successful outcomes based on standards such as the Women's Prison Association's matrix for success in the community.

Comprehensive re-entry programs cost little to operate, but go far to aid women in obtaining and maintaining a stable atmosphere for herself, and oftentimes for her family. Incarcerated women who are released into stable environments which include work opportunities, safe housing, and treatment are less likely to be in situations where committing a crime looks like an attractive option.

Unified case management across agencies is required. Recognizing that reentry starts at intake, gender-responsive assessments, interventions, and case management must involve activities that connect institutions with the community (in *and* out and not in *or* out). Collaboration between agencies, institutions, funding sources, consultants, and stakeholders is the key to systemic change. Coordination should revolve around the unified goals of 1) ensuring that women who are released have the methods to care for themselves and their families; and 2) reducing the recidivism rate for women. A reduction in recidivism keeps the women's prison population down, thus allowing the state to invest in front end diversions that keep women from being incarcerated in the first place.

#### **Reentry Initiatives**

A number of organizations have developed programs for addressing these issues. The National Institute of Corrections' (NIC) classification tool can be a dynamic instrument for moving women to least restrictive corrections settings. Additionally, the Vera Institute's standardization of Community Corrections programs around the state should be encouraged so that individual counties are held accountable for keeping the prison population down and serving women uniformly when they are released. Supporting other reform recommendations such as positive domestic violence policies, expansions to community-based programming, increases in education funding, sentencing reform, etc. is another piece of the collaboration among agencies required for effective reform.

#### **Conclusion**

Resources are needed to equip women as they leave prison with reentry tools to lead successful lives and reunite with their families. Obtaining gainful employment with affordable housing in safe communities are essential elements in preventing their return to prison. Without sound reentry policies and practices the state puts the onus on women who are already at a disadvantage for succeeding at life on the outside.

**(For Girls):**

The time when girls depart from placement and attempt to reintegrate into their homes and communities is critical. Many are returning to a family or social environment that played a big part in their original delinquency. Reentry, or aftercare programs as they are called in the juvenile justice system, provides an extended period of supervision and service delivery to assist youth during this transitional period. The goal is to prevent or reduce recidivism,

The Office of Juvenile Justice Delinquency Prevention (OJJDP) reports that youth released from institutional confinement are more likely to succeed if they have access to services that can help them thrive in a non-institutional environment. But aftercare programs don't begin when girls leave the facility. Effective programs involve comprehensive, preparatory planning and assessment during confinement; consistent and continuous case management; educational and life skills development; and collaborative arrangements with the community to ensure the delivery of prescribed services as girls transition from placement to the community. It must be remembered that during this time, girls are undergoing two drastic transitions. Not only are they moving from community to confinement and back again, but they may also be beginning to experience the transition from being a girl to being a young woman. Many of them are also suffering from mental health disorders and substance abuse problems where the continuation of treatment is vital for their success. Aftercare services must also be relationship-based. Even more than boys, girls require stability and relationships in all transitions.

**Effective Aftercare Requires Programmatic Support and Interagency Collaboration**

Two of the most important strategies in achieving effective aftercare programming are building integrated supports and developing interagency collaboration which connects organizations to create an efficient system that addresses the multiple needs of girls. This allows for the provision of a continuation of services and supervision to girls from entrance into the juvenile justice system through confinement and into release.

From the beginning of their incarceration, individual reentry plans should be created for all girls. Each plan should involve the youth, family, community, and other agencies to engage the offender to actively participate in achieving individual program outcomes. Case management runs throughout the length of the juvenile justice process, providing necessary risk and needs assessments, individual case planning, a mix of supervision and services, service strategies with community resources and links to social networks. DYS and local jurisdictions should ensure that each girl has a regularly scheduled reentry review to address current standings, goals, transitional plans and concerns. This review process should continue with case managers as girls transition back into the community on aftercare supervision. Along with preparatory planning during incarceration and structured transition requiring the participation of various key community and juvenile justice system players, long-term, re-integrative activities are vital to ensure adequate service delivery. Without instilling gender-responsive philosophies into each step of this process, girls will never receive completely appropriate, adequate aftercare.

## Where Does Alabama Stand?

From January 2006 to April 2007, 33 percent of females in DYS custody were returnees. Of those returnees, 69 percent were technical violation offenders, 10 percent were status offenders and 22 percent were incarcerated for actual delinquent offenses. Of those 22 percent were returning for acts of delinquency, while only 7 percent had actually committed violent crimes.

The basic process in Alabama's juvenile justice system (Appendix A-48) requires that an aftercare plan is created for all children once they receive their release notice. That aftercare plan is sent to the court as a recommendation, and the court has the final decision. No set standard is established for any prior reentry plan development.

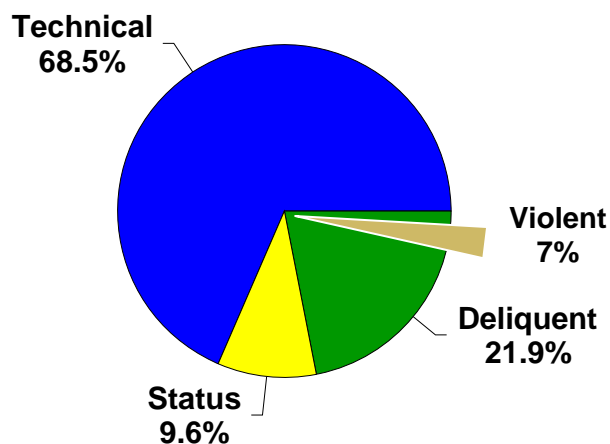
## Positive Initiatives

Although most areas of the state do not have progressive reentry measures, Mobile County is one of a handful of counties with an aftercare program recognized nationally for its advancement in the female-specific design of reentry. GROWTH provides intensive aftercare for high-risk female juvenile offenders. The program is operated by Boys and Girls Clubs of South Alabama, Inc., and supported by the OJJDP. The program uses the intensive aftercare services of the Network Aftercare System (NAS) in its reintegration component. The GROWTH program is designed for female offenders ages 13 to 17 and their families. Most offenders are typically victims of sexual and physical abuse and neglect, and a large number of them are pregnant and have a psychiatric diagnosis. The program seeks to help female offenders successfully return to the community, while also promoting healthy adolescent development.

GROWTH offers an array of treatment options including residential treatment, intensive day treatment, and Safe Start, a special intensive day treatment program for teenage mothers and their infants. All three treatment options include core programming and individualize treatment plans, including female-specific life skills, adventure therapy, community service, academic education, Functional Family Therapy, and up to one year of re-integrative aftercare after returning home. Individual treatment includes individual and group therapy, a trauma recovery group for survivors of sexual abuse, gender-sensitive treatment groups for substance abuse, mentoring, vocational education, job placement and linkages to the Mobile County Health Department's Healthy Start Family Support program for teen mothers. Along with the various, individualized treatment options, aftercare counselors are assigned when girls enter incarceration, thus building a relationship on which to base post-release support and supervision.

FIGURE 7

## DYS Female Returnee Offenses



Source: Alabama Department of Youth Services

Additional services within the residential treatment option are offered by community partner agencies and can continue after girls are released from confinement.

GROWTH is a phase-based program in which all participants begin at Phase I and progress through Phase III according to successful program completion. Phase I involves an 18-week core program of intensive treatment in which services are carried out with an emphasis on female-sensitive, developmentally appropriate approaches. Phase II begins reintegration procedures through a series of step-down activities beginning prior to release from confinement or intensive day treatment and continuing up to 60 days after release. Phase III seeks to help girls successfully negotiate community reentry by identifying and connecting them with formal and informal sources of community support.

Jefferson County is also initiating a progressive new program for the kids in its juvenile justice system. OUR Kids Release to Aftercare is based on OJJDP's Intensive Aftercare model, but adapted to serve those juveniles returning from first-time commitments to DYS and meeting Alabama's Serious Emotional Disturbance criteria. OUR Kids provides intensive judicial review, probation supervision and mental health case management. Participants have quick access to all Jefferson County Mental Health Unit services provided through the court upon returning to the community. The goal of the OUR Kids Release to Aftercare program is to reduce re-commitment of these high-risk juveniles. The program does not include a gender-responsive model. The Jefferson County OUR Kids release to Aftercare program is not to be confused with the Our Kids program jointly funded by DYS, DMHMR, and DHR.

DYS is currently involved in federal reentry initiatives with demonstration models in Mobile and Montgomery Counties.

## **Conclusion**

Transition and aftercare are critical components to the success of girls returning to their communities upon release from state custody. Juvenile justice professionals should reaffirm a commitment to cooperatively providing girls with gender-responsive reentry and aftercare services. When high-quality aftercare is effective in reducing recidivism, it should relieve institutional overcrowding, reduce not only the cost of supervising juvenile offenders but the cost of overall juvenile corrections as well, and ultimately decrease the number of children who develop careers in correctional facilities.

Juvenile aftercare has received significant policy attention at the federal level, resulting in new funding being made available for the development and implementation of aftercare programs for youth. Both the Young Offender Initiative and the Serious and Violent Offender Reentry Initiative are providing grants for aftercare programs. Also, the Juvenile Accountability Incentive Block Grants program, funded through the Office of Juvenile Justice and Delinquency Prevention, provides new challenges and new opportunities for juvenile courts and probation departments to access needed resources.

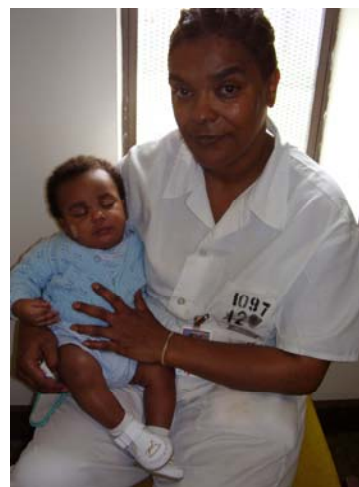
**RECOMMENDATION 4: ASSURE ALL WOMEN LEAVING PRISON HAVE “BASIC” SURVIVAL NEEDS MET AND WORK WITH OTHER AGENCIES AND DO THIS BEFORE RELEASE.**

**(For Women):**

An inmate’s reentry includes more than simply her release from prison. She must coordinate her own housing, employment and medical needs. What’s more, she is often entering an environment where she is a caretaker for others in her family. The Commission recommends that the Department of Corrections work with other state agencies in preparing women (and men) for successful reentry by assisting in providing some essential services. These services would include:

- Determining benefits eligibility
- I.D./SSN/Birth certificate
- Family assistance
- Housing
- Medical and Mental Health Appointments
- Medication/Prescriptions

We recommend that state agencies work together to coordinate inmate release and placement — including determining if transitional housing programs are located in areas of greatest need, and if necessary, initiating new program contracts in high-need areas — to ensure that inmates are able to get timely pre-approval for transitional programs, and to link inmates with benefits, ID and human services programs before their release.



*A mother and her child during an April visitation at Tutwiler.*

**Florida’s Successful Initiative**

Other states have recognized the need to give women the tools for a successful re-entry. In Florida, the Office of Program Policy Analysis & Government Accountability (OPPAGA) found that transition services can help improve public safety and achieve cost savings by reducing recidivism by inmates who would otherwise not be prepared to re-enter society. Nevertheless, programs offered through the Florida Department of corrections were limited and needed to be modified to improve effectiveness (OPPAGA 2007).

To facilitate a smoother and more successful reentry, OPPAGA recommended that the Florida Department of Health and the Florida Department of Highway Safety and Motor Vehicles provide inmates with valid state IDs upon release and expand efforts in pre-qualifying aged or physically impaired inmates for federal benefits. OPPAGA also recommend that the Department of Corrections reinstate a requirement that inmates complete a 100-hour transition program before transfer to work release centers or work camps. OPPAGA recommended increasing the pool of transition facilitators at each facility to improve retention rates and avoid disruptions in transition program delivery. Additionally, OPPAGA recommended improving utilization of faith-based transitional housing beds.

For Alabama, one of the first steps in implementing this recommendation is to ensure that all LIFE Tech slots are filled and fully utilized.

**(For Girls):**

For girls, the issues present at release may not be same as those for women. Nevertheless, release issues for girls are no less important. Access to education, along with medical and mental health services, is vital to the transition and reentry of girls to their communities. Support services and age appropriate living arrangements further enhance the likelihood of girls remaining free of the juvenile justice system.

## **RECOMMENDATION 5: SUPPORT RECOMMENDATIONS FROM STATE AGENCIES AND FOUNDATIONS**

### **(For Women)**

The Commission recognizes that other state groups and agencies have tackled similar subjects and have reached similar conclusions. Those groups include the Sentencing Commission and the Task Force on Prison Crowding. To the extent they promote increasing alternatives to incarceration, creating better risk and needs assessment tools, and providing more comprehensive reentry programs, the Commission supports the work and findings of each group.

### **The Sentencing Commission**

The Sentencing Commission's work on voluntary sentencing guidelines and training for judges is another step in this direction. To support that effort, the Sentencing Commission recommended increased funding for Pardons and Paroles to hire additional staff. Since they encourage increasing the probation and parole rolls through release or diversion, they also support more staff to accommodate this influx. More probation and parole officers could also mean smaller caseloads so that officers can have more contact with the offenders in their caseloads. More parole officers and support staff will also make the public safer by reducing the risk of repeat offenders. Successfully addressing these needs will encourage judges to divert more offenders to probation instead of prison (Sentencing Commission 2006: 19).

### **Community Corrections and Drug Courts**

There are several promising developments in this direction. Community Corrections have been expanding. Alabama has increased the number of community corrections programs from 29 programs in 38 counties for FY 2006 to 33 programs serving 44 counties in FY 2007, with 4 more programs covering 7 counties (Baldwin, Russell, Choctaw/Clarke/Washington, and Clay/Coosa) expected to be established in 2008. Similarly, under the direction of Chief Justice Sue Bell Cobb, the number of drug courts has nearly doubled. In 2006, Alabama had 17 drug courts serving 23 counties (15 circuits). In 2007 there were 32 programs serving 34 counties (25 circuits). As the capacity of these programs increases, there is an opportunity to avoid costs associated with unnecessary higher security incarceration.

### **(For Girls):**

There are two major initiatives currently being implemented within Alabama's juvenile justice system. The Annie E. Casey Foundation has partnered with the state both to provide assistance through the Casey Strategic Consulting Group (CSCG) and to implement the Juvenile Detention Alternatives Initiative (JDAI). Casey is a prestigious national foundation with a mission to foster public policies, human-service reforms, and community supports that more effectively meet the needs of today's vulnerable children and families. The Foundation gives technical support which helps states, cities, and neighborhoods fashion more innovative and cost-effective responses to the needs of children and families. In Alabama, committed leaders and an urgent need to improve Alabama's response to troubled youth helped the Foundation decide to make Alabama's juvenile justice system one of its newest undertakings.

## **Casey Strategic Consulting Group (CSCG)**

The Annie E. Casey Foundation has entered a multi-year partnership with the state to strengthen juvenile justice in Alabama through the CSCG. As the consulting division for the Casey Foundation, CSCG's mission is to provide intensive strategic consulting that facilitates significant, measurable, and enduring human service system transformations. Since April 2007, a team of experts from CSCG has been working full-time to provide technical assistance in an effort to help Alabama design and implement a network of more effective and less costly community-based sanctions for court-involved youth.

A CSCG engagement team is working on-site in close collaboration with DYS to strengthen agency management, internal operations, and frontline practices. CSCG leverages the Casey Foundation's strong reputation to garner meaningful support from other stakeholders (e.g., public officials, policy makers, and advocates) in order to address performance issues that exist outside the boundaries of DYS. This approach has yielded compelling gains in the quality of service provided to vulnerable children and their families by child welfare, juvenile justice, and other human service agencies.

## **Juvenile Detention Alternatives Initiative (JDAI)**

JDAI is a nationwide initiative by the Annie E. Casey Foundation to reduce the inappropriate use of secure detention for children involved in the juvenile justice system. JDAI is dedicated to giving youth involved in the juvenile justice system opportunities to develop into healthy, productive adults through core strategies:

- Collaboration
- Reliance on Data
- Objective Admission Screening
- Alternatives to Secure Detention
- Expedited Case Processing
- Strategies for "Special" Detention Cases
- Rigorous Facility Inspections
- Strategies to Reduce Racial Disparities

JDAI was introduced in the 1990s, and earlier sites across the nation have succeeded in reducing the use of secure detention, cutting crime, strengthening juvenile justice systems and saving money – all without compromising public safety. JDAI has been replicated in more than 80 jurisdictions in 20 states and the District of Columbia, and due to the determination and commitment of Chief Justice Sue Bell Cobb of the Supreme Court of Alabama, four Alabama counties (Jefferson, Mobile, Montgomery and Tuscaloosa) began receiving the Foundation's assistance in 2007. Each county has committed to launch a wide range of detention reforms in an effort to reduce the inappropriate and unnecessary incarceration of non-violent juvenile offenders. The state of Alabama will receive \$150,000 a year for at least three years to implement JDAI. If the initiative proves successful in these counties, it will be instituted in other areas of the state.

The Casey Foundation believes that the best predictor of successful engagements is a shared commitment among major system stakeholders to radically improve performance and service delivery. They also look for leaders who are ready and able to lead a long-term effort and push to achieve tangible results.

### **The Juvenile Code Revision Bill**

Two House Bills are being introduced in the 2008 Session to facilitate the care, protection, and discipline of children who come under the jurisdiction of the juvenile court. HB28 and HB29 combine to form the Juvenile Code Revision Bill, which would repeal portions of the law contained in Chapter 15 of Title 12 of the Code of Alabama, the Alabama Juvenile Justice Act.

One main provision of this Bill is to bring the state in compliance with mandates in the federal Juvenile Justice and Delinquency Prevention Act, which prohibits the improper detention of certain children. If this bill passes in the same form as introduced, effective October 1, 2009, juvenile courts will be prohibited from incarcerating children who have not committed delinquent acts. The bill will also prohibit:

1. The use of juvenile detention facilities to hold children who are abused or neglected and have not committed any offense;
2. The placement of children under the age of 13 in juvenile detention facilities, unless the child is charged with a Class A felony or another offense that has resulted in death or serious bodily injury;
3. The placement of children in jails or other locked facilities for adults, subject to three exceptions;
4. Accused or adjudicated children from having any contact with adult inmates.

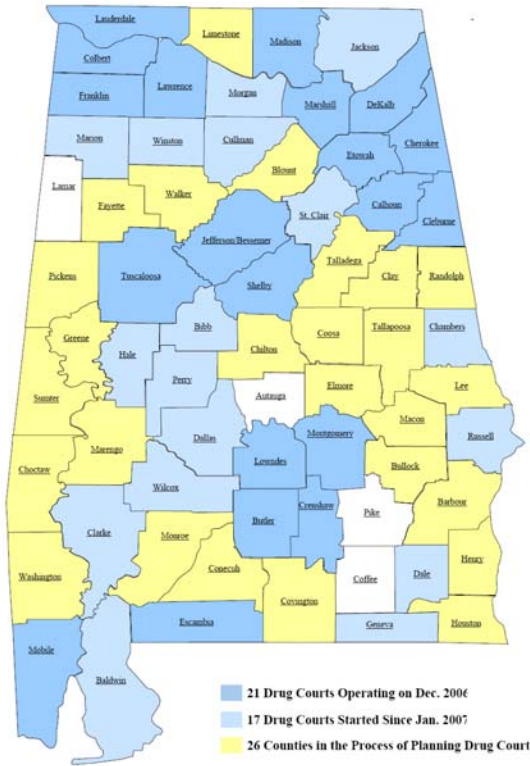
Both pieces of legislation are being supported by the Commission, in a desire to improve the organization and functionality of the Juvenile Justice system.

Passage of this bill is a priority of Chief Justice Sue Bell Cobb and the major bill included in the Administrative Office of Courts legislative package for 2008. The Commission supports the Alabama Juvenile Justice Act of 2008, based in large part on the Bill's prohibition on secure custody for status offenders; as mentioned above, 64 percent of girls in juvenile justice custody in this state are status offenders or technical violators, leading the Commission to strongly support this positive and much-needed reform that will improve the organization, functionality and fairness of the juvenile justice system in Alabama.

### **Conclusion**

Successful implementation of the Commission's recommendations will hinge upon the ability to utilize all available research, reform measures, national consultants, and additional funding sources to bridge the gaps between the existing system and a better-designed, better performing system. An investment in change is required for the results to be possible. There needs to be continued support and collaboration with experts to make Alabama a leader in criminal justice system reform.

## DRUG COURTS



## COMMUNITY CORRECTIONS



Source: Alabama Sentencing Commission  
 Current as of February 1, 2008.

**RECOMMENDATION 6: CLOSE TUTWILER – (Women Only Facility):**

Many of the other Commission’s recommendations either imply or are premised on the elimination of Julia Tutwiler Prison. Nevertheless, the Commission deemed it sufficiently important to specify in the clearest terms possible that that facility should be closed and torn down, not reused or converted.



**Tutwiler Is in Poor Condition**

The 65-year-old Tutwiler building should be closed – conditions are deplorable and inhumane and the women incarcerated there are suffering. In recent years, stagnant budgets and judicial sentencing practices have resulted in operation at double its capacity but without the necessary repairs and upkeep. The ADOC continues to pay litigation costs while the facility remains under court order. Severe overcrowding, the social and state costs of incarcerating mothers, the backlogs of inmates in county jails, the stretched-thin health care system, and high transportation costs make closing Tutwiler an essential component of moving forward in reforming the state’s treatment of incarcerated women.

The following are excerpts from letters to AWRN from Tutwiler inmates:

“The toilet here is stopped up for months at a time. I ask everyone from the Lieutenant down for help with these bathroom problems, nothing happens. The drains in the big bathroom aren’t enough for the flooding of water, most of the time they are stopped up, water runs out the bathroom. We put blankets down outside the bathrooms to stop the flow of water to keep inmates from falling.” (LK)

These conditions are documented in the Southern Center for Human Rights *Conditions Monitoring Report*, submitted to the Department of Corrections in the summer of 2007. The Commission recommends developing a comprehensive plan that includes wider range of institutional, residential, work release and community settings and some opportunities for mothers to be with children.

*Below:*

*The dorm's only indoor area to congregate and socialize.*



*Right:*

*The living conditions afford little privacy and room for programming and rehabilitative services.*

“Tutwiler is no longer adequate or feasible to house prisoners in, nor does it meet the standards of what a modern-day prison should be in order to function properly for both prisoners and staff. For many years there has been talk of a newly designed prison for the women, let’s not allow this crisis to continue any longer. The time is now for change. As I write, I am literally freezing sitting inside my dorm (we were told heat cannot be turned on until sometime in November. Germs are spreading and everyone is sick, these old bricks are cold, it’s warmer outside than inside. But this is not something you have not heard before: we freeze in the winter, burn up in the summer.” (EB)

Currently, Aid to Inmate Mothers provides transportation for the children of female offenders to have visits with their mothers in the chapel at Tutwiler. The rest of the institution is not conducive to visitation.

### **Closing Tutwiler Makes Financial Sense**

In March 2007, a report produced for the Alabama Department of Corrections by consultants (Goodwyn, Mills and Cawood, Inc., Rosser International, and The Facility Group) found that “Tutwiler is in dire need of a total system overhaul. Lacking another women’s facility in the state, the ADOC is unable to transfer inmates out for a period of time necessary to renovate the facility.” The consortia estimated that the projected construction costs of code upgrades, maintenance, and capital improvements required at Julia Tutwiler Prison for Women would be approximately \$37.4 million. Developing alternatives to incarceration in secure facilities for

those offenders who pose little or no threat to public safety will require a comparatively modest investment in programming and careful planning.

Justice systems expert Tim Roche (2003: 6) cites a March 2003 *Alabama Adult Corrections Master Plan*, prepared for the ADOC by Carter Goble Associates, Inc. which found that

*“There are a significant number of prisoners who could be safely and effectively supervised in their local community rather than a prison. Diverting or placing such offenders in locally managed community-based corrections programs would free up beds needed for others sentenced to State time but awaiting transfer from county jails due to lack of space. Moreover, such programs cost in the range of \$2000 per offender per year to operate compared to an average of over \$9,000 per year to keep a person in Alabama’s prisons... (pg. ES-1).”*

Roche argues that his review of the population at Tutwiler, the Edwina Mitchell Annex and the Birmingham Work Release facility revealed that:

*“...extremely high percentages of the population still fall squarely into the non-violent, low-risk categories of offenders referred to by the Master Plan. It is unquestionable in my view that by enhancing system efficiencies, applying widely practiced case planning techniques, instituting correctionally sound systemic population control remedies, and by drawing fully on the existing population management tools, i.e., community corrections, parole, Supervised Intensive Restitution (SIR), Pre-Discretionary Leave (PDL), etc., the female inmate population could be permanently reduced by at least an additional 400 inmates without compromising public safety.”*

Based on Roche’s population reduction estimates, with an average per person savings of \$7,000, the state could avoid \$2.8 million per year in ongoing costs through the implementation of alternatives to high-security incarceration for low-risk women.

### **Alabama Should Create a Network of Alternatives to Maximum-Security Incarceration**

By replacing Tutwiler with a network of institutional, residential, work release and community settings, the state can invest in the most cost-effective corrections alternatives, not just a larger prison complex. The best way to protect public safety is by helping women stay out of prison altogether. It is imperative that a new women’s facility be developed, and the Alabama Department of Corrections has a prime opportunity to create an innovative network that will serve as a model to other states.

Tearing down Tutwiler and starting over is the best chance for a transformative change in how the state understands women in the criminal legal system. The state cannot afford to continue to invest resources into the maintenance and management of such an old and harmful facility. ADOC finds it increasingly harder to retain corrections officers who have to work in Tutwiler’s

unsafe, high stress conditions, due to the state of the work environment. The officers who remain are denied leave, mandated to work overtime, and exposed to disease and unrest as a result of short staffing. Alternative solutions and stop-gap measures (increased recruiting of staff at Tutwiler, complying with court mandates, contracting with out of state private prisons, limited life 2<sup>nd</sup> Parole Board) have proven ineffective and prohibitively expensive.



*These women are learning construction trades at Life Tech, a program offered through the Alabama Department of Corrections.*



## **RECOMMENDATION 7: IMPROVE INFORMATION SYSTEMS.**

### **(For Women):**

The Commission recommends that all agencies in the criminal justice system work together to improve information technology and data management practices in the following areas:

- Information about offenders
- Information about what works
- Information about costs
- To share across agencies

The Commission found that data on the classification, placement, and needs of women (and men) in Alabama's criminal justice system were inadequate for the purpose of assessing the current effectiveness of programs within the system or those provided by community corrections. In many of the state's data systems, documentation is scarce or nonexistent. Data definitions are frequently missing or subject to varied interpretation. Some data fields have been reused, which causes the loss of important information about prior commitments.

One of the most important challenges in assessing the impact of programs and services on recidivism and public safety is the lack of a single common identifier between agencies. Moreover, much of the information that is being recorded is re-keyed several times in the course of an offender's journey through the system. This increases the opportunities for human error and decreases the overall accuracy of the information being recorded.

By improving information systems, we will have better control of dynamics of different institutional settings. We will be better equipped to optimize use of scarce resources and scarce beds. We will have a better understanding of lengths of stay in prison/other institutions and which areas can benefit most from increased funds, staffing, and policy changes. Currently, the state is unable to measure outcomes and efficiencies because each agency is collecting statistics for different uses and are not using common identifiers (See Louisiana Juvenile Justice Act 1225, enacted in 2003).

### **Improved Information Systems and Data Sharing Can Increase Efficiency**

More detailed and relevant cost data is needed to help decision-makers evaluate alternatives to determine most cost-effective approaches to achieving positive outcomes. Demonstrations of the need for particular kinds of services could include identified using data that is not available currently in a format that can be easily accessed. This problem extends throughout the criminal justice system and is prevalent in local community corrections as well. Commission requests for such information produced a hodge-podge of responses with no consistent basis for comparison.

Such data sharing and integration can serve the best interests of the offender, their children, and the family, as well as contributing to higher levels of effectiveness in service delivery, greater efficiency and productivity, and eventually reductions in the costs of women's services.

Specifically, proper data collection, data sharing, and integration can reduce redundant data entry, expedite the processing of cases, provide for more timely service delivery, ensure more

accurate and up-to-date information, and contribute to better performance and greater accountability for all involved parties. There is little, if any, communication between agencies and no sharing of data. These gaps are evidenced by our complete lack of data regarding the needs of offenders and about many of the programs and services designed to make their reentry successful.

Without good information systems and disciplined data management, coordination and collaborations among agencies is not possible. Improving information systems would allow administrators to measure the dynamics of admissions and releases of each corrections setting and community program. It would be the best way to identify and target expansion, track improvements, and monitor outcomes such as recidivism to hold agencies accountable for success.

**(For Girls):**

Information-sharing through an integrated data management system can support a comprehensive continuum of care and provide accurate data to measure program effectiveness, costs, gaps, or redundancy. The cross-system model would provide a mechanism where comprehensive juvenile justice information is captured, maintained and accessed by relevant agencies throughout Alabama. This information can be used by involved agencies that need to know the status of individual juveniles at any time or any point in the juvenile justice process. Not only would information sharing benefit the handling of individual offenders, but it would allow for the production of agency and statewide statistical reports valuable for program planning and for creating measured evaluations of the juvenile justice programs.

Through integrated data management, documents and forms can be accessed, completed and submitted electronically. This data can include basic demographic information, assessment results, court records, placement history, treatment and aftercare plans. The system incorporates input from the agencies handling the actual offense, information regarding social services provided (such as DHR involvement, mental health history, medications prescribed), as well as information identifying juveniles who are suicide risks, involved with gangs, or abusing drugs.

Often, children who have multiple needs are being served through several agencies that have no communication with each other. Since a majority of the girls in the juvenile justice system have a history of abuse, many suffering from mental and emotional disorders, knowing their histories is imperative in providing the most effective treatment. Information sharing would be particularly beneficial to case managers who can use the data to connect the children to services essential in their successful return to the community. The more agencies cooperating and using the system, the more complete the records become. With this comprehensive information, agencies can track juvenile offenders through the juvenile justice system and make informed decisions that balance community safety with the goal of rehabilitating as many juveniles as possible.

Security and safety are critical considerations for a system of this type. Confidential youth records have stringent federal and state privacy requirements. Access to the system should be based on facility assignment and need to know to perform job tasks. There must also be some

reliance on a formal model or plan for information integration to guarantee consistency, along with the development of workable operational requirements. A system of this kind can not only create a more detailed collection of data, but can standardize procedures that are currently an optional function.

### **Where Does Alabama Stand?**

Alabama's Administrative Office of Courts (AOC) is in the process of developing the state's juvenile justice technology project, which will connect AOC's offices, the 67 counties' juvenile courts, probation offices, prosecutors, DYS long-term incarceration facilities, and county short-term detention facilities through the internet. This should allow most of the state's juvenile justice system employees to provide input to and access case management information from anywhere in the state. Employees of the various systems will be able to enter information concerning a juvenile case that will range from intake to aftercare and track the demographics of the juvenile population.

Research into Alabama's data systems indicates that most of the state remains at square one in its effort to be efficient and effective in information management and sharing. Although dialogue is not action, there has been much positive discussion about improving the information systems within the agencies. Those improvements need to be refocused into creating a shared systems database that encompasses all the needs and services provided in the juvenile justice process. In order for cross-system information sharing to be successful, all participating agencies must wholeheartedly agree and data recording and management must be made a requirement, not an option. The objective of information sharing and the development of a multi-agency data management system should result in the improvement of each organization's ability to carry out its mission.

### **Conclusion**

There are many barriers to creating an integrated information sharing system. Costs to set up the system, security and confidentiality concerns, and software compatibility and training are only a few of the obstacles. Achieving effective juvenile information sharing requires a significant shift in the information sharing practices of many agencies. Differing systems have different missions and many have inconsistent definitions of basic terms that must be standardized. Ideally, information sharing would not just consist of separate agencies allowing each other access to adequate data management systems, but a centralized system, where confidentiality can be protected, redundancy can be limited and shared information can result in better services for troubled children. As the AOC and others continue their much needed efforts to enhance information sharing, these factors must be considered.

**RECOMMENDATION 8: IMPLEMENT EVIDENCE-BASED, GENDER-INFORMED, DYNAMIC RISK AND NEEDS ASSESSMENT AND OTHER EVIDENCE-BASED PROTOCOLS.**

**(For Women):**

Assessment tools are generally designed for male offenders and do not consider gender specific strategies for managing female offenders. The Commission encourages the development of dynamic, evidence-based, gender-informed risk and needs assessment protocols.

The criminal justice system uses assessment tools to determine the risk and needs of each offender. Risk assessments provide an objective, systematic means of evaluating the offender to determine the probability of future offending. Needs assessments are used to identify problems currently affecting the offender in order to determine which programs should be delivered. These tools generally include a series of questions and guidelines for interpreting available information. Ultimately, the assessments aid in classifying offenders, determining what programming and services they need, and determining their risk of recidivism.

Assessment tools are generally designed for male offenders and do not consider gender-specific strategies for managing female offenders. Alabama’s assessment tools must recognize gender differences. As previously stated, the crimes that women and girls commit tend to be less serious and non-violent as compared to males; common pathways to crime include substance abuse, mental health issues and reactions to physical or sexual abuse. These realities must be reflected in the questions and guidance provided through the state’s assessment process. Risk assessments, if used correctly, can allow for the proper placement of nonviolent offenders in community-based alternative programs. Better needs assessments could more accurately identify existing mental and behavioral disorders, and educational capability. The National Institute of Corrections’ publication *Gender Responsive Strategies for Research, Practice, and Guiding*

*Principles* provides an excellent starting point for developing appropriate protocols.

Violence in the lives of women prior to their involvement in the criminal justice system is often connected to the criminal behavior with which they are charged. [1]

As many as 80 percent of women prisoners (nationally) have experienced some form of abuse either as an adult or as a child. [2]

An estimated 1 million women in the U.S. are the victims of violence committed by an intimate each year, according to the Bureau of Justice Statistics. [3]

38 percent of [the women] that used force against their partners said that they were never the first to do so and 40 percent said that they used force primarily or exclusively to protect themselves from imminent harm. [3]

**Evidence Based Protocols Require Institutions to Be Accountable**

Evidence-based protocols require institutional changes in operations to be meaningful. In Florida, OPPAGA recommended that the Florida Department of Corrections base work release program capacity on inmate risk, such as custody level, and expand work release by shifting inmate resources to fit the assessed requirements of the inmate population.

**New Risk and Needs Assessments for Women Must Be Responsive to the Realities of Domestic Violence**

Domestic violence is a pattern of controlling and coercive conduct that serves to deprive victims of safety and

autonomy. Perpetrators believe they are entitled to absolute power and control over their partners and perceive all interactions within relationships through a prism of compliance or disobedience. The interrelationship between victimization and offending appears to be more evident in women's lives. Domestic violence perpetrators use varying coercive tactics to trap victims in violent/abusive relationships. Many of these coercive tactics contribute to commission of crimes by victims and pose barriers to rehabilitative efforts and the elimination of recidivism.

Safety is identified as a key factor in effectively addressing the needs of domestic violence and sexual assault victims. Domestic violence perpetrators pose a continued risk to victims including throughout periods of incarceration, changes in security level, and upon release. A physically and psychologically safe environment contributes significantly to positive outcomes for victims. Many victims have experienced emotional and psychological abuse which directly impacts their ability to cope with certain aspects of incarceration.



To address the effects of domestic violence on women who are charged with crimes, and on incarcerated women, the following recommendations are suggested:

- Criminal justice professionals, including law enforcement, prosecution and probation personnel, should develop and implement policies and protocols to identify and respond to women charged with crimes and incarcerated women who are victims of domestic violence. (See Alabama State Plan on Violence Against Women for proposed policy recommendations).
- Department of Corrections and Community Corrections personnel should assess the existence of current or past domestic violence victimization at the point of and periodically throughout incarceration to determine if the domestic violence experience is contributing to any specific problems.
- Provide specialized domestic violence services/education during incarceration and incorporate referrals for domestic violence services into reentry, parole and release plans.
- Assess the risks posed to women from any current or former abusers and incorporate safety planning into the case management process during incarceration and prior to release.

**(For Girls):**

Well-designed risk and needs assessments are essential in providing appropriate interventions for girls. These assessments can be used to provide structured decision-making; determine girls' needs for appropriate service planning; assist the court in designing a suitable disposition; and

ensure that supervision plans are based on the needs of girls and families. Gender-responsive risk and needs assessments are imperative to gauging girls' specific, complex issues. Risk assessments, if used correctly, can allow for the proper placement of nonviolent girls in community-based alternative programs. Needs assessments can identify existing mental and behavioral disorders, and educational capacity. This is especially important for girls who have extensive histories of victimization and co-occurring mental illnesses. Both must use models that have been statistically validated in order to provide effective results.

Risk assessments are composed of predetermined items that research has shown to be statistically related to recidivism. They provide the juvenile justice system with an objective, systematic means of evaluating kids and determining the probability of future offending. Risk assessment instruments commonly include measures of prior delinquency history, poor school performance and behavior, parental reports of kids' behavioral problems, children's self-reported drug use, employment history and arrest history of peers and family members. Using a risk assessment allows the risk-level of a child to be determined, and placement decisions made.

Unlike risk assessments, needs assessments do not predict future behavior. They are used in an effort to identify problems currently affecting children. The inclusion of needs assessments in the classification process allows the juvenile justice system to address children's rehabilitative needs, thereby, protecting the community. Needs assessments are used to determine the specific program interventions to be delivered within the designated supervision level. Needs assessment instruments can measure emotional stability, interpersonal skills, history of abuse, substance abuse, health and hygiene, mental health and mental capacity. A needs assessment is intended to provide an overview of the level of seriousness of the child's treatment needs, assist professionals in developing a treatment plan to address the child's needs, provide a baseline for monitoring the child's progress, and aid agency administrators in evaluating resource availability throughout the jurisdiction and locating gaps in service that need to be addressed.

### **Assessment Tools for Girls Must Identify and Provide Support for Those Dealing with Domestic Violence**

Domestic violence is often an underlying cause of delinquent and/or status offenses and may pose a substantial barrier to providing rehabilitative programs for girls living in violent homes. In order to achieve the goals of rehabilitation and accountability, the juvenile justice system should incorporate methods for identifying, assessing, and responding to girls living in violent homes.

Domestic violence poses a continued risk to victims including throughout periods of detention, changes in security level, and upon release. A physically and psychologically safe environment contributes significantly to positive outcomes for girls. Many victims have experienced emotional and psychological

#### **FACTS ABOUT GIRLS AND DOMESTIC VIOLENCE**

The Journal of the American Medical Association recently published a study that revealed one in five female high school students reported physical or sexual abuse by a dating partner. [4]

Sixteen to thirty-nine percent of adolescent boys report having used violence against a dating partner. [5]

About 33 percent of boys who had witnessed violence reported engaging in delinquent acts as compared with 6.5 percent of boys who did not witness violence. About 17 percent of girls who witness violence reported delinquent behavior as compared with 1.4 percent of girls who did not witness violence. [6]

abuse which directly impacts their ability to cope with certain aspects of secure confinement.

### **The Following Recommendations Are Suggested to Address the Effects of Domestic Violence on Girls Charged with Delinquent or Status Offenses:**

- Personnel working in detention youth facilities should screen cases for the existence of domestic violence in the home. Domestic violence is often the root cause of juvenile delinquency or status offenses. In cases of family violence (e.g. child abuse, sibling violence), screening tools should be included in the assessment process to determine the role of the juvenile in the family violence incident or whether or not domestic violence exists in the home.
- Personnel working in detention youth facilities should use screening tools to assist in identifying risks and victimization issues facing girls.
- Case management and plans for service provisions should include the above described assessments, safety planning for victimized girls, and referrals to appropriate domestic violence based programs or services.
- Juvenile justice professionals, including law enforcement, prosecution and probation personnel, should develop and implement policies and protocols to identify and respond to girls who are victims of domestic violence. (See Alabama State Plan on Violence Against Women for proposed policy recommendations).

### **Where Does Alabama Stand?**

There are no standardized risk or needs assessments used statewide. Each county has their own procedure. In most counties, juvenile probation officers have assessments performed on children, usually after the adjudication hearing. Most are not done prior to adjudication because it cannot be court ordered unless there is an emergency hearing. Some do proceed with releases being obtained from the child and parents. If the child is placed in DYS custody, the previously performed risk and needs assessments are forwarded by the courts. Once they are in DYS custody, additional screening is done. Mental health screenings are given, and following those results, in-depth psychological testing is possible. Extensive pretest battery and placement tests are done to assess the educational needs of the juveniles. At this time, there are no gender-specific assessments used, other than through the Strong Girls program in Jefferson County and the GROWTH program in Mobile.

### **Positive Initiatives**

As part of a statewide effort to support graduated sanctions, the Missouri Office of State Courts Administrator created the Missouri Juvenile Offender Classification System to manage juvenile delinquents and status offenders. The classification strategy assesses children according to their level of risk for future delinquency, uses a classification matrix to link these offenders to a set of graduated sanctions, and assesses the psychosocial needs of juveniles. The complete classification system includes an empirically validated risk assessment for approximating a

youthful offender's relative likelihood of future delinquency, a classification matrix, which links the level of risk with offense severity to recommend graduated sanctions, and a needs assessment for identifying the underlying psychosocial needs of youth. The system also includes a method for assessing children's adjustment to supervision through the use of a supervision reassessment form and a set of web-based reports on the risk and needs characteristics of youthful offenders. Funding for development of the classification system was obtained from a Missouri Challenge Grant. The construction of the risk and needs assessments and the classification matrix was lead by a Risk Assessment Committee comprised of representatives from Missouri Juvenile and Family Courts, the Missouri Division of Youth Services, the Missouri Juvenile Justice Association, and consulting personnel.

## **Conclusion**

Objective assessments minimally provide consistent evaluation of the risk of recidivism and consistent evaluation of treatment needs. For risk and needs assessments to be used effectively, juvenile justice authorities must also develop an intervention policy that connects levels of risk and need with different treatment and placement options.

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## **APPENDIX**

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1 HJR15  
2 79582-3  
3 By Representatives Boyd, Warren, Coleman (L), Hall (L),  
4 Kennedy, Moore, Dunn, Schmitz, Graham, McClurkin and Coleman  
5 (M)  
6 RFD: Rules  
7 First Read: 10-JAN-06

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ENROLLED, House Joint Resolution,  
CREATING THE COMMISSION ON GIRLS AND WOMEN IN THE  
CRIMINAL JUSTICE SYSTEM.

WHEREAS, the safety and welfare of Alabama's persons  
and property would best be served by a criminal justice system  
that treats women fairly and equitable; and

WHEREAS, the safety and welfare of Alabama's persons  
and property would best be served by a criminal justice system  
that balances the needs of women who have been convicted of  
criminal acts with the needs of the community and those who  
have been victims of criminal acts committed by women; and

WHEREAS, the safety and welfare of Alabama's persons  
and property would best be served by a criminal justice system  
that recognizes the important role of family support in the  
rehabilitation of people convicted of crimes; and

WHEREAS, the women's prison in Alabama is currently  
under federal court order, and this federal court oversight  
can be terminated with evidence of proper oversight by state  
officials; and

WHEREAS, the rate of incarceration for girls and  
women is rising five times faster than the rate of  
incarceration for boys and men; and

1           WHEREAS, it is in the best interests of justice and  
2           our state's citizens to develop and implement a comprehensive,  
3           research based, best practices model regarding women offenders  
4           that allocates scarce resources in the manner that best  
5           enhances the safety and welfare of Alabama's persons and  
6           property; now therefore,

7           BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH  
8           HOUSES THEREOF CONCURRING, That the Commission on Girls and  
9           Women in the Criminal Justice System is created. The  
10          commission shall be composed of the following members:

11                 (1) Three members of each house, to be appointed by  
12                 the presiding officer in each house. One member of each house  
13                 shall be designated the co-chairperson.

14                 (2) The Director of the Board of Pardons and Paroles  
15                 or his or her designee.

16                 (3) The Commissioner of the Department of  
17                 Corrections or his or her designee.

18                 (4) The Executive Director of the Alabama Department  
19                 of Youth Services or his or her designee.

20                 (5) The Commissioner of the Department of Human  
21                 Resources or his or her designee.

22                 (6) The Commissioner of the Department of Mental  
23                 Health and Mental Retardation or his or her designee.

24                 (7) The Department of Public Health State Health  
25                 Officer or his or her designee.

1           (8) The Chancellor of the Alabama College System or  
2 his or her designee.

3           (9) The President of the Alabama Association of  
4 Community Corrections or his or her designee.

5           (10) The President of the Alabama Alcohol and Drug  
6 Abuse Association or his or her designee.

7           (11) The Executive Director of the Association of  
8 County Commissions of Alabama or his or her designee.

9           (12) A circuit court judge appointed by the Chief  
10 Justice of the Supreme Court of Alabama.

11           (13) A representative from the Alabama Coalition  
12 Against Domestic Violence.

13           (14) A representative from Aid to Inmate Mothers.

14           (15) A re-entry professional appointed by the  
15 Governor.

16           (16) Two members of the Alabama State Bar  
17 Association with experience relating to women's legal issues,  
18 juvenile justice, and/or criminal justice appointed by the  
19 Association president.

20           (17) An attorney specializing in criminal defense,  
21 appointed by the Alabama Association of Criminal Defense  
22 Lawyers.

23           (18) A district attorney, appointed by the District  
24 Attorneys Association.

1           (19) A chief of police or sheriff appointed by the  
2 Governor.

3           Any vacancy on the commission shall be filled by  
4 appointment by the original appointing authority.

5           BE IT FURTHER RESOLVED that the commission shall  
6 study the conditions, needs, issues, and problems of the  
7 criminal justice system in Alabama as it affects girls and  
8 women. In conducting such study, the commission shall study  
9 best practices regarding women victims and offenders in  
10 Alabama and other states and shall elicit views from experts  
11 in the field of criminal justice, drug treatment, and domestic  
12 violence. The commission shall review the range of services or  
13 sanctions that are needed by the criminal justice, public  
14 health, and mental health systems to best serve the needs of  
15 the community, family, women victims, and women offenders.  
16 Based on such research and review, the commission shall  
17 develop a comprehensive, evidence based plan for enhancing the  
18 safety and welfare of Alabama's persons and property through  
19 the following:

20           (1) The generation of savings from the elimination  
21 of redundant administrative, management, and programmatic  
22 functions, and the reinvestment of those savings into  
23 community-based services.

1           (2) The development of gender-specific parole and  
2 work release criteria to ensure gender equity in public risk  
3 assessment.

4           (3) The establishment of reporting procedures to  
5 ensure incarcerated girls and women are fairly afforded access  
6 to programs and services, including educational services, work  
7 release, mental health services, rehabilitative programming,  
8 and support for re-entry.

9           (4) The development of model policies regarding  
10 police responses to domestic violence.

11           (5) The development of other policies, standards, or  
12 licensing procedures that will enhance gender equity in the  
13 criminal justice system.

14           The commission shall meet for the purpose of  
15 organizing and electing such officers as it deems advisable,  
16 determining a quorum, adopting procedures for operations, and  
17 attending to such other matters as it deems appropriate within  
18 45 days of this resolution becoming law. The date, time, and  
19 place of the first meeting shall be determined by the ~~Governor~~  
20 Speaker of the House of Representatives.

21           The commission shall recommend to the Governor, the  
22 Legislature, and the Judiciary on or before October 31, 2007,  
23 any action or legislation which the commission deems necessary  
24 or appropriate and shall oversee the implementation of such  
25 recommendations.

1           The commission may enter into agreements with other  
2 state agencies and public or private organizations for such  
3 additional staff or support as the commission may determine to  
4 be necessary. Any and all private funding shall be accepted  
5 only upon clear designation that such funding place no  
6 conditions on the findings or recommendations of the  
7 commission.

8           Each citizen member of the commission may receive a  
9 daily expense allowance in the amount permitted by law as well  
10 as the mileage or transportation allowance authorized for  
11 state employees. Legislators serving on the commission shall  
12 receive his or her regular legislative compensation, per diem,  
13 and travel expenses for each day he or she attends a meeting  
14 of the commission. Members of the commission who are state  
15 officials, other than legislative members, shall receive no  
16 compensation for their service on the commission, but may be  
17 reimbursed for expenses from funds appropriated to or  
18 otherwise available to their respective departments. Not more  
19 than \$5,000 per fiscal year shall be paid out of funds  
20 appropriated to the use of the Legislature by means of  
21 warrants drawn by the State Comptroller on the State Treasury.

22           This resolution shall be repealed on December 31,  
23 2007, and the commission shall stand abolished on December 31,  
24 2007, unless it is affirmatively renewed before such time.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was adopted by the House 12-JAN-06, as amended.

Greg Pappas  
Clerk

Senate

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02-FEB-06

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Adopted

1 HJR525  
2 92633-2  
3 By Representative Boyd  
4 RFD: Rules  
5 First Read: 09-MAY-07

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ENROLLED, House Joint Resolution,  
EXTENDING THE OPERATION, REPORTING, DATE, AND LIFE  
OF THE COMMISSION ON GIRLS AND WOMEN IN THE CRIMINAL JUSTICE  
SYSTEM CREATED PURSUANT TO ACT 2006-63 OF THE 2006 REGULAR  
SESSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH  
HOUSES THEREOF CONCURRING, That the operation, reporting,  
date, and life of the Commission on Girls and Women in the  
Criminal Justice System created pursuant to Act 2006-63 of the  
2006 Regular Session is hereby extended until the fifteenth  
legislative day of the 2008 Regular Session of the  
Legislature. The commission shall provide its recommendations  
to the Governor, Legislature, and Judiciary as provided in Act  
2006-63 not later than the fifteenth day of the 2008 Regular  
Session. Unless the commission is affirmatively renewed or  
extended by a joint legislative resolution prior to the  
fifteenth day of the 2008 Regular Session, the commission  
shall stand dissolved and shall have no further duties or  
liabilities beyond that date.



**PHASE II REPORT TO THE  
ALABAMA COMMISSION ON WOMEN AND GIRLS  
IN THE CRIMINAL JUSTICE SYSTEM**

*Technical assistance provided to the Commission to plan and deliver a one day workshop on October 17, 2007 on improving gender responsive approaches to women and girls in the criminal justice system.*

***NIC Technical Assistance #08P7104***

**National Institute of Corrections Consultants:**

**Becki Ney, Principal  
Center for Effective Public Policy  
and  
Ann Jacobs, Executive Director  
Women's Prison Association**

**November 2007**

## **DISCLAIMER**

**RE: NIC Technical Assistance No. 08P7104**

This technical assistance activity was funded by the Prisons Division of the National Institute of Corrections. The Institute is a Federal agency established to provide assistance to strengthen state and local correctional agencies by creating more effective, humane, safe and just correctional services.

The resource persons who provided the onsite technical assistance did so through a cooperative agreement, at the request of the Alabama Commission on Women and Girls in the Criminal Justice System, and through the coordination of the National Institute of Corrections. The direct onsite assistance and the subsequent report are intended to coach the Commission in the preparation of a full day workshop, conduct interviews with stakeholders and members of the Commission, and plan and facilitate the onsite workshop. The onsite assistance will take place on October 16 through October 18, 2007 in Montgomery, Alabama.

The contents of this document reflect the views of Becki Ney and Ann Jacobs. The contents do not necessarily reflect the official views or policies of the National Institute of Corrections.

## **Nature of the Request**

The Alabama Commission on Women and Girls in the Criminal Justice System requested assistance from the National Institute of Corrections to assist them in completing their planning activities and prepare for completing their report to the legislature in February 2008.

## **Person Who Contacted Us; Overview of TA Activities**

Phyllis Modley of NIC contacted Becki Ney, Center for Effective Public Policy and Ann Jacobs, Women's Prison Association to participate in an initial telephone conversation with the Commission's Planning Committee to gain a more detailed understanding of the status of the Commission's work and to outline the scope of the assistance to be provided. Previous to this initial discussion, both Phyllis Modley and Ann Jacobs had conducted an onsite visit to Alabama to meet with the Commission and provide basic information about gender responsive approaches to women and girls in the criminal justice system. A Phase I report was prepared that outlined the assistance provided from June 1 through September 30, 2007 (attached). This Phase II report highlights the activities and outcomes of the full day Commission working session conducted on October 17, 2007.

Over the course of the Phase II technical assistance period, we conducted the following activities:

- Participated in Planning Committee conference calls to prepare and finalize workshop materials, including:
  - The goals and agenda for the working session
  - Summary of Key Stakeholder and Commission Member interviews conducted in September 2007
  - Two PowerPoint presentations on gender responsiveness and a framework for action for the Commission's consideration
  - Summary of Key Data Points regarding women and girls in the Alabama criminal justice system
  - Faculty biographies and contact information
  - Talking points provided to Representative Barbara Boyd for her welcoming remarks

These materials are attached to this report. Additional meeting materials were prepared by Marci Edwards and Joe Adams of PARCA.

- Conducted the Commission working session on October 17, 2007 by facilitating the daylong session, presenting substantive information about women and girls in the criminal justice system, and assisting the Commission in coming to agreement about their key preliminary

recommendations and steps necessary to complete their final report to the legislature by February 2008. The notes from the working session and key preliminary recommendations are attached.

## **General Comments and Recommendations**

The Commission's working session was well attended with several Commission members and other key stakeholders in attendance. Department of Corrections Commissioner Allen opened the session with the news that as of October 17<sup>th</sup> all of the women currently housed in facilities in Louisiana were brought back to Alabama – a critical goal of the Department of Corrections. At the beginning of the session, participants were asked to introduce themselves and state one thing that would make the Commission's work successful in their minds. These expectations were recorded and are a part of the working session meeting notes.

Throughout the day, there was excellent discussion about what it meant to be gender responsive and what was known about women and girls in the criminal justice system. In the afternoon, participants articulated a list of key challenges and gaps in current policies and practices, and developed a list of potential recommendations that could address the challenges. At the end of the working session, each participant was asked to state one thing they would be willing to do to make the recommendations become a reality. Again, these statements were recorded and are a part of the working session notes.

Following the working session, Becki Ney provided a copy of legislation to the legislators attending the session that had passed in Tennessee to provide incentives and encourage inmates to attain their GED's and educational goals. She also provided her PowerPoint presentation to the Sentencing Commission and other key participants who stated that one of the things they would do was continue to educate others about gender responsiveness and what is known about women and girls in criminal justice. Lastly, Becki provided a copy of Paul Gendreau's original research on evidence-based practices to those who asked for it that demonstrated that punishment and sentence length alone do not have an effect on recidivism.

The Commission's next meeting is scheduled for November 16<sup>th</sup>. At that time, the Commission will review the preliminary recommendations and agree on the format and content of the report to be presented to the legislature in February. The Commission has agreed to additional meetings in December and January to complete their work.

In addition to the preliminary recommendations developed at the working session, the following recommendations are offered and underscored by both Becki and Ann.

- ***Much attention should be given to developing and providing useful and necessary data and information so that decisionmaking is better informed.*** At a minimum, data and information is needed before a decision is made about replacing Tutwiler. For example, Alabama may not need to replace Tutwiler with a large maximum security facility. If the Alabama women's population mirrors what we know nationally, then many women will be shown to be low risk and in need of multiple services and assistance. This would suggest not only a smaller, secure facility but one that include lots of space for programming, visitation with children and the like. In fact, a combination of correctional resources might be more appropriate such as residential treatment facilities, additional work release and halfway house facilities, minimum security facilities and other types of community programming that will not only more accurately address the risk and needs of women coming into the corrections system, but reduce their recidivism as well.

Obviously, accurate data and information is also needed for a myriad of decisions: for evaluating the effectiveness of community corrections, for making parole decisions, for evaluating the effectiveness of programs for girls, for understanding women's and girls' pathways into crime in Alabama.

- ***Establish an ongoing dynamic and gender responsive assessment and case management process from time of intake through release and aftercare.*** Without accurate assessment information, the risk and needs of women and girls cannot be known with any degree of accuracy and it will be difficult at best to implement programming and case management that responds to their risk and needs. Assessment should occur not only for the women and girls who end up in the corrections system, but at each stage of the criminal justice process – at pre-adjudication, at time of sentencing, while on probation, at community corrections, in the institutions and prior to release, and while on parole supervision. A case management process that can respond to risk and needs is critical. Both the Women Offender Case Management Model being developed by NIC and the Women's Prison Association matrix for serving criminal justice involved women would be two examples of gender responsive case management tools that could be adapted in Alabama.
- ***Review and compare the policies and practices at each agency/related systems that effect women and girls and their children.*** Often, barriers to offenders' success are created by us, and not by the women and girls themselves. By reviewing each agency's written policies, protocols and practices, unintended barriers and contradictions often emerge that can be addressed, amended or changed by a careful review. Agency policies and practices across corrections, mental health, education, child services, public health, etc. should create opportunities for

women and girls to succeed rather than create barriers that must be overcome.

- ***Assuring the implementation of the Commission's report and recommendations will require ongoing monitoring and support.***  
During the interview process, many key stakeholders acknowledged that the Chief Justice was someone with the clout, interest and ability to assure the implementation of the Commission's recommendations. As such, we recommend that a position be created that reports directly to the Chief Justice that would monitor and advocate on behalf of women and girls in all stages of the criminal justice system. This position/office should be charged with monitoring the implementation of the recommendations, and reporting annually to the legislature and governor about progress. Key agencies such as the Department of Corrections, Department of Youth Services, the Sentencing Commission and Pardons and Parole Board should be mandated to cooperate with that office and provide information to it on their practices. This office could also convene a group of key stakeholders annually (much like the working session held on October 17<sup>th</sup>) to assess progress, note key priorities for the coming year, and continue to increase the awareness of gender responsiveness in Alabama.



# GENDER-RESPONSIVE STRATEGIES

MAY 2005

FOR WOMEN OFFENDERS



## *A Summary of Research, Practice, and Guiding Principles for Women Offenders*

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### **The Gender-Responsive Strategies Project: Approach and Findings**

Women now represent a significant proportion of all offenders under criminal justice supervision in the United States. Numbering more than 1 million in 2001, women offenders make up 17 percent of all offenders under some form of correctional sanction.

To improve policy and practice regarding women offenders in corrections, the National Institute of Corrections undertook a 3-year project—titled *Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders*—to collect and summarize multidisciplinary research and practitioner expertise on gender-responsive strategies. The final report summarizes the following:

- The characteristics of women in correctional settings.
- The ways in which gender makes a difference in current criminal justice practice.
- Multidisciplinary research and theory on women's lives that have significant implications for managing women in the criminal justice system.

#### **FROM THE DIRECTOR**

This is the first in a series of bulletins to address the needs of women offenders with regard to gender-specific policies, programs, and services. Like their pathways to crime, the challenges faced by women offenders differ from their male counterparts. Many women entering the criminal justice system are victims of domestic and sexual violence, suffer from psychological trauma, are substance abusers, are unmarried mothers of children under the age of 18, or a combination thereof.

Being responsive in the criminal justice system requires the acknowledgment of the realities of women's lives, including the pathways they travel to criminal offending and the relationships that shape their lives. Moreover, for women offenders to successfully navigate the criminal justice system and remain free citizens in the community requires providing a continuity of services that meet their specific needs.

—Morris L. Thigpen, Sr.

*The National Institute of Corrections (NIC) is a center of correctional learning and experience. NIC advances and shapes effective correctional practice and public policy that respond to the needs of corrections through collaboration and leadership and by providing assistance, information, education, and training.*

- Guiding principles and strategies for improving the system's responses to women offenders.

This bulletin summarizes the major findings of the report<sup>1</sup> and offers guidance to those throughout the criminal justice system who seek a more effective way to respond to the behavior and circumstances of women offenders. Policymakers from legislative, executive, and judicial branches of government and agency administrators should find this summary particularly useful. All are encouraged to obtain the full report for a more complete analysis of gender-responsive research and practice.

### **Approach**

To construct a knowledge base that provides a foundation for gender-appropriate policy and practice, project staff reviewed multidisciplinary research literature in a broad range of areas, including health, family violence, substance abuse, mental health, trauma, employment, and education. This literature was analyzed to determine its application to gender responsiveness

in criminal justice practices (see sidebar “Defining Gender Responsiveness”).

Additional data pertinent to managing women offenders within the criminal justice framework were collected through national focus groups and interviews with experts representing various criminal justice agencies. Project staff conducted more than 40 individual and group interviews with policymakers, managers, line staff, and women offenders in all phases of the criminal justice system throughout the country. Written documents that included official and technical reports concerning women offenders, policies and procedures, and existing academic research were then collected

and analyzed. Finally, the Practitioner Advisory Group, representing community corrections, jail, prison, and parole professionals, reviewed multiple drafts of these findings.

### **Potential Benefits of Gender-Responsive Practice**

Study findings indicate that paying attention to the differences in male and female pathways into criminality and their differential responses to custody and supervision can lead to better outcomes for both men and women offenders in institutional and community settings. Policies, programs, and procedures that reflect empirical, gender-based differences can—

### **Defining Gender Responsiveness**

Being gender responsive in the criminal justice system requires an acknowledgment of the realities of women's lives, including the pathways they travel to criminal offending and the relationships that shape their lives. To assist those who work with women in effectively and appropriately responding to this information, Bloom and Covington developed the following definition:

Gender-responsive means creating an environment through site selection, staff selection, program development, content, and material that reflects an understanding of the realities of women's lives and addresses the issues of the participants. Gender-responsive approaches are multidimensional and are based on theoretical perspectives that acknowledge women's pathways into the criminal justice system. These approaches address social (e.g., poverty, race, class, and gender inequality) and cultural factors, as well as therapeutic interventions. These interventions address issues such as abuse, violence, family relationships, substance abuse, and co-occurring disorders. They provide a strength-based approach to treatment and skill building. The emphasis is on self-efficacy.\*

\* Bloom, B., and Covington, S. (2000). Gendered justice: Programming for women in correctional settings. Paper presented to the American Society of Criminology, San Francisco, CA, p. 11.

- Make the management of women offenders more effective.
- Enable correctional facilities to be more suitably staffed and funded.
- Decrease staff turnover and sexual misconduct.
- Improve program and service delivery.
- Decrease the likelihood of litigation against the criminal justice system.
- Increase the gender appropriateness of services and programs.

## The Foundation for the Principles

To develop guiding principles and strategies, the gender-responsive strategies project reviewed and integrated the characteristics of women offenders, the key elements of criminal justice practice, and theories related to women's lives.

### *Characteristics of Women in the Criminal Justice System*

The significant increase in the number of women under criminal justice supervision has called attention to the status of women in the criminal justice system and to the particular circumstances they encounter. The increasing numbers have also made evident the lack of appropriate policies and procedures for managing women offenders. Women offenders typically have low incomes and are undereducated and unskilled. They have sporadic employment histories and are

## National Profile of Women Offenders

A national profile of women offenders reveals they are—

- Disproportionately women of color.
- In their early- to mid-thirties.
- Most likely to have been convicted of a drug-related offense.
- Individuals with fragmented family histories; other family members also may be involved with the criminal justice system.
- Survivors of physical and/or sexual abuse as children and adults.
- Individuals with significant substance abuse problems.
- Individuals with multiple physical and mental health problems.
- Unmarried mothers of minor children.
- Individuals with a high school degree or GED but with limited vocational training and sporadic work histories.

disproportionately women of color. They are less likely than men to have committed violent offenses and more likely to have been convicted of crimes involving drugs or property. Often, their property offenses are economically driven, motivated by poverty and by the abuse of alcohol and other drugs (see sidebar “National Profile of Women Offenders”).

### *Women Offenders and Criminal Justice Practice*

Two key findings emerge from an examination of the state of criminal justice practice regarding women. First, because of the overwhelming number of male offenders, the issues relevant to women are often overshadowed. Second, criminal justice agencies often have difficulty applying to women offenders the policies and procedures that

have been designed largely for the male population. Most systems lack a written policy on the management and supervision of women offenders. Further, in focus groups, a number of managers reported resistance to modifying policies to reflect more appropriate and effective responses to the behaviors and characteristics of women under supervision.

Gender differences in behavior, life circumstances, and parental responsibilities have broad implications for almost every aspect of criminal justice practice. The differences between men and women involved with the criminal justice system have been documented in terms of the levels of violence and threats to community safety in their offense patterns, responsibilities for children and other family members, interactions with staff,

and relationships with other offenders while incarcerated or under community supervision.

Women are more vulnerable to staff misconduct and have different programming and service needs, especially in terms of physical and mental health, substance abuse, recovery from trauma, and economic/vocational skills. While all offenders must confront the problems of reentry into the community, many of the obstacles faced by women offenders are specifically related to their status as women. The majority of women in correctional institutions are mothers, and a major consideration for these women is reunification with their children.

The obstacles for these women are unique because their requirements for safe housing, economic support, medical services, and other needs must include the ability to take care of their children. These obstacles include system-level characteristics, such as the lack of programs and services designed and targeted for women, women's involvement with multiple human service agencies, and lack of community support for women in general.

In the full report, issues related to gender differences and their effects are described with regard to the following:

**Criminal justice processing:**

Gender differences have been found in all stages of criminal justice processing, including crime definition, reporting, and counting; types of crime; levels of harm;

arrest; bail; sentencing; community supervision; incarceration; and reentry into the community.<sup>2</sup> For example, women as a group commit crimes that are less violent than the crimes committed by their male counterparts. The Bureau of Justice Statistics reports that, according to victim accounts, only one of seven violent offenders is female. Drug offenses account for a greater proportion of the imprisonment of women than men, women have fewer acts of violence or major infractions in prison, and children play a more significant role in the lives of incarcerated women than those of men.

**Classification and assessment**

**procedures:** Most of the classification and assessment instruments in use today were developed and validated for male offenders. Because these instruments were based on the behaviors of a male offender population, they are often unable to accurately assess either the risks or the needs of women offenders and tend to overclassify women, placing them at higher levels of custody or supervision than necessary. Moreover, most instruments do not assess the specific needs of women that are tied to their pathways to offending, specifically the interconnected problems of substance abuse, trauma and victimization, mental illness, relationship difficulties, and low self efficacy.

**Women's services and programs:**

Substance abuse, family violence, and their struggle to support themselves and their children are the

main factors that drive women into crime. More often than their male counterparts, women need gender-specific services such as protection from abusive partners, childcare services, access to reliable transportation, and realistic employment opportunities that allow for self-support. In general, research shows an insufficient number of programs for women under any type of supervision that will help them prepare for career-oriented training and address issues common to women offenders such as sexual abuse, victimization through violence, and low self-esteem.

**Staffing and training:** In terms of staff training, standard training protocols often neglect or minimize information about woman offenders. There is a perception among correctional staff that women offenders are more difficult to work with than their male counterparts. Preparing staff to work with women offenders requires increased knowledge about women that will help staff members develop the constructive attitudes and the interpersonal skills necessary for working with women under correctional supervision.

**Staff sexual misconduct:** In the past decade, the problems of staff sexual misconduct have received significant attention from the media, the public, and many correctional systems. Most of the published work describes the problem in the institutional setting; however, the problem exists throughout the criminal justice system. Although

the more publicized pattern of misconduct appears to involve male staff with female inmates, it is important to note that female officers have also been involved in serious misconduct. Sexual harassment may retraumatize women with a history of abuse and diminish their ability to heal and engage in programming. Further, standard procedures in correctional settings (e.g., searches, restraints, and the use of isolation) can act as triggers to retraumatize women who have histories of abuse.

### ***Theoretical Perspectives Related to Women's Lives***

Gender-responsive principles and strategies are grounded in three intersecting perspectives: the pathways perspective, relational theory and female development, and trauma and addiction theories.

#### **The Pathways Perspective**

Research on women's pathways into crime indicates that gender has a significant role in shaping criminality. Women and men enter the criminal justice system via different pathways. Among women, the most common pathways to crime are based on survival of abuse and poverty and substance abuse. Recent research establishes that, because of their gender, females are at greater risk of experiencing sexual abuse, sexual assault, domestic violence, and single-parent status. For example, girls and young women often experience sexual abuse in their homes;

in adulthood, women experience abuse in their relationships with significant others. Pathways research has identified key issues in producing and sustaining female criminality, such as histories of personal abuse, mental illness tied to early life experiences, substance abuse and addiction, economic and social marginality, homelessness, and dysfunctional relationships.

#### **Relational Theory and Female Development**

Theories that focus on female development, such as the relational model, posit that the primary motivation for women throughout life is the establishment of a strong sense of connection with others. Relational theory developed from an increased understanding of gender differences and, specifically, of the different ways in which women and men develop psychologically. According to relational theory, females develop a sense of self and self-worth when their actions arise out of, and lead back into, connections with others. Therefore, connection, not separation, is the guiding principle of growth for girls and women.

The importance of understanding relational theory is reflected in the recurring themes of relationship and family in the lives of women offenders. Disconnection and violation rather than growth-fostering relationships characterize the childhood experiences of most women in the criminal justice system. Women are far more likely

than men to be motivated by relational concerns. For example, women offenders who cite drug abuse as self-medication often discuss personal relationships as the cause of their pain. The relational aspects of addiction are also evident in research indicating that women are more likely than men to turn to drugs in the context of relationships with drug-abusing partners to make themselves feel connected.

A relational context is critical to successfully address the reasons why women commit crimes, the motivations behind their behaviors, how they can change their behavior, and their reintegration into the community.

#### **Trauma and Addiction Theories**

Trauma and addiction are inter-related issues in the lives of women offenders. Although they are therapeutically linked, these issues historically have been treated separately. Trauma and addiction theories provide the integration and foundation for gender responsiveness in the criminal justice system. Trauma has been the focus of a number of studies, and various experts have written about the process of trauma recovery.<sup>3</sup> Because the traumatic syndromes have basic features in common, the recovery process also follows a common pathway. A generic definition of addiction as "the chronic neglect of self in favor of something or someone else" is helpful when working with women.<sup>4</sup> Some

women use substances to numb the pain experienced in destructive relationships.<sup>5</sup> Women who abuse substances are also vulnerable targets for violence.

## A New Vision: Guiding Principles for a Gender-Responsive Criminal Justice System

NIC's report on gender-responsive strategies documents the need for a new vision for the criminal justice system—one that recognizes the behavioral and social differences between men and women offenders that have specific implications for gender-responsive policy and practice.

### *Principles and Strategies*

Empirically based evidence drawn from a variety of disciplines and effective practice suggests that addressing the realities of women's lives through gender-responsive policy and programs is fundamental to improved outcomes at all criminal justice phases. The following guiding principles are designed to address concerns about the management, supervision, and treatment of women offenders in the criminal justice system. Together with the general strategies (see sidebar "General Strategies for Implementing Guiding Principles"), the guiding principles provide a blueprint for a gender-responsive approach to the development of criminal justice policy.

### **Guiding Principle 1: Acknowledge That Gender Makes a Difference**

The foremost principle in responding appropriately to women is to acknowledge the implications of gender throughout the criminal justice system. The criminal justice field has been dominated by the rule of parity: Equal treatment is to be provided to everyone.

However, this does not necessarily mean that the exact same treatment is appropriate for both women and men. The data are very clear concerning the distinguishing aspects of men and women offenders. They come into the criminal justice system via different pathways; respond to supervision and custody differently; exhibit differences in terms of substance abuse, trauma, mental illness, parenting responsibilities, and employment histories; and represent different levels of risk within both the institution and the community. To successfully develop and deliver services, supervision, and treatment for women offenders, we must first acknowledge these gender differences.

### **The Evidence**

The differences between women and men are well documented across a variety of disciplines and practices, and evidence increasingly shows that the majority of these differences are due to both social and environmental factors. Although certain basic issues related to health, such as reproduction, are

influenced by physiological differences, many of the observed behavior disparities are the result of gender-related differences, such as socialization, gender roles, gender stratification, and gender inequality. The nature and extent of women's criminal behavior and the ways in which they respond to supervision reflect such gender differences, including the following:

- Women and men differ in levels of participation, motivation, and degree of harm caused by their criminal behavior.
- Women's crime rates, with few exceptions, are much lower than men's crime rates.
- Women's crimes tend to be less serious (i.e., less violence, more property- and drug-related offenses) than men's crimes. The gender differential is most pronounced in violent crime, where women's participation is profoundly lower.
- The interrelationship between victimization and offending appears to be more evident in women's lives. Family violence, trauma, and substance abuse contribute to women's criminality and shape their patterns of offending.
- Women respond to community supervision, incarceration, and treatment in ways that differ from those of their male counterparts. Women are less violent while in custody but have higher rates of disciplinary infractions for less serious rule violations. They are influenced by their responsibilities and concerns for

their children, by their relationships with staff, and by their relationships with other offenders.

**Guiding Principle 2: Create an Environment Based on Safety, Respect, and Dignity**

Research from a range of disciplines (e.g., physical health, mental health, and substance abuse) has shown that safety, respect, and dignity are fundamental to behavioral change. To improve behavioral outcomes for women, it is critical to provide a safe and supportive setting for supervision. A profile of women in the criminal justice system indicates that many have grown up in less-than-optimal family and community environments. In their interactions with women offenders, criminal justice professionals must be aware of the significant pattern of emotional, physical, and sexual abuse that many of these women have experienced. Every precaution must be taken to ensure that the criminal justice setting does not reenact women offenders’ patterns of earlier life experiences. A safe, consistent, and supportive environment is the cornerstone of an effective corrective process. Because of their lower levels of violent crime and their low risk to public safety, women offenders should be supervised with the minimal restrictions required to meet public safety interests.

**The Evidence**

Research from the field of psychology, particularly trauma studies, indicates that environment cues

behavior. There is now an understanding of what an environment must reflect if it is to affect the biological, psychological, and social consequences of trauma. Because the corrections culture is influenced by punishment and control, it is often in conflict with the culture of treatment. The criminal justice system is based on a control model, whereas treatment is based on a model of behavioral change. These two models must be integrated so that women offenders can experience positive outcomes. This integration should acknowledge the following facts:

- Substance abuse professionals and the literature report that women require a treatment environment that is safe and nurturing. They also require a therapeutic relationship that reflects mutual respect, empathy, and compassion.
- A physically and psychologically safe environment contributes significantly to positive outcomes for women.
- Safety is identified as a key factor in effectively addressing the needs of domestic violence and sexual assault victims.
- Custodial misconduct has been documented in many forms, including verbal degradation, rape, and sexual assault.
- Assessment and classification procedures often do not recognize the lower level of risk to public safety presented by women both in the nature of their offenses and in their behavior

while under supervision. This can result in placement of women in higher levels of custody than necessary in correctional institutions and in inappropriate assessments of their risk to the community.

- Women offenders’ needs for personal safety and support suggest the importance of safe and sober housing.

**Guiding Principle 3: Develop Policies, Practices, and Programs That Are Relational and Promote Healthy Connections to Children, Family, Significant Others, and the Community**

Understanding the role of relationships in women’s lives is fundamental because the theme of connections and relationships threads throughout the lives of women offenders. When the concept of relationship is incorporated into policies, practices, and programs, the effectiveness of the system or agency is enhanced. This concept is critical when addressing the following:

- Reasons why women commit crimes.
- Impact of interpersonal violence on women’s lives.
- Importance of children in the lives of women offenders.
- Relationships between women in an institutional setting.
- Process of women’s psychological growth and development.
- Environmental context needed for effective programming.

- Challenges involved in reentering the community.

### **The Evidence**

Studies of women offenders highlight the importance of relationships and the fact that criminal involvement often develops through relationships with family members, significant others, or friends. This is qualitatively different from the concept of “peer associates,” which is often cited as a criminogenic risk factor in assessment instruments. Interventions must acknowledge and reflect the impact of these relationships on women’s current and future behavior. Important findings regarding relationships include the following:

- Developing mutual relationships is fundamental to women’s identity and sense of worth.
- Women offenders frequently suffer from isolation and alienation created by discrimination, victimization, mental illness, and substance abuse.
- Studies in the substance abuse field indicate that partners, in particular, are an integral part of women’s initiation into substance abuse, continuing drug use, and relapse. Partners can also influence the retention of women in treatment programs.
- The majority of women under criminal justice supervision are mothers of dependent children. Many women try to maintain their parenting responsibilities while under community supervision or while in custody, and

many plan to reunite with one or more of their children on their release.

- Studies have shown that relationships among women in prison are also important. Women often develop close personal relationships and pseudo families as a way to adjust to prison life. Research on prison staff indicates that correctional personnel often are not prepared to provide appropriate responses to these relationships.

### **Guiding Principle 4: Address Substance Abuse, Trauma, and Mental Health Issues Through Comprehensive, Integrated, and Culturally Relevant Services and Appropriate Supervision**

Substance abuse, trauma, and mental health are three critical, interrelated issues in the lives of women offenders. These issues have a major impact on a woman’s experience of community correctional supervision, incarceration, and transition to the community in terms of both programming needs and successful reentry. Although they are therapeutically linked, these issues historically have been treated separately. One of the most important developments in health care over the past several decades is the recognition that a substantial proportion of women have a history of serious traumatic experiences. These traumatic experiences play a vital and often unrecognized role in the evolution of a woman’s physical and mental health problems.

### **The Evidence**

The salient features that propel women into crime include family violence and battering, substance abuse, and mental health issues. Other considerations include the following:

- Substance abuse studies indicate that trauma, particularly in the form of physical or sexual abuse, is closely associated with substance abuse disorders in women. According to various studies, a lifetime history of trauma is present in approximately 55 to 99 percent of female substance abusers.<sup>6</sup>
- Research shows that women who have been sexually or physically abused as children or adults are more likely to abuse alcohol and other drugs and may suffer from depression, anxiety disorders, and posttraumatic stress disorder.
- Co-occurring disorders complicate substance abuse treatment and recovery. An integrated program concurrently addresses both disorders through assessment, treatment, referral, and coordination.
- Research conducted by the National Institutes of Health indicates that gender differences, as well as race and ethnicity, must be considered in determining appropriate diagnosis, treatment, and prevention of disease.
- Experience in the substance abuse field has shown that treatment programs are better able to engage and retain women clients if programs are culturally targeted.

### **Guiding Principle 5: Provide Women With Opportunities To Improve Their Socioeconomic Conditions**

Addressing both the social and material realities of women offenders is an important aspect of correctional intervention. The woman offender's life is shaped by her socioeconomic status; her experience with trauma and substance abuse; and her relationships with partners, children, and family. Most women offenders are disadvantaged economically, and this reality is compounded by their trauma and substance abuse histories. Improving socioeconomic outcomes for women requires providing opportunities through education and training that will enable them to support themselves and their children.

#### ***The Evidence***

Most women offenders are poor, undereducated, and unskilled. Many have never worked, have sporadic work histories, or have depended on public assistance. Additional factors that affect their socioeconomic conditions include the following:

- Most women offenders are heads of their households. In 1997, nearly 32 percent of all female heads of households lived below the poverty line.
- Research in the field of domestic violence has shown that availability of material and economic necessities—including housing, financial support, educational

and vocational training, and job development—is essential to women's ability to establish lives apart from their abusive partners.

- Research on the effectiveness of substance abuse treatment has noted that, without strong material support, women presented with economic demands are more likely to reoffend and discontinue treatment.
- Recent changes in public assistance due to welfare reform (e.g., Temporary Assistance for Needy Families programs created under the Welfare Reform Law of 1996) affect women disproportionately. They negatively affect women's ability to support themselves and their children by making them ineligible for benefits. Even when eligible, women may not be able to apply for benefits until they have been released from custody or community supervision. They cannot gain access to treatment or medical care without Medicaid. Additionally, their convictions may make them ineligible for public housing or Section 8 housing subsidies.

### **Guiding Principle 6: Establish a System of Community Supervision and Reentry With Comprehensive, Collaborative Services**

Women offenders face specific challenges as they reenter the community from jail or prison. Women on probation also face challenges in their communities. In addition to the stigma of being identified as an offender, they may carry additional

burdens, such as single-parent status, decreased economic potential, lack of targeted services and programs, responsibilities to multiple agencies, and a general lack of community support. Navigating through myriad systems that often provide fragmented services and have conflicting requirements can interfere with supervision and successful reintegration. There is a need for wraparound services—that is, a holistic and culturally sensitive plan for each woman that draws on a coordinated range of resources in her community. Types of organizations that should work as partners to assist women who are reentering the community include the following:

- Mental health providers.
- Alcohol and other drug treatment programs.
- Programs for survivors of physical and sexual violence.
- Family service agencies.
- Emergency shelter, food, and financial assistance programs.
- Educational organizations.
- Vocational training and employment services.
- Health care.
- The child welfare system, childcare, and other children's services.
- Transportation.
- Self-help groups.
- Consumer-advocacy groups.
- Organizations that provide leisure and recreation options.

- Faith-based organizations.
- Community service clubs.

### **The Evidence**

Challenges to successful completion of community supervision and reentry for women offenders have been documented in the research literature. These challenges can include housing, transportation, childcare, and employment needs; reunification with children and other family members; peer support; and fragmented community services. There is little coordination among community service systems linking substance abuse, criminal justice, public health, employment, housing, and child welfare. Other considerations for successful reentry and community supervision include the following:

- Studies from such fields as substance abuse and mental health have found that collaborative, community-based programs offering a multidisciplinary approach foster successful outcomes among women. Research has shown that women offenders have a great need for comprehensive, community-based wraparound services. This coordinated or case management approach has been found to work effectively with women because it addresses their multiple treatment needs.
- Substance abuse research shows that an understanding of the interrelationships among the women, the program, and the community is critical to the

success of a comprehensive approach.

- Data from woman offender focus groups indicate that failure to meet the following needs puts women at risk for criminal justice involvement: housing, physical and psychological safety, education, job training and opportunities, community-based substance abuse treatment, and economic support. All of these factors—in addition to positive

role models and a community response to violence against women—are critical components of a gender-responsive crime prevention program.

### **Policy Considerations**

As agencies and systems examine the impact of their operations, policy-level changes are a primary consideration (see sidebar “Gender-Responsive Policy Elements”).

## **General Strategies for Implementing Guiding Principles**

The following general strategies can be applied to implementation of each guiding principle:

<b>Adopt</b>	Adopt each principle as policy on a systemwide and programmatic level.
<b>Support</b>	Provide full support of the administration for adoption and implementation of the gender-responsive principles.
<b>Resources</b>	Evaluate financial and human resources to ensure that implementation and allocation adjustments are adequate to accommodate any new policies and practices.
<b>Training</b>	Provide ongoing training as an essential element in implementing gender-responsive practices.
<b>Oversight</b>	Include oversight of the new policies and practices in management plan development.
<b>Congruence</b>	Conduct routine procedural review to ensure that procedures are adapted, deleted, or written for new policies.
<b>Environment</b>	Conduct ongoing assessment and review of the culture/environment to monitor the attitudes, skills, knowledge, and behavior of administrative, management, and line staff.
<b>Evaluation</b>	Develop an evaluation process to assess management, supervision, and services.

## Gender-Responsive Policy Elements

**Create parity:** Develop an understanding of parity or “equal treatment” that stresses the importance of equivalence (of purpose and effort) rather than sameness (in content).

**Commit to women’s programs:** Create an executive-level position and provide appropriate resources, staffing, and training to ensure that women’s issues are a priority.

**Develop procedures that apply to women offenders:** Review existing policies and procedures and develop operating procedures that address the needs of women offenders in such areas as clothing, personal property, hygiene, exercise, recreation, and contact with children and family.

**Respond to women’s pathways:** Develop policies, programs, and services that respond specifically to women’s pathways in and out of crime and to the contexts of their lives that support criminal behavior.

**Consider community:** Develop strong partnerships for community and transitional programs that include housing, training, education, employment, and family support services.

**Include children and family:** Facilitate the strengthening of family ties, particularly between mothers and their children.

## Conclusion: Addressing the Realities of Women’s Lives Is the Key to Improved Outcomes

This bulletin documents the importance of understanding and acknowledging differences between men and women offenders and the impact of those differences on the development of gender-responsive policies, practices, and programs in the criminal justice system. Analysis of available data indicates that addressing the realities of women’s lives through gender-responsive policy and practice is fundamental to improved outcomes at all phases of the criminal justice system. This

review maintains that consideration of women’s and men’s different pathways into criminality, their differential responses to custody and supervision, and their differing program requirements can result in a criminal justice system that is better equipped to respond to both men and women offenders.

The guiding principles and strategies outlined in the full report and this bulletin are intended to be a blueprint for the development of gender-responsive policy and practice. They can serve as the foundation for improving the ways in which criminal justice agencies manage and supervise women

offenders in both institutional and community settings.

Ultimately, commitment and willingness on the part of policymakers and practitioners will be needed to actualize the vision and implement the principles and strategies of a gender-responsive criminal justice system. Reducing women’s involvement in the criminal justice system will benefit the women themselves, their communities, and society. Such efforts will develop a more effective criminal justice system and generate positive effects for generations to come.

## Notes

1. See Bloom, B., Owen, B., and Covington, S. (2003). *Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders*. Washington, DC: National Institute of Corrections. NIC accession no. 018017.
2. Harris, K. (2001). “Women offenders in the community: Differential treatment in the justice process linked to gender.” Information session on supervision of women offenders in the

The full text of *Gender-Responsive Strategies: Research, Practice, and Guiding Principles for Women Offenders* may be obtained free of charge from the National Institute of Corrections Information Center. The Information Center can be reached at 800-877-1461. Information on this report and other available documents can be found on NIC’s Web site at [www.nicic.org](http://www.nicic.org).



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**www.nicic.org**



community. Lexington, KY: National Institute of Corrections, Community Corrections Division, Networking Conference.

3. Herman, J. (1992). *Trauma and Recovery*. New York, NY: Harper Collins.

4. Covington, S. (1998b). Women in prison: Approaches in the treatment of our most invisible population. *Women and Therapy Journal* 21(1): 141–155.

5. Covington, S., and Surrey, J. (1997). The relational model of women's psychological development: Implications for substance abuse. In S. Wilsnack and R. Wilsnack (Eds), *Gender and Alcohol: Individual and Social Perspectives* (pp. 335–351). New Brunswick, NJ: Rutgers University Press.

6. See Brown, V., Melchior, L., and Huba, G. (1999). Level of burden among women diagnosed with severe

mental illness and substance abuse. *Journal of Psychoactive Drugs* 31(1): 31–40. Browne, A., Miller, B., and Maguin, E. (1999). Prevalence and severity of lifetime physical and sexual victimization among incarcerated women. *International Journal of Law and Psychiatry* 22(3–4): 301–322. Najavits, L.M., Weiss, R.D., and Shaw, S.R. (1997). The link between substance abuse and post-traumatic stress disorder in women: A research review. *American Journal on Addictions* 6(4): 273–283. Owen, B., and Bloom, B. (1995). Profiling women prisoners: Findings from national survey and California sample. *The Prison Journal* 75(2): 165–185. Teplin, L.A., Abram, K.M., and McClelland, G.M. (1996). Prevalence of psychiatric disorders among incarcerated women. *Archives of General Psychiatry* 53(6): 505–512.

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**MEMORANDUM**

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**TO:** MARION CHARTOFF  
**FROM:** KATHARYN CHRISTIAN  
**SUBJECT:** SUMMARY OF THE RESEARCH CONCERNING GIRLS IN THE JUVENILE JUSTICE SYSTEM  
**DATE:** JUNE 12, 2007

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This memorandum provides a summary of the most recent research concerning the unique characteristics and developmental differences of girls and boys in the juvenile justice system. It also analyzes the research and characteristics of gender-responsive best practices that are best suited to fit and treat the girls' needs.

**A. THE UNIQUE CHARACTERISTICS AND DEVELOPMENTAL DIFFERENCES OF GIRLS AND BOYS IN THE JUVENILE JUSTICE SYSTEM**

*Adolescent girls who are in the justice system differ from boys developmentally in their focus on relationships; their internalized responses to trauma in the form of depression, self-mutilation, and substance use; and their externalized responses to trauma in the form of aggression. In addition, the pathways girls take into the justice system differ from those of their male counterparts in the prevalence and type of trauma, family loss, and separation they experience. Girls have higher incidence of mental health disorders and unidentified learning disabilities than do boys. Social expectations of girls and girls' experiences differ from those of boys and girls' development in adolescence is influenced by these differences. These social expectations influence their relationships with their mothers, peers, and with men, as well as with institutions such as schools, health care providers, social services, and the justice system. Finally, the juvenile justice process has a different impact on girls than it does on boys. Girls are more likely than boys to be detained for minor offenses and technical violations and are more likely than boys to be returned to detention for technical violations.*

*Running away and domestic violence, both common in the lives of girls, tend to result in their detention and system involvement.* Francine T. Sherman, Pathways to Juvenile Detention Reform: Detention Reform and Girls Challenges and Solutions, Annie E. Casey Foundation 16 (2005), available at [http://www.aecf.org/upload/PublicationFiles/jdai\\_pathways\\_girls.pdf](http://www.aecf.org/upload/PublicationFiles/jdai_pathways_girls.pdf) (hereinafter “Sherman”).

Research reveals that girls and boys develop differently. As such, it is unsurprising that there are striking dissimilarities between the pathways girls and boys take to the juvenile justice system. This section explores the research that has been conducted regarding the unique characteristics and the developmental differences of girls and boys in the juvenile justice system. The research highlights that the intersection of these unique characteristics along with girls’ adolescent development form girls’ pathways to the juvenile justice system.

Girls typically enter the juvenile justice system between the ages of 12-16, a time period that is tumultuous in many girls’ lives because it coincides with puberty and the transition between middle and high school. Justice by Gender: The Lack of Appropriate Prevention, Diversion and Treatment Alternatives for Girls in the Justice System, American Bar Association and National Bar Association 7 (2001), available at <http://www.njdc.info/pdf/justicebygenderweb.pdf> (hereinafter “ABA/NBA”); Christy Sharp & Jessica Simon, Girls in the Juvenile Justice System: The Need for More Gender-Responsive Services, Child Welfare League of America: National Center for Program Leadership Juvenile Justice Division 7 (2004), available at <https://www.cwla.org/programs/juvenilejustice/jjgirls01.pdf> (hereinafter “CWLA”). While girls usually resist peer pressure and traditional gender restrictions between the ages of 8-11, adolescence engenders low self-esteem, physical changes, and identity confusion. CWLA, at 7. Girls are forced to make the transition between middle and high school as they are transitioning from childhood to adulthood. During middle school, girls struggle to determine their identity amidst the physical changes associated with puberty and the need for peer acceptance. Id. These changes and peer pressure continue into high school when girls are introduced to more relationships, increased pressure concerning their appearance, and the desire to be independent from their parents. Id. The coexistence of these multiple

transitional periods leaves girls susceptible to pressures that may lead to poor decisions and delinquent actions. Id. at 8.

Reflecting the developmental changes girls encounter during adolescence, the nature of girls' delinquent actions also differ from boys' actions. Id. at 5. Research shows that girls are arrested primarily for nonviolent crimes. Id. See also National Mental Health Association, Mental Health and Adolescent Girls in the Justice System, <http://www1.nmha.org/children/justjuv/girlsjj.cfm> (last accessed Jun. 12, 2007) (hereinafter "NMHA"). The top three offenses that girls commit are larceny-theft,<sup>1</sup> "other offenses" such as ungovernability and truancy, and running away. Id. Along these lines, while girls and boys commit a similar number of status offenses, girls are 170 percent more likely to be referred to juvenile court.<sup>2</sup> CWLA, at 5 (citing M. Chesney-Lind & R. Shelden, Girls, Delinquency, and Juvenile Justice, 17 (West/Wadsworth) (1998)). See also ABA/NBA, at 8, 16. Even when girls commit violent offenses, they usually are arrested for aggravated or misdemeanor assault. Boys, on the other hand, typically are arrested for violent crimes and property offenses. CWLA, at 4. Aggravated or misdemeanor assault only constitutes 20 percent of the offenses committed by boys. Vanessa Patino, Lawanda Ravoira, & Angela Wolf, A Rallying Cry for Change: Charting a New Direction in the State of Florida's Response to Girls in the Juvenile Justice System, National Council on Crime and Delinquency 25 (2006), *available at* [http://www.nccdcrc.org/nccd/pubs/2006july\\_florida\\_girls\\_report.pdf](http://www.nccdcrc.org/nccd/pubs/2006july_florida_girls_report.pdf) (hereinafter "Patino"). Furthermore, although girls are committed for less serious offenses, research indicates that girls risk deeper penetration into the juvenile justice system due to inadequate and unavailable treatment services in less restrictive settings, incorrect placements in restrictive programs for misdemeanor offenses, inaccurate interpretations of symptomatic behavior (such as aggressiveness) that results in placement transfers, longer periods of confinement for less serious offenses, and large gaps in gender-responsive services and staff training. Patino, at 2-6, 29. Additionally, girls are more likely to be cited for contempt and/or disciplinary infractions and recommitted to the Department of Youth Services ("DYS") after release, even though their infractions are for less serious crimes. Id. at 25,47; ABA/NBA, at 19.

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<sup>1</sup> In fact, 78 percent of girls' arrests are for larceny-theft (i.e. shoplifting). CWLA, at 5.

<sup>2</sup> Fifty nine percent of status offenses are committed by girls. CWLA, at 5.

While each girl in the juvenile justice system is uniquely complex, girls in the juvenile justice system typically

have histories of physical, emotional and sexual abuse, have family problems, suffer from physical and mental disorders, have experienced academic failure and succumb more easily to the pressures of domination by older males. Girls also are developmentally different from boys and girls' involvement in delinquency is often connected to conflicts in familial and societal relationships. ABA/NBA, at 4.

The most significant characteristics of girls in the system are: histories of abuse and victimization; family fragmentation; academic failure; physical and mental health disorders; substance abuse, and sexual activity. Racial and sexual orientation biases may also affect girls' interactions with the juvenile justice system. Each of these characteristics will be examined below. See ABA/NBA, at 6-7.<sup>3</sup>

- 1) **Histories of Abuse and Victimization:** A history of abuse and victimization is the most common characteristics among girls in the juvenile justice system. Typically perpetrated by someone the girls know well, the abuse may occur both inside and/or outside of the system. Id. at 6; Youth Victimization: Prevalence and Implications, NIJ Research in Brief, U.S. Department of Justice, Office of Justice Programs, National Institute of Justice ii (2003), *available at* <http://www.ncjrs.gov/pdffiles1/nij/194972.pdf> (hereinafter "Youth Victimization"). Studies show that anywhere between 80 to 90 percent of the girls in the system report having suffered some form of trauma and/or abuse. CWLA, at 8-9,16. See also Investing in Girls: A 21st Century Strategy, Juvenile Justice, U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention (1998), <http://www.ncjrs.gov/html/ojjdp/jjjournal1099/invest1.html> (hereinafter "Juvenile Justice"). However, 86 percent of sexual abuse and 65 percent of physical abuse goes unreported; as such, there is no official statistic concerning how many girls in the system actually

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<sup>3</sup> For more information please see Barbara Bloom, Barbara Owen, & Stephanie Covington, Gender-Responsive Strategies for Women Offenders: A Summary of Research, Practice, and Guiding Principles for Women Offenders, U.S. Department of Justice, National Institute of Corrections 3 (2005), *available at* <http://www.nicic.org/pubs/2005/020418.pdf> (hereinafter "Bloom"); CWLA, at 11-12; Juvenile Female Offenders: How do you Meet Their Needs in Your Juvenile Justice Setting?, 2006 National Juvenile Corrections and Detention Administrators Forum, U. S. Department of Justice, National Institute of Corrections, Office of Juvenile Justice and Delinquency Prevention 12 (2006), *available at* <http://nicic.org/Downloads/PDF/Library/021453a.pdf> (hereinafter "Juvenile Female Offenders"); Sherman, at 19.

suffer from abuse. CWLA, at 16. Moreover, girls in the system are much more likely than boys to suffer such abuse, especially sexual abuse, sexual assault, and domestic violence. Gender-Specific Services for Delinquent Girls Vary Across Programs, But Help Reduce Recidivism, Report No. 05-13, Office of Program Policy Analysis & Government Accountability (2005), *available at* <http://www.oppaga.state.fl.us/reports/pdf/0513rpt.pdf> (hereinafter “OPPAGA Report No. 05-13”); Bloom, at 5. This is significant because numerous studies, particularly research conducted by Christy Sharp and Jessica Simon of the Child Welfare League of America, confirm that there is an “undeniable connection between childhood maltreatment and delinquency.” CWLA, at 9, 16. What is more “[v]ictims of abuse and neglect have a higher likelihood of engaging in delinquent behavior and have been found to do so at an earlier age and more frequently than non-maltreated youth.” Id. at 9 (citation omitted). Juveniles who are abused or neglected are 59 percent more likely to be arrested as juveniles and 28 percent more likely to be arrested as adults. Id. at 16.

Abuse and trauma interacts with the other defining characteristics of girls in the juvenile justice system, particularly mental health issues and substance abuse. Juvenile Female Offenders, at 9; Sherman, at 22-3; Youth Victimization, at ii. See also Patino, at 43. Abuse leads to low self-esteem and inwardly directed anger. OPPAGA Report No. 05-13. This, in turn, may lead to substance abuse, post traumatic stress disorder (“PTSD”), anxiety, depression, self-mutilation, association with anti-social peers, physical and verbal aggression, abusive relationships (particularly with boyfriends who may be significantly older and/or may be involved in criminal behavior), running away, and delinquent behavior. Id. Abuse, trauma, substance abuse, and mental health problems historically have been treated separately; however, research shows an undeniable connection among these issues. See Juvenile Female Offenders, at 9; Youth Victimization, at ii. Successful rehabilitation programs must recognize the intersection of these issues as well as the vital role the intersection plays in girls’ development, and the programs must

incorporate the intersection of these characteristics into training, treatment, and resource allocation. Id.<sup>4</sup>

- 2) **Family Fragmentation:** The families of girls in the system are, on average, much more dysfunctional than the families of boys. Girls' families are plagued by multiple stressors such as poverty, death, violence, and multigenerational interaction with the juvenile and criminal justice systems. ABA/NBA, at 6,12. Girls typically experience neglect and abuse within the context of their family and home. In addition, many of the girls experience intense mother-daughter conflict. ABA/NBA, at 12. Studies show that girls whose families have histories of incarceration or involvement with the criminal justice system are more likely to be committed to an institution or DYS and are more likely to experience a higher number of placements within DYS. Patino, at 43. See also Sherman, at 22-3. Such tumultuous familial experiences correspond with the girls' poor academic performances, difficulty with homework, poor attitudes, discipline problems, and greater number of needs. See Patino, at 43.
- 2) **Academic Failure:** Research reveals that girls in the juvenile justice system are many years behind their peers academically and often have not received necessary academic support. ABA/NBA, at 7,10. See also Patino, at 18. Academic failure—including repeating one or more grades and/or being placed in a special classroom—is virtually a universal characteristic among girls in the system. ABA/NBA, at 7. The girls also have histories of suspension, expulsion, chronic tardiness, and/or truancy. OPPAGA Report No. 05-13, at 10.<sup>5</sup> This is noteworthy because failure during middle school is the most significant risk factor for repeat offending. ABA/BNA, at 10. To reduce recidivism and overcome the impact of social and economic disadvantages, it is imperative that girls be afforded necessary education, training, and support. See Effective Management of Female Inmates: Applying the Research on Gender Responsive Correctional Strategies to Local

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<sup>4</sup> For a further discussion regarding this connection please see OPPAGA Report No. 05-13; Sherman, at 21.

<sup>5</sup> One Florida study, for instance, found that roughly 80 percent of the girls entering the juvenile justice system have histories of suspension, expulsion, chronic tardiness, or truancy. OPPAGA Report No. 05-13, at 10.

Jails, American Jail Association, 22nd Annual Training Conference & Jail Expo 11 (2003), <http://www.nicic.org/pubs/2003/018812.pdf>.

- 2) **Physical and Mental Health Disorders:** Compounding the above factors, research indicates that girls in the juvenile justice system also have higher rates of mental health problems and are more likely to be diagnosed with more than one mental health disorder than their male counterparts. NMHA; Sherman, at 23. See also OPPAGA Report No. 05-13. Girls' mental health issues often are not identified and girls typically do not seek treatment or support prior to entering the juvenile justice system. NMHA. Instead, girls resort to coping strategies such as internalization, avoidance, and self-harm (such as suicide or self-mutilation). NMHA. Along these lines, depression is common among girls in the system. In fact, throughout adolescence girls suffer from depression at higher rates than boys. ABA/NBA; Bloom; NMHA. Girls are more likely than their male counterparts to incur low self-esteem, have a negative body image, abuse substances, and attempt suicide. NMHA. Likewise, girls (especially girls that have been sexually assaulted) are roughly six times more likely to develop PTSD than boys. CWLA, at 12. “[V]ictimization by sexual assault is clearly associated with dramatic increases in the rates of each [PTSD, substance abuse, and delinquency] among both boys and girls.” CWLA, at 16 (quoting D. Kilpatrick, B. Saunders, & D. Smith, Youth Victimization: Prevalence and Implications, National Institute of Justice (2003)). What is more, girls are often misdiagnosed with oppositional defiance disorder (“ODD”), rather than with PTSD. Id. at 12. Girls' treatment, accordingly, focuses on aggressive, violent behavior, rather than on the underlying causes of such behavior (i.e. neglect, maltreatment, abuse, or exposure to traumatic events). Id. Such misdiagnoses further compound and impede girls' rehabilitation within the juvenile justice system. Id.

Characteristics of detention and DYS additionally exacerbate girls' mental health issues, rather than alleviate them. NMHA. Moreover, intervention usually focuses on the outward behavioral problems that correlate with the underlying mental health problems, rather than on the underlying issues. See ABA/NBA, at 10.

Girls' mental health issues, accordingly, are not properly identified, addressed, or treated while they are in the juvenile justice system.

- 3) **Substance Abuse:** Many of the issues associated with delinquency also positively correspond with substance abuse, and a majority of girls use substances while committing delinquent actions. See CWLA, at 17. While boys abuse substances in order to “get high” or increase their social stature, girls abuse substances in order to relieve stress, improve their mood, escape from life pressures, reduce inhibitions, or lose weight. Id. Girls also become intoxicated more quickly, get addicted to nicotine faster, and have a greater chance than boys of becoming dependent on substances. See id. at 17-8. Substance abuse generally is the backdrop against which the aforementioned characteristics occur and exacerbates girls' commission of delinquent actions.
- 4) **Sexual Activity:** Research reveals that a majority of the girls in the system are sexually active. Often they engage in sexual activity with older men and they sometimes engage in sexually risky behavior. See id. at 9. Studies show that girls in the juvenile justice system usually engage in sexual activity at an earlier age than non-offenders. Id. If the girls engage in sexually risky behavior, they also are more likely to have sexually transmitted infections or diseases and require testing and treatment. Yet, many jurisdictions do not provide such testing and treatment. Id. In addition, many of the girls are teenage mothers. This reflects the cycle of incarceration whereby daughters of teenage mothers are more likely to become teenage mothers themselves. Id. Committing the girls to DYS forces the girls to be separated from their children during the impressionable first year post birth. Id. See also ABA/NBA. Accordingly, STD testing, sex education regarding safe sex and contraception, and prenatal and postnatal healthcare is a necessity for any successful DYS program. CWLA, at 9.
- 5) **Racial Biases:** Studies reveal that racial biases exist in all stages of the juvenile justice system. Disproportionately more girls of color are detained, formally charged with a crime, waived to adult court, and committed to DYS than similarly situated Caucasian girls. Research indicates, for instance, that seven out of ten cases are dismissed for Caucasian girls, whereas only three out of ten cases are

dismissed for African American girls. Id. at 11. African American and Native American adolescents are more likely to be victimized than Caucasian, Hispanic, or Asian juveniles. Youth Victimization, at ii.

- 6) **LGBTQ Issues:** Juveniles who identify as LGBTQ experience more physical and sexual violence, use and abuse more illegal substances, have a greater number of sexual partners, and have higher rates of mental illness than juveniles who identify as heterosexual. Yet, studies demonstrate noticeable deficiencies in treatment and educational resources within juvenile justice programs. See CWLA, at 10. Juveniles who identify as LGBTQ are two to four times more likely to attempt suicide than teens who identify as heterosexual; this is primarily the result of a lack of support and resources. Id. Additionally, girls who identify as either homosexual or bisexual are more likely to become pregnant than heterosexual girls. Id. Increased educational programs, resources, and support are imperative for a successful program.

To review, the “typical” girl in the juvenile justice system

[is] between the ages of 14 and 16; [is] a person of color; live[s] in a poor, high-crime neighborhood; show[s] poor academic performance; ha[s] a history of drug and alcohol use or abuse; ha[s] untreated medical and mental health needs; see[s] life as oppressive and lack[s] hope; ha[s] been exposed to stress at home, including death, instability, or the incarceration of a parent; ha[s] a history of sexual, physical, or emotional maltreatment or neglect; and ha[s] experienced some form of family fragmentation. Id. at 11-2.

Research reveals that gender-specific risk factors that may affect a girl’s chance of being involved in delinquent actions and/or involved in the juvenile justice system are: early puberty; witnessing family violence; cross-gender peer influence; responsiveness to religion; attachment and bonding at school; neighborhood disadvantage; delinquent peer associations; and influence by a romantic partner. Juvenile Female Offenders, at 11.

Given the characteristics and risk factors described above, scholars have theorized three common pathways girls take into the juvenile justice system: the pathways perspective; the relational theory and female development; and trauma and addiction theories. Id. See also Stephanie S. Covington, Barbara E. Bloom, Creating Gender-

Responsive Services in Correctional Settings: Context and Considerations, paper presented at the American Society of Criminology Conference 11-12 (Nov. 17-20, 2004), *available at* <http://www.centerforgenderandjustice.org/pdf/2.pdf> (hereinafter “Covington”). These pathways highlight the intersectionality of the factors and experiences that characterize girls’ entry into the juvenile justice system. See Bloom, at 5; Patino, at 22. The pathways perspective analyzes the variations between girls’ and boys’ routes into the juvenile justice system. See Bloom, at 5. Girls’ pathway into the system is based on abuse, victimization, and corresponding substance abuse. Id. The most influential factors that affects girls’ entry into the system include depression, trauma, anger, self-destructive behavior, and other mental health issues. Id.

The relational theory and female development pathway focuses on the developmental differences between girls and boys. Patino, at 22. The theory posits that while boys’ development focuses on increasing independence, girls’ development is based on relationships and connections with others. ABA/NBA, at 9. Girls’ sense of self and self-worth arises out of relationships with others. Connection, rather than separation, is the guiding principle for girls’ growth and development. Bloom, at 5. Given histories of abuse, family fragmentation, and ineffective parental supervision, girls’ delinquency may be explained as the result of attempts to establish relationships with others or as the reaction to impediments to healthy relationships. Bloom, at 5. Consequently, any successful program must include a relational context and address ways to build strong, positive relationships. Bloom, at 5.

Finally, the trauma and addiction theory argues that histories of trauma and addiction are interrelated issues in the girls’ lives. Patino, at 22. While mental health issues and substance abuse historically have been addressed separately, a successful program must focus on the intersection between these issues and the effect it has on girls’ actions. Id.

Taken together, these three pathways paint a comprehensive picture of how girls enter the juvenile justice system. In short, research shows that the pathways girls take into the juvenile justice system stem from experiences, risk factors, and needs that differ from boys. Accordingly, effective juvenile justice programs for girls must account for such characteristics and developmental differences.

As articulated by the American Bar Association and National Bar Association in the seminal report *Justice by Gender: The Lack of Appropriate Prevention, Diversion and Treatment Alternatives for Girls in the Justice System*,

Research and data demonstrate that those of our daughters who become involved in the justice system are, in some important ways, different from their male counterparts. Girls are more often the victims of physical, sexual and psychological abuse. Girls are too often placed in settings and institutions that are neither designed for, nor proven effective in, their treatment and rehabilitation. In addition, they often fail to receive adequate educational and community support and are subject to institutional bias in the processing and handling of their cases. Efforts must be made to further understand the individual needs of girls in the justice system, to develop gender-specific community based services and alternatives for girls, and to map out the pathways to female delinquent behavior in order to develop effective intervention strategies and reduce recidivism. ABA/NBA, Forward from the American Bar Association.

#### **B. COMPONENTS OF GENDER-RESPONSIVE, BEST PRACTICES PROGRAMS FOR DELINQUENT GIRLS**

*A developmentally sound, culturally competent system of care for at-risk and delinquent girls from arrest to commitment must individualize services to meet girls' educational, emotional, health and family needs. Girls' individual competencies, strengths and needs should be the basis for program development for this population. Related goals of accountability and community safety can be met best when service providers working with girls and their families focus on girls' individual strengths.* ABA/NBA, at 13.

The programs that presently exist for girls in the juvenile justice system are modeled after research and programs that were developed for their male counterparts. Id. at 22. These programs do not meet the girls' development, physiological, and/or emotional needs. Id. As such, gender-responsive programs must be developed to reflect and actually meet the girls' needs. A gender-responsive program (also known as a "gender-specific" program)

creat[es] an environment through site selection, staff selection, program development, content, and material that reflects an understanding of the realities of women's lives and addresses the issues of the participants. Gender-responsive approaches that are multidimensional and are based on theoretical perspectives that acknowledge women's pathways into the

criminal justice system. These approaches address social (e.g. poverty, race, class, and gender inequality) and cultural factors, as well as therapeutic interventions. These interventions address issues such as abuse, violence, family relationships, substance abuse, and co-occurring disorders. They provide a strength-based approach to treatment and skill building. The emphasis is on self-efficacy. Bloom, at 2.

To create such an environment, gender-responsive programs incorporate four basic principles:

- 1) Girls' needs and pathways into the system are dramatically different than boys, and they require tailored, innovative treatment models.
- 2) Services for girls cannot be viewed in isolation. Programs must address the systematic inequalities that result in girls' commitment and must connect services to the broader issues girls and women in face in the larger society, such as abuse, family chaos, mental health issues and substance abuse, education, gender roles, and parenting.
- 3) Equity in programming does not mean that the girls should simply be given equal access to programs designed for boys. Rather, girls should be afforded gender-responsive programs tailed to address their specific needs.
- 4) A successful program must include the characteristics of good programs in general. In other words, the program must be based on solid research that is founded in current developmental theory, must be implemented by well-trained and competent staff, and must incorporate an ongoing and demanding evaluation component.

Robert E. Shepherd, Jr., Girls in the Juvenile Justice System, *Juvenile Justice Articles in the Criminal Justice Magazine*, 15 *American Bar Association* 3 (Winter 2001), *available at* <http://www.abanet.org/crimjust/juvjus/cjmgirls.html>. See also Covington, at 3-10.

Along these lines, the best practice, gender-responsive programs that address girls' needs incorporate a variety of key characteristics. These characteristics are explored below:<sup>6</sup>

- 1) **Mental Health:** The program/placement site has gender-specific mental health practices and therapists that have experience working with adolescent girls and

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<sup>6</sup> See CWLA, at 21-3 for a further discussion of these proposals.

training in girls' mental health issues (i.e. addiction, depression, PTSD, and trauma concerning physical and/or sexual abuse, neglect, and domestic violence). Patino, at 2. See OPPAGA Report No. 05-13, at 4-5. The program's services should address an array of issues, including eating disorders, body image, addiction, depression, and trauma. See OPPAGA Report No. 05-13, at 4. The staff should utilize effective interventions, such as family and cognitive behavioral therapy and multi-systemic therapy. Id. at 4-6.

- 2) **Relationships and Emotional Safety:** It is imperative that all programs create an emotionally safe and supportive environment. Id. at 6. The environment must be free of verbal harassment, bullying, teasing, stalking, homophobia, racism, sexism, and ageism. Id. The girls also should feel comfortable sharing their feelings and discussing their problems and issues. Id., CWLA, at 12. Such an environment includes counseling and other activities to assist girls as they: develop positive relationships, trust, and interdependence with family members, other girls, and staff members; learn how to effectively resolve conflict; and recover from trauma. Id. The girls also should feel as though at least one staff member identifies with their issues, is there to help them, and is responsive to their needs. OPPAGA Report No. 05-13, at 6-7.
- 3) **Physical Safety:** The program must provide an environment and atmosphere that is healthy and physically safe from physical, sexual, and emotional abuse and violence. Id. at 4. Due to the girls' histories of abuse and victimization, this is an essential element of any program. Id. at 4,7; Patino, at 28. The girls also must be protected against self-inflicted mutilation and harm. OPPAGA Report No. 05-13, at 4,8. To this end, acting out must be addressed. At the same time, physical restraints should only be used when it is absolutely necessary to protect girls against harm to themselves or others. Id. Finally, the program and facility should be free from male attention. CWLA, at 21.
- 4) **Health and Hygiene:** Girls typically enter the juvenile justice system with a host of untreated medical health issues. OPPAGA Report No. 05-13, at 9. In fact, girls often have four times as many health issues as boys and have a higher risk of contracting sexually transmitted infections and diseases. Id. Accordingly, gender-

responsive programs must provide appropriate physical, nutritional, and sexual health services. Id. at 4, 9. If a program serves pregnant girls, it also should provide gynecological services and prenatal and postpartum care. Id. at 4. Finally, the placement should provide dental and eye care and culturally appropriate hygiene and grooming needs. Id. Female staff members should accompany girls to any exams and/or screenings that are conducted by men. Id.

- 5) **Social and Educational programming:** Successful programs provide vocational work force skills, expose girls to an array of career possibilities, and help girls to define their career goals. Id. The program’s curricula and materials—including books, magazines, posters, videos, and wall decorations—should celebrate the value and experiences of women from diverse ethnic, racial, and socio-economic backgrounds. Id. at 4, 10. In doing so, the program should build the girls’ self-esteem and encourage the girls to be less dependent on harmful, non-productive relationships and behaviors. Id. at 4. The program also should provide indoor and outdoor recreational activities. Id. Finally, the program should provide culturally sensitive educational programming concerning all aspects of sexuality, including women’s and reproductive health, pregnancy and parenting skills, contraception and disease prevention, and sexual orientation. Id.; CWLA, at 10, 22.
- 6) **Program and Design:** Effective programs will include girls’ opinions and ideas in the design and evaluation of programs and services. OPPAGA Report No. 05-13, at 11, CWLA, at 22. Implementing girls’ needs and ideas will motivate girls to be more involved in the program and to improve their behavior and compliance. OPPAGA Report No. 05-13, at 4, 11. Programs also must be sufficiently funded to assure comprehensive programming and resources. CWLA, at 22.
- 7) **Staff Hiring and Training:** A well-trained staff may result in reduced recidivism among girls because the girls will have received the education, counseling, and treatment they need to live productive lives. See OPPAGA Report No. 05-13, at 4, 12. Accordingly, programs should inquire into prospective employees’ training and experience working with and developing positive relationships with girls. Id. at 12. Employees should be trained regarding gender-specific issues such as: delinquency; female development; restorative justice; the use of evidence-based

practices; issues unique to girls of color; sexual and gender identity issues; and issues concerning victimization, exploitation, domestic violence, trauma, and recovery. *Id.* at 4, 12. Employees also should be trained to communicate effectively and to develop positive relationships with girls. *Id.* at 12. Staff, particularly male staff, must maintain clear boundaries regarding verbal and physical interactions with the girls. *Id.*

In short, gender-competent programs “emphasize the need for building girls’ confidence, which can, in turn, lead to resilience from delinquency. Relationships also play a crucial role in girls’ development. School success, spiritual connections, and a supportive family environment can mitigate the loss of self-esteem and ease the struggle through adolescence.” *CWLA*, at 8 (citations omitted). To be successful, the gender-responsive program must be “tailored to [women’s] unique situations and reflect women’s pathways into the [ ]system. The [ ] strategies and programs should be based on sound theoretical approaches to treatment, asset-based, multi-modal, and sensitive to the differences among women.” Barbara Bloom & Anne McDiarmid, Gender-Responsive Supervision and Programming for Women Offenders in the Community, Topics in Community Corrections, Annual Issue 2000: Responding to Women Offenders in the Community, National Institute of Corrections 13 (2000), *available at* <http://nicic.org/pubs/2000/period180.pdf> (hereinafter “Gender-Responsive Supervision”). *See also id.* at 14, 16-17 (containing a list of questions that are useful in assessing whether a program or agency provides gender-responsive programs for girls).

### **C. COMMUNITY-BASED GENDER-RESPONSIVE PROGRAMS ARE SUPERIOR TO TRADITIONAL PLACEMENT OPTIONS FOR MOST GIRLS**

*Serious, violent, and chronic juvenile offenders may require placement in secure facilities to protect the public, hold the offenders accountable for their acts, and provide an appropriate treatment environment. Although training schools, camps, and ranches may still have some limited use for these purposes, most authorities agree that such ‘large congregate-care juvenile facilities ... have not proven to be particularly effective in rehabilitating juvenile offenders.’ The most effective strategy for treating and rehabilitating juvenile offenders and preventing recidivism is a comprehensive, community-based model that integrates prevention programming; a continuum of pretrial and sentencing placement options, services, and sanctions; and aftercare programs. This model reserves*

*secure placement for only the most violent and serious juvenile offenders ... Even for jurisdictions under pressure to 'get tough' on juvenile crime, planning new facilities within this framework has programmatic, economic, and systemwide advantages.* Shelley Zavlek, Planning Community-Based Facilities for Violent Juvenile Offenders as Part of a System of Graduated Sanctions, U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention 5 (2005), available at <http://www.ncjrs.gov/pdffiles1/ojjdp/209326.pdf> (quoting B. Krisberg & J.C. Howell, The Impact of the Juvenile Justice System and Prospects for Graduated Sanctions in a Comprehensive Strategy, in *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*, 362 (R. Loeber and D.P. Farrington eds., Sage Publications) (1998) (citations omitted)) (hereinafter "Zavlek").

Community-based, gender-responsive programs modeled on the above characteristics have been shown to produce greater or similar reductions in recidivism and greater attitudinal improvements among girls in the programs. See Zavlek, 5. See also B. Krisberg & J.C. Howell, The Impact of the Juvenile Justice System and Prospects for Graduated Sanctions in a Comprehensive Strategy, in *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*, 360 (R. Loeber and D.P. Farrington eds., Sage Publications) (1998). Such community-based programs also are more likely to be rooted in community values and to garner community support regarding programming, treatment, and supervision that suits the needs of the girls. Id. The community-based gender-responsive programs also will foster the development of lasting relationships between girls and mentors (or other adults) in the community. Id. These relationships are a key factor in the girls' growth and in the prevention of recidivism as the girls transition back into the community. Id. Finally, gender-responsive, community-based programs facilitate ongoing, intensive family involvement, intervention activities, and re-entry programs that provide girls with support networks and gradual transitions back into their communities. Id. at 6.

What is more, research conducted by the National Research Council Panel on Juvenile Crime found that juveniles who have been detained or incarcerated have a greater chance of "physical injury, mental health problems, and suicide attempts and have poorer educational outcomes than do their counterparts who are treated in the community. Detention and incarceration also cause severe and long-term problems with future employment, leaving ex-offenders with few economic alternatives to crime." Zavlek, 4

(quoting Juvenile Crime, Juvenile Justice, 223 (J. McCord, C.S. Widom, & N.A. Crowell, eds., National Academy Press) (2001)). Committing girls to large, centralized facilities also removes girls from their communities and isolates them with other delinquent offenders, thereby potentially exacerbating rather than reforming delinquent tendencies. Id. at 4. As such, community-based programs prove more effective in rehabilitating and preventing recidivism among girls in the juvenile justice system.

Presently, however, few community-based, gender-responsive programs are available to meet girls' needs. As a result, research shows that girls are increasingly committed to secure facilities as a catch-all solution. Id. "Often, due to a paucity of programs, women are assigned to the programs and services that are available regardless of whether these programs meet the particular needs of the offender." Gender-Responsive Supervision, at 15. See also id. at 12. Because girls have to await placement in one of these scarce programs—whether community-based or in a secure facility—studies show that girls are twice as likely as boys to be detained, girls' detention lasts five times longer than boys', and girls are less likely to be released into community supervision. Melissa M. Beck, Ana Bermudez, & Martha King, Because Everybody Thought That I Wouldn't Be Able To Do It: Gender-Responsive Services for Court-Involved Girls and the First Year of the Girlrising Program, 8 Wis. Women's L.J. 117, 117 (2003). This practice is problematic because within the juvenile justice system "the best response is the least restrictive one that meets the needs of the youth and the community." Zavlek, at 2. Secure confinement should be reserved for the small number of offenders who constitute a threat to the public, have committed a serious crime, or cannot be served in another setting or program. Id. As the overwhelming number of girl offenders commit non-violent crimes, this trend is particularly alarming. Accordingly, "states considering new [programs and] facilities have an opportunity to replace large, traditional training schools with smaller, community-based or regional facilities that are part of a continuum of services and sanctions supported by local justice systems and communities. Such facilities are more likely to be rooted in local values, engender community support and involvement, and reflect the needs of local jurisdictions. Equally important, these smaller facilities can target programming and operations to be responsive to the specific treatment and supervision needs of the youth in their care." Zavlek, at 5 (citation omitted). See also Zavlek, at 9-29 (for a guide to

developing and implementing systemic, community-based, gender-responsive programs as alternatives to traditional secure confinement).

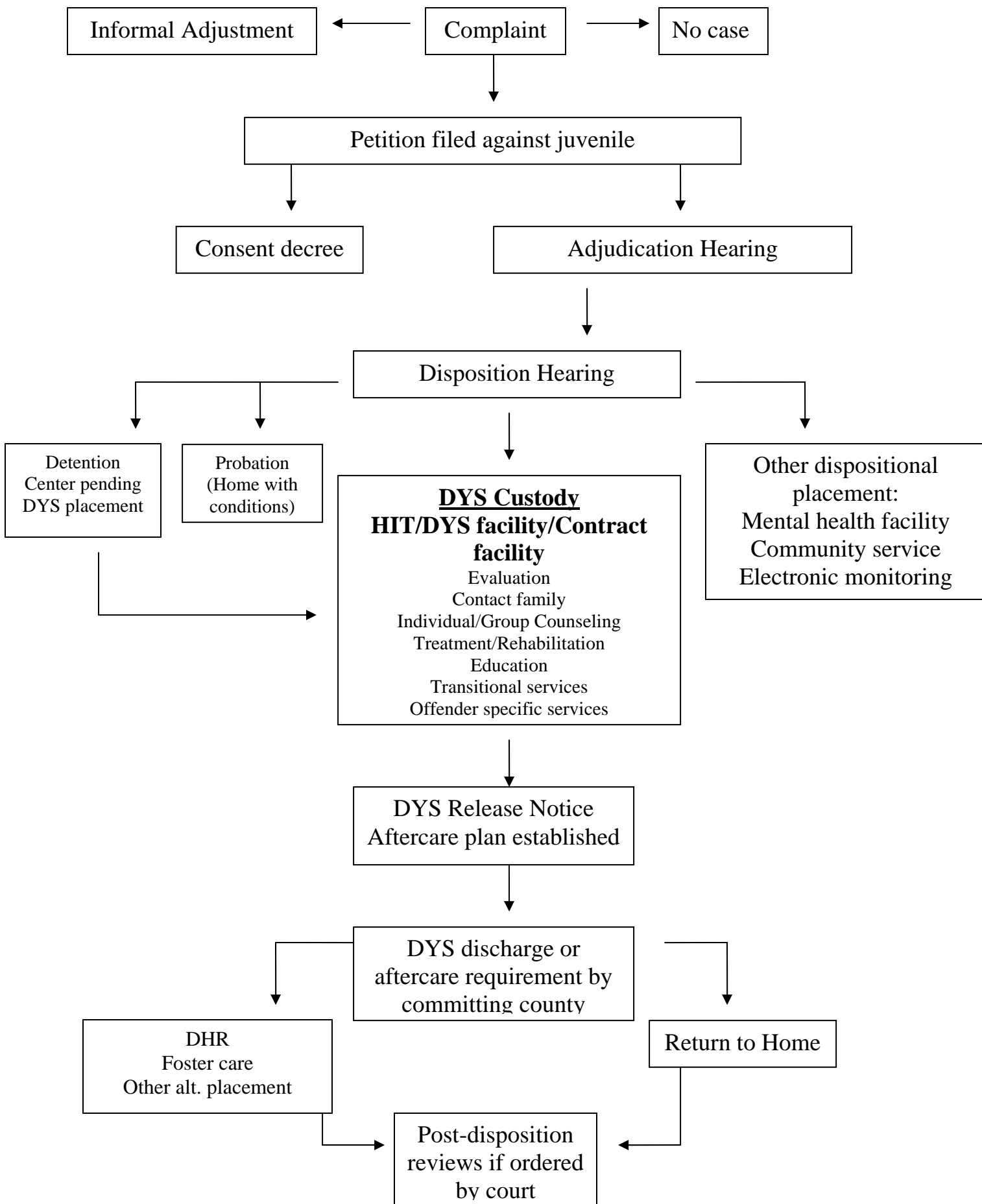
The American Bar Association and the National Bar Association conclude that “[w]hile it is true that some girls need to be in secure, confined settings, the vast majority of delinquent girls [should be diverted from formal juvenile court processing and] can be more appropriately dealt with in culturally competent, gender-specific programs that are developmentally sound.” ABA/NBA, at 26. States should, thus, take advantage of this opportunity to develop community-based, gender-responsive programs that are tailored to fit the girls’ needs.

#### **D. CONCLUSION**

*There is a glaring dearth of appropriate, developmentally sound, culturally competent, gender-specific prevention, diversion and treatment programs for girls in the justice system. ABA/NBA, at 4).*

Prevention, diversion, and treatment programs should be tailored to meet the intersection of girls’ specific needs. Research shows that the “typical” girls in the juvenile justice system have histories of abuse and victimization, family fragmentation, academic failure, physical and mental health disorders, substance abuse, and sexual activity. Racial and sexual orientation biases may also affect girls’ interactions with the juvenile justice system. Accordingly, any gender-responsive program should be tailored to meet girls’ specific needs, including mental health treatment and resources, relationship and emotional safety, physical safety, health and hygiene needs, and social and educational needs. A gender-responsive program is receptive to girls’ suggestions and is implemented by well-trained, competent employees who have experience communicating and building relationships with adolescent girls. Girls’ development and pathways in the juvenile justice system vary dramatically from boys’ development and pathways to the system. As such, equity does not mean that girls should have equal access to programs that are designed for boys, rather girls should be afforded community-based, gender-responsive programs that are tailored to meet their specific needs.

# Alabama Juvenile Justice System



**Twelve Things Legislators Can Do to Improve  
Juvenile Justice and Help At-Risk Youth**  
By the Center for Children’s Law and Policy

**1. Strengthen standards and oversight for facilities that incarcerate youth.**

- Prohibit use of prone restraint, restraint chairs, 4-point restraint and chemical sprays such as pepper spray and mace.
- Establish an independent monitor with reporting and enforcement functions.
- Require adequate mental health care availability to meet the needs of residents.
- Request a review of state standards that apply to juvenile detention/incarceration facilities to compare with Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative (JDAI) Standards for Facility Self-Assessment. Advocate for changes to the standards in line with JDAI Standards. Standards, guidelines and tools for conducting a facility assessment are available at: [www.jdaihelpdesk.org](http://www.jdaihelpdesk.org).

**2. Increase funding for evidence-based mental health services.**

- Far too many youth end up in the juvenile justice system because they couldn’t access the mental health services they needed. Experts approximate that 70% of youth in the juvenile justice system have diagnosable mental health disorders.
- Getting into the juvenile justice system shouldn’t be the only avenue for accessing these services, and in many systems it is.
- Support federal legislation providing funds for local juvenile mental health services. This legislation has been proposed for years and not passed.
- Increase the state budget for evidence-based mental health service provision for youth and families. For explanations for evidence-based practices, see Blueprints for Violence Prevention, [www.colorado.edu/cspv/blueprints/model/overview.html](http://www.colorado.edu/cspv/blueprints/model/overview.html).

**3. Encourage localities to take better advantage of Title IV-E funds.**

- Title IV-E is part of the federal Social Security Act. This program provides federal reimbursement to states for the costs of children placed in foster homes or other types of out-of-home care under a court order or voluntary placement agreement.
- If a child is a reasonable candidate for foster care, then costs of preventive efforts to keep the child at home are reimbursable.
- Some states are using IV-E funds for effective alternatives to incarceration such as wraparound programs that combine comprehensive case management and treatment services in a family setting. See “Title IV-E for Youth in the Juvenile Justice System,” Youth Law Center, 2006, [www.njcn.org/media/resources/public/resource\\_434.pdf](http://www.njcn.org/media/resources/public/resource_434.pdf). Many states are underutilizing this funding resource.

**4. Require localities to develop education re-entry plans for youth returning from juvenile justice placements.**

- Many school systems deny youth the opportunity to return to full school programs following juvenile justice system placements. Youth who have been in rehabilitative

settings for months or years are unable to continue the educational progress they have made when they return home. They find themselves relegated to limited night school or alternative school programs, or limited home study instruction.

- States can require school systems to develop meaningful plans for youth returning home from juvenile justice placements, so they can build on the strides they have made while incarcerated.
- See Virginia’s new re-enrollment regulations, requiring re-enrollment plans, timely transfer of records, timelines, multidisciplinary meetings for each returning youth, and at-school counseling upon return. [www.doe.virginia.gov/VDOE/studentsrvcs/re-enroll-procedures.pdf](http://www.doe.virginia.gov/VDOE/studentsrvcs/re-enroll-procedures.pdf).

**5. Restructure use of juvenile justice dollars to encourage development of local programs instead of state secure facilities.**

- In many states it costs counties less to send delinquent youth to distant state institutions than to treat them locally.
- In Pennsylvania, the state now reimburses the counties for most of the costs of community based services for children, but counties are required to pay 40 percent of the cost of confining a youth at a state secure facility.
- For a description of this and other promising practices in Pennsylvania, see Keystones for Reform: Promising Juvenile Justice Policies and Practices in Pennsylvania, available at [www.modelsforchange.net/resources](http://www.modelsforchange.net/resources).

**6. Support development of alternatives to detention and resist funding the building of more juvenile detention and incarceration beds.**

- Several studies have shown that youth who are incarcerated are more likely to recidivate than youth who are supervised in a community-based setting.
- Detention can slow or interrupt the natural process of “aging out of delinquency.”
- Detention makes mentally ill youth worse.
- For more information, see “The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities,” available at [www.justicepolicy.org](http://www.justicepolicy.org).
- For more expensive materials to aid in development of alternatives to detention while promoting public safety, visit [www.jdaihelpdesk.org](http://www.jdaihelpdesk.org).

**7. Support serious efforts to reduce disproportionate minority contacts with the juvenile justice system.**

- Ensure that your state isn’t just gathering data without doing something about what is reported.
- Require localities to engage in meaningful reform efforts.
- Examples of real progress are taking shape in various parts of the country. See <http://www.burnsinstitute.org/reducing.html>; <http://www.aecf.org/initiatives/jdai/results.htm>; and Not Turning Back, Promising Approaches to Reducing Racial and Ethnic Disparities Affecting Youth of Color in the Justice System, a publication of Building Blocks for Youth, at [www.buildingblocksforyouth.org/noturningback.html](http://www.buildingblocksforyouth.org/noturningback.html).

**8. Re-examine your state’s age of juvenile court jurisdiction if it does not include youth up to age 18.**

- Teens prosecuted in adult courts are at greater risk of repeat offenses. They experience more developmental problems and worse mental health functioning than those processed in juvenile court.
- Youth in adult jails commit suicide at a substantially higher rate than those in juvenile facilities.
- Recent brain research shows that the brain systems that govern impulse control, planning, and thinking ahead are still developing well beyond age 18.
- Recent psychosocial research indicates that adolescents are not able to make decisions with the same foresight that adults have, they have poor impulse control, and they are vulnerable to peer pressure. (No surprise to anyone who knows a teenager.) Because adolescents’ brain and psychosocial development is qualitatively different from adults, children should not be treated the same as adults by the criminal justice system. Decisions about criminal culpability should be made by judges on an individual basis, rather than on a wholesale denial of juvenile court jurisdiction to 16 and 17 year olds. For overviews of the research as well as the policy implications, visit Macarthur Foundation Research Network on Adolescent Development and Juvenile Justice, at [www.adjj.org](http://www.adjj.org).

**9. Re-examine your state’s laws automatically transferring youth charged with certain crimes into adult court, or consider a reverse judicial waiver option.**

- For the same reason as in #6, youth should not be automatically transferred to adult court without any opportunity for a judge to return a youth to juvenile court if he or she deems the youth amenable to rehabilitation.
- Review your state’s list of crimes that require automatic transfer to adult court and reconsider whether some might be more appropriately handled in juvenile court in light of the new brain and psychosocial research. Study whether automatic transfer of certain offenses, disproportionately impacts a racial or ethnic group.
- In Illinois, research showed that an automatic transfer law for all drug crimes committed within 1000 feet of a school or public housing project was solely applied to youth of color in Chicago. In one year, 259 youth were automatically transferred, many of who had never had previous contact with the juvenile or criminal justice systems. Advocates succeeded first in convincing the legislature to establish a reverse waiver system for drug offense, and later to eliminate automatic transfer for drug offenses. For a summary of the data and advocacy strategies that led to this change, see No Turning Back, a publication of Building Blocks for Youth, at [www.buildingblocksforyouth.org/noturningback.html](http://www.buildingblocksforyouth.org/noturningback.html).

**10. Prohibit life without parole sentences for youth under age 18.**

- In abolishing the death penalty for youth under age 18, the Supreme Court in Roper v. Simmons acknowledged the “lesser culpability of the juvenile offender.”
- Just as the death penalty is inappropriate for someone with less culpability, a life sentence is excessive punishment. Of the 2225 prisoners in the U.S. serving life without parole for crimes they committed as minors, an estimated 59 percent received the sentence for their first-ever criminal conviction. Sixteen percent were between 13 and 15 when they committed their crimes. While most were convicted of murder, 26 percent were convicted

of felony murder in which the teen participated in a robbery or burglary during which a co-participant committed murder without the knowledge or intent of the teen.

- Sentencing youth to life without parole is rare elsewhere in the world. A total of 12 child offenders are serving such terms in Israel, South Africa and Tanzania.
- See [Http://www.jlc.org/news.php/30](http://www.jlc.org/news.php/30), to download a copy of a report on Juvenile Life without Parole by Amnesty International and Human Rights Watch.

## **11 Strengthen defender representation.**

- Youth should be represented by qualified counsel to ensure that their rights are protected and that juvenile court outcomes are appropriate and fair. In many parts of the country, youth do not receive access to qualified counsel with manageable caseloads that allow for zealous or even meaningful representation.
- Ensure that public defenders have wage and benefits parity with prosecutors.
- In systems that rely on contract attorneys to represent indigent youth, legislators can ensure that pay is sufficient to expect that appointed counsel will provide zealous representation.
- Establish defender resource offices to support high quality representation.
- Ensure that state law provides for appointment of counsel prior to detention or initial hearing, and that it continues through appeal and post-dispositional reviews so that youth are represented at those important stages.
- Establish limitations on waiver of counsel so that youth only appear in court without counsel in rare occasions, after consultation with an attorney and colloquy by judge.
- For more information, visit the National Juvenile Defender Center website at [www.njdc.info](http://www.njdc.info). For example, a fact sheet encouraging judges to support zealous advocacy for youth is available at [http://www.njdc.info/pdf/ncjfcj\\_fact\\_sheet.pdf](http://www.njdc.info/pdf/ncjfcj_fact_sheet.pdf).

## **12. Prohibit detention of status offenders.**

- Status offenders are youth who engage in behavior – such as breaking curfews, running away from home, skipping school, etc. – only considered delinquent because they are minors. They youth often commit such actions in response to underlying problems. For example, youth who frequently run away from home may be fleeing sexual abuse in their homes.
- Status offenders should be provided with appropriate services and supports at home, or if not possible, close to home and in healthy school and community context. It is both contrary to federal law and to effective practice to lock up status offenders.
- For more information, see [www.act4jj.org/media/factsheets/factsheet\\_17.pdf](http://www.act4jj.org/media/factsheets/factsheet_17.pdf)

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## *Sentencing Commission's 2008 Legislative Package*

The Sentencing Commission is introducing 5 bills during the 2008 Regular Session, which we hope that the Commission on Women and Girls will support. These are summarized below:

### *A. Amendment of Split Sentencing Statute*

This bill amends Section 15-18-8 of the Code of Alabama 1975, to prohibit the imposition of consecutive incarceration portions of split sentences for separate offenses. Under existing law, during the incarceration portion of a split sentence, the offender is not entitled to deductions from his sentence for good time, nor can (s)he be considered for release on parole. There is currently no prohibition regarding the imposition of consecutive split sentences or the stacking of split sentences to require a defendant to serve more than one mandatory imprisonment portion of a split sentence for more than one offense. This bill would expressly prohibit sentencing a defendant to serve multiple consecutive incarceration portions of split sentences upon conviction for more than one offense. It also specifies further remedies that are available upon revocation of probation, specifically provides for continuing jurisdiction when a defendant is sentenced to a split sentence, uniformly applies the maximum terms of probation for all types of sentences, eliminates the provisions relating to boot camp since these disciplinary camps have been terminated, and authorizes full credit for time served on probation, upon successfully completing a court-ordered residential drug or alcohol treatment program. 15 years or less, during the maximum term of imprisonment imposed (up to three years) a defendant shall not be eligible for good time or parole. It further clarifies that the sentencing court retains jurisdiction to modify the existing sentence.

### *B. Community Corrections Act*

Amends §15-18-171(14) to remove convictions for the sale of drugs from the list of excluded offenses for community correction program diversion eligibility. The offense distribution of drugs now includes both sales and delivery and the Legislative Committee and Commission believes that both should be eligible for community corrections punishment.

### *C. Theft of Property*

Amends theft of property statutes to classify thefts of property from the custody of law enforcement agency and donated property under either theft 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> degree, depending on the value of the property involved. Under existing law, these thefts are only included in the definitional section of the Criminal Code.

**D. *Truth in Sentencing – Amend to Implement in 2011  
Rather than 2009.***

There are several major tasks that must be accomplished before the adoption and implementation of Truth-in-Sentencing (TIS). These are 1) the initial voluntary sentencing standards must be accepted and used effectively; 2) there must be sufficient space in the various levels of corrections (probation, community corrections, prison and re-entry) to accommodate the increased prison population that will result from the implementation of TIS; and 3) TIS standards must be developed and approved by the Sentencing Commission and the Legislature. All three of these must be completed before TIS can be adopted and implemented. The Alabama Sentencing Commission and all of the key criminal justice cast are now working on these critical elements, as well as attempting to evaluate the compliance rate for the existing sentencing standards, improve data entry, collection and analysis, and continue training on proper completion and submission of the sentencing worksheets, and use of the electronic forms.

The Sentencing Commission has drafted a timeline as a blueprint for completion of the basic prerequisites for the implementation of truth-in-sentencing and proposes timeframes beginning January 2008. This is a very aggressive estimate of the time necessary to implement a workable truth-in-sentencing (TIS) system in Alabama. There are several critical prerequisites, including developing the new sentencing standards themselves, that must occur before truth-in-sentencing can be successfully adopted and implemented in Alabama. A fundamental and most essential prerequisite to establishing a truth-in-sentencing system is developing capacity within the corrections system, e.g., probation, community corrections, prisons, and re-entry supervision. Currently, the capacity to accommodate any meaningful truth-in-sentencing system does not exist. The minimum required to ensure that adequate resources are available to accommodate TIS will include: building at least two new prisons (one for females and one for males) and having them fully staffed and operational; diversion of the maximum number of felony offenders from prison to alternative punishment programs; and expanding and improving probation capacity and supervision by increasing the number of supervising officers.

Until these critical elements - creating capacity, successful implementation and effective use of the initial voluntary sentencing standards; and the development and adoption of TIS standards, Alabama cannot adopt TIS as a sound and effective public safety policy. The Alabama Sentencing Commission is currently working to bring all three elements together and until then is requesting that the Legislature postpone the time for developing and implementing the second set of sentencing standards based on time served, the truth-in-sentencing standards, until 2011..

***E. Prison Industry***

Amends §§ 14-7-7, 14-7-8, 14-7-12 through 15, and 14-7-18 through 22, relating to the Department of Corrections prison industries, inmate training, and inmate rehabilitation, to authorize the Department to contract with private industry for onsite work programs; to authorize state, county and municipal employees and nonprofit organizations to purchase products made by prison labor directly from the Department of Corrections, to provide for the vocational training and rehabilitation of inmates through greater utilization of prison industries and to repeal §§ 14-7-9 through 14-7-11 of the Code.